

Northampton County Reporter

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Northampton County Reporter Digest—2007-12

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INSERT: Pink: 1. Annual Association Meeting
2. NCBA 2008 PBI/CLE Seminars
3. 2007/2008 Calendar of Events

NOTICE TO THE BAR....

Mark your calendars: NCBA Annual Meeting is scheduled for Thursday,
January 17, 2008, 5:30 p.m. at the Best Western, Bethlehem.

* * * * *

Reporter Deadlines for the holiday editions: see page 3.

**NORTHAMPTON COUNTY BAR ASSOCIATION
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Northampton County Reporter

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

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Robert C. Brown, Jr., Esquire
Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Reporter Deadlines

Due to the holidays the deadlines for the N.C. Reporter are as follows:

Publication Date Dec. 27th: advertising submission deadline—12/20 @ 4:00 p.m.

Publication Date Jan. 3rd: advertising submission deadline—12/27 @ 4:00 p.m.

Mark Your Calendars

NCBA Annual Association Meeting: scheduled for Thursday, January 17, 2008, at the Best Western, Bethlehem. Registration form enclosed.

Annual Reception for the Court: scheduled for Friday, April 4, 2008, at the Northampton Country Club.

YLD News

The YLD members once again participated in the “Holiday Hope Chests” project this year. With the help of those members who participated in the raffle at the Quarterly Association meeting, there were funds available to more than double the number of boxes donated this year over last year. Thank you to all the NCBA members who donated to this worthwhile project and to those YLD members who were on the committee. Well done!

PBI/CLE Reminder

If you plan to attend any of the PBI/CLE courses listed in the insert in this issue, remember to register for the course at least two weeks ahead. PBI instituted a new policy to cancel all courses if there are no pre-registrations.

History, despite its wrenching pain, cannot be unlived, but if faced with courage,
need not be lived again.—Maya Angelou

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**BEAN, FRANCES A.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA
 Executor: Walter J. Hoffman 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

BOICE, LILLIE H., dec'd.

Late of the Township of Palmer, Northampton County, PA
 Co-Executors: Jeannette Kisselbach and Harry Kisselbach c/o Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 8 Centre Square, Easton, PA 18042

Attorneys: Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 8 Centre Square, Easton, PA 18042

DEATS, LISSA B., dec'd.

Late of Northampton County, PA
 Executrix: Ann Thatcher c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

HAHN, LIZZIE R., dec'd.

Late of the Borough of Tatamy, Northampton County, PA
 Executor: Richard Frace, 183 N. 8th Street, P.O. Box 94, Tatamy, PA 18085

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

HERDMAN, MARY L., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
 Executrix: Mary Ann Grodecki, 916 Greenhouse Drive, Bethlehem, PA 18017

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

LEACH, VICTORIA I., dec'd.

Late of the City of Bethlehem, Northampton County, PA
 Co-Administrators CTA: Michael A. Leach and Patricia Penske 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

OUELLETTE, GEORGE W., SR., dec'd.

Late of the Township of Palmer, Northampton County, PA
 Co-Executors: George W. Ouellette, Jr. and Alice F. Ouellette c/o Stanley M. Vasiliadis, Esquire, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorney: Stanley M. Vasiliadis, Esquire, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

REIMER, LELA A., dec'd.

Late of Bangor, Northampton County, PA

Executor: Lynn M. Lewis, R.D. #2, Box 278A, Harveys Lake, PA 18618

Attorneys: Alyssa Lopiano-Reilly, Esquire, Zito, Martino and Karasek, L.L.P., 641 Market Street, Bangor, PA 18013

RODRIGUEZ, MARCO A., dec'd.

Late of Palmer Township, Northampton County, PA

Executrix: Madelaine A. Rodriguez 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

SROGI, BETTY JANE, dec'd.

Late of the Township of Moore, Northampton County, PA

Co-Executors: Paul Srogi, Jr., 533 N. Hokendauqua Drive, Bath, PA 18014, Sandra Borger, 532 N. Hokendauqua Drive, Bath, PA 18014, Barry Srogi, 511 Church Road, Bath, PA 18014 and Lisa Kerrigan, 527 Church Road, Bath, PA 18014

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

SZABO, ELIZABETH K., dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Loretta Gilmore Kilian 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

WAGNER, STANLEY S., dec'd.

Late of the Township of Williams, Northampton County, PA

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

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

SECOND PUBLICATION

ANTOINE, JOHN G., dec'd.

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

Co-Administratrices: Jacqueline Gold and Joan M. Schultz 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

BARTAKOVITS, MARTHA, dec'd.

Late of the Township of Williams, Northampton County, PA

Executrix: Rosalie Sandberg 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

BRIGADER, INEZ W., dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Victor P. Jodz 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

COCCIA, LEWIS J., SR. a/k/a LEWIS J. COCCIA, dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executrix: Kathleen Long 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

COSTIGAN, ARTHUR J., SR., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Administrator: Arthur J. Costigan, Jr. c/o Thomas L. Walters, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

Attorneys: Thomas L. Walters, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

HARTZELL, WOODROW H., dec'd.

Late of Palmer Township, Northampton County, PA

Executrix: Renae Schoch, R.R. #6, P.O. Box 6904, Saylorsburg, PA 18353

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

O'DONNELL, GRACE E., dec'd.

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

Executrix: Kathleen M. Garred c/o Joseph J. Piperato, III, Esquire, Benner & Piperato, 2005 City Line Road, Suite 106, Bethlehem, PA 18017

Attorneys: Joseph J. Piperato, III, Esquire, Benner & Piperato, 2005 City Line Road, Suite 106, Bethlehem, PA 18017

REUTHER, FRIEDA W., dec'd.

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

Executrix: Linda Jankowich 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

SEIER, ELIZABETH M., dec'd.

Late of the Township of Allen, Northampton County, PA

Executrix: Jayne Seier, 114 Farm Hill Road, Northampton, PA 18067

Attorney: Samuel P. Murray, Esquire, 720 Washington Street, Easton, PA 18042

STAPLES, FRED H., dec'd.

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

Co-Executors: John F. Staples and Thomas L. Walters, Esquire c/o Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

Attorneys: Thomas L. Walters, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

SULE, JOHN K. a/k/a JOHN SULE, dec'd.

Late of East 21st Street, Northampton, Northampton County, PA

Executor: Charles J. Sule, 6743
Old Grange Road, Slatington, PA
18080

Attorneys: Charles W. Stopp,
Esquire, Steckel and Stopp, 125
S. Walnut Street, Suite 210,
Slatington, PA 18080

WISSER, WILLIAM W., dec'd.

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

Executrix: Gail P. Kardos c/o
Nicholas M. Zanakos, Esquire,
742 North Main Street, Bethle-
hem, PA 18018

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

THIRD PUBLICATION

AGOSTA, ROSE J., dec'd.

Late of the City of Easton,
Northampton County, PA

Executor: John Agosta c/o Rob-
ert C. Brown, Jr., Esquire, Fox,
Oldt & Brown, 940 West Lafay-
ette 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

ARNOLD, PHOEBE E., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Co-Executors: Susan Braidon and
Gary Maerz c/o Littner, Deschler
& Littner, 512 N. New Street, P.O.
Box 1407, Bethlehem, PA
18016-1407

Attorneys: Littner, Deschler &
Littner, 512 N. New Street, P.O.
Box 1407, Bethlehem, PA
18016-1407

BRAMS, ALEXANDER, dec'd.

Late of 526 Wood Street, Apt.
801, Bethlehem, Northampton
County, PA

Executrix: Johanna Brams c/o
Sandor Engel, Esquire, 825 N.
Twelfth Street, Allentown, PA
18102

Attorney: Sandor Engel, Esquire,
825 N. Twelfth Street, Allentown,
PA 18102

COBLEY, HERBERT F., dec'd.

Late of the Borough of Nazareth,
Northampton County, PA

Executrix: Gwyneth A. Peischl,
46 North Fairview Street, Naza-
reth, PA 18064-1617

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

DUH, DERREK, dec'd.

Late of the Township of Bethle-
hem, Northampton County, PA

Administrator: Charles D. Duh
c/o Mary Ann Snell, Esquire,
Suite 311, 3400 Bath Pike, Beth-
lehem, PA 18017

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

MUCKA, JOSEPH S., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executrix: Catherine A. Herd c/o
Edward L. Redding, Esquire, 548
N. New Street, Bethlehem, PA
18018

Attorney: Edward L. Redding,
Esquire, 548 N. New Street,
Bethlehem, PA 18018

STUBBLEBINE, ALBERT R.,
dec'd.

Late of the Borough of Wilson,
Northampton County, PA

Administrator: Harry G. Thomas
c/o Alfred S. Pierce, Esquire,
Pierce & Dally, LLP, 124 Belvi-
dere Street, Nazareth, PA
18064

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

WAGNER, ARLENE E., dec'd.

Late of Bethlehem Township, Northampton County, PA

Co-Executors: Sharon W. Pinto, 130 Blue Valley Drive, Bangor, PA 18013-1524 and Ronald D. Wagner, 207 Water Street, Boyertown, PA 19512-8602

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

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 Pennsylvania Business Corporation Law, Act of December 21, 1988 (P.L. 1444, No. 177) as amended, by the following corporation:

The name of the corporation is:

KOCH MANAGEMENT, INC.

Tallman, Hudders
& Sorrentino, P.C.

The Paragon Centre
1611 Pond Road
Suite 300
Allentown, PA 18104-2258

Dec. 6

NOTICES OF INCORPORATION

The name of the corporation is:

**DOLLAR MAX &
GIFT OUTLET, INC.**

Daniel G. Dougherty, Esquire,
Daniel G. Dougherty, P.C.

881 3rd St.

Suite B-3

Whitehall, PA 18052

Dec. 6

NOTICE IS HERBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of PA, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:

JMC ENGRAVING, INC.

The Articles of Incorporation were filed on November 19, 2007.

WILLIAM P. COFFIN, ESQUIRE
100 North Fourth Street
Easton, PA 18042

Dec. 6

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been

**LIMITED LIABILITY COMPANY
NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of creating the following domestic Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106:

**BETHLEHEM SEWERAGE AND
EXCAVATING SERVICE, LLC**

The Certificate of Organization was filed on November 19, 2007.

JOHN A. ZAPF II, ESQUIRE
628 W. Broad Street
Bethlehem, PA 18018

Dec. 6

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about October 26, 2007, for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106.

The name of the limited liability company is:

**THE NATURAL IMAGE
STUDIO LLC**

The Natural Image Studio LLC
30-32 Sitgreaves St.
Easton, PA 18042

Dec. 6

**NOTICES 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, on September 7, 2007, for the purpose of incorporating a Nonprofit Corporation organized under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended. The name of the nonprofit corporation is:

**COMMON SENSE
EDUCATION, INC.**

The purposes for which it is organized are: to manage, operate, guide, direct and promote Thomas Paine Charter School and to educate students to be accomplished in a manner consistent with the provisions of 501(c)(3) of the Internal Revenue Code of 1986, as amended.

EMILY A. ZETTLEMOYER,
ESQUIRE
ZETTLEMOYER LAW OFFICE, LLP
53 N. 3rd Street
Emmaus, PA 18049

Dec. 6

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 3, 2006, for the purpose of incorporating a Nonprofit Corporation organized under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

The name of the nonprofit corporation is:

**THE LION AND BLUE BEAR
FOUNDATION**

The purposes for which it is organized are: to operate a charitable foundation to be accomplished in a manner consistent with the provisions of Section 501(c) of the Internal Revenue Code of 1986, as amended.

TALLMAN, HUDDERS
& SORRENTINO, P.C.

The Paragon Centre
Suite 300
1611 Pond Road
Allentown, PA 18104-2258

Dec. 6

**CORPORATE FICTITIOUS NAME
REGISTRATION NOTICES**

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 311 of Act 1982-295 (54 Pa.C.S. Sec. 311) of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on October 22, 2007, a certificate for the conduct of the business in Northampton County, Pennsylvania, under the assumed or fictitious name, style or designation of:

**BASE HITS FITNESS & INDOOR
BASEBALL INSTRUCTIONAL
ACADEMY**

with its principal place of business at: 20 Beaver Lane, Easton, Pennsylvania 18045. The name and address of the entity owning or interested in said business is: Base Hits, Inc., 20 Beaver Lane, Easton, Pennsylvania 18045.

JOSEPH J. RUSSO, ESQUIRE
RUSSO & RUSSO, LLP
One Bethlehem Plaza
Suite 1010
Bethlehem, PA 18018

Dec. 6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of Act 1982-295, a Fictitious Name Registration was filed with the Department of State of the Commonwealth for:

REAL LIVING ACTION REALTY
with its principal place of business at: 3790 Church Road, Easton, PA 18045. The name and address of the entity owning or interested in said business is: CASHSA, INC., 3790 Church Road, Easton, PA 18045.

THOMAS L. WALTERS, ESQUIRE
LEWIS & WALTERS
46 S. Fourth Street
Easton, PA 18042

Dec. 6

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PA CIVIL DIVISION—LAW
PETITION OF

MARGARET MARY HOLLAND
NOTICE

No. C-48CV2007-10492

NOTICE IS HEREBY GIVEN that on November 29, 2007, the Petition of Margaret Mary Holland was filed in the above-named Court, requesting an Order to change the name of Margaret Mary Holland to Meg Holland.

The Court has fixed January 17, 2008, at 9:00 a.m. at the Northampton County Government Center, 669 Washington Street, Easton, PA, Room No. 4, as the time and place for hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

HAROLD J. FUNT, ESQUIRE
Attorney for Petitioner
P.O. Box 20770
Lehigh Valley, PA 18002

Dec. 6

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

ACTION TO QUIET TITLE
ROBERT L. AVANT, JR.,
PATRICIA A. WELLER and
DAVID B. WELLER,
Plaintiffs

vs.

LESTER E. HUNT and MINA J. HUNT, and all other persons unknown claiming any right, title, estate, lien or interest in the real property described in the complaint adverse to Plaintiff's title ownership, or any cloud to Plaintiff's title,
Defendants

NO. C48CV2007-10199

TO: DEFENDANTS

TAKE NOTICE that on November 15, 2007, Brian M. Monahan, Esquire filed a Civil Action to Quiet Title, endorsed with a Notice to Defend, against you in the Court of Common Pleas of Northampton County, Pennsylvania, docketed to Number C48CV2007-10199, wherein the Plaintiffs seek judgment in its favor and against you with respect to establishing legal title in fee simple, and discharging a certain Mortgage liening certain real property identified as 2322 South 3rd Street, Wilson Borough, Northampton County, Pennsylvania 18042; Northampton County Uniform Tax Parcel Identification Number M9NW1C-5-48.

The Complaint requests the Court declare and adjudge the prayer for relief in the Complaint.

You are hereby notified to plead to the above-referenced Complaint on or before thirty (30) days from the date of this publication or a judgment will be entered against you.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following

pages, you must take action within thirty (30) 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 and 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 and 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 A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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.

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

The Court of Common Pleas is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please call (610) 559-3000. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must at-

tend the scheduled conference or hearing.

BRIAN M. MONAHAN, ESQUIRE
Attorney I.D. #37628
701 Washington Street
Easton, PA 18042
Telephone: (610) 258-5329

Dec. 6

**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
ANNA M. BENSING; Carl A. Laub
and Gloria Laub, Co-Executors
BLANDINA GRIFFITH; Nicholas
Noel, III, Executor

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, DECEMBER 28, 2007 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court
Dec. 6, 13

ANNOUNCEMENT

Black Rome LLP announces that the new telephone and fax numbers for Edward N. Cahn, Esquire, of Counsel are:

Telephone: (610) 530-2706
Facsimile: (610) 530-2727
His office address remains:
One Windsor Plaza
7535 Windsor Drive
Allentown, PA 18195

Nov. 29; Dec. 6

ASSOCIATE

Established law firm in Pottsville seeks attorney for immediate opening. General practice experience, practice

in state court or in land use preferred. Strong research, writing and communication skills desired. Excellent full benefits package. Salary negotiable. Please reply to Firm Administrator, P.O. Box 450, Pottsville, PA 17901.

Dec. 6

ASSOCIATE ATTORNEY

Established medical malpractice defense law firm seeking Attorney

with one to three years experience for Bethlehem office. Experience in litigation a plus. Salary commensurate with experience. Full benefits package offered.

Send resume in confidence to: The Perry Law Firm, LLC, 531 Main St., Suite 102, Bethlehem, PA 18018, Fax (610) 694-1120 or e-mail to JRH@theperrylawfirm.com.

Dec. 6, 13



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NORTHAMPTON COUNTY REPORTER DIGEST—2007-12
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS
OF NORTHAMPTON COUNTY

**HERBERT WEEAST AND MARLENE WEEAST, PLAINTIFFS v.
BOROUGH OF WIND GAP, DEFENDANT**

Declaratory Judgment

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—
Law, No. C0048CV2006-1555.

Declaratory Judgment granted in favor of Plaintiffs.

Dennis A. DeEsch, Esquire for Plaintiffs.

Ronold J. Karasek, Esquire for Defendant.

Order of Court entered May 17, 2007 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiffs contended that they were entitled to interest as a matter of law on the judgment entered in Plaintiffs' favor and against the Defendant, Borough of Wind Gap, on August 30, 1996 at No. 1987-C-7877, pursuant to 42 Pa. C.S.A. §8101.

Defendant first argued that Section 8101 did not apply because the Borough was immune from the claim for interest on the judgment. The Court held that no statute cited by Defendant stated that a political subdivision is exempt from paying interest on judgments. To the contrary, judgments, including those against municipalities, bear interest from the date of entry.

Defendant also argued that Plaintiffs' Complaint in Declaratory Judgment and claim for interest was barred by the statutes of limitation. The Court concluded that this position would require every judgment creditor to commence suit for interest at the time judgment was obtained. Post judgment interest is authorized by 42 Pa. C.S.A. §8101 unless otherwise provided by another statute.

Defendant also argued that Plaintiffs' claim was barred by estoppel and laches because Plaintiffs did not file an appeal to the Borough ordinance that enacted a special tax to pay the judgment. The Court concluded that it was irrelevant whether Plaintiffs appealed the enactment of the ordinance because they were not challenging the validity of the ordinance, but were seeking statutory interest on the principal amount provided for in the ordinance.

Defendant also argued that Plaintiffs' request that the Borough enact a special levy or tax to pay the judgment did not include a request for interest and therefore, the Borough was induced to rely on the fact that no claim for interest was made. The Court concluded that Plaintiffs were not required to request interest in their initial filings, and they did not make any representations that they would not seek interest upon which Defendants could have relied. Additionally, Plaintiffs provided Defendant with yearly notices stating the balance due, along with a statement demanding interest under Section 8101. As a result, there could be no justifiable reliance and Defendant's argument based on equitable estoppel failed.

Defendant further contended that laches applied because Plaintiffs did not appeal two previous decisions of the Commonwealth Court. The Court held that Defendant failed to allege any prejudice resulting from Plaintiffs' failure to appeal so Plaintiffs' claim could not be barred by laches.

Defendant also argued that Plaintiffs' claim for interest was barred by res judicata and/or collateral estoppel. The Court held that these doctrines do not apply, however, as the issue of interest on the judgment was not previously sued upon and was never fully litigated. Although interest was raised in Plaintiffs' Post-Trial Motions filed in 1998, the issue was not fully litigated and the merits of the claim for interest were not addressed.

Defendant further argued that the Borough was immune from suit pursuant to the Political Subdivision Tort Claims Act, 42 Pa. C.S.A. §§8541-8564. The Court concluded that Plaintiffs' suit was not a tort claim but was a declaratory judgment action seeking interest on a judgment pursuant to 42 Pa. C.S.A. §8101. The Political Subdivision Tort Claims Act was not applicable. Furthermore, Defendant's argument that the Borough Code does not provide for an action for interest on a judgment was also irrelevant. The right to interest is established by 42 Pa. C.S.A. §8101, which remains in effect unless otherwise provided in another statute. The Court concluded that the fact that the Borough Code does not make any reference to claims for interest is insufficient to override section 8101.

Defendant also argued that once the Borough corrected the flooding problem on Plaintiffs' property, the Plaintiffs' were "paid in full." Nonetheless, this Court entered a judgment in the amount of \$52,100 against Defendant, at the direction of the Commonwealth Court, as a result of Defendant's delay in completing the court ordered repairs. Thus, this Court held that Plaintiffs were entitled to full payment of the judgment and are also statutorily entitled to the interest on the judgment.

Finally, Defendant contended that allowing an award of interest in this case would result in a double recovery and a windfall to the Plaintiffs. The Court acknowledged that the flooding problem that was the original basis for litigation was corrected nearly 14 years ago and Plaintiffs' request for over \$46,000 in interest would be a significant burden on the Borough. Consequently, the Court directed the parties to list this matter for a Settlement Conference on the issue of the interest due to Plaintiffs.

**DEREK KORPICS T/A KORPICS KONTRACTING, PLAINTIFF v.
SANDRA KLINGER, PHILIP KLINGER, JR., KRISTA KLINGER,
D/B/A WASH-N-GLOW, DEFENDANTS**

Preliminary Objections—Demurrer—Breach of Contract—Unjust Enrichment

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—
Law, No. C0048CV2006-7811.

Preliminary Objection in the nature of demurrer to Count Two of Complaint denied. Preliminary Objection in the nature of demurrer to Count One and Count Three of Complaint granted.

S. Graham Simmons, Esquire for Plaintiff.

Richard Orloski, Esquire for Defendants Philip Klinger, Jr. and Krista Klinger.

Order of Court entered January 23, 2007 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff, Derek Korpics, filed an Amended Complaint on November 3, 2006, alleging Breach of Contract, Unjust Enrichment, and Statutory Breach of Contract against Defendants, Sandra Klinger, Philip Klinger, Jr., and Krista Klinger. Defendant filed Preliminary Objections to Plaintiff's First Amended Complaint on November 21, 2006 in the nature of Demurrers to Counts One, Two and Three of Plaintiff's Complaint.

This Court held that Plaintiff's pleading was insufficient to support a cause of action against Defendants Philip Klinger, Jr. and Krista Klinger based on breach of contract because they are not parties to the written contract attached to Plaintiff's Complaint. Therefore, Defendants' Preliminary Objection to Count One was granted.

Pursuant to Pa. R.C.P. 1020(c), Plaintiff is allowed to plead causes of action in the alternative. Plaintiff, therefore, sufficiently pled a cause of action based on Unjust Enrichment, and Defendants' Preliminary Objection to Count Two was denied.

Plaintiff alleged that Defendants violated the Pennsylvania Contractor and Subcontractor Payment Act, 73 P.S. §§501 *et seq.* by failing to pay Plaintiff within twenty (20) days of the final invoice. Section 504 of the Act provides that a contractor is entitled to payment from the party with whom the contract was made. The written contract attached to Plaintiff's Complaint demonstrates that Plaintiff contracted solely with Sandra Klinger, not Philip Klinger, Jr. or Krista Klinger. Therefore, because Plaintiff's Complaint was insufficient with regard to the claim against Philip Klinger, Jr. and Krista Klinger for Breach of Contract under the Act, Defendants' Preliminary Objection in the nature of a demurrer to Count Three was granted by the Court.

**BARTHOLOMEW WISTUK, PLAINTIFF v. LOWER MOUNT
BETHEL TOWNSHIP, DEFENDANT**

Preliminary Objections—Demurrer—Lack of Standing—Storm Water Management Act—Private Nuisance—Injunctive Relief

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—
Law, No. C0048CV2006-5209.

Preliminary Objections in the nature of a demurrer and for lack of standing are denied.

Peter C. Layman, Esquire for Plaintiff.

Michael Lessa, Esquire for Defendant.

Order of Court entered January 23, 2007 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

On September 25, 2006, Plaintiff filed an Amended Complaint against the Township, stating causes of action for a violation of the Storm Water Management Act and for Private Nuisance as a result of the alleged diversion of storm water onto Plaintiff's property. Defendant, Lower Mt. Bethel Township, filed Preliminary Objections to Plaintiff's Amended Complaint on November 6, 2006 in the nature of a demurrer. This Court held that Plaintiff sufficiently alleged a right to injunctive relief. Therefore, Defendant's first Preliminary Objection to Plaintiff's Amended Complaint was denied.

Furthermore, the claims raised by Plaintiff for a violation of the Storm Water Management Act and Private Nuisance do not require that Plaintiff's property be located within the subdivision. As such, Defendant's Preliminary Objections based on lack of standing were denied.

**COMMONWEALTH OF PENNSYLVANIA v.
BRYANT R. DOUGLAS, DEFENDANT**

Omnibus Motion—Motion to Suppress—Writ of Habeas Corpus—Probable Cause

In the Court of Common Pleas of Northampton County, Pennsylvania, Criminal Division, No. 2006-599.

Order of Court entered in favor of Defendant and granting Motion to Suppress and Writ of Habeas Corpus.

William W. Matz, Esquire for Commonwealth.

Edward J. Andres, Esquire for Defendant.

Order of Court entered on February 2, 2007 by the Honorable F.P. Kimberly McFadden.

DESCRIPTION OF DECISION

Defendant filed an Omnibus Pretrial Motion asserting that the Affidavit of Probable Cause failed to establish probable cause for the arrest, and therefore all evidence obtained as a result of the arrest should be suppressed. Defendant also asserted that the evidence produced at the preliminary hearing was insufficient to establish that the Defendant committed the offenses charged.

Defendant contended that the Affidavit contained factual errors and omissions. The Commonwealth conceded that the statement that Defendant was taken into custody at the time the premises was searched with \$1482.00 of U.S. currency on his person was erroneous and agreed that it should be deleted from the Affidavit. Consequently, the only remaining reference to Defendant in the Affidavit stated that various mail and documents with the Defendant's name on them were found in the residence.

This Court held that the facts averred on the face of the Affidavit were not sufficient to establish probable cause that the Defendant committed a crime. The only reference in the Affidavit to Defendant was that a box of mail and documents belonging to Defendant was found in the residence. Nothing else in the residence was identified as Defendant's personal belongings. Once the erroneous facts were removed from the Affidavit, there was insufficient basis to support an arrest warrant. Consequently, the Court concluded that Defendant's arrest was unlawful and granted Defendant's Motion to Suppress.

Defendant also contended that the testimony at the preliminary hearing was insufficient to establish that Defendant committed the offenses with which he was charged. The Commonwealth established that mail and documents belonging to Defendant were found in a residence where controlled substances and a firearm were also located. This, however, did not establish an inference that Defendant knew of the controlled substances or the firearm or that Defendant had an ability to exercise dominion over the contraband. The Commonwealth did not establish that the contraband was located in an area accessible only to Defendant. There was no evidence that the Defendant recently accessed the property or had exclusive access to a part of the residence where the contraband was found. Furthermore, the box containing mail and documents belonging to Defendant did not contain any contraband. Thus, the Court concluded that the Commonwealth did not produce sufficient evidence to prove that Defendant had constructive possession of the controlled substances or the firearm found in the residence. Consequently, the Court held that the Commonwealth did not produce sufficient evidence to sustain a prima facie case for the offenses charged and Defendant's Writ of Habeas Corpus was granted.

**ROBERT McGUIRE, PLAINTIFF v. LOWER MOUNT BETHEL
TOWNSHIP ZONING HEARING BOARD, DEFENDANT**

Land Use Appeal—Variance By Estoppel

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—
Law, No. C0048CV2004-1700.

Land Use Appeal granted.

Gary Asteak, Esquire for Plaintiff.

Dwight Danser, Esquire for Defendant.

Order of Court entered March 1, 2007 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

On December 3, 2003, Appellant was issued an enforcement notice by the Township Zoning Officer. Appellant took an appeal from the enforcement notice to the Zoning Hearing Board, requesting a variance by estoppel. A hearing was held on January 21, 2004, and the Zoning Hearing Board, denied Appellant's request for a variance by estoppel and upheld the Township's Enforcement Notice on February 23, 2004. Appellant filed an appeal from the decision of the Zoning Hearing Board on March 12, 2004.

This Court held that Appellant demonstrated the first two elements necessary for a variance by estoppel because Appellant acted in good faith in seeking the advice of the Township Zoning Officer and Appellant relied to his detriment on the misrepresentations of the Zoning Officer in constructing his garage. Appellant had an innocent belief that he could proceed with construction while awaiting a variance, based on the advice of the Zoning Officer, and enforcement of the ordinance would result in hardship to the Appellant because it would require him to demolish or modify the structure at a prohibitive expense.

Appellant established the element of reliance because Appellant clearly relied on the representations and assurances of the Zoning Officer when he proceeded with construction before securing a height variance for the garage. Appellant satisfied the fourth element necessary to establish a variance by estoppel, hardship, because compliance with the ordinance would result in a loss of \$40,000.00 to Appellant, which clearly is an extreme hardship.

Finally, Appellant demonstrated that the variance does not pose a threat to the health, safety or morals of the community because the Zoning Hearing Board specifically accepted the testimony of Zoning Officer Meylach that "the garage as constructed at its current height poses no threat to the morals, safety or welfare of the community and that to demolish same would cost a significant amount of money." Consequently, this Court held that Appellant established all of the elements for a variance by estoppel.

PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, December 10, 2007**

