

Northampton County Reporter

(USPS 395-280)

VOL. LVII

EASTON, PA January 26, 2012

NO. 4

**Robert Walter d/b/a Diversified Automotive Services, Plaintiff v. Rinek Rope Co., Inc.,
City of Easton, Heywood Becker, Karin Becker, Turog Properties Management, Inc.,
Turog Properties Limited and Michael T. Foster, Defendants**

**Turog Properties Limited, Plaintiff v. Robert Walter t/a Diversified Automotive Services,
Defendant v. Turog Properties Limited, Defendant and Heywood Becker, Michael
Foster and Rinek Rope, Inc., Additional Defendants**

St. Jane Frances De Chantel Church et al. v. Dennis R. Connell et al.

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INSERTS: Cream: 1. 2012 Calendar

2. NCBA 2012 Committee Preference Form

3. NCBA Survey Update/2012 Bench Bar Conference

NOTICE TO THE BAR...

2012 Committee Preference Form inside.

If you have not registered for your committee preferences, then now is the time. New committees are forming and meetings are scheduled. Don't miss out!

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Northampton County Reporter
Attorney Referral & Information Service
155 South Ninth Street, Easton, PA 18042-4399
Phone (610) 258-6333 Fax (610) 258-8715
E-mail: ncba@norcobar.org
PBA (800) 932-0311—PBI (800) 932-4637
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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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Edward P. Shaughnessy, Esquire
Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Mark Your Calendars

Reception for the Court – March 30, 2012

CLE Opportunity—“SFSP: Special Needs Trusts—Administration From the Trenches”

Tuesday, January 31, 2012

3:00 – 4:00 p.m. [Cocktail reception follows with cash bar]

BALC – 1114 W. Walnut Street, Allentown

\$15 for members

To register: contact Jennifer Davco at 610-419-4800 or:

Jennifer.davco@jpl.com.

Presented by: J. William Widing, III, Esq. and Laura J. Wozniski, Trust Officer and Vice President of Susquehanna Trust & Investment Company.

Addressing the benefits, downfalls and answering your questions on the use of a pooled, OBRA and third-party special needs trusts. The speakers, well versed in specifically dealing with the potential hazards of special needs trusts, will discuss navigating the first-party special needs trust which is subject to the scrutiny of the Orphans’ Court and the Pennsylvania Department of Public Welfare (DPW) with regard to expenditures of principal. They will also address the “payback” provision for the Commonwealth of Pennsylvania for benefits paid on behalf of a disabled person for a third-party special needs trust, as well as the importance of trustee selection and special purchases.

New NCBA Photo Directories

Additional Photo Directories are available for purchase by NCBA members. Each directory is \$8.00 and may be picked up at the NCBA Office.

Sometimes one pays most for the things one gets for nothing. ~ Albert Einstein

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**BAMBARY, JACK VINCENT**, dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executor: Jack James Bambary c/o Judith A. Harris, Esquire, Norris McLaughlin & Marcus, P.A., The Paragon Centre, 1611 Pond Road, Suite 300, Allentown, PA 18104

Attorneys: Judith A. Harris, Esquire, Norris McLaughlin & Marcus, P.A., The Paragon Centre, 1611 Pond Road, Suite 300, Allentown, PA 18104

BARKET, JUDITH A., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Stephen Barket, 171 Kingsbury Court, Nazareth, PA 18064

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

CHICHESKY, WASYL, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executors: Andrea F. Suter, 2849 Jones Blvd., Easton, PA 18045 and Michael P. Suter, 4671 Fairway Road, Bethlehem, PA 18020

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

FOLB, MIRIAM L., dec'd.

Late of 2308 Kirkland Village Circle, Bethlehem, Northampton County, PA

Administratrix: Carol Zirkel, 3906 Walbert Ave., Allentown, PA 18104

GOLD, MARIE S., dec'd.

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

Executors: Maris E. Rogers and Glenn M. Gold c/o Alfred S. Pierce, Esquire, Pierce & Dally, LLC, 124 Belvidere Street, Nazareth, PA 18064

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

KOENEN, MADELINE B., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Bruce Arthur Koenen 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

MARTIN, BRENDA SUE a/k/a BRENDA SUE A. MARTIN, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: John Martin, P.O. Box 164, Saylorsburg, PA 18353

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

McCAULEY, CELINE C., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Administrator: Edward P. McCauley c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770
Attorneys: Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

McGEE, THOMAS P., dec'd.

Late of the Borough of Northampton, Northampton County, PA
Executrix: Tara A. Marsh, 139 Boro Vu Drive, Northampton, PA 18067
Attorney: James J. Holzinger, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

MICHAEL, PAUL C., dec'd.

Late of the Borough of Bath, Northampton County, PA
Executors: Larry P. Michael, 2644 W. Emmaus Avenue, Allentown, PA 18103-7244 and Cheryl A. Schaffer, 4976 North Bath Blvd., Northampton, PA 18067-9705
Attorney: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

PISAREV, ROSE, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Robert H. Littner, Esquire c/o Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018
Attorneys: Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

PIVNICNY, LINDA L., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Michael G. Pivnicny c/o Stanley M. Vasiliadis, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020
Attorneys: Stanley M. Vasiliadis, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

RAU, ELIZABETH J., dec'd.

Late of the Township of Palmer, Northampton County, PA
Executor: Michael S. Rau c/o Brian M. Monahan, Esquire, 701 Washington Street, Easton, PA 18042
Attorney: Brian M. Monahan, Esquire, 701 Washington Street, Easton, PA 18042

RINKER, PATRICIA F., dec'd.

Late of Northampton, Northampton County, PA
Executor: William D. Rinker c/o Noonan & Prokup, 526 Walnut St., Allentown, PA 18101
Attorneys: Noonan & Prokup, 526 Walnut St., Allentown, PA 18101

ROSSETTI, MARIO C., JR. a/k/a MARIO C. ROSSETTI, dec'd.

Late of Lehigh Township, Northampton County, PA
Executor: Mario A. Rossetti c/o Charles J. Fonzone, Esquire, Fonzone and Ashley, 33 So. Seventh Street, Allentown, PA 18101
Attorneys: Charles J. Fonzone, Esquire, Fonzone and Ashley, 33 So. Seventh Street, Allentown, PA 18101

ROTHDEUTSCH, FRANK W., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Administrators: Frank C. Rothdeutsch and Janet A. Ryan c/o Mary Ann Snell, Esquire, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017

TOMASITS, FRANK J., dec'd.

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

Co-Executors: Patricia Anne Sodl and Andrew Frank Tomasits c/o Stanley M. Vasiliadis, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

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

VERENNA, JOSEPH P., dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Carmen Verenna 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

WILLIAMS, VIRGINIA B., dec'd.

Late of the Borough of Northampton, Northampton County, PA
Executrix: JoAnn V. Sweeney c/o Kevin F. Danyi, Esquire, JD, LLM, Danyi Law Offices, P.C., 133 East Broad Street, Bethlehem, PA 18018

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

SECOND PUBLICATION

FODOR, DONNA M. a/k/a DONNA M. GIERING, dec'd.

Late of the Chapman Quarries, Northampton County, PA

Executrix: Doris R. Fogel c/o John J. Bartos, Esquire, 100 Brodhead Road, Suite 130, Bethlehem, PA 18017

Attorney: John J. Bartos, Esquire, 100 Brodhead Road, Suite 130, Bethlehem, PA 18017

FOLLWEILER, HAROLD E., dec'd.

Late of Northampton, Northampton County, PA

Executrices: Jean M. Bachman, 4835 Harter Road, Slatington, PA 18080 and Delores M. Wasilkowski, 6732 PA Route 873, Slatington, PA 18080

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

KINCHER, HAROLD DONALD a/k/a HAROLD D. KINCHER a/k/a H. D. KINCHER, dec'd.

Late of the Township of East Allen, Northampton County, PA
Executors: Michele M. Kincher a/k/a Michele M. Walters and Kelly A. Buss

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

LANCSEK, JOHN J., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Susan J. Lancsek 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

LYNCH, THOMAS PAUL a/k/a**THOMAS P. LYNCH**, dec'd.

Late of Bethlehem, Northampton County, PA

Administrator: Dennis C. Gleason c/o Quintes D. Taglioli, Esquire, 121 N. Cedar Crest Blvd., Allentown, PA 18104

Attorney: Quintes D. Taglioli, Esquire, 121 N. Cedar Crest Blvd., Allentown, PA 18104

MAHORSKY, EDITH B., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Jody L. Mahorsky, 220 East Prospect Street, Nazareth, PA 18064-2928

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

MILLER, LINDA a/k/a LINDA ANN**MILLER a/k/a LINDA A. MILLER**, dec'd.

Late of Hellertown, Northampton County, PA

Executor: Michael Victor Miller c/o Donald S. Young, Esquire and Rebecca M. Young, Esquire, Young & Young, 119 E. Main Street, Macungie, PA 18062

Attorneys: Donald S. Young, Esquire and Rebecca M. Young, Esquire, Young & Young, 119 E. Main Street, Macungie, PA 18062

PHILLIPS, FRED CLEVELAND, II a/k/a FRED C. PHILLIPS, JR., dec'd.

Late of Nazareth, Northampton County, PA

Executor: Fred C. Phillips, III c/o Robert Van Horn, Esquire, 123 North Fifth Street, Allentown, PA 18102

Attorney: Robert Van Horn, Esquire, 123 North Fifth Street, Allentown, PA 18102

PIORKOWSKI, THOMAS J., dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Diane L. Schleig 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

SCHIAVONE, JOHN, dec'd.Late of the Township of Washington, Northampton County, PA
Executor: John Schiavone, Jr., 202 George Street, Pen Argyl, PA 18072

Attorneys: Alyssa Lopiano-Reilly, Esquire, Lopiano-Reilly Law Offices, L.L.C., 1067 Pennsylvania Avenue (Rt. 512), Pen Argyl, PA 18072

VON STEUBEN, CARL D., dec'd.

Late of Plainfield Township, Northampton County, PA

Executors: Robert C. Von Steuben, 6631 Sullivan Trail, Pen Argyl, PA 18072-9715 and Carla S. Palank, 1326 Hazelnut Court, Annapolis, MD 21409-5693

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

VULCANO, PATSY S., dec'd.

Late of the Township of Williams, Northampton County, PA

Executor: Pat Vulcano, Jr., 531 Philadelphia Road, Easton, PA 18042

Attorney: Herbert G. Litvin, Esquire, 151 S. 7th Street, Easton, PA 18042

WELLEN, FLOYD, dec'd.

Late of the Borough of Northampton, Northampton County, PA
Executor: Charles S. Smith, 809
Dellwood Street, Bethlehem, PA
18018

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

THIRD PUBLICATION**BAUMANN, CHARLES A.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Administrator: Henry W. Baumann 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

DEHAUT, HUBERT F., dec'd.

Late of the Township of Hanover, Northampton County, PA
Co-Executors: Diane M. Johnson and Hubert F. Dehaut
Attorney: Richard J. Haber, Esquire, 150 W. Macada Road, Bethlehem, PA 18017-2409

DIOMEDO, SALFERINA R. a/k/a SALFERINA DIOMEDO a/k/a SALLY DIOMEDO a/k/a SALLY R. DIOMEDO, dec'd.

Late of the Borough of Bangor, Northampton County, PA
Administrator: Mark A. Diomedeo
Attorney: Christopher T. Spadoni, Esquire, 1413 Easton Avenue, P.O. Box 522, Bethlehem, PA 18018

DONCEVIC, STEPHEN A., dec'd.

Late of Hellertown Borough, Northampton County, PA

Executor: Stephen G. Doncevic c/o Jay C. Glickman, Esquire, Rubin, Glickman, Steinberg & Gifford, 2605 N. Broad Street, P.O. Box 1277, Lansdale, PA 19446

Attorneys: Jay C. Glickman, Esquire, Rubin, Glickman, Steinberg & Gifford, 2605 N. Broad Street, P.O. Box 1277, Lansdale, PA 19446

GAVA, SILVANA LOUISE, dec'd.

Late of Nazareth, Northampton County, PA

Executrix: Lori Ann Wagner
Attorneys: Lisa A. Pereira, Esquire, Broughal & DeVito, L.L.P., 38 West Market Street, Bethlehem, PA 18018

KRAMER, ETHEL, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Neal Kramer c/o Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042

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

KUNKEL, BERNADINE B., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Co-Executors: Sharon L. Deschler and George B. Kunkel c/o Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

Attorneys: Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

LAUSER, LEE, dec'd.

Late of Northampton County, PA
Administratrix: Erin L. Pummer, 825 North 19th Street, Allentown, PA 18104

Attorney: Nancy K. Busch, Esquire, 825 North 19th Street, Allentown, PA 18104

MARTIN, RICHARD D., dec'd.

Late of the Township of Hanover, Northampton County, PA
Executrix: Susan C. Yee c/o Dolores A. Laputka, Esquire, Norris McLaughlin & Marcus, P.A., The Paragon Centre, 1611 Pond Road, Suite 300, Allentown, PA 18104

Attorneys: Dolores A. Laputka, Esquire, Norris McLaughlin & Marcus, P.A., The Paragon Centre, 1611 Pond Road, Suite 300, Allentown, PA 18104

MEILINGER, ELLEN L., dec'd.

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

Co-Executors: Noreen E. Fernandez, Rodney J. Meilinger and Nathan E. Meilinger 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

NEWHART, KATHLEEN M., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Cindy J. Newhart c/o John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105

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

SALCH, BETTY, dec'd.

Late of the Township of Palmer, Northampton County, PA
Executrix: Tabatha Smith, 36 West Lane, Easton, PA 18045
Attorney: Keene Jabbour, Esquire, 701 Washington Street, Easton, PA 18042

SCHMEER, DORIS M., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executor: Harry Martyn, III
Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091

SCHUK, MARY, dec'd.

Late of Northampton Borough, Northampton County, PA
Executor: Orest M. Kochan c/o Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

SIMANAS, EMILY A. a/k/a EMILY SIMANAS, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Robert John Rudy 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

SMITH, JOAN P., dec'd.

Late of the Township of Forks, Northampton County, PA
Administratrix: Kathleen A. Heiselmeyer 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

WENTZ, DIANNE L., dec'd.

Late of Walnutport, Northampton County, PA
Executor: Michael Gaston, 720 S. Lincoln Avenue, Walnutport, PA 18088

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

**LIMITED LIABILITY COMPANY
NOTICE**

NOTICE IS HEREBY GIVEN that on December 16, 2011, Certificate of Organization was filed in the Department of State of the Commonwealth of Pennsylvania for:

LV 13 GP, 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

Jan. 26

NOTICE OF DISSOLUTION

NOTICE IS HEREBY GIVEN that the shareholders and directors of **George V. Seiple & Son Co., Inc.**, a Pennsylvania corporation, with an address at 576 Nazareth Pike, Nazareth, Pennsylvania 18064, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

THOMAS P. STITT, ESQUIRE
576 Nazareth Pike
Nazareth, PA 18064

Jan. 26

**NOTICE OF PROPOSED
NAME CHANGE**

On January 11, 2012, a petition was filed in the Northampton County Court of Common Pleas, No. C48CV2011-349 by Jayne Bass, on behalf of the minor child, Tyler James Serfass, requesting an order to change the minor child's name to Tyler James Shankweiler. The hearing will be held on March 28, 2012 at 9:00 a.m. in courtroom 4 of the Northampton County courthouse, 7th and Washington Streets, Easton,

Pennsylvania. Interested parties may appear and show cause, if any, why the request of Petitioner should not be granted.

NURIA SJOLUND, ESQUIRE
140 East Broad Street
Bethlehem, PA 18018

Jan. 26

LEGAL NOTICE

To the Heirs of Patricia Dalton Kennedy:

Realty Systems Pennsylvania, Inc. d/b/a MHC Mountain View—PA, LP will be filing a Petition in the Court of Common Pleas of Northampton County to obtain a Certificate of Title to an abandoned Motor Vehicle, to wit a certain 2000 Red Manufactured Home, Vehicle Identification Number 12236720 located at 68 West Zimmer Drive, Walnutport, Pennsylvania 18088 in the Mountain View—PA, LP Manufactured Housing Community. A hearing will be held on the Petition in the Court of Common Pleas of Northampton County on March 2, 2012 at 9:00 a.m. in Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania 18042. If you wish to be heard on this Petition you must appear at the time and place indicated. If you fail to appear, the relief may be granted by the Court.

MARK MALKAMES, ESQUIRE
Attorney for Realty Systems
Pennsylvania, Inc. d/b/a
MHC Mountain View—PA, LP

Jan. 26

LEGAL NOTICE

To the Heirs of Patricia Dalton Kennedy:

Realty Systems Pennsylvania, Inc. d/b/a MHC Mountain View—PA, LP will be presenting a Petition in the Court of Common Pleas of Northampton County to obtain a Certificate of Title to an abandoned vehicle, to wit

a certain 2002 Ford Windstar XLE, Vehicle Identification Number 2FMZ-A51432BA75906 located at 68 West Zimmer Drive, Walnutport, Pennsylvania 18088 in the Mountain View—PA, LP Manufactured Housing Community. A hearing will be held on the Petition in the Court of Common Pleas of Northampton County on March 2, 2012 at 9:00 a.m. in Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania 18042. If you wish to be heard on this Petition you must appear at the time and place indicated. If you fail to appear, the relief may be granted by the Court.

MARK MALKAMES, ESQUIRE
Attorney for Realty Systems
Pennsylvania, Inc. d/b/a
MHC Mountain View—PA, LP
Jan. 26

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on FEBRUARY 10, 2012 at ten o'clock a.m. in the COUNCIL CHAMBERS, THIRD FLOOR, of the Northampton County Government Center, within the City of Easton, County of Northampton and State of Pennsylvania, to wit:

PLEASE TAKE NOTICE that the sale price will include only the delinquent taxes certified to the Sheriff's Office. Any current taxes are the responsibility of the purchaser.

**No. 1
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-08876**

ALL that certain parcel of land situate in the City of Easton, County of Northampton and State of Pennsylvania, being known and designated as follows:

BEGINNING at a point on Palmer Street, 264 feet 2 inches East of the Northeast intersection of the building

lines at St. John St. and Palmer St.; thence North 125 feet, more or less, along property of St. John Development Co., Inc. to South building line of Williams St.; thence East 52 feet 10 inches along said building to a point; thence south 125 feet, more or less, along property of St. John Development Co., Inc. to North building line of Palmer St.; thence West 52 feet 10 inches along said line to a point and place of beginning.

KNOWN as 107 Palmer Street and Lot #6 on plot plan of St. John Development Co., Inc. drawn by James Waterbor.

BEING the same premises which Floyd R. Lux by Margaret H. Poswistilo, his attorney-in-fact, by Deed dated 04/07/1994 and recorded 04/07/1994 in the Recorder's Office of Northampton County, Pennsylvania, Instrument No. 19946003047, granted and conveyed unto Walter S. Robertson and Donna L. Robertson, his wife.

BEING KNOWN AS 107 Palmer Street, Easton, PA 18042.

TAX PARCEL NUMBER: M9NE2B-15-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Walter S. Robertson and Donna L. Robertson.

LOUIS P. VITTI, ESQUIRE

**No. 2
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-07003**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Palmer, County of Northampton, and Commonwealth of Pennsylvania shown as Lot 215 on the Final Plan of Park View Estates, Phase 2 as recorded in Map Book 1997-5, Page

347 in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania and being further bounded and described as follows, to wit:

BEGINNING at a point on the easterly right-of-way line of Old Carriage Drive (50 feet wide) at the north-west corner of Lot 216 of Park View Estates:

THENCE along said easterly right-of-way line of Old Carriage Drive (50 feet wide) the following two courses and distances:

1. Along the arc of a curve deflecting to the right having a radius of 175.00 feet and central angle of $21^{\circ} 09' 41''$ for an arc length of 64.63 feet (chord: North $09^{\circ} 56' 50''$ West 64.27 feet) to a concrete monument, THENCE;

2. North $00^{\circ} 38' 01''$ East 56.82 feet to a point at a corner of Lot 214 of Park View Estate;

THENCE along said lands of Lot 214 of Park View Estate South $89^{\circ} 21' 59''$ East 140.00 feet to a point on line of lands of Lot 213 of Park View Estates;

THENCE along said lands of Lot 213 of Park View Estates South $00^{\circ} 38' 01''$ West 70.37 feet to a point at a corner of Lot 216 of Park View Estates;

THENCE along said lands of Lot 216 of Park View Estates South $69^{\circ} 28' 19''$ West 137.47 feet to a point the place of the BEGINNING.

CONTAINING 13,373.91 square feet or 0.307 acre.

Said lot being subject to any and all drainage and utility easements as shown on the final recorded plan.

BEING KNOWN AS Parcel No. L8NE2-16-1.

BEING the same premises which Charles Chrin, married, by Deed dated November 11, 2003 and re-

corded December 1, 2003 in Northampton County in Deed Book 2003-1, Page 496279, granted and conveyed unto Rajesh Adusumalli and Sirisha Chalasani, married.

BEING the same premises which became vested in Tam Nguyen by Deed of Rajesh Adusumalli and Sirisha Chalasani, dated July 25, 2007 and recorded contemporaneously herewith in the Office of the Recorder of Deed in and for Northampton County.

TITLE TO SAID PREMISES IS VESTED IN Tam Nguyen by Deed from Rajesh Adusumalli and Sirisha Chalasani, husband and wife dated 07/25/07 recorded 08/21/07 in Deed Book 2007-1 Page 304456.

BEING KNOWN AS 3281 Old Carriage Drive, Easton, PA 18045.

THEREON BEING ERECTED a two-story single dwelling with attached two-car garage with stucco and stone exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Tam Nguyen.

STUART WINNEG, ESQUIRE

No. 6

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-00595**

ALL that certain messuage, tenement and tract, parcel or piece of ground, situate in the Township of Lehigh, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows to wit:

PARCEL #1 - MAP #J3SE3 (LOT 2, BLOCK 12).

BEING Lot No. 8 on plan of lots of Indian Trail Heights recorded in the Office for the Recording of Deeds in and for Northampton County in Map Book Vol. 10, Page 32, said lot containing ninety-six (96) feet in front on

the southerly side of Woodland Avenue, as shown on said plan, and extending southwardly in depth of equal width eighty (80) feet to the northerly side of Forest Avenue, as shown on said plan.

PARCEL #2 - MAP #J3SE3 (LOT 5, BLOCK 10)

BEGINNING at the intersection of the northerly line of Woodland Avenue and the westerly property line of Parcel #1 aforescribed; THENCE

(1) Along the said property line North two (2) degrees East 115 feet more or less to the southerly line of Avenue "E"; THENCE

(2) Along said southerly line of Avenue "E" North eighty-five (85) degrees East 502 feet to a point; THENCE

(3) Along land of Parcel #1 aforescribed, South five (5) degrees East 40 feet more or less to the aforesaid northerly line of Woodland Avenue; THENCE

(4) Along said line of Woodland Avenue, South eighty-two (82) degrees West 280 feet to a point; THENCE

(5) Along the same South seventy-two (72) degrees 240 feet more or less to the place of BEGINNING.

CONTAINING 0.762 acres more or less.

BEING KNOWN AS 3735 Mangrove Drive, Northampton, PA 18067.

THEREON BEING ERECTED on parcel J3SE3-2-12-0516 a two-story single split-level style dwelling with attached one-car garage with stucco and wood exterior and shingle roof; on parcel J3SE3-5-10-0516 vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Stacey A. Robles.

MICHAEL T. MCKEEVER, ESQUIRE

No. 7

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2009-00728

ALL THAT CERTAIN messuage, lot or piece of land situated on the south side of East Fourth Street in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, being known as Lot 2 according to a drawing "Sacarakis Subdivision—1148 Rear East Fourth Street" dated November 23, 1979 and prepared by Robert L. Ference, Registered Surveyor, Bethlehem, PA and recorded in the Office of the Recorder of Deeds in Easton PA and being known as 1148 Rear East Fourth Street, bounded and described as follows, to wit:

BEGINNING at an iron pipe on the western side of Trone Street, said pipe being South 05 degrees 00 minutes 00 seconds East 82.14 feet from the southwest corner of East Fourth Street and Trone Street, said pipe being the true point or place of beginning;

THENCE along the western side of Trone Street, South 05 degrees 00 minutes 00 seconds East 85.86 feet to an iron pipe on the western side of Trone Street;

THENCE along land now or late of Bethlehem Area School District South 85 degrees 00 minutes 00 seconds West 45.80 feet to an iron pipe;

THENCE along the same North 05 degrees 00 minutes 00 seconds West 85.86 feet to an iron pipe;

THENCE along Lot No. 1 North 85 degrees 00 minutes 00 seconds East 45.80 feet to an iron pipe on the western side of Trone Street, said pipe being the true point or place of BEGINNING.

CONTAINING 3932.388 square feet more or less.

BEING the same premises by Deed from Pedro A. Reyes and Linda

J. Reyes, formerly husband and wife dated: 04/08/99 and recorded: 04/09/99 in Book 1999-1 Page 49555 granted and conveyed unto Pedro A. Reyes.

BEING KNOWN AS 1148 East 4th Street, Bethlehem, PA 18015.

TAX PARCEL NUMBER: P6SE2B 11 2A 0204.

THEREON BEING ERECTED

SEIZED AND TAKEN into execution of the writ as the property of Pedro A. Reyes.

MICHAEL T. McKEEVER, ESQUIRE

No. 8
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-05908

ALL THAT CERTAIN lot or piece of ground with messuage or tenement thereon erected, known as 406 Old Mill Road, situate in the Township of Forks, County of Northampton and State of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point on the south side of Old Mill Road one hundred thirty and five-tenth (130.5) feet west of the southwest corner of Old Mill Road and Toboggan Road, thence along Old Mill Road, south 84° 46' west, sixty-five (65) feet to a point; thence south 0° 02' west one hundred thirty and fifty-five hundredths (130.55) feet to a point; thence north 84° 46' east sixty-two (62) feet to a point; thence north 1° 21' east one hundred thirty and eighty-six hundredths (130.86) feet to the point, the place of beginning. Being known as Lot No. 150, Section A, Chestnut Hill (Revised Plan), map of which is recorded on the Office of the Records of Deeds, Easton, Pennsylvania, in Map Book 13, page 19. Bounded on the north by Old Mill Road, on the east by Lot No. 149, on the south by Lots

Nos. 146 and 145, and on the west by Lot No. 151.

Being the same premises which Leon J. Fisher and Sharon L. Fisher by their deed dated 1/30/02 and recorded 1/31/02 in the Recorder's Office of Northampton County, Commonwealth of Pennsylvania in Deed Book 2002-1, page 29414. Instrument# 2002005034.

BEING KNOWN AS 406 Old Mill Road, Easton, PA 18040.

TAX PARCEL NUMBER: K9SE4-6-17.

THEREON BEING ERECTED a two-story single dwelling with attached one-car garage with vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Kathaleen A. Dallarosa.

LOUIS P. VITTI, ESQUIRE

No. 9
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-04557

ALL THAT CERTAIN messuage, tenement and lot or piece of ground thereto belonging situate on the South side of Cherokee Street between Dacotah and Seminole Streets in the 1st Ward of the City of Bethlehem, County of Northampton and State of Pennsylvania and known as House and Lot No. 505 Cherokee Street, Bethlehem, Northampton County and State of Pennsylvania being more fully bounded and described as follows to wit:

BEGINNING at a point on the Southeast line of Cherokee Street distance 40 feet from the Southwest line of Dacotah Street; thence by line parallel to said Dacotah Street and along now late of E. S. Crouthamel 100 feet Southwestwardly (erroneously stated as Southwestwardly in prior Deed Book 871 page 442) to

property now or late of Mary R. Rossland; thence Southwestwardly along said property now or late of Mary E. Rossland and 40 feet to lands now or late of the Estate of Francis Weiss; thence Northwestwardly by line parallel to said Decotah Street 100 feet to Cherokee Street; thence Northeastwardly along the Southwest side of Cherokee Street 40 feet to the place of beginning.

Being the same premises which Debora L. Saravitz N/K/A Debora L. Anderson by Deed dated 10/29/2003 and recorded 11/3/2003 in Northampton County in Volume 2003-1 Page 460844 conveyed unto Yves Deiss, also known as Yves J-G Deiss, in fee.

BEING KNOWN AS 505 Cherokee Street, Bethlehem, PA.

TAX PARCEL NUMBER:
P6SW2C-2-19.

THEREON BEING ERECTED a two-story single dwelling brick exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Yves Deiss aka Yves J-G Deiss.

HOWARD C. PRESSMAN,
ESQUIRE

No. 10

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2011-04562

ALL THAT CERTAIN lot or piece of ground with messuage or tenement No. 440 Cherokee thereon erected, situate, lying and being in the 1st Ward in the City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania bounded and more fully described as follows, to wit:

BEGINNING at a point, said point being the Northwest corner of Dakotah and Cherokee Streets, and extending North along Cherokee Street,

a distance of 18 feet 6 inches, more or less, to a point in line with the middle of a partition or party wall and extending back of that same width between parallel lines at right angles to Cherokee Street a distance of 77 feet, more or less, to a 3 feet wide alley which said alley shall always be kept open as a public alley.

Being the same premises which Stephen E. Sedlock and Darby L. Sedlock, husband and wife, by Deed dated 11/29/2005 and recorded 12/2/2005 in Northampton County in Deed Book 2005-1 Page 485733 conveyed unto Yves Deiss, also known as Yves J-G Deiss, in fee.

BEING KNOWN AS 440 Cherokee Street, Bethlehem, PA.

TAX PARCEL NUMBER: P6SW2B-6-10A.

THEREON BEING ERECTED a two-story row home style dwelling with stucco and wood exterior and shingle and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Yves Deiss aka Yves J-G Deiss.

HOWARD C. PRESSMAN,
ESQUIRE

No. 11

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-00723

PARCEL NO. 1:

ALL those four certain lots or pieces of land situate on the south side of Woodland Avenue in Pennsylvania, Lehigh Township, Northampton County, Pennsylvania, and known as Lots Nos. 11, 12, 13, and 14 Woodland Avenue on plan of Indian Trail Heights.

Lot No. 11 containing forty (40) feet in front on Woodland Avenue and extending in depth of that width eighty (80) feet to the north side of Forest Avenue.

Lot No. 12 containing in front on Woodland Avenue 71.875 feet, more or less, on the Forest Avenue forty (40) feet, and extending on the east and west boundaries from Woodland Avenue to Forest Avenue a depth of eighty (80) feet, as shown on said plan of Indian Trail Heights.

Lots Nos. 13 and 14 each containing forty (40) feet in front on Woodland Avenue and extending in depth of that width eighty (80) feet to the north side of Forest Avenue.

PARCEL NO. 2:

PURPART NO.1: ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate on Woodland Avenue known as Lot #9 on Woodland Avenue, being an avenue laid out in a new development on lands now or late of Russel Reinhard and Emma Reinhard his wife, in Pennsville, Lehigh Township, Northampton County, Pennsylvania, said avenue running west from the road leading from Pennsville to Stone Church to the Old Mill property on lands now or late of Samuel Solliday and William Solliday, said lot being bounded and described as follows, to wit:

On the north by Woodland Avenue; on the east by Lot #10; on the south by Forest Avenue; and on the west by Lot #8.

CONTAINING in front on Woodland Avenue forty (40) feet and extending southward of that width at right angles to Forest Avenue eighty (80) feet and being known as Lot #9 on said development.

PURPART NO. 2: ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate on the south side of Woodland Avenue in Pennsville, Lehigh Township, Northampton County, Pennsylvania and known as Lot No. 10 on plan of

Indian Trail Heights, said Lot No.10 contains forty (40) feet in front on Woodland Avenue, and extending in depth of that width eighty (80) feet to the north side of Forest Avenue.

BEING KNOWN AS 3739 Mangrove Drive, Northampton, PA 18067.

TAX PARCEL NUMBER: J3SE3-2-13/J3SE3-2-14.

THEREON BEING ERECTED on parcel J3SE3-2-13-0516 a single ranch style dwelling with shingle exterior and shingle roof; parcel J3SE3-2-14-0516 vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Stacey A. Robles.

MICHAEL T. MCKEEVER, ESQUIRE

No. 12
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-02003

All that certain house and lot of land situate in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point thirty three (33) feet east of the northeast corner of Bushkill and Mulberry Streets; thence along the north side of Bushkill Street, east twenty (20) feet and ten (10) inches to a point in line of land now or late of Josephine Francisco; thence north along the same one hundred and forty (140) feet to Vine Street; thence west along the south side of said Vine Street, twenty (20) feet ten (10) inches to a point; thence south one hundred and forty (140) feet to Vine Street; thence west along the south side of said Vine Street, twenty (20) feet ten (10) inches to a point; thence south one hundred and forty (140) feet to the place of beginning.

BOUNDED on the North by Vine Street, on the East by land now or late

of Andrew J. Hawk, on the South by Bushkill Street, and on the West by property now or late of Elmer M. Stark.

Being known as: 811 Bushkill Street, Easton, Pennsylvania 18042.

TITLE TO SAID PREMISES IS VESTED IN Juan M. Sanchez and Juana I. Sanchez, husband and wife, by deed from STEVEN E. KROUSE dated September 13, 2006 and recorded September 18, 2006 in Deed Book 2006-1, Page 382811.

BEING KNOWN AS 811 Bushkill Street, Easton, PA.

TAX PARCEL NUMBER: L9NE4C 7 7 0310.

THEREON BEING ERECTED a three-story half-of-double style dwelling with vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Juan M. Sanchez and Juana I. Sanchez.

MARGARET GAIRO, ESQUIRE

No. 13
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-03186

ALL THAT CERTAIN messuage and tenement and lot or piece of land situate at the southeast corner of Seventh and North Main Streets in the Borough of Chapman, Northampton County, Pennsylvania, and being in the northern half of Lot 23 on plan of Chapman Borough surveyed by Richard Chapman drawn by T.C. Chatten, machinist, dated December, 1886, bounded and described as follows:

BEGINNING at a point, being the point of intersection of the south line of Seventh Street and the east line of North Main Street; thence extending southwardly in and along the east line of North Main Street a distance of (30) feet more or less to a point in line with

the middle of a party wall or partition wall between the dwelling erected upon the premises adjoining to the south; thence extending eastwardly through the middle of said party or partition wall a distance of (155) feet to a point in the west line of Poplar Alley; thence extending northwardly in and along the west line of Poplar Alley, a distance of (30) feet more or less to a point in the south line of Seventh Street; thence extending westwardly in and along the south line of Seventh Street a distance of (155) feet to the point, the place of BEGINNING.

Bounded west by North Main Street, north by Seventh Street, east by Poplar Alley, and south by property now or late of Walter E. Heckman and wife.

BEING KNOWN AS 1454 Main Street, Bath, PA 18014.

TAX PARCEL NUMBER: J5NE2B-4-9.

THEREON BEING ERECTED a two-story half-of-double style dwelling with aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Deanna Hilmer a/k/a Deanna Castro.

MICHAEL T. McKEEVER, ESQUIRE

No. 15
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-02087

ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate on the East side of South Broad Street in the Borough of Nazareth aforesaid, being the Upper or Northern part of lot designated and numbered as Lot No. 24 South Broad Street. Containing in front on said South Broad Street thirty-two (32') feet and two (2) inches and extending

of that same width Eastwardly two hundred ten (210') feet to Cedar Alley. Bounded on the North by lot now or late of Jacob H. Beck, on the East by said alley, on the South by lot now or late of David J. Snyder and on the West by said South Broad Street.

LESS AND EXCEPTING from the above described premises the Easterly portion thereof containing in front on the Cedar Street thirty-two and five tenths (32.5') feet more or less and extending Westwardly of that width approximately ninety-three (93') feet as set forth in conveyance from Ernest Toth and Claire H. Toth, his wife, to Homer J. Kienzle and Verna B. Kienzle, his wife, by Deed bearing date the first day of May, 1947, duly recorded in Deed Book C, Volume No. 81 at Page 135.

UNDER AND SUBJECT, nevertheless, to a reservation in favor of the Grantor, Norma M. Strouse, for and during her natural life to occupy the premises herein conveyed; provided, however, said right to occupy shall cease upon the Grantor's permanently removing from said premises.

IT BEING THE SAME PREMISES which Norma M. Strouse, dated June 30, 1994, and recorded July 1, 1994, in the Office for the Recording of Deeds in and for Northampton county of East, Pennsylvania, in Deed Book H, Volume No. 1994-6 at Page 46824, granted and conveyed unto Robert David Strouse.

BEING KNOWN AS 133 South Broad Street, Nazareth, PA 18064.

TAX PARCEL NUMBER: J7SE3A-11-7-0421.

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

SEIZED AND TAKEN into execution of the writ as the property of Patricia L. Stouse, Individually and In

Her Capacity as Administratrix of the Estate of Robert D. Strouse.

BRETT A. SOLOMAN, ESQUIRE

No. 16

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-10098**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania as shown on Final Plan "Fox Run Estates", as shown on Map Book 2004-5, Page 483.

Being known as: 10 Lower Way Rd, Easton, Pennsylvania 18045.

Title to said premises is vested in Nirmal Singh by deed from NIRMAL SINGH, SUKHJINDER SINGH AND GURINDER SINGH dated December 20, 2006 and recorded December 21, 2006 in Deed Book 2006-1, Page 525588.

BEING KNOWN AS 10 Lower Way Road, Easton, PA.

TAX PARCEL NUMBER: K8-15-2-3-0324.

THEREON BEING ERECTED a two-story single dwelling with attached one-car garage with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Nirmal Singh and Sukhjinder Singh and Gurinder Singh.

MARGARET GAIRO, ESQUIRE

No. 18

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-13720**

ALL THOSE CERTAIN lots situate in the Township of Bethlehem, County of Northampton and State of Pennsylvania, designated as lots 1 to 6 inclusive and 36 to 41 inclusive block B on Plan of "Bethlehem Annex—Little Farms", recorded in the Office for the Recording of Deeds in

and for Northampton County in Map Book 8, Page 24, as follows:

BEGINNING at the intersection of the southeastern line of William Penn Highway and the northeastern line of John Street; thence extending north-eastwardly along the southeastern line of William Penn Highway north forty-four degrees seventeen minutes east a distance of one hundred thirty-two and seventy-three hundredths (132.73) feet to lot 7 block B according to said plan; thence extending south-eastwardly along the same and along line of lot 42 block B south forty-five degrees forty-three minutes east a distance of two hundred twenty (220) feet to Kelchner Street; thence extending southwestwardly along the north-western line of Kelchner Street south forty-four degrees seventeen minutes west a distance of one hundred thirty-two and seventy-three hundredths (132.73) feet to John Street; thence extending northwestwardly along the northeastern line of John Street north forty-five degrees forty-three minutes West a distance of two hundred twenty (220) feet to the point, the place of beginning.

BOUNDED on the northwest by William Penn Highway, on the north-east by lots 7 and 42 block B, on the southeast by Kelchner Street and on the southwest by John Street.

BEING KNOWN AS 3508 Easton Avenue, Bethlehem, PA.

TAX PARCEL NUMBER: M7SW3 19 1.

THEREON BEING ERECTED a two-story single dwelling with attached two-car garage with aluminum siding and brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Mark Biggs and Donna Biggs.

ROBERT P. DADAY, ESQUIRE

No. 20
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-05624

ALL THAT CERTAIN tract of land located in the Township of Lower Nazareth, County of Northampton and Commonwealth of Pennsylvania, (as shown on a Final Major Subdivision Plan entitled Colts Ridge, dated 8/4/03, prepared by Lehigh Engineering Associates, Inc.), bounded and described as follows; to wit:

BEGINNING at an iron pin located along Lot 29 of the aforementioned subdivision, said pin also located along the right-of-way of Truman Lane, 25.00 from centerline, and the lands herein described, thence;

1) N 84 degrees 17 minutes 28 seconds E, 539. 52 along Lot 29 of the aforementioned subdivision to an iron pin, thence;

2) S 04 degrees 57 minutes 37 seconds W, 180. 63 along lands now or former of Duaine E. & Patricia Ann Meyers to a concrete monument, thence;

3) S 85 degrees 34 minutes 16 seconds W, 537.30 along lands now or former of the following: Anthony J., Jr. & Sandra Mitsos, Andrew Graham & Ann Cooper, Mark J. Panko. David I. & Winifred K. Wilson, and Chris J. Washko & Sandra A. Tanzosh to an iron pin, thence;

4) N 05 degrees 42 minutes 32 seconds W, 168.61 N along the right-of-way of Truman Lane, 25 feet from centerline, to the above mentioned point and place of beginning containing.

BEING KNOWN AS 306 Truman Lane, Bethlehem, PA 18020.

TAX PARCEL NUMBER: L7-6-6-30.

THEREON BEING ERECTED a two-story single dwelling with at-

tached two-car garage with vinyl siding and brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Patrick A. Wypler and Michelle L. Wypler.

MICHAEL T. MCKEEVER, ESQUIRE

No. 21

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-1999-ML-4256**

ALL THAT CERTAIN lot or piece of ground with frame messuage or tenement thereon erected, situate on the South side and known as No. Six Hundred Sixteen (616) Northampton Street in the City of Easton, County of Northampton and State of Pennsylvania, CONTAINING in front on said Northampton Street Fifteen (15) feet, and extending of that width Southwardly Sixty-Seven (67) feet Nine (9) inches to Lot now or formerly of Simon Rice.

BOUNDED on the North by said Northampton Street, on the East by Lot now or formerly of Joseph Kuss, on the South by Lot of Simon Rice, aforesaid, and on the West by Lot late of George Weber, deceased.

EXCEPTING AND RESERVING thereout and therefrom the free and interrupted use in common of a certain Three (3) feet wide alley extending South from Northampton Street along the East side of the premises hereby conveyed and also the free and interrupted use in common of a certain cistern and privy located and erected partly on this and partly on the premises adjoining to the East, subject nevertheless to the payment of one-half of all necessary charges and expenses of maintenance thereof.

BEING KNOWN AS 616 Northampton Street, Easton, PA.

TAX PARCEL NUMBER: L9SE1B 25 15.

THEREON BEING vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Keenhold Associates.

ROBERT P. DADAY, ESQUIRE

No. 22

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-02592**

ALL THAT CERTAIN messuage, tenement and lot or piece of land situate on the easterly side or line of Wood Street, commonly known as No. 760 Wood Street, in the said City of Bethlehem, County of Northampton, more particularly bounded and described as follows, to wit:

BEGINNING at a point in the easterly line of Wood Street distance one hundred fifty-five and four-tenths (155.4") feet north on the northerly line of East Garrison Street, said point being the extension of a line through the middle of the party or partition wall dividing the house erected on these premises from the one adjoining it immediately on the south; thence extending northwardly along the said easterly line of said Wood Street a distance of nineteen (19') feet to a point, said point being the extension of a line through the middle of the party or partition wall dividing the house erected on these premises from the one adjoining it immediately on the north; Thence extending eastwardly of that same width of nineteen (19') feet between parallel lines at right angles to Wood Street, the said lines passing partly through the middle of the party or partition walls aforesaid a distance of ninety-eight (98') feet to Stirling Street.

BOUNDED on the north and south by lands formerly of David J. Goodman and Harry Goodman; on

the east by Stirling Street and on the west by Wood Street.

BEING KNOWN AS 760 Wood Street, Bethlehem, PA 18018.

TAX PARCEL NUMBER:
P6NE2A-19-10.

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

SEIZED AND TAKEN into execution of the writ as the property of Carla L. Miller.

MICHAEL T. MCKEEVER, ESQUIRE

No. 23
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-05796

ALL THOSE CERTAIN Lot or Parcel of land in Allen Township, Northampton County, Pennsylvania, bounded to wit:

BEGINNING at a railroad spike in the center of L.R. 48051, 21 degrees 01 minutes 18 seconds East, 7.41 feet from the intersection of the center line of L.R. 48051 and L.R. 48050; thence from this true point of beginning along the center line of L.R. 48051, South 21 degrees 01 minutes 18 seconds West, a distance of 318.53 feet to a railroad spike in the center of L.R. 48051; thence along land of Arthur G. Warren C. and Norman P. Frable, North 71 degrees 56 minutes 40 seconds West, a distance of 178.56 feet to a bolt; thence along land of Norman and Grace Frable, North 0 degrees 36 minutes 26 seconds East, 115.03 feet to a railroad spike in the center of L.R. 48050; thence along same North 83 degrees 44 minutes 40 seconds East, 17.57 feet to a railroad spike in the center of L.R. 48050; thence North 6 degrees 15 minutes 20 seconds West, a distance of 70.39 feet to a point in line of land of Elias W. and Mirian C. Spengler; thence along same, South 81 degrees 6 min-

utes 22 seconds East, a distance of 238.33 feet, more or less, to the point of beginning.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: K4-23-8 AND K4-30-6.

Together with all singular, the buildings, improvements, woods, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof and also all the Estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the said Grantor, of in and to the said premises, with the appurtenances.

BEING THE SAME PREMISES which Stefano Lombardo and Patricia A. Lombardo, by their Deed dated October 8, 2008 and recorded on October 10, 2008 in the Office for the Recording of Deeds in and for the County of Northampton, Easton, Pennsylvania at Deed Book Volume 2008-1, Page 280647, granted and conveyed unto Anthony K. Alkhal.

BEING KNOWN AS 3819 Seemsville Road, a/k/a 3819 Old Carriage Road, Northampton, PA.

TAX PARCEL NUMBER: K4-23-8 and K4-30-6.

THEREON BEING ERECTED a two-story commercial building with vinyl siding and stucco exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Anthony K. Alkhal.

GROSS MCGINLEY, ESQUIRE

No. 24
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-14358

ALL THAT CERTAIN frame bungalow and lot of land on which the

same is erected, situated on the West side of North Pardee Street and known as 830 North Pardee Street, in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point, the Northwest corner of the intersection of the property lines of Hoffman Terrace and North Pardee Street; thence extending northwardly along the West side of North Pardee Street 50 feet, more or less, and thence extending of that width in depth westwardly 150 feet, more or less, to property now or late of C. K. Williams.

BOUNDED on the North by a two feet wide concrete walk for the use of the property conveyed and the property on the North thereof known as 836 North Pardee Street; on the East by North Pardee Street; on the South by Hoffman Terrace, being a fifteen feet wide roadway for the use of all the property abutting on said roadway; and on the West by property now or late C. K. Williams.

Being known as: 830 Pardee Street, Easton, Pennsylvania 18042.

Title to said premises is vested in Mary Jane Long, Known Surviving Heir of Earl H. Penders, Deceased Mortgagor and Real Owner, Dick Hess, Known Surviving Heir of Earl H. Penders, Deceased Mortgagor and Real Owner and Unknown Surviving Heirs of Earl H. Penders, Deceased Mortgagor and Real Owner by deed from EARL F. PENDERS AND BEULAH M. PENDERS, HIS WIFE dated May 2, 1969 and recorded May 2, 1969 in Deed Book 344, Page 249.

TAX PARCEL NUMBER: L9NE2A-6-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Mary Jane Long, Known Surviving Heir of Earl H. Penders, Deceased Mortgagor and Real Owner, Dick Hess, Known Surviving Heir of Earl H. Penders, Deceased Mortgagor and Real Owner, and Unknown Surviving Heirs of Earl H. Penders, Deceased Mortgagor and Real Owner.

MARGARET GAIRO, ESQUIRE

No. 26

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2009-01360

ALL that certain message, tenement and tract, parcel or piece of ground, situate in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows to wit:

PROPERTY BEING KNOWN AS:

BEGINNING at a point in the West line of Concord Avenue distant sixty-five feet South of Elmhurst Avenue, thence extending in and along the said West line of Concord Avenue Southwardly a distance of sixty (60) feet, and of that same width, between parallel lines of right angles to Concord Avenue, extending Westwardly a distance of one hundred twenty (120) feet;

BOUNDED on the North by land now or late of Melrose Land Company, on the East by Concord Avenue, on the South and on the West by other lands of Melrose Land Company. City of Bethlehem.

BEING KNOWN AS 2115 Concord Avenue, Bethlehem, PA.

TAX PARCEL NUMBER: N6NE3D-5A-2.

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

SEIZED AND TAKEN into execution of the writ as the property of Jeffrey R. Knipe aka Jeffrey Knipe and Tinamarie A. Judd-Knipe.

MARTHA E. VON ROSENSTIEL,
ESQUIRE

No. 27

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-05911**

ALL THAT CERTAIN messuage, tenement, lot or parcel of land situate in the Borough of Freemansburg, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post by the side of the great road leading to Philadelphia, now known as Main Street, thence along the middle of the alley between this property and the property now or late of Catharine Jones, South thirty-two and one-quarter (32-1/4) degrees west seven and one-tenth (7.1) perches to a post; thence by land now or late of John Bellis, now of the Lehigh Coal and Navigation Company, South seventy-two (72) degrees East four and forty-five one-hundredths (4.45) perches to a post, thence down the Lehigh Canal North thirty (30) degrees East four and eighty-five one-hundredths (4.85) perches to the abutment of the canal bridge, thence along the side of Main Street aforesaid, North forty and one-half (40-1/2) degrees West four and three-tenths (4.3) perches to the place of BEGINNING. Containing seventy-six and fourteen one-hundredths (76.14) perches of land, more or less.

UNDER AND SUBJECT to any easements or rights-of-way that may now be of record.

BEING KNOWN AS 4 Main Street, Freemansburg, PA 18017-7230.

TAX PARCEL NUMBER: P7NW2C
3 7 0212.

THEREON BEING ERECTED a two-story apartment building with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Rodney K. Trunk and Lisa M. Trunk.
MICHAEL T. McKEEVER, ESQUIRE

No. 28

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-00748**

ALL THAT CERTAIN messuage, tenement, tract of ground situate on the southerly side of Meadow Lane and known as 114 Meadow Lane, in the Borough of Northampton, County of Northampton, Commonwealth of Pennsylvania, bounded and described according to a plan and survey by Eckert & Malone, Inc., Civil Engineers and Land Surveyors, Sellersville, Pennsylvania, dated September 24, 1973, as follows, to wit:

BEGINNING at a point, said point being the intersection of the southerly right of way line of Meadow Lane and the easterly right of way line of Cherryville Road; thence along the southerly right of way line of Meadow Lane, North seventy seven (77) degrees zero minutes zero seconds East, a distance of one hundred twenty six and seventeen one hundredths (126.17) feet to an iron pipe, said iron pipe being the true place of beginning; thence continuing along the southerly right of way line of Meadow Lane, North seventy seven (77) degrees zero minutes zero seconds East, a distance of sixty six and eleven one hundredths (66.11) feet to an iron pipe, a corner in line of Lot 30B; thence along line of Lot 30B, South thirteen (13) degrees zero minutes zero seconds East, a distance of one hundred twenty (120) feet to an iron pipe; thence South seventy seven (77) degrees zero minutes zero seconds

West, a distance of twenty four and eighty one-hundredths (24.80) feet to an iron pipe, a corner in line of lands of Peter Skrapits; thence along line of Peter Skrapits, North thirty three (33) degrees forty one (41) minutes thirty seven (37) seconds West a distance of forty six and ninety four one hundredths (46.94) feet to an iron pin, a corner in line of lands of William Galgon; thence along line of lands of William Galgon, North thirty one (31) degrees zero minutes zero seconds West, a distance of eighty (80) feet to an iron pipe, said pipe being the true place of BEGINNING.

CONTAINING 5,542.83 SQUARE FEET OF LAND, MORE OR LESS.

BEING THE SAME PREMISES WHICH Melvin E. Lebo and Sandra I. Lebo by deed dated 3/28/02 and recorded 4/2/02 in Northampton County Record Book Volume 2002-1 Page 084399, granted and conveyed unto Steven R. Reinsmith and Lisa M. Reinsmith, husband and wife.

BEING KNOWN AS 114 Meadow Lane, Northampton, PA 18067.

TAX PARCEL NUMBER: L4NW4D-3-34E.

THEREON BEING ERECTED a two-story half-of-double style dwelling with aluminum siding and brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Lisa M. Reinsmith and Steven R. Reinsmith.

LEON P. HALLER, ESQUIRE

No. 29

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-07005**

ALL THAT CERTAIN piece or parcel of land situated in the Borough of Tatamy, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin the curb line on the South side of Broad Street; thence along the lot now or late of William H. Doffert South 4-3/4th degrees East 232 feet to an iron pin on the North side of a 20 feet alley; thence along said alley South 85-1/4th degrees West 52 feet to an iron pin along said alley; thence along lot now or late of Owen C. Lichenwalner North 4-3/4th degrees West 232 feet to an iron pin in the curb line on the South side of Messinger Street now Broad Street; thence along said curb line North 85-1/4th degrees East 50 feet and place of Beginning.

TITLE TO SAID PREMISES IS VESTED IN Richard L. Horton and Terry DeFrancesco, by Deed from Charles J. Orem and Sylvia K. Orem, h/w, dated 07/18/2008, recorded 08/04/2008 in Book 2008-1, Page 225436.

By virtue of the death of Ricahrd L. Horton on 11/21/2008, defendant Terry DeFrancesco became sole owner of the mortgaged premises as joint tenant with right of survivorship.

BEING KNOWN AS 352 Broad Street, Easton, PA 18045-5666.

TAX PARCEL NUMBER: J8SE3B 15 2 0430.

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

SEIZED AND TAKEN into execution of the writ as the property of Terry Defrancesco.

DANIEL G. SCHMIEG, ESQUIRE

No. 30

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-06417**

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, situate in the Borough of Wilson, County of

Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Southerly side of Second Street (52 feet wide) at the distance of 529.36 feet Westwardly from the Westerly side of 23rd Street (60 feet wide).

CONTAINING in front or breadth on the said Southerly side of Second Street 20 feet, and extending of that width in length or depth Southwardly between parallel lines at right angles to the said Second Street, passing through the center of party walls between these premises and the premises adjoining 86.16 feet.

TITLE TO SAID PREMISES IS VESTED IN Queenesther Johnson, by Deed from Eleanor R. Roskilly, dated 09/30/2005, recorded 10/13/2005 in Book 2005-1, Page 403981.

BEING KNOWN AS 2352 2nd Street aka 2352 Second Street, Easton, PA 18042-6062.

TAX PARCEL NUMBER: M9NW1C 9 4 0837.

THEREON BEING ERECTED a two-story row-home style dwelling with attached one-car garage with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Queenesther Johnson aka Queen Esther Johnson.

DANIEL G. SCHMIEG, ESQUIRE

No. 31
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-07574

ALL THAT CERTAIN dwelling house, numbered 819 Lehigh Street, being the eastern half of a double dwelling house, and lot of land on which the said eastern half of the said double dwelling house is erected, situated on the north side of Lehigh Street, in the said City of Easton,

beginning at a point, the southwest corner of land of S. Morton Zulick, thence extending along said Lehigh Street, westwardly 29 feet to a point in the dividing line of said double dwelling house, and of that width extending northwardly in depth between parallel lines 106 feet to land about to be conveyed to John R. Chidsey.

TITLE TO SAID PREMISES IS VESTED IN Cedric G. Bright, a married man, by Deed from Simeon Pecchia and Donna Pecchia, h/w, dated 04/05/2004, recorded 04/07/2004 in Book 2004-1, Page 128629.

BEING KNOWN AS 819 Lehigh Street, Easton, PA 18042-4327.

TAX PARCEL NUMBER: L9SE1C 7 10 0310.

THEREON BEING ERECTED a three-story half-of-double style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Cedric G. Bright.

DANIEL G. SCHMIEG, ESQUIRE

No. 32
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-04750

ALL THAT CERTAIN lot of land situate on the East side of Center Street, known as No. 532 Center Street, in the City of Easton, County of Northampton, and Commonwealth of Pennsylvania, CONTAINING in front on said Center Street twenty (20) feet, and extending of that width Eastwardly one hundred forty (140) feet in depth to a ten (10) feet wide private alley.

BOUNDED on the North by property now or late of Harry E. Paul, on the East by said private alley, on the South by property now or late of Irvin Price, and on the West by Center Street.

TITLE TO SAID PREMISES IS VESTED IN Gary P. Evans and Candi C. Evans, h/w, by Deed from Randy Lee Dalrymple and Jacqueline P. Dalrymple, fka, Jacqueline P. Trauger, h/w, dated 03/31/1986, recorded 04/08/1986 in Book 698, Page 705.

BEING KNOWN AS 532 Centre Street a/k/a 532 Center Street, Easton, PA 18042-6449.

TAX PARCEL NUMBER: M9NE1B-5-12.

THEREON BEING ERECTED a three-story single dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Gary P. Evans and Candi C. Evans.

DANIEL G. SCHMIEG, ESQUIRE

No. 33

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-02983**

ALL that certain parcel of property situated in the Borough of East Bangor, County of Northampton and Commonwealth of Pennsylvania, described as follows:

BEGINNING at a corner on Blaine Street; THENCE along the line of Lot Number 21, South one-quarter (1/4) degrees West, one-hundred forty-five (145) feet to a corner; THENCE along the line of a ten (10) foot alley. North eighty-nine and three quarters (89 3/4) degrees East, eighty (80) feet to a corner; THENCE along the line of Henry Milton's Lot, South one-quarter (1/4) degrees West, one-hundred forty-five (145) feet to a corner; THENCE along the line on Blaine Street, North eighty-nine and three quarters (89 3/4) degrees West, eighty (80) feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN John B. Cooper and Charlene H. Cooper, his wife, by Deed

from James V. Weisenberger and Catherine C. Weisenberger, his wife, dated 06/23/1986, recorded 06/24/1986 in Book 703, Page 143.

BEING KNOWN AS 446 Blaine Street, Bangor, PA 18013-2110.

TAX PARCEL NUMBER: D10SW1D 3 16 0109.

THEREON BEING ERECTED a two-story single dwelling with aluminum siding exterior and shingle roof; detached three-car garage.

SEIZED AND TAKEN into execution of the writ as the property of John B. Cooper and Charlene H. Cooper.

DANIEL G. SCHMIEG, ESQUIRE

No. 34

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-14292**

All that certain lot or piece of land situate in Williams Township, in the County of Northampton, and Commonwealth of Pennsylvania bounded and described as follows, to wit:

Beginning at a black oak tree, thence by land now or late of the Glendon Iron Company south sixty-four degrees and three-quarters west, thirty-one perches and two-tenths to a stone, thence by lands now or late of Thomas Richards south forty-one and one quarter degrees east, nine perches and three-tenths to a stone, thence by land now or late of Peter Jacoby south eighty-three and one-half degrees east, seven perches and two tenths of a stone, thence by the same, north eighty-six degrees east eighteen perches to a post; thence by land now or late of the Glendon Iron Company, north seven and one-half degrees west, nineteen perches and one-half to the place of beginning. Containing two acres and sixty-eight perches, strict measure.

TITLE TO SAID PREMISES IS VESTED IN Stella E. Breiner and

Kenneth A. Breiner, mother and son, as joint tenants with right of survivorship, and not as tenants in common, by Deed from Stella E. Breiner, a widow, dated 08/21/2004, recorded 08/23/2004 in Book 2004-1, Page 329495.

BEING KNOWN AS 95 Gaffney Hill Road, Easton, PA 18042-9516.

TAX PARCEL NUMBER: N9-5-8 0836, N9-6-19-0836.

THEREON BEING ERECTED a two-story single dwelling with vinyl siding exterior and shingle roof and a one-car business garage.

SEIZED AND TAKEN into execution of the writ as the property of Kenneth A. Breiner and Stella E. Breiner.

DANIEL G. SCHMIEG, ESQUIRE

No. 35
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-08919

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected situate on the Northerly side of Spring Garden Street in the City of Easton, County of Northampton and State of Pennsylvania, known as 217 SPRING GARDEN STREET, EASTON, PENNSYLVANIA, BOUNDED and described according to a Plan and Survey thereof made by Walter F. Auch, Registered Engineer surveyed January 27, 1954, and drawn January 30, 1954, as follows, to wit:

BEGINNING at a point on the Northerly building line of Spring Garden Street, said point being at a distance of 70.0 feet on the course N 86 degrees 00 minute W from the Northwesterly corner of North Second and Spring Garden Streets; thence by the said building line of Spring Garden Street N 86 degrees 00 minute W 90.0 feet to a point; thence by land of St.

Michael Roman Catholic Parish N 4 degrees 35 minutes E 89.52 feet to a point; thence by land of F. Royce Bush by the Northerly face of a brick wall S 86 degrees 21 minutes E 50.0 feet to a point at the Easterly end of said brick wall; thence by land of F. Royce Bush S 4 degrees 35 minutes W 30.0 feet to a point; thence by the same S 86 degrees 21 minutes E 40.0 feet to a point; thence by the same S 4 degrees 35 minutes W 60.07 feet to a point, the place of beginning.

SUBJECT, HOWEVER, to any and all easements, covenants, conditions, and restrictions whether of record or visible on the above-described premises, or otherwise, if any.

TITLE TO SAID PREMISES IS VESTED IN Mathew T. Tillotson, married, by Deed from Markris Realty, LLC., a Pennsylvania limited liability company, dated 05/15/2006, recorded 05/22/2006 in Book 2006-1, Page 202807.

BEING KNOWN AS 217 Spring Garden Street, Easton, PA 18042-3619.

TAX PARCEL NUMBER: L9NE3C 2 14 0310.

THEREON BEING ERECTED a three-story single dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Mathew T. Tillotson.

DANIEL G. SCHMIEG, ESQUIRE

No. 36
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-13040

ALL THAT CERTAIN lot or tract of land on the east side of Weygadt Drive in the City of Easton, County of Northampton, Commonwealth of Pennsylvania, being Lot No. 1 on the Plan of Kinderwood Manor, dated February 13, 1975, prepared by Dale

Kulp and recorded in the Office of the Recorder of Deeds in Northampton County in Plan Book 34, Page 36, being more particularly bounded and described as follows, to wit:

BEGINNING at an iron pipe it being the northwest corner of land now or late of Elwyn Tilden and the East side of Weygadt Drive, thence along the east side of Weygadt Drive the following two courses and distances: North 21 degrees 33 minutes 27 seconds West 165.61 feet to an iron pipe, thence around a curve to the left having a length of 52.56 feet to an iron pipe, thence along Burke Street and a curve to the right with a length of 49.48 feet to an iron pipe, thence along Lot #2 of which this was a part of North 87 degrees 21 minutes 23 seconds East 236.17 feet to an iron pipe, thence along Lot #3 of which this was a part South 24 degrees 46 minutes 27 seconds East 232.8 feet to a found iron pipe, thence along land now or late of Elwyn Tilden the following two courses and distances: South 79 degrees 18 minutes 33 seconds West 162.37 feet to a found iron pipe, thence South 65 degrees 23 minutes 33 seconds West 53.54 feet to an iron pipe, the place of beginning.

CONTAINING 1.06 acres.

BOUNDED on the North by Lot #2, on the East by Lot #3, on the South by land now or late of Elwyn Tilden and on the West by Weygadt Drive.

SUBJECT TO any and all easements, restrictions and covenants of record.

TOGETHER with a 20 feet wide right of way for a sewer easement across the southwest corner of Lot #2 including a right of ingress and egress across said easement to repair, maintain and replace said sewer line.

THIS easement shall be for the benefit of the grantees, herein, their heirs and assigns, on the condition that if the grantees, herein, their heirs and assigns, disturb this easement for the aforesaid purposes, the land will be restored to its prior condition.

TITLE TO SAID PREMISES IS VESTED IN John G. Cavallo and Dana S. Cavallo, his wife, by Deed from G. Robb Means and Margery S. Means, his wife, dated 12/30/2004, recorded 01/05/2005 in Book 2005-1, Page 4541.

BEING KNOWN AS 609 Weygadt Drive, Easton, PA 18042-1624.

TAX PARCEL NUMBER: L10NW1A3 1B-2.

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

SEIZED AND TAKEN into execution of the writ as the property of John G. Cavallo and Dana S. Cavallo.

DANIEL G. SCHMIEG, ESQUIRE

No. 37

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-03491**

All that certain messuage, tenement, tract, parcel of piece of land lying and being in the Borough of Portland, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

Beginning at a stone in the public road leading from Easton to the Delaware Water Gap; Thence North twenty-eight degrees East three and nine-tenths perches to a corner in land of William L. Bowman; thence North sixty-three degrees West ten perches to a stake; thence by land of Peter Frey South twenty nine degrees West three and nine-tenth perches to a corner in land of H. P. Armstrong; thence South sixty-three degrees East ten perches to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Carl W. Beck and Arlene M. Beck, his wife, as tenants by the entireties, by Deed from Mason J. Reimer and Shirley M. Reimer, parents and natural Guardians of Pamela C. Reimer and Curtis A. Reimer, minors and Albert W. Newton and Audrey C. Newton, parents and natural Guardians of Craig W. Newton and Jason C. Newton, minors, dated 04/21/1969, recorded 04/25/1969 in Book 343, Page 334.

By virtue of death of Carl W. Beck on 7/25/99, Arlene M. Beck became the sole owner of the mortgaged premises as surviving tenant by the entireties. Arlene M. Beck died on 8/18/07 and upon information and belief, her heirs or devisees, and personal representative, as confirmed by the Register of Wills of Northampton County, are unknown.

BEING KNOWN AS 201 State Street, Portland, PA 18351.

TAX PARCEL NUMBER:
C11NE2B8 7 0127.

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

SEIZED AND TAKEN into execution of the writ as the property of Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title, or Interest From or Under Arlene M. Beck, Deceased.

DANIEL G. SCHMIEG, ESQUIRE

No. 38

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-10822**

Parcel No. 1:

All that certain lot or piece of ground, together with the improvements thereon, situate on the North side of East Tenth Street in the Third Ward of the Borough of Northampton,

County of Northampton and State of Pennsylvania, being known as No. 519 E. Tenth Street, bounded and described as follows, to-wit:

Beginning at a point in the middle of East Tenth Street, leading from Northampton to Howertown, and in line of land now or late of Charles Bittner; thence along the middle of said Tenth Street, in an Easterly direction, 24 feet, more or less, to a point in said Tenth Street and in line of land now or late of Stephen Hanto and Mary Hanto, his wife; thence along said land and partly through the middle of a party wall dividing the herein described premises and premises known as No. 521 East Tenth Street, in a Northerly direction 150 feet, more or less, to a point in the line on land now or late of Stephen Hanto and Mary Hanto, his wife; thence Westwardly along the same, 24 feet, more or less, to a point in line of land of the said Charles Bittner; thence along the latter South 150 feet, more or less, to a point, the place of beginning.

Parcel No. 2:

All that certain tract of land, including a cinder block garage, situate to the rear of property of Helen Marx, known as No. 519 East Tenth Street, in the Third Ward of the Borough of Northampton, County of Northampton and State of Pennsylvania, as follows, to-wit:

Beginning at a point at the Northwest corner of the property of record owner Rudolph J. Marx and Helen Marx, husband and wife, thence along the latter North 88 degrees 15 minutes West 24 feet to a point in line of land now or late of Paul E. Epser; thence North 01 degree 45 minutes East 25 feet along the latter to a point; thence South 88 degrees 15 minutes East along property now or late of

Universal Atals line, 24 feet to a point along the rear portion of property now or late of Mary Hanto; thence South 01 degree 45 minutes West more or less, 25 feet to the place of beginning.

Commonly known as: 519 East 10Th. Street, Northampton, PA 18067.

UNDER AND SUBJECT to any easements, conditions, covenants, reservations, and restrictions appearing of record, and any judgments or mortgages, including, but not limited to the following:

Under and Subject to any easements, conditions, covenants, reservations, and restrictions appearing of record.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: Map M4NE1A, Block 5, Lot 6.

TITLE TO SAID PREMISES IS VESTED IN Catherine A. Iliff and Michael S. Iliff, h/w, by Deed from Donald F. Suranofsky, Sr., dated 04/20/2006, recorded 04/21/2006 in Book 2006-1, Page 157236.

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

SEIZED AND TAKEN into execution of the writ as the property of Donald F. Suranofsky, Sr. and Catherine A. Iliff and Michael S. Iliff.

DANIEL G. SCHMIEG, ESQUIRE

No. 39
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-03149

ALL THAT CERTAIN messuage, tenement, or tract of land with the buildings, situate on the south side of Twelfth Street (formerly Hickory Street) in the Borough of Northampton, Northampton County, Commonwealth of

Pennsylvania, bounded on the north by Twelfth Street, on the east by lot now or late of John Yoniglosz, on the south by Cement Alley, and on the west by Lot No. 126 now or late of John Shigo.

CONTAINING tin front said Twelfth Street twenty-five (25) feet and extending southward of that width at right angles to said Twelfth Street, a depth of one hundred and fifty (150) feet to aforesaid Cement Alley.

BEING the western half of Lot No. 127 on plan of town lots laid out of the land of estate of Peter Beil by the Lehigh Engineering Company, C.E.

TOGETHER with all and singular the buildings and improvements, ways, alleys, driveways, passages, waters, water-courses, rights, liberties, priveleges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said grantors, as well at law as in equity, of, in and to the same.

TITLE TO SAID PREMISES IS VESTED IN Craig A. White, father and Krystal R. White, daughter, by Deed from Henry E. Allison, Jr. and Holli A. Allison, h/w, dated 06/26/2007, recorded 07/16/2007 in Book 2007-1, Page 259525.

BEING KNOWN AS 424 East 12th Street, Northampton, PA 18067-1745.

TAX PARCEL NUMBER: M4NW2B 4 4 0522.

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

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

Krystal R. Leap aka Krystal R. White and James R. Leap and Craig A. White.

DANIEL G. SCHMIEG, ESQUIRE

No. 40
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-06524

All that certain piece of ground, with improvements thereon erected, known as 1224 Collmar Avenue, situate in the Township of Palmer, County of Northampton and State of Pennsylvania:

Being known as Lot No. 116 and the Southern half of Lot No. 117, as shown on the Plan of 'Wilden', said Map or Plan being recorded in Map Book Volume 6, Page 18, Northampton County Records, and being more particularly bounded and described as follows;

Beginning at a point on the Easterly building line of Collmar Avenue, said point being distant 120.0 feet on the course North 1 degree 20 minutes East from the point of intersection of the extended Northerly building line of Greenway Street and the extended Easterly building line of Collmar Avenue; Thence by the Easterly building line of Collmar Avenue North 1 degree 20 minutes East, 60.0 feet to a point; Thence through Lot No. 117, South 88 degrees 40 minutes East, 115.0 feet to a point; Thence by Lots Nos. 108 and 109, South 1 degree 20 minutes West, 60.0 feet to a point; Thence by Lot No. 115, North 88 degrees 40 minutes West, 115.0 feet to a point, the place of Beginning.

Bounded on the North by the Northern half of Lot No. 117; on the East by Lots Nos. 108 and 109; on the South by Lot No. 115; and on the West by Collmar Avenue.

TITLE TO SAID PREMISES IS VESTED IN Blaine C. Fehr and Alice

A. Fehr, his wife, by Deed from Irvin F. Fry and Elizabeth Fry, his wife, dated 06/12/1961, recorded 06/13/1961 in Book 150, Page 534.

By virtue of the death of Blaine C. Fehr, on 8/20/2005, Alice A. Fehr became the sole owner of the mortgaged premises as surviving tenant by the entireties.

BEING KNOWN AS 1224 Colmar Avenue, Easton, PA 18045-5630.

TAX PARCEL NUMBER: M8SE2 8 10 0324.

THEREON BEING ERECTED a single ranch style dwelling with wood exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Alice A. Fehr.

DANIEL G. SCHMIEG, ESQUIRE

No. 41
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-04402

ALL THAT CERTAIN vacant tract or piece of land situate in the Township of Lehigh, Northampton County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin, thence along lands now or late of Paul Herti North 18 degrees 45 minutes West 106.6 feet, more or less, to a corner, thence along lands now or late of Paul Herti South 75 degrees 02 minutes West 160 feet, more or less, to a corner; thence along lands of the Lehigh River South 14 degrees 58 minutes East 160 feet to a corner; thence along lands now or late of Paul Herti North 75 degrees 02 minutes East 166.8 feet, more or less, to a corner; thence along lands now or late of Hnath North 18 degrees 45 minutes West 53.7 feet to the place of beginning.

CONTAINING a roadway crossing the property in a northwesterly direc-

tion, with a width of 20 feet, and adjacent to the east side of street.

UNDER AND SUBJECT to the easements and restrictions as set forth in the chain of title.

UNDER AND SUBJECT, NEVERTHELESS TO CERTAIN CONDITIONS AND RESTRICTIONS OF RECORD AS AFORESAID.

TITLE TO SAID PREMISES IS VESTED IN Lamont C. Schaffer and Anita L. Mazziotta, as joint tenants with right of survivorship, and not as tenants in common, by Deed from Vincent N. Dieter and Judith A. Dieter, h/w, dated 04/30/2003, recorded 05/05/2003 in Book 2003-1, Page 159144.

BEING KNOWN AS 271 Riverview Drive F a/k/a 4759 Three Mile Lane, Walnutport, PA 18088.

TAX PARCEL NUMBER: K2 8 2C 0516.

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

SEIZED AND TAKEN into execution of the writ as the property of Lamont C. Schaffer and Anita L. Mazziotta.

DANIEL G. SCHMIEG, ESQUIRE

No. 42

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04611**

ALL THAT CERTAIN message and tenement and lot or piece of land situated on the south side of Spruce Street, between Elder and Twelfth Streets, and known as No. 1142 Spruce Street, in the City of Easton, County of Northampton, and State of Pennsylvania, bounded and described as follows, to wit:

CONTAINING in front on said Spruce Street 15 feet, and extending of that width southwardly 92 feet, more or less, to land now or late of

George Barnet. Said lot being a part of Lots Nos. 5, 6, 29, and 30 on plan of lots of Charles McIntyre.

BOUNDED on the east by land now or late of James Papics and Vilma Papics, on the south by land now or late of George Barnet, on the west by land of the City of Easton, and on the north by said Spruce Street.

TITLE TO SAID PREMISES IS VESTED IN Gerald W. Mimplitsch and Joan M. Mimplitsch, his wife, by deed from Julia Vargo, widow, dated 01/24/1980, recorded 01/24/1980 in Book 610, Page 1018. And by virtue of the death of Gerald M. Mimplitsch on 08/07/2009, Joan M. Mimplitsch, became sole owner of the property.

BEING KNOWN AS 1142 Spruce Street, Easton, PA 18042-4157.

TAX PARCEL NUMBER: L9SE1D 13 1 0310.

THEREON BEING ERECTED a three-story row-home style dwelling with vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Joan M. Mimplitsch a/k/a Joan M. Stem.

DANIEL G. SCHMIEG, ESQUIRE

No. 44

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-13749**

ALL THAT CERTAIN lot, tract, or parcel of land with the improvements erected thereon, lying on the West side of Oakland Drive, designated as Lot No. 77, as shown on the Final Record Subdivision Plan of Property for North Hills, Phase IV, Section 'A', prepared by the Martin H. Schuler Company, Engineers and Surveyors of Allentown, Pennsylvania; which plan is recorded at the Recorder of Deeds Office in and for the County of Northampton in Map Book No. 2005-5, page 221, situated in the Township

of Allen, County of Northampton, Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point on the western property line of Oakland Drive (50.00 feet wide), said point being the northernmost corner of Lot No. 76 of the North Hills Subdivision, Phase IV;

THENCE extending along Lot No. 76 of the North Hills Subdivision, Phase IV, South 67 degrees 11 minutes 26 seconds West 120.00 feet to a point;

THENCE extending along property now or late of David & Michelle Hobel, North 22 degrees 48 minutes 34 seconds West 50.00 feet to a point;

THENCE extending along Lot No. 78 of the North Hills Subdivision, Phase IV, North 67 degrees 11 minutes 26 seconds East 120.00 feet to a point on the western property line of Oakland Drive;

THENCE extending along the western property line of Oakland Drive, South 22 degrees 48 minutes 34 seconds East 50.00 feet to the point of Beginning.

SUBJECT, however, to a proposed 10.00 feet wide general utility easement along Oakland Drive.

SUBJECT, however, to one-half of a proposed 20.00 feet wide utility easement along the southern side of the above described property.

TITLE TO SAID PREMISES IS VESTED IN Bruce D. Schaller, unmarried and Linda B. Edson, unmarried, by Deed from Louis Tepes, Jr. and Bernice S. Tepes, h/w, dated 05/23/2007, recorded 06/07/2007 in Book 2007-1, Page 209847.

BEING KNOWN AS 3056 Oakland Drive, Northampton, PA 18067-1042.

TAX PARCEL NUMBER: L3 6 3-119 0501.

THEREON BEING ERECTED a one-story half-of-double style dwelling with attached one-car garage with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Bruce D. Schaller and Linda B. Edson.

DANIEL G. SCHMIEG, ESQUIRE

No. 45

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-05616**

All that certain messuage, tenement and lot or piece of ground situate on the Easterly side of Folk Street, known as 424 Folk Street in the City of Easton, County of Northampton, Commonwealth of Pennsylvania as shown on a survey plan prepared by Kenneth R. Hahn PLS drawing No. 86-194 dated September 3, 1986, bounded and described as follows:

Beginning at a point on the easterly right of way line of Folk Street, (50 feet wide), said point being located 37.50 feet North of the northerly right of way line of Kleinhans Street, (40 feet wide); thence extending along the easterly right of way line of Folk Street, North 0 degrees 00 minutes East (due North), 37.50 feet to a point; thence extending along the southerly property line of now or late Patricia Medellin, 418 Folk Street as recorded in deed book 558, on Page 695, North 90 degrees 00 minutes East, (due East), 120.00 feet to a point; thence extending along the westerly property line of now or late Maria G. Bonomo, 180 East Kleinhans Street as recorded in Deed Book Volume 637 on Page 663, South 0 degrees 00 minutes West, (due South), 36.46 feet to a point; thence extending along the northerly property line of now or late Elaine and John J. Haney, 430 Folk Street as

recorded in Deed Book Volume 416 on Page 144, passing along the interior garage wall of the garage erected hereon, South 89 degrees 30 minutes 20 seconds West, 120.00 feet to a point on the easterly right of way line of Folk Street, the place of beginning.

CONTAINING 4,437.34 square feet.

SUBJECT to restrictions, easements, covenants, rights of way and agreements, as recorded in previous documents, deeds and plans.

TITLE TO SAID PREMISES IS VESTED IN Eugene M. Yuknis and Evelyn M. Yuknis, h/w, by Deed from Helena Ealer, widow, dated 09/09/1986, recorded 09/25/1986 in Book 710, Page 57.

BEING KNOWN AS 424 Folk Street, Easton, PA 18042-6606.

TAX PARCEL NUMBER: L9SE3C 11 9 0310.

THEREON BEING ERECTED a three-story single dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Eugene M. Yuknis and Evelyn M. Yuknis.

DANIEL G. SCHMIEG, ESQUIRE

No. 46

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-04515**

ALL THAT CERTAIN lot or piece of ground, together with the northern one-half of a double frame dwelling erected thereon, situate in the Township of Forks, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the road leading from the Delaware River Road to Chestnut Hill, also known as the Frost Hollow Road, and being the fourth station in the description of the tract of which this is a part; thence

South 2 degrees 14 minutes West 77 feet to a point in about the center of the Old Delaware River Road; thence South 54 degrees 26 minutes East 40 feet to a point in the line which passes through the center of the double dwelling erected on said premises; thence North 81 degrees 55 minutes West along the said line which passes through the middle of the double dwelling erected on said premises hereby conveyed and the premises erected on the South, 217 feet to a point in line of land of the heirs of Joseph Fulmer; thence along the same and land of the Metropolitan Edison Co., North 18 degrees 9 minutes East 122 feet to a point in the road leading from the Delaware River to Chestnut Hill and also known as the Frost Hollow Road; thence along the said road South 71 degrees 51 minutes East 153 feet to the place of beginning.

TOGETHER with the right and privilege in the said Grantee, his successors and assigns, their heirs, tenants, and occupiers, at all times to pass and repass in, upon, and over, the northern five feet of that portion of Tract No. 1, of which there hereinbefore described premises are a part, extending from the State Highway to the Delaware River, for any and all purpose whatsoever.

Improvements consist of a single family, two story dwelling of frame construction (one-half of a double residence).

BEING THE SAME PREMISES which Elizabeth S. Jones, widow, by deed dated July 31, 1989 and recorded July 31, 1989, in the Office of the Recorder of Deeds, Northampton County, Pennsylvania, in Book 776, Page 298, granted and conveyed unto Frank J. Soda, in fee.

BEING KNOWN AS 2290 North Delaware Drive, Easton, PA.

TAX PARCEL NUMBER:
K10NW3-1-2.

THEREON BEING ERECTED a two-story half-of-double style dwelling with attached one-car garage with shingle exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Frank J. Soda, Sr.

JACK M. SEITZ, ESQUIRE

No. 47

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-04947**

ALL THAT CERTAIN lot or piece of land lying and being in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania and known as plan of lots of Bethlehem View Tract as Lots #37, #38, and #39, located on the east side of Campbell Street and being bounded on the north by Lot #36, on the east by Lots #66, #65 and #64, and on the south by Lot #40 and on the west by said Campbell Street.

CONTAINING in front on said Campbell Street, 60 feet, more or less and in depth of equal width 105 feet, more or less. Said plan of lots being recorded in Map Book 7, Page 31.

TITLE TO SAID PREMISES IS VESTED IN Tuta R. Pichardo, Married, by Deed from Basilio J. Collado, single, recorded on September 5, 2006 in Book 2006-1, page 363759.

BEING KNOWN AS 1878 Campbell Street, Bethlehem, PA 18017-5366.

TAX PARCEL NUMBER: N7SW1A
8 15 0204.

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

SEIZED AND TAKEN into execution of the writ as the property of Tuta R. Pichardo.

DANIEL G. SCHMIEG, ESQUIRE

No. 48

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-04006**

ALL THAT CERTAIN lot, piece, parcel or tract of land situate lying and being in the Township of Lower Mount Bethel, County of Northampton, State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point, such point being located by the following course and distance from a bolt in the center line of U.S. Route No. 611 at the intersection of the East side of a concrete road produced which road leads into the plant of the Lehigh Portland Cement Company, North fifty-seven degrees fifty-five minutes East two hundred forty-nine and nineteen hundredths feet (249.19); thence by line of Lot No. 4 North twenty-nine degrees thirty-seven minutes West one hundred forty-seven and forty-eight hundredths feet (147.48) to a cut on a concrete curb on the Northernly side of a concrete road running at right angles to this course; thence, again by the same bearing of North twenty nine degrees thirty-seven minutes West, one hundred fifty feet (150) to an iron pipe stake on the South side of a lane; thence again by the same bearing of North twenty-nine degrees thirty-seven minutes West fifty-five and one-half feet (55.50) to a corner in line of lands now or late of the Lehigh Portland Cement Company; thence along the line of the Lehigh Portland Cement Company, North forty-five degrees forty-five minutes East thirty-eight and eighty-nine hundredths feet (38.89) and North forty-four degrees three min-

utes East twelve and eighty-nine hundredths feet (12.89) to a corner; thence by line of Lot No. 6 South twenty-nine degrees thirty-seven minutes East sixty-eight and ninety-five hundredths feet (68.95) to an iron pipe stake; thence again by the same bearing of south twenty-nine degrees thirty-seven minutes East one hundred fifty feet (150) to a cut on a concrete curb; thence again by the same bearing South twenty-nine degrees thirty-seven minutes East one hundred forty-five and forty-six hundredths feet (145.46) to a corner in the right of way of U.S. route No. 611, aforesaid; thence through U.S. Route No. 611, South fifty-seven degrees fifty-five minutes West fifty and five hundredths feet (50.05) to the place of BEGINNING.

CONTAINING 0.412 acres of land and being part of that land which Sidney and Helen F. Hockman did convey by their deed of September 27, 1966 to Nathan Abeloff, which deed is recorded in Deed Book 279, page 558, in the Office of the Recorder of Deeds, at Easton, Northampton County, PA, and being Lot No. 5 as shown on Plan of Lots of Nathan Abeloff drawn in September 1968, by John P. O'Donnell, Professional Engineer.

TOGETHER WITH all that certain 'House' lot, piece, parcel or tract of land bounded and described as follows, to wit:

BEGINNING at a point on the face of a concrete curb, such point being identified by a cut on the top of said curb, and such point being located from a bolt driven in the center line of U.S. Route No. 611 by the following two courses and distances: North twenty-nine degrees twenty-four minutes West one hundred fifty-seven and fifty-three hundredths feet

(157.53 feet) erroneously typed as (175.53 feet) in prior deed, to a nail at the edge of a concrete road, and North sixty degrees twenty-three minutes East, two hundred forty-eight and thirty-three hundredths feet (248.33) to said point on the face of a concrete curb; thence, at right angles to said concrete curb by line of Lot No. 4 North twenty-nine degrees thirty-seven minutes West, one hundred fifty feet (150.00 feet) to an iron pipe stake in the southerly boundary line of a private lane; thence, along the said southerly boundary line of a private lane North sixty degrees twenty-three minutes East, fifty feet, to an iron pipe stake; thence, by line of Lot No. 6, South twenty-nine degrees thirty-seven minutes East, one hundred fifty feet (150.00 feet) to a point on the face of the aforesaid concrete curb; thence, along said face of concrete curb, South sixty degrees twenty-three minutes West, fifty feet (50.00 feet) to the place of BEGINNING.

CONTAINING 7500 square feet of land and being part of that land which was conveyed by Sidney & Helen Hockman to Nathan Abeloff by his Deed of September 27, 1966 which deed is recorded in the Office of Recorder of Deeds at Easton, Pennsylvania in Deed Book Page 279, Page 558, and being Lot No. 5 as shown on Plan of Lots of Nathan Abeloff drawn in September 1968 by John P. O'Donnell, Professional Engineer.

IT IS THE INTENTION OF THE PARTIES HERETO THAT THIS DEED SHALL CONVEY ALL OF THE LAND AND ALL OF THE RIGHTS DESCRIBED IN NORTHAMPTON COUNTY DEED BOOK VOLUME 507 AT PAGE 544 AND NORTHAMPTON COUNTY DEED BOOK VOLUME 516 AT PAGE 125.

UNDER AND SUBJECT to the conditions and restrictions set forth in the chain of title.

UNDER AND SUBJECT to the conditions and restrictions, deemed to run with the land, that no building or structure of any kind whatsoever shall be erected upon the hereinbefore described premises located between Pennsylvania Route No. 611 and the hereinbefore described 'House' lot.

AND ALSO TOGETHER WITH the free right of ingress and regress to the said grantees, their heirs and assigns, tenants, occupiers and invitees, into, over, along and out of a ten (10) foot wide right-of-way or easement leading from State Highway L.R. No. 165 to the low-water line of the Delaware River the centerline being described as follows, to wit:

BEGINNING at a point of beginning above described, and thence south twenty-nine (29 degrees) degrees twenty-four (24) minutes East one-hundred ten (110) feet more or less to the low-water line of the Delaware River.

Reserving, however, to the grantor, their heirs and assigns, the right to change the location of said ten (10) foot wide easement to any point between Course No. 1 and Course No. 12 where such courses extend to the low-water mark of the Delaware River.

TOGETHER WITH free ingress, regress to and for the said Sidney Hochman, his heirs and assigns, his or their tenants, occupiers, possessors and invitees into, along, upon and out of two certain roads or driveways contiguous to the premises herein conveyed, to be used in common with the Lehigh Portland Cement Company, its successors and assigns, as follows:

1. A road or driveway situated at the western boundary of the premises herein conveyed, which extends along the first five (5) courses of the description thereof.

2. A road or driveway at the Eastern end of the premises herein conveyed of which courses No. 10-12 inclusive are the midline.

Subject to the terms and conditions as set forth in the Deed from the Lehigh Portland Cement Company to Sidney Hochman, dated December 6, 1962 and recorded in Deed Book #185, page 600.

Subject to the rights of the Township of Lower Mount Bethel in the road lying to the east of the structures now upon the premises as more fully set forth in the official actions of the supervisors of Lower Mount Bethel Township, the minutes of said meeting being dated July, 1964.

UNDER AND SUBJECT, nevertheless, that the hereby granted premises shall be and remain subject to the following conditions and restrictions, which are deemed to run with the land:

1. No live poultry, hogs, cattle, dogs or animals other than one cat shall be kept on said premises.

2. No building on said land, or any hereafter erected, shall be erected for or used or occupied as a public garage, manufacturing establishment, or for any offensive or malodorous occupancy.

3. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in a sanitary container.

4. No trailer, mobile home or temporary structure of any kind may be erected on or moved to the aforesaid premises.

5. No signs of any type including 'For Sale' signs shall be erected or

maintained on the premises without prior written consent of GRANTORS.

TOGETHER WITH unto the GRANTEES their heirs, successors, and assigns and with the GRANTORS, their heirs, executors and assigns to the continued use of the sewer system and the water system, roads and recreational areas, under and subject however, to an annual lien and charge to be fixed by the Lehigh Cement Row Association from time to time as a majority of said members may see fit to impose, said lien and charge to be for the maintenance of the water system and the sewer system, roads and recreational areas, it being understood that the annual charges therefore, in addition to constituting a lien against the hereinbefore described premises, shall constitute a debt which may be collected by GRANTORS, or their designee and for the said amount of such lien GRANTEES hereby confess judgment for the said sum which shall be due and owing, including attorney's fee of fifteen percent, GRANTEE waiving execution and exemption, stay of execution and authorize any attorney of any Court of record to enter this said Agreement as a judgment for the said sum owing for the prorata share of the cost of maintenance of the said water system, sewer system, roads and recreational areas.

UNDER AND SUBJECT to the conditions and restrictions set forth in the chain of title.

UNDER AND SUBJECT to the conditions and restrictions, deemed to run with the land, that no building or structure of any kind whatsoever shall be erected upon the hereinbefore described premises located between Pennsylvania Route No. 611 and the hereinbefore described 'House' Lot.

TITLE TO SAID PREMISES IS VESTED IN Stephen Faulkner and Sherry A. Faulkner, h/w, by Deed from Richard J. Galley and Ann Marie Galley, h/w, dated 02/28/2007, recorded 03/02/2007 in Book 2007-1, Page 81077.

BEING KNOWN AS 4962 Lehigh Road, Easton, PA 18040-6322.

TAX PARCEL NUMBER: H10-11-5N-0117.

THEREON BEING ERECTED a single ranch style dwelling with stucco exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Stephen Faulkner and Sherry A. Faulkner.

DANIEL G. SCHMIEG, ESQUIRE

No. 49

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04526**

ALL THAT CERTAIN dwelling house, together with the lot or piece of ground upon which the same is erected, being known as No. 703 Radcliffe Street, situate in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania, being further known as Lot No. 74, as shown on the revised Plan of "Briarcliffe Terrace," said Map of Plan being recorded in Map Book Volume 13, Page 6, Northampton County Records, and being more particularly bounded and described as follows, to wit:

On the North by Lot No. 75 on said Plan, on the East by Lot No. 73 on said Plan; on the South by Eldridge Street; and on the West by Radcliffe Street.

CONTAINING in front or width on Radcliffe Street, 80 feet; in depth along Lot No. 75, 94.73 feet; in width along the rear, 88.87 feet and in length along Eldridge Street, 55.64 feet.

UNDER AND SUBJECT to the restrictions, covenants and easements as they appear in the chain of title.

PARCEL #L8NE4-3-18-0324.

BEING THE SAME PREMISES which Ronald McPeck, married, by Indenture dated December 14, 2004 and recorded December 15, 2004 in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 2004-1, Page 484358, granted and conveyed unto SUSAN A. COLE and BRIAN L. COLE, husband and wife.

BEING KNOWN AS 703 Radcliffe Street, Easton, PA.

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

SEIZED AND TAKEN into execution of the writ as the property of Susan A. Cole and Brian L. Cole.

GREGORY JAVARDIAN, ESQUIRE

No. 50

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-04831**

ALL THAT CERTAIN tract or parcel of land situate on the West side of Renwick Street in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point, said point being 62.5 feet Northwardly from the intersection of the Northerly line of Gresham Street with the Westerly line of Renwick Street; thence extending in a Southerly direction along the Westerly line of Renwick Street a distance of 31.25 feet to a point; thence 105 feet Westerly to a point; thence 31.25 feet Northwardly to a point; thence 105 feet Easterly to the place of Beginning.

BEING ALL OF LOT NO. 2 on Minor Subdivision of 1903-1905

Renwick Street, which Plan is recorded in the Office of the Recording of Deeds of Northampton County, Pennsylvania in Map Book 2001-5, Page 62.

TITLE TO SAID PREMISES IS VESTED IN Sulaiman A. Muhammad and Nadine Abelard, by Deed from Joan M. Hottle, dated 11/30/2005, recorded 12/08/2005 in Book 2005-1, Page 496317.

BEING KNOWN AS 1905 Renwick Street, Bethlehem, PA 18017-5323.

TAX PARCEL NUMBER: N7SW1A 8 8A 0204.

THEREON BEING ERECTED a two-story half-of-double style dwelling with vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Nadine Abelard and Sulaiman A. Muhammad.

DANIEL G. SCHMIEG, ESQUIRE

No. 51

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04959**

All that certain parcel of land situate in the Township of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, and being designated as Lot No. 6, according to the map or plan entitled 'Plan of Eastwood Estates' prepared by Leonard M. Fraivillig Company, Engineers, dated May 13, 1968, and recorded in Plan Book 24, Page 27, Northampton County Records.

TITLE TO SAID PREMISES IS VESTED IN William R. Marsten and Darlene A. Marsten, h/w, by Deed from William R. Marsten and Darlene A. Marsten, h/w, dated 12/29/1994, recorded 12/30/1994 in Book 1994-6, Page 111923.

BEING KNOWN AS 3229 Rim Road, Bethlehem, PA 18020-6444.

TAX PARCEL NUMBER: N7SW2 11 7-15-0205.

THEREON BEING ERECTED a single ranch style dwelling with attached two-car garage with vinyl siding and brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of William R. Marsten and Darlene A. Marsten.

DANIEL G. SCHMIEG, ESQUIRE

No. 52
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-11306

ALL THAT CERTAIN lot or piece of ground, situate in the Township of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, described according to a Final Plan of Pennway Estates Phase II, made by Ludgate Engineering Corporation, dated 2/19/1988 and last revised 8/3/1989 and recorded in the Office of the Recorder of Deeds at Easton, Pennsylvania, in Plan Book 89, page 335, as follows, to wit:

BEGINNING at a point on the northeasterly side of Concord Circle (50 feet wide) said point being a corner common to Lots 279 and 280 on said plan; thence extending North 4 degrees 47 minutes 40 seconds West along the northeasterly side of Concord Circle 80.00 feet to a corner of Lot 281; thence extending North 85 degrees 12 minutes 20 seconds East along Lot 281 a distance of 125.00 feet to a point; thence extending South 4 degrees 47 minutes 40 seconds East a distance of 80.00 feet to a point a corner of Lot 279; thence extending South 85 degrees 12 minutes 20 seconds West along Lot 279, 125.00 feet to a point on the northwesterly side of Concord Circle, the place of beginning.

BEING Lot number 280 on said Plan.

TITLE TO SAID PREMISES IS VESTED IN Romaine G. Johnson and Robbyn L. Johnson, by Deed from Bankers Trust Company of California, N.A., as Trustee for Vendee Mortgage Trust 2002-2, dated 12/17/2001, recorded 12/21/2001 in Book 2001-1, Page 276684.

BEING KNOWN AS 4630 Concord Circle a/k/a 4830 Concord Circle, Easton, PA 18045-8130.

TAX PARCEL NUMBER: M8SW3 2 16 0205.

THEREON BEING ERECTED a two-story single dwelling with attached two-car garage with vinyl siding and stucco exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Romaine G. Johnson and Robbyn L. Johnson.

DANIEL G. SCHMIEG, ESQUIRE

No. 53
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-09246

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected situate in the Borough of Wilson, County of Northampton and State of Pennsylvania, described according to a survey and plan thereof made by John McNeal, 3rd, registered engineer of Easton, Pennsylvania, as follows, to wit:

BEGINNING at a point on the south side of Fourth Street (fifty [50] feet wide) at the distance of twenty-eight and twenty one-hundredths (28.20) feet westwardly from the west side of 23rd Street (sixty [60] feet wide); containing in front or breadth on said south side of Fourth Street twenty (20) feet and extending of that

width in length or depth southwardly between parallel lines at right angles to the said Fourth Street partly passing through the center of party walls between these premises and the premises to the east and west eighty-seven and sixteen one-hundredths (87.16) feet.

Being Lot No. 108 on said plan and house No. 2302 Fourth Street.

IT BEING THE SAME PREMISES which Ida Principato, Executrix of the estate of Albert Cicale, also known as Albert V. Cicale, deceased, by her Indenture bearing date the twenty-ninth day of April, A.D. 2003, for the consideration therein mentioned, granted and conveyed unto the said Ida Principato, and to her heirs and assigns, forever; as in and by the said in part recited Indenture recorded in the Office of the Recorder of Deeds in and for Northampton County, at Easton, Pennsylvania, in Record Book Volume 2003-1, Page 152732, etc., relation being thereunto had, more fully and at large appears.

BEING KNOWN AS 2302 Fourth Street, Easton, PA 18042.

TAX PARCEL NUMBER: M9NW1B-19-4.

THEREON BEING ERECTED a two-story row-home style dwelling with attached one-car garage with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Ida Principato.

ALFRED S. PIERCE, ESQUIRE

No. 54
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-07982

ALL THAT CERTAIN lot or piece of land with the messuage or tenement No. 305 Crest Avenue thereon erected, situate, lying and being in the sixteenth Ward of the City of Bethle-

hem, County of Northampton and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Northerly line of Crest Avenue, said point being distant easterly forty feet, more or less, from the Northeast intersection of Crest Avenue and Signet Street said point being also on the extension of a line through the middle of the party or partition wall dividing the house erected on these premises from the one adjoining it immediately on the West; thence Eastwardly along the Northerly line of Crest Avenue thirty feet to a point; thence Northwardly by that width of thirty feet between parallel lines at right angles to Crest Avenue, the Westerly line thereof passing partly through the middle of the party or partition wall aforesaid, a distance of one hundred feet to the Southerly line of a certain unnamed twenty feet wide alley.

BEING THE SAME PREMISES which 305 Crest Avenue Land Trust, by deed dated June 30, 2005 and recorded July 6, 2005 in and for the County of Northampton, Commonwealth of Pennsylvania in Book 20051, Page 250359, granted and conveyed unto John G. Dempsey, a single man, the within mortgagor, his heirs and assigns.

BEING KNOWN AS 305 Crest Avenue, Bethlehem, PA.

TAX PARCEL NUMBER: P7SW3C-2-9.

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

SEIZED AND TAKEN into execution of the writ as the property of John Dempsey.

THOMAS A. CAPEHART, ESQUIRE

No. 55
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-13815

ALL THAT CERATIN piece, parcel or tract of land situate in the Township of Bushkill, County of Northampton and State of Pennsylvania, shown as Lot No. 1 on the Final Plan of the Subdivision of Lands of Andrew P. Ehlers as recorded in Map Book Volume 87, Page 152, in the office of the Recorder of Deeds in and for Northampton County at Easton, Pennsylvania, and being further bounded and described as follows, to wit:

BEGINNING at a point on the easterly right-of-way line of Seifert Road (T.R. 750) at the northwest corner of lands now or late of John and Patricia McDermott; thence along said eastern right-of-way line of Seifert Road (T.R. 750) the following five (5) courses and distances: (1) North thirteen (13) degrees fifty-seven (57) minutes one (1) second East two hundred forty-five (245) feet to a point; thence (2) North seventy-six (76) degrees two (2) minutes fifty-nine (59) seconds West thirteen and fifty one-hundredths (13.50) feet to a point; thence (3) North thirteen (13) degrees fifty-seven (57) minutes one (1) second East sixty and sixty-seven one-hundredths (60.67) feet to a point; thence (4) South seventy-six (76) degrees two (2) minutes fifty-nine (59) seconds East thirteen and fifty one-hundredths (13.50) feet to a point; thence (5) North thirteen (13) degrees fifty-seven (57) minutes one (1) second East eighty (80) feet to a point at a corner of Lot No. 2 of the Subdivision of Lands of Andrew P. Ehlers; thence along lands of Lot No. 2 of the Subdivision of Lands of Andrew P. Ehlers South seventy-six (76)

degrees two (2) minutes fifty-nine (59) seconds East four hundred sixty-seven and twenty-nine one-hundredths (467.29) feet to a point on line of lands now or late of John and Mae Fraunfelder; thence along said lands now or late of John and Mae Fraunfelder South seventeen (17) degrees zero (0) minutes zero (0) seconds West three hundred fourteen and seventy-five one-hundredths (314.75) feet to a point in the right-of-way of Pennsylvania Route 512; thence North eighty-six (86) degrees nineteen (19) minutes thirty-eight (38) seconds West one hundred sixty-one and seventy one-hundredths (161.70) feet to a point at a corner of lands now or late of John and Patricia McDermott; thence along said lands now or late of John and Patricia McDermott North eighty-four (84) degrees twenty (20) minutes fifty-four (54) seconds West two hundred ninety-four and fifty-two one-hundredths (294.52) feet to a point, the place of beginning.

CONTAINING three and seven hundred eighteen one-thousandths (3.718) acres.

UNDERAND SUBJECT, nevertheless, to any and all drainage and utility easements as shown on final recorded plan.

IT BEING THE SAME PREMISES which Andrew P. Ehlers and Bonnie Schenck, by their Indenture bearing date the twenty-first day of April, A.D. 2003, for the consideration therein mentioned, granted and conveyed unto the said Bonnie Schenck, and to her heirs and assigns, forever; as in and by the said in part recited Indenture recorded in the Office of the Recorder of Deeds in and for Northampton County, at Easton, Pennsylvania, in Record Book Volume 2003-1, Page 165551, etc., rela-

tion being thereunto had, more fully and at large appears.

BEING KNOWN AS 1210-1212-1220 Seifert Road, Nazareth, PA.

TAX PARCEL NUMBER: G6-18-4, G6-18-4G, and G6-18-4H.

THEREON BEING ERECTED a two-story single dwelling with attached three-car garage with wood exterior and shingle roof; detached barn.

SEIZED AND TAKEN into execution of the writ as the property of Bonnie Schenck.

ALFRED S. PIERCE, ESQUIRE

No. 56
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-02254

ALL THAT CERTAIN message, tenement and lot or parcel of land situate in the Township of Forks, County of Northampton, Pennsylvania, designated as Lot No. 320 on the Plan of Penn's Ridge, Phases 10 and 12, as said Plan is recorded in the Recorder of Deeds Office in and for Northampton County, Pennsylvania in Map Book Volume 2003-5 Page 358.

UNDER AND SUBJECT, nevertheless, and together with, a certain ten-foot wide access easement as more fully described and illustrated in a certain Declaration and Imposition of Cross-Easement document recorded in the Recorder's office in Miscellaneous Volume 2003-1 Pages 436891-436897.

UNDER AND SUBJECT to covenants, easements and restrictions as shown on the aforementioned Plan of Penn's Ridge and otherwise of record.

TITLE TO SAID PREMISES IS VESTED IN Francisco Pena, by Deed from Hornstein Enterprises, Inc., a Pennsylvania Corporation, dated 09/22/2005, recorded 10/18/2005 in Book 2005-1, Page 411247.

BEING KNOWN AS 2580 Hawthorn Drive, Easton, PA 18040-5830.

TAX PARCEL NUMBER: K9 10 6-320 0311.

THEREON BEING ERECTED a two-story row-home style dwelling with attached one-car garage with vinyl siding and brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Francisco Pena.

DANIEL G. SCHMIEG, ESQUIRE

No. 57
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-07121

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, situate in the Fifteenth Ward of the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, and being known as Lot #99A on Plan of Bayard Park Section Number 1, made by Charles D. Remaly, Registered Surveyor Bethlehem, Pennsylvania, dated March 13, 1954 revised on July 27, 1954 and recorded in the Office for the Recording of Deeds in Map Book 13, Page 33, more fully describe as follows, to wit:

BEGINNING at a point on the Westerly side of Siegfried Street fifty feet wide at the distance of twenty-three and fifty one hundredths feet measured in a Northwardly direction along the same side of Siegfried Street from the Northeastern most terminus of a radial round corner connecting the Westerly side of Siegfried Street with the Northerly side of Fairmount Street fifty-six feet wide.

CONTAINING in front or breadth along the Westerly side of Siegfried Street thirty-six feet and extending of that width in length or depth Westwardly between parallel lines at right

angles with the said side of Siegfried Street one hundred and five feet to a point on the center line of a ten foot wide utility easement.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey J. Rohn and Michele Coello, as joint tenants with the right of survivorship by Deed from Jeffrey J. Rohn dated 2/29/2008 and recorded 3/18/2008 in Record Book 2008-1, Page 73585.

BEING KNOWN AS 1505 Siegfried Street, Bethlehem, PA 18017.

TAX PARCEL NUMBER:
N7SW1C-4-25.

THEREON BEING ERECTED a half-of-double ranch style dwelling with vinyl siding exterior and shingle roof; car port.

SEIZED AND TAKEN into execution of the writ as the property of Michele Coello and Jeffrey J. Rohn.

ROB SALTZMAN, ESQUIRE

No. 58

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-05862**

ALL THAT CERTAIN lot or piece of land situate in the Township of Upper Mt. Bethel, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the West side of Gallery Lane and also being the corner of Lot #3; thence along Lot #3 the following courses and distances: (1) North 45° 42' 34" West 336.823 feet to a point; (2) North 41° 56' 25" East 156.00 feet to a point; (3) thence along Lot #5, South 45° 43' 21" East 339.06 feet to a point on the West side of aforesaid road; (4) thence along said road, South 42° 45' 51" West 156.00 feet to the point and place of beginning. Containing 1.2095 acres. Being Lot #4 of Country Manor Subdivision.

BEING Lot No. 4 on a map of property belonging to Walter Conrad and Ellen Conrad, his wife, and Marcus Schaefer and Ernestine Schaefer, his wife, situate in Upper Mt. Bethel Township, Northampton County, Pennsylvania, known as Country Manor, Section One, filed in Map Book 70, at Page 35, in the Office for the Recording of Deeds, &c., at Easton, Pennsylvania, in and for the County of Northampton.

BEING known as 312 GALLERY LANE, MOUNT BETHEL, PA 18343.

BEING THE SAME PREMISES which Marcus O. Schaefer and Ernestine R. Schaefer, his wife, and Walter E. Conrad and Ellen M. Conrad, his wife, by Deed dated January 5, 1984 and recorded March 23, 1984 in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 662, Page 220, granted and conveyed unto Peter Sopulosky and Helen Sopulosky, his wife. On August 17, 2004 Helen Sopulosky became the sole owner by virtue of the death of Peter Sopulosky, as surviving tenant by the entirety. On December 30, 2009, Helen Sopulosky departed this life. An Estate was raised under Northampton County Register of Wills File No. 2010-0030 and Letters Testamentary were granted to Jean Kutzler as Executrix of the Estate of Helen Sopulosky a/k/a Catherine H. Sopulosky, Deceased.

UNDER AND SUBJECT to conditions and restrictions as set forth in the chain of title.

TAX PARCEL NUMBER: B11-4-16B-0131.

THEREON BEING ERECTED a two-story bi-level style dwelling with attached two-car garage with aluminum siding exterior and shingle roof.

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

Kutzler as Executrix of the Estate of Helen Sopolosky aka Catherine H. Sopolosky, Deceased.

GREGORY JAVARDIAN, ESQUIRE

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

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

RANDALL P. MILLER

Sheriff

Northampton County,
Pennsylvania

CHRISTOPHER T. SPADONI
ESQUIRE

Solicitor to the Sheriff

Jan. 19, 26; Feb. 2

ATTORNEY

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FEBRUARY 2012

MON	TUE	WED	THU	FRI
		1 DRS Civil Pretrials	2 Juvenile Status DRS	3 Misc. Hrngs
6 Juvenile Criminal	7 Criminal	8 Asbestos Pretrials Civil Call Criminal	9 Juvenile Arraignments Criminal	10 Misc. Hrngs
13 Juvenile Civil	14 Civil	15 Civil	16 Juvenile Civil	17 Misc. Hrngs O.C. Audit
20 Presidents' Day	21 Juvenile Arraignments	22 Misc. Hrngs	23 Judges' Conference	24 Judges' Conference
27 Juvenile	28 Argument	29 DRS Status ARD/ Summaries		

ROBERT WALTER d/b/a DIVERSIFIED AUTOMOTIVE SERVICES, Plaintiff v. RINEK ROPE CO., INC., CITY OF EASTON, HEYWOOD BECKER, KARIN BECKER, TUROG PROPERTIES MANAGEMENT, INC., TUROG PROPERTIES LIMITED and MICHAEL T. FOSTER, Defendants

TUROG PROPERTIES LIMITED, Plaintiff v. ROBERT WALTER t/a DIVERSIFIED AUTOMOTIVE SERVICES, Defendant v. TUROG PROPERTIES LIMITED, Defendant and HEYWOOD BECKER, MICHAEL FOSTER and RINEK ROPE, INC., Additional Defendants

Motion for Summary Judgment—Governmental Immunity—Capacity To Sue—Limited Partnership.

In this consolidated action, Plaintiff Robert Walter filed claims against Defendants for the negligent construction and maintenance of storm water drainage facilities. Defendant City of Easton filed a Motion for Summary Judgment, claiming that it was entitled to governmental immunity. The Court denied Defendant City of Easton's Motion for Summary Judgment because: (1) the claims asserted by Plaintiff Robert Walter implicated the utility service facilities exception to governmental immunity, and (2) Plaintiff Robert Walter presented sufficient evidence to create a material issue of fact on the ownership of the drainage facilities.

In the action filed at docket number 2006-4678, Turog Properties Limited filed claims against Plaintiff Robert Walter for failure to pay rent. Plaintiff Robert Walter filed a Motion for Summary Judgment, claiming that Turog Properties Limited lacked the capacity to sue because it was not a registered limited partnership when it filed its complaint and counterclaim. The Court disagreed because a limited partnership may continue litigation instituted prior to its legal formation without the necessity of refileing suit.

In the alternative, Plaintiff Robert Walter argued that because Turog Properties Limited did not exist at the time it was assigned a lease agreement from Rinek Rope Co., Inc., the lease assignment was void. The Court denied Plaintiff Robert Walter's Motion for Summary Judgment because a lease assignment may be enforced after the filing of a certificate of limited partnership.

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Nos. C-48-CV-2006-7452, C-48-CV-2006-4678.

THERESA HOGAN, ESQUIRE, for Robert Walter.

STEVEN E. HOFFMAN, ESQUIRE, for City of Easton.

RONALD L. CLEVER, ESQUIRE, for Turog Properties Limited.

Heywood Becker, Pro Se.

Order of the Court entered on May 12, 2011 by BELTRAMI, J.

OPINION

This matter is before the Court on the Motion for Summary Judgment of Defendant City of Easton, filed on November 5, 2010 and the Motion

for Summary Judgment of Plaintiff Robert Walter, filed on December 3, 2010. Argument was heard on February 11, 2011, briefs have been submitted, and the matters are ready for disposition.

*MOTION FOR SUMMARY JUDGMENT
OF DEFENDANT CITY OF EASTON*

Plaintiff Robert Walter (“Plaintiff Walter”) has sued the City of Easton (“Easton”) for negligence, alleging that Easton’s improper construction and maintenance of storm water drainage facilities resulted in flood damage to his property following a storm that occurred on September 18, 2004. In its motion, Easton argues that there are no material issues of fact and that it is entitled to summary judgment on the basis of governmental immunity.

The Pennsylvania Rules of Civil Procedure set forth the standard of review for a motion for summary judgment as follows:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

Pa. R.C.P. No. 1035.2. Summary judgment may only be granted when the record clearly shows that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Stanton v. Lackawanna Energy, Ltd.*, 951 A.2d 1181, 1185 (Pa. Super. 2008). The moving party bears the burden of proving that no genuine issue of material fact exists. *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648, 650 (Pa. Super. 1999). However, where the non-moving party bears the burden of proof on an issue, he may not merely rest upon the pleadings but must present evidence via “depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial.” *Washington Federal Savings and Loan Association v. Stein*, 357 Pa. Super. 286, 289, 515 A.2d 980, 981 (1986); *see also*, Pa. R.C.P. No. 1035.3(a)(2). The record must be viewed in the light most favorable to the non-moving party, and any doubt as to the existence of a genuine issue of material fact must be resolved against the moving party. *Potter v. Herman*, 762 A.2d 1116, 1117-18 (Pa. Super. 2000). Finally, in deciding a motion for summary judgment, the court restricts its examination to the uncontroverted facts within the plead-

ings, along with the depositions, answers to interrogatories, admissions and affidavits, and expert reports. *Stein*, supra at 289, 515 A.2d at 981; see Pa. R.C.P. No. 1035.1.

Easton argues that the Pennsylvania Political Subdivision Tort Claims Act renders it immune from tort liability. Section 8541 of the Act provides that “no local agency shall be liable for any damages on account of any injury to a person or property caused by any act of the local agency or an employee thereof or any other person.” 42 Pa. C.S.A. §8541. A local agency is defined as “[a] government unit other than the Commonwealth,” a definition which includes Easton. 42 Pa. C.S.A. §8501.

In some instances, however, the legislature has determined that a local agency may be liable for damages. See 42 Pa. C.S.A. §8542. For a local agency to be liable, “there must exist a cause of action at common law which allows recovery of damages.” *Phillips v. City of Philadelphia*, 148 Pa. Commonwealth Ct. 175, 178, 610 A.2d 509, 511 (1992). In addition, the cause of action must fall within one of the eight exceptions to governmental immunity set forth in Section 8542 of the Pennsylvania Political Subdivision Tort Claims Act. *Id.* The eight exceptions include: (1) vehicle liability; (2) care, custody, or control of personal property; (3) real property; (4) trees, traffic controls, and street lighting; (5) utility service facilities; (6) streets; (7) sidewalks; and (8) care, custody, or control of animals. 42 Pa. C.S.A. §8542(b)(1)-(8).

In the instant case, the claims asserted against Easton implicate the utility service facilities exception. This exception provides:

(b) *Acts which may impose liability.*—The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:

....

(5) *Utility service facilities.*—A dangerous condition of the facilities of steam, sewer, water, gas or electric systems owned by the local agency and located within rights-of-way, except that the claimant to recover must establish that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred and that the local agency had actual notice or could reasonably be charged with notice under the circumstances of the dangerous condition at a sufficient time prior to the event to have taken measures to protect against the dangerous condition.

42 Pa. C.S.A. §8542(b)(5).

In its case against Easton, Plaintiff Walter claims that a building housing its business was flooded due to storm water runoff from improperly constructed and/or maintained drainage facilities, including a ditch, a swale, and a drain. Pl.’s Compl. ¶¶8-10; Praecept to File of R. Disc. Pursuant to Rule 4002.1 as Relevant to City’s Mot. for Summ. J., Ex. 2. Easton

initially argues that the utility service facilities exception does not apply because it does not own the drainage facilities. In response, Plaintiff Walter has provided an expert report which opines that the damage to Plaintiff Walter's property was caused, in part, by a poorly constructed and maintained swale that begins at the western terminus of Burke Street and which causes a bottleneck leading to an eighteen-inch reinforced concrete pipe ("Drain") along the easterly property line of Plaintiff Walter's property. Praecipe to File of R. Disc. Pursuant to Rule 4002.1 as Relevant to City's Mot. for Summ. J., Ex. 2, at 3-4. The same report states that on September 18, 2004, five to six inches of rain fell in Easton. *Id.* at 3. The report claims that the poorly maintained swale allowed the storm water to collect debris, which accumulated at a poorly-designed trash rack at the Drain, restricting the flow of the storm water into the Drain and causing it to overflow towards Plaintiff Walter's building. *Id.* at 4-5. From there, some of the water was intercepted by a four-inch polyvinyl chloride pipe and drain abutting Plaintiff Walter's building, but that pipe and drain were too small to control the significant volume of water, allowing water and silt to flow into and damage Plaintiff Walter's property. *Id.* at 4. Plaintiff Walter's expert concludes that "Easton has adopted, if not constructed (at least in several areas), the man made swale." *Id.* Plaintiff Walter's expert also concludes that "by installing the trash rack with the 18 inch [reinforced concrete pipe] to keep its roadway from flooding, ... Easton assures a dam which will cause flooding to the property in question." *Id.* at 4-5. Finally, Plaintiff Walter's expert states that this problem could have been avoided by "regular inspection and proper maintenance of the swale and trash rack." *Id.* at 5.

It has long been Pennsylvania law that, while conclusions recorded by experts may be disputed, the credibility and weight attributed to those conclusions are not proper considerations at summary judgment; rather, such determinations reside in the sole province of the trier of fact, here, a jury. *Miller v. Brass Rail Tavern, Inc.*, 541 Pa. 474, 664 A.2d 525, 528 (1995); *In re Estate of Hunter*, 416 Pa. 127, 205 A.2d 97, 102 (1964) ('The credibility of witnesses, professional or lay, and the weight to be given to their testimony is strictly within the proper province of the trier of fact.'). Accordingly, trial judges are required 'to pay deference to the conclusions of those who are in the best position to evaluate the merits of scientific theory and technique when ruling on the admissibility of scientific proof.' *Grady v. Frito-Lay, Inc.*, 576 Pa. 546, 839 A.2d 1038, 1045 (2003) (citing *Frye v. United States*, 293 F. 1013 (D.C.Cir.1923)).

At the summary judgment stage, a trial court is required to take all facts of record, and all reasonable inferences therefrom, in a light most favorable to the non-moving party. *Toy*, 928 A.2d at 195. This clearly includes all expert testimony and

reports submitted by the non-moving party or provided during discovery; and, so long as the conclusions contained within those reports are sufficiently supported, the trial judge cannot *sua sponte* assail them in an order and opinion granting summary judgment. Contrarily, the trial judge must defer to those conclusions, *see* Grady; Frye, and should those conclusions be disputed, resolution of that dispute must be left to the trier of fact. Miller, 664 A.2d at 528.

Summers v. Certainteed Corp., 606 Pa. 294, 997 A.2d 1152, 1161 (2010).

While acknowledging Plaintiff Walter's expert's conclusions that Easton adopted or constructed the drainage facilities in question, Easton argues that these conclusions are not sufficiently supported by competent evidence. In response, Plaintiff Walter cites to several pieces of evidence produced in discovery, including a sketch showing the design plan for the installation of additional drainage piping from the trash rack and Drain to Bushkill Creek. Mot. for Summ. J. of Def. Easton, Ex. I, Hopkins Ex. 2. That plan indicates that this storm sewer "extension" was constructed in 1963 by E.J. May, Easton's engineer. *Id.* Easton's current engineer acknowledged that the extension may have been constructed by Easton. Mot. for Summ. J. of Def. Easton, Ex. E, at 30. Plaintiff Walter also cites to evidence that Easton made repairs to the drainage facilities in 1996. Praecipe to File of R. Disc. Pursuant to Rule 4002.1 as Relevant to City's Mot. for Summ. J., Ex. 5, at 11-12. Finally, Plaintiff Walter cites to evidence that following the storm in question, Easton came out to clear the swale and trash rack. *Id.*, Ex. 4, at 21:11-15, 27:1-13, 29:6-12, 30:3-25, 31:4-23; Mot. for Summ. J. of Def. Easton, Ex. G, at 17:8-12.

Viewed in the light most favorable to Plaintiff Walter, the above evidence is sufficient to support Plaintiff Walter's expert's conclusions that Easton constructed, adopted and maintained the drainage facilities in question. For this reason, Plaintiff Walter's expert's report is sufficient to submit the issue of Easton's ownership of the drainage facilities to the fact-finder.¹ *See Walker v. Eleby*, 577 Pa. 104, 842 A.2d 389, 401 (2004) (City of Philadelphia's maintenance of trash receptacles created an indicia of own-

¹ We specifically reject Easton's argument that *Jackson v. City of Philadelphia*, 782 A.2d 1115 (Pa. Commw. 2001), *rev'd in part*, 578 Pa. 199, 851 A.2d 834 (2004) is controlling on the issue of ownership in this case. In *Jackson*, the plaintiff was unable to produce any evidence that the curb-stop box that caused the plaintiff's injuries was owned by the City of Philadelphia. Here, Plaintiff Walter has presented indicia of ownership evidence that Easton designed, constructed, extended and maintained the drainage facilities in question. We also decline Easton's invitation to grant summary judgment based upon its own expert's conclusion, and the testimony of its witnesses, that the drainage facilities are not owned by Easton. Rather, we will allow the fact-finder to determine the credibility and weight to be given to the parties' respective witnesses and experts' opinions in this case. *See American States Insurance Company v. Maryland Casualty Company*, 427 Pa. Super. 170, 181, 628 A.2d 880, 885 (1993) ("[I]n summary judgment proceedings, it is not the court's function to determine the facts, but only to determine if an issue of material fact exists.").

ership); *see also*, *Kozura v. A & J Quality Shoppe, Inc.*, 117 Pa. Commonwealth Ct. 9, 542 A.2d 637 (1988). Therefore, in ruling on Easton's motion, we must defer to the conclusions of Plaintiff Walter's expert on the issue of ownership, leaving Easton's dispute with those conclusions to be resolved at the time of trial. *Summers*, *supra*, 997 A.2d at 1161.

In the alternative, Easton argues that even if Plaintiff Walter's evidence is sufficient to establish ownership, there is no evidence that the drainage facilities are "located within rights-of-way." 42 Pa. C.S.A. §8542(b)(5). More specifically, Easton argues that because the drainage facilities are located on private property, and because there are no formal rights-of-way or easements concerning the facilities, it is entitled to immunity, as a matter of law. We disagree. The same argument was rejected in *County of Allegheny v. Dominijanni*, 109 Pa. Commonwealth Ct. 484, 531 A.2d 562 (1987). In *Dominijanni*, a landowner sued several defendants for property damage following a landslide. *Id.* 486, 531 A.2d at 563. One of the original defendants joined a county sanitary authority as an additional defendant, arguing that a sewer pipe the authority had constructed on the joining defendant's property had contributed to the plaintiff's harm. *Id.* After the trial court granted the county sanitary authority's demurrer on the basis of governmental immunity, the joining defendant appealed to the Commonwealth Court. *Id.* at 488, 531 A.2d at 564. On appeal, the county sanitary authority argued that because the pipe was on the joining defendant's private property, and because there was no formal right-of-way or easement for construction of the pipe, the pipe was not located within a "rights-of-way" for purposes of the utility service facilities exception to governmental immunity. *Id.* at 489, 531 A.2d at 565. In rejecting this argument, the Commonwealth Court held:

A definition of the term 'right-of-way' does not appear in the definitions included in the statute providing for sovereign and governmental immunity and the exceptions to it, *see* 42 Pa. C. S. §8501, and there is no case law interpreting its meaning in this context.

[Black's] Law Dictionary 1191 (5th ed. 1979) defines 'right-of-way' as follows:

[The] [t]erm 'right-of-way' sometimes is used to describe a right belonging to a party to pass over land of another, *but it is also used to describe the strip of land upon which railroad companies construct their roadbed, and when so used, the term refers to the land itself, not to the right of passage over it* [...] (Emphasis added.)

Webster's Third New International Dictionary 1956 (1986) also defines 'right-of-way' as 'the land used by a public utility' as well as 'a legal right of passage over another person's ground.'

Appellant's averment that the Authority 'failed to establish a right-of-way and/or easement' through his property is a statement that the Authority did not exercise the power granted to municipal authorities 'to acquire, by purchase or eminent domain proceedings, either the fee or such right, title, interest or easement in such lands, water or water rights as the Authority may deem necessary for any purposes mentioned in this act [...]' Section 11 of the Municipality Authorities Act of 1945, Act of May 2, 1945, *as amended*, 53 P.S. §314.

If the term 'rights-of-way' in 42 Pa. C. S. §8542(b)(5) were to be interpreted to refer only to this legal right, it would permit local government agencies to avoid liability under the utility service facilities exception by failing, inadvertently or intentionally, to obtain the legal right to use another's property. This would be an absurd and unreasonable result which the legislature is presumed not to intend. 1 Pa. C. S. §1922(1).

We conclude that the term 'rights-of-way', as used by the legislature in the phrase 'located within rights-of-ways', refers to the strip of land on which the local agency has constructed its utility service facilities, not to the exercise of its legal right to do so.

Id. 490-91, 531 A.2d at 564-65. Likewise, even if Plaintiff Walter is unable to establish a recorded easement or right-of-way for the drainage facilities in question, Plaintiff Walter's evidence that Easton constructed, adopted and maintained the drainage facilities is sufficient to create a genuine issue of material fact pursuant to *Dominijanni*. See also, *Primiano v. City of Philadelphia*, 739 A.2d 1172 (Pa. Commw. 1999) (city-owned water meter in homeowner's private basement located within rights-of-way because city had constructed the meter and meter located on strip of land). Therefore, as with the issue of ownership, this issue will have to be resolved at the time of trial.

For all of the above reasons, the Motion for Summary Judgment of Defendant City of Easton will be denied.

*MOTION FOR SUMMARY JUDGMENT OF
PLAINTIFF ROBERT WALTER*

In the action filed at docket number 2006-4678, Turog Properties Limited ("Turog") filed a complaint against Plaintiff Walter on August 4, 2006. In that complaint, Turog alleges that it is "a Pennsylvania Limited Partnership." Turog's Compl., Ex. B. Turog further alleges that Rinek Rope Company, Inc. ("Rinek") leased the property at 991 Bushkill Drive, in Easton, to Plaintiff Walter under the terms of a lease commencing June 1, 2004. *Id.* ¶5. Turog claims that on October 21, 2005, Rinek transferred title

to the property to Turog. *Id.*, Ex. B. Turog states that on the same date, Rinek assigned its rights under the lease to Turog. *Id.* Turog avers that Plaintiff Walter has failed to pay the rent due under the lease and seeks damages for breach of contract, quantum meruit and unjust enrichment. *Id.* ¶7.

In Plaintiff Walter's case docketed at 2006-7452, Turog filed a counterclaim against Plaintiff Walter on June 10, 2009.² That counterclaim alleges the same facts and seeks the same relief as Turog's complaint filed at docket number 2006-4678.

In his Motion for Summary Judgment, Plaintiff Walter claims that at the time Turog's complaint and counterclaim were filed, Turog had not yet filed a certificate of limited partnership and was not an entity existing or registered to do business in the Commonwealth of Pennsylvania. As a result, Plaintiff Walter argues that Turog is not the real party in interest, lacks capacity to sue, and/or has no standing to assert any claims against him as a matter of law.

Pennsylvania Rule of Civil Procedure provides that "all actions shall be prosecuted by and in the name of the real party in interest." Pa. R.C.P. No. 2002(a). "This rule is mandatory" *Miller et ux. v. Michael Morris, Inc. et al.*, 361 Pa. 113, 118, 63 A.2d 44, 47 (1949). As the Pennsylvania Supreme Court has explained:

It is fundamental that an action at law requires a person or entity which has the right to bring the action, and a person or entity against which the action can be maintained. By its very terms, an action at law implies the existence of legal parties; they may be natural or artificial persons, but they must be entities which the law recognizes as competent.

Thompson et al. v. Peck et al., 320 Pa. 27, 30, 181 A. 597, 598 (1935). In addition, "[a] party seeking judicial resolution of a controversy in this Commonwealth must, as a prerequisite, establish that he has standing to maintain the action." *Nye v. Erie Insurance Exchange*, 504 Pa. 3, 5, 470 A.2d 98, 100 (1983). "The core concept, of course, is that a person who is not adversely affected in any way by the matter he seeks to challenge is not 'aggrieved' thereby and has no standing to obtain a judicial resolution of his challenge." *Id.* (quoting *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 192, 346 A.2d 269, 280 (1975)).

In this case, Turog argues that it is the real party in interest and has standing by virtue of Rinek's assignment of the lease to Turog on October 21, 2005. Turog's Compl., Ex. B; Turog's Countercl. ¶55. Plaintiff Walter counters that Turog did not exist as of October 21, 2005, making Rinek's

²The actions at docket numbers 2006-4678 and 2006-7452 were consolidated on March 17, 2008.

lease assignment ineffective.³ Thus, Plaintiff Walter argues that Turog does not have capacity to sue and does not have standing.

As stated previously, Turog purports to be a limited partnership. A limited partnership is “[a] partnership formed by two or more persons under the laws of this Commonwealth and having one or more general partners and one or more limited partners.” 15 Pa. C.S.A. §8503. Limited partnerships are governed by the Pennsylvania Revised Uniform Limited Partnership Act. 15 Pa. C.S.A. §8501. “In order to form a limited partnership, a certificate of limited partnership must be executed and filed in the Department of State ...” 15 Pa. C.S.A. §8511(a). The effective date of the formation of a limited partnership is prescribed by statute as follows:

(b) *Effective date of formation.*—A limited partnership is formed at the time of the filing of the certificate of limited partnership in the department or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section or the corresponding provisions of prior law.

15 Pa. C.S.A. §8511(b) (emphasis added).

Turog’s certificate of limited partnership states that Turog’s formation “shall be effective on June 29, 2005.” Mot. for Summ. J. of Pl. Robert Walter, Ex. D. However, the certificate was not filed until September 28, 2009. *Id.* The statute does not allow for the retroactive formation of a limited partnership. *See* 15 Pa. C.S.A. §8511(b). Rather, the statute states that a limited partnership can be formed (1) as of the date the certificate is filed; or (2) as of a “later” date specified in the certificate. *Id.* In this case, because a “later” date was not specified, Turog was formed effective September 28, 2009, the date the certificate was filed. 15 Pa. C.S.A. §8511(b).

Plaintiff Walter argues that because Turog was not formed until September 28, 2009, Turog did not exist at the time it filed the complaint and counterclaim and therefore lacked capacity to sue. We disagree. After it is legally formed, a limited partnership may continue litigation instituted prior to its legal formation without the necessity of refile suit. *Cf. International Inventors Inc., East v. Berger*, 242 Pa. Super. 265, 268, 363 A.2d 1262, 1263-64 (1976) (suit filed before foreign corporation obtained certificate of authority may be continued without the necessity of refile suit after corporation obtains such certificate). In this case, Turog has filed the certificate of limited partnership effective September 28, 2009. Thus, it does not need to refile suit but may continue the litigation started prior to such filing. Therefore, Turog has capacity to continue the instant litigation.

In the alternative, Plaintiff Walter argues that because Turog did not exist at the time the lease was assigned to it from Rinek, the lease assign-

³ Plaintiff Walter argues that Rinek’s deed to Turog is void for the same reason. However, Turog alleges standing pursuant to the lease assignment, not the deed. Therefore, Plaintiff Walter’s argument in this regard is irrelevant.

ment is void, depriving Turog of standing. We disagree. The lease assignment is not void, but may be enforced by Turog after the filing of the certificate of limited partnership. *Cf. id.* at 268, 363 A.2d at 1264 (a contract made by a nonqualified foreign corporation is not void but may be enforced after its qualification). Thus, having filed a certificate of limited partnership, Turog may enforce the lease assignment. Therefore, Turog has standing to pursue the instant complaint and counterclaim.

For all of the above reasons, the Motion for Summary Judgment of Plaintiff Walter will be denied.

WHEREFORE, we enter the following:

ORDER

AND NOW, this 12th day of May, 2011, the Motion for Summary Judgment of Defendant City of Easton is hereby DENIED.

The Motion for Summary Judgment of Plaintiff Robert Walter is hereby DENIED.

The Court Administrator is hereby directed to place the instant cases on the September 19, 2011 civil jury trial list and to schedule the cases for a settlement conference before Judge Isaac S. Garb.

**ST. JANE FRANCES De CHANTEL CHURCH a/k/a ST. JANE
FRANCES De CHANTEL ROMAN CATHOLIC CHURCH a/k/a
ST. FRANCES R.C. CHURCH and THE DIOCESE OF
ALLENTOWN, Plaintiffs v. DENNIS R. CONNELL, AIA,
individually and t/a FORM SPACE DESIGN and ADAMS-BICKEL
ASSOCIATES, INC. and DAVID J. PARSONS, individually and t/a
EASTERN CONSULTANTS a/k/a EASTERN CONSULTANTS,
INC., DUAL TEMP, INC. a/k/a
DUAL TEMP COMPANY, INC., Defendants**

Summary Judgment—Indemnification Agreement—Subcontractor—Contract Interpretation.

Court denies general contractor's motion for summary judgment on its cross claim for indemnification against a subcontractor codefendant. The Plaintiffs alleged the building constructed for the Plaintiffs by the Defendants contained defects to the building and/or the heating and cooling system that made it extremely difficult to control the interior temperature of the building. The general contractor moved for summary judgment claiming that the subcontractor had agreed to indemnify the general contractor for all liability to the Plaintiffs even if the subcontractor was found to have zero liability for the Plaintiffs' claimed damages. Indemnity agreements are narrowly interpreted in Pennsylvania, and the court found the clause at issue is triggered only if the claimed damage resulted from something the subcontractor did or should have done. A genuine issue of material fact existed as to whether the indemnification provision was triggered. The motion was denied.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—Law, No. C-48-CV-2006-6236.

CHARLES BRUNO, ESQUIRE, for the Plaintiff.

NICHOLAS NOEL, ESQUIRE, for David Parsons and Eastern Consultants.

ROBERT J. WATSON, JR., ESQUIRE, for Adams-Bickel Associates.

R. THOMAS McLAUGHLIN, ESQUIRE, for Dennis Connell and Form Space Design.

MALCOLM GROSS, ESQUIRE, for Dual Temp.

Order of the Court entered on April 11, 2011 by BARATTA, J.

ORDER

AND NOW, this 11th day of April, 2011, upon due consideration of Defendant Adams-Bickel Associates, Inc.'s Motion for Summary Judgment on its cross-claim for indemnification against Defendant Dual Temp, Inc., and the responses thereto, it is hereby *ORDERED* that the Motion for Summary Judgment of Adams-Bickel Associates, Inc. is *DENIED*.

*STATEMENT OF REASONS**Factual and Procedural History*

The present motion for summary judgment filed by Defendant, Adams-Bickel Associates, Inc. (Adams-Bickel), against Codefendant, Dual Temp, Inc. (Dual Temp) arises from a Complaint filed by Plaintiffs, St. Jane Frances De Chantel Church (St. Jane Church) and the Diocese of Allentown, on November 13, 2006, alleging several causes of action against the Defendants including: breach of contract, negligence and negligent misrepresentation.

Adams-Bickel and Plaintiffs allegedly entered into an agreement in August 2000 to build a new one-story worship building for Plaintiffs. As the general contractor, Adams-Bickel obtained the services of various subcontractors, including Dual Temp, to perform certain work during construction. According to the Complaint, the building and/or heating and cooling system was/were not properly constructed or did not function properly. As a result of latent defects in the design or construction of the building and/or heating and cooling system, Plaintiffs claim that they have incurred excessive energy costs and would need to make extensive repairs to remedy the problem.

After several sets of preliminary objections, Adams-Bickel filed an Answer to Plaintiffs' Complaint on July 5, 2007, raising a cross claim against Dual Temp which asserted that Dual Temp was liable to Plaintiffs due to contribution or indemnity. Eventually, Adams-Bickel filed the instant motion for summary judgment against Dual Temp seeking to enforce an indemnity clause against Dual Temp that purportedly shields Adams-Bickel from any liability to Plaintiffs.

The matter was set for the Argument List on January 4, 2011. Counsel for Dual Temp and Adams-Bickel submitted briefs and oral argument.

Legal Standard

Pennsylvania Rule of Civil Procedure 1035.2 states:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law:

(1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or

(2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense

which in a jury trial would require the issues to be submitted to the jury.

Pa. R.C.P. No. 1035.2. Further, under Pa. R.C.P. No. 1035.3(a), the non-moving party may not rest upon mere allegations or denials of the pleadings but must file a response within thirty (30) days after service of the motion. Rule No. 1035.2(a)(2). In other words, the non-moving party has a clear and affirmative duty to respond to a motion for summary judgment. *Harber Philadelphia Center City Office Limited v. LPCI Limited Partnership*, 764 A.2d 1100, 1104 (Pa. Super. 2000). Also, Pa. R.C.P. No. 1035.3(d) specifically provides that “[s]ummary judgment may be entered against a party who does not respond.” The non-moving party bears a responsibility to raise its defenses and grounds for relief in a response to a motion for summary judgment, and a trial court cannot be expected to “scour the record for every conceivable ground on which to deny summary judgment.” *Harber*, supra at 1105.

Summary judgment may be granted only in the clearest of cases where the record shows that there are no genuine issues of material fact and also demonstrates that the moving party is entitled to judgment as a matter of law. *PJS v. Pennsylvania State Ethics Commission*, 555 Pa. 149, 723 A.2d 174, 176 (1999). The moving party has the burden of proving the non-existence of any genuine issue of material fact. *O’Rourke v. Pennsylvania Department of Corrections*, 730 A.2d 1039 (Pa. Commw. 1999). The record must be viewed in the light most favorable to the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Ertel v. Patriot-News Company*, 544 Pa. 93, 98-99, 674 A.2d 1038, 1041 (1996).

Discussion

Adams-Bickel is relying on a provision of the subcontract agreement that it claims requires Dual Temp to indemnify it from any and all claims brought by Plaintiffs in this action. The relevant provision sets forth:

Subcontractor shall fully indemnify and hold Contractor harmless, including all reasonable attorney’s fees, from and against all claims, suits, judgments and damages brought, recovered, or exacted against Contractor for or on account of any injury or death of any person or persons or loss or damage of any property by reason of any act, duty, omission, or negligence of Subcontractor, or arising out of any duty of Subcontractor, or arising out of or by reason of work done by Subcontractor, its agents, employees, or Subcontractors, whether or not such injury, death, loss or damage shall be contributed to by the act, omission, and/or negligence of Contractor, or failure of Contractor to comply with any law, ordinance, or regulation whatsoever, and Subcontractor waives and releases, the right of

contribution from Contractor with responsibility to any such claim, suit, damage.

Adams-Bickel argues this provision requires Dual Temp to satisfy Plaintiff for any injury because Dual Temp was responsible for installing an HVAC system that regulated the temperature of the building.

We must look to principles of contract interpretation in order to determine the scope of this indemnity clause on which Adams-Bickel relies. When interpreting the meaning of a contract, the fundamental rule is to ascertain and give effect to the intent of the contracting parties. *Murphy v. Duquesne University of the Holy Ghost*, 565 Pa. 571, 777 A.2d 418, 429 (2001). When a writing is clear and unequivocal, its meaning must be determined by its contents alone. *Robert F. Felte, Inc. v. White*, 451 Pa. 137, 144, 302 A.2d 347, 351 (1973). Extrinsic or parol evidence may be used to determine the intent of the parties only when the contract language is ambiguous. *Hutchison v. Sunbeam Coal Corporation*, 513 Pa. 192, 200-201, 519 A.2d 385, 390 (1986). Contract language is ambiguous “if it is reasonably susceptible of different constructions and capable of being understood in more than one sense.” *Murphy*, supra, 777 A.2d at 430. Generally, when the terms of a contract are ambiguous, such agreements will be construed against the drafter. *Gallagher v. Fidelcor, Inc.*, 441 Pa. Super. 223, 229, 657 A.2d 31, 34 (1995). A preferred contract interpretation ascribes the most reasonable, probable and natural conduct to the parties. *Lane v. Commonwealth*, 954 A.2d 615, 619 (Pa. Super. 2008).

Adams-Bickel claims that all of the damage allegedly suffered by Plaintiffs arose out of the duties of Dual Temp under the contract or the alleged damage stems from work performed by Dual Temp at the property. At oral argument, counsel for Adams-Bickel appeared to suggest that, under the contract, Dual Temp took on the duty to insure the temperature of the church building could be maintained at a comfortable level. Therefore, any damage the Plaintiffs sustained resulting from an inability to maintain a constant temperature, regardless of whether it resulted from Adams-Bickel’s own negligence, would be Dual Temp’s responsibility. Under this broad interpretation of the agreement, Adams-Bickel argues that even if a jury finds Adams-Bickel’s own negligence caused Plaintiffs’ injury *and Dual Temp was completely exonerated*, Dual Temp must still indemnify Adams-Bickel.

We do not agree with Adams-Bickel’s position. “Indemnity agreements [must] be narrowly interpreted in light of the parties’ intentions as evidenced by the entire contract.” *Consolidated Rail Corporation v. Delaware River Port Authority*, 880 A.2d 628, 632 (Pa. Super. 2005). Under the *Perry/Ruzzi* rule, if the parties “intend to include within the scope of their indemnity agreement a provision that covers losses due to the indemnitee’s own negligence, they must do so in clear and unequivocal language.” *Ocean*

Spray Cranberries, Inc. v. Refrigerated Food Distributors, Inc., 936 A.2d 81, 83 (Pa. Super. 2007).

After carefully reading the indemnity clause at issue, we find that it is triggered when a claim for damages is brought against Contractor on account of loss or damage of any property by reason of any act, duty, omission, or negligence of Subcontractor; or, arising out of any duty of Subcontractor; or, arising out of or by reason of work done by Subcontractor, its agents, employees, or Subcontractors. It appears the Adams-Bickel is entitled to indemnity only if the claimed loss or damage results from something Dual Temp did or should have done. It does not cover a situation where the loss or damage results from the act of some other party and Dual Temp is found to be not liable.

For example, Plaintiffs also allege its damages resulted from the design and construction of the building envelope. From the record before us, it does not appear that Dual Temp had anything to do with the design or construction of the building envelope. A finder of fact could determine that some defect regarding the building envelope caused the damage to Plaintiffs and that Dual Temp was not liable for any damage to Plaintiffs. Pursuant to this indemnity clause, Adams-Bickel would not be indemnified for loss or damage when Dual Temp is found not liable for any portion of the loss or damage.

The facts in this case are similar to the facts of *Lane v. Com.*, supra, which arose from a jury verdict finding the general contractor 100 percent liable for the plaintiff's injury, and the general contractor subsequently sought to enforce an indemnity clause against a subcontractor. The court found that the provision unambiguously provided that the general contractor's liability must arise or result from an act the subcontractor performed in connection with its work on the project. *See also, Greer v. City of Philadelphia*, 568 Pa. 244, 795 A.2d 376 (2002). While the contract did provide for the subcontractor's indemnification of the general contractor for the general contractor's own negligence, the liability needed to be attendant on the subcontractor's work. Because a jury found the general contractor to be 100 percent liable, exonerating the subcontractor from any liability, the general contractor was not entitled to indemnification.

In this case the indemnification provision is similar. The indemnity provisions are triggered when the alleged harm arises from something Dual Temp did or failed to do. Even the provision that allows Adams-Bickel to indemnify itself from harm that was caused in part by its own negligence necessarily requires that the harm is found to result from something Dual Temp did or failed to do. Not all of Plaintiffs' claims allege harms that could arise out of Dual Temp's contractual obligations. For example, Plaintiffs allege the building envelope was improperly designed or constructed. If a finder of fact found that the building envelope was the sole cause of Plaintiffs' alleged harm, Dual Temp would be exonerated because, from the

record before us, it appears Dual Temp had nothing to do with the design or construction of the building envelope.

The effect of the indemnification clause depends on what findings of fact are made in this case. There have been no findings made at this point, therefore a question of material fact exists as to whether the indemnification provision is triggered.

Therefore, Adams-Bickel's motion for summary judgment is denied.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, January 30, 2012**