

Northampton County Reporter

(USPS 395-280)

VOL. LVI

EASTON, PA January 20, 2011

NO. 55

**Bronwin Bartosh, Administratrix of the Estate of Katherine Gardner, deceased, and
Bronwin Bartosh, Administratrix of the Estate of Willis O. Gardner, Individually,
Plaintiff v. Easton Hospital, Mark Choi, M.D., Emcare, Barbara J. Dinsmore, M.D.,
and Northampton Imaging Specialists, Defendants**

**Bronwin Bartosh, Administratrix of the Estate of Katherine Gardner, deceased and
Bronwin Bartosh, Administratrix of the Estate of Willis O. Gardner, Individually,
Plaintiff v. Easton Hospital, Mark Choi, M.D., Emcare, Barbara J. Dinsmore, M.D.,
and Northampton Imaging Specialists, Defendants**

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INSERT: Pink: 1. "Qualified Domestic Relations Orders, Problems and Practical Solutions"
2. "A Modern Guide to the Trial of Sir Thomas More"
3. 2011 High School Mock Trials
4. 2011 Calendar

NOTICE TO THE BAR....

Kindly be advised that we are adding the following Status Conference
dates to the 2011 Court Calendar:

February 24, 2011

April 28, 2011

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

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Northampton County Reporter

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

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Edward P. Shaughnessy, Esquire

Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

2011 Committee Preference Forms

Please return your forms as soon as possible. Committee Chairs are scheduling meetings and we want to invite you!

2011 NCBA and PBA Dues Notices

Dues notices were mailed out in December. If you have not yet received your notice please contact the NCBA Office.

Mark Your Calendars

Reception for the Court—Friday, March 25, 2011

You don't stop laughing because you grow old; you grow old because you stop laughing. ~ Michael Pritchard

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**BAUER, ROBERT C.,** dec'd.

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

Executrix: Lois M. Bauer c/o Alfred S. Pierce, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

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

BECHTEL, MILDRED C., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Mary Anne Mattes Chiavetta c/o Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

Attorney: Frank S. Poswistilo, Esquire, 204 N. Thirteenth Street, Easton, PA 18042

CERCIELLO, LUCIENNE A., dec'd.

Late of Cherryville, Lehigh Township, Northampton County, PA
Executors: Max Cerciello, Box 818, Cherryville, PA 18035 and Claudia C. Shulman, Box 816, Cherryville, PA 18035

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

FOGEL, WILLIAM C., dec'd.

Late of the Borough of Roseto, Northampton County, PA
Administrators: Kimberly Martin and Kisha Mills c/o McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

FRISCH, EDWARD L., dec'd.

Late of 4847 Kreidersville Road, Northampton County, PA
Executrix: Marcella E. S. Schlenner, 1344 Old Carriage Road, Northampton, PA 18067

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

GALGON, CAROL ANN a/k/a**CAROL A. GALGON,** dec'd.

Late of Lehigh Township, Northampton County, PA
Co-Executors: Barbara A. Laky and Robert J. Galgon c/o Frank M. Skrapits, Esquire, affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

GROSS, JEAN L., dec'd.

Late of 1617 Oakland Street, City of Bethlehem, Northampton County, PA

Executor: Richard H. Gross, 19314 Paradise Manor Dr., Hagerstown, MD 21742

Attorney: Benjamin R. Gross, Esquire, 901 West Mt. Vernon Street, Lansdale, PA 19446

HOCHANADEL, CATHERINE J., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Anne H. Fessler, P.O.
Box 19, Nazareth, PA 18064

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

KICHLINE, GWENDOLYN S.,
dec'd.

Late of the Township of Bushkill,
Northampton County, PA

Executor: Frank J. Smith, 1361
Broad Road, Wind Gap, PA
18091

Attorney: William P. Coffin, Es-
quire, 100 North Fourth Street,
Easton, PA 18042

KING, ELIZABETH A., dec'd.

Late of the Township of Moore,
Northampton County, PA

Executor: Walter C. King, Jr.,
320 Nazareth Drive #R, Naza-
reth, PA 18064

Attorney: William P. Coffin, Es-
quire, 100 North Fourth Street,
Easton, PA 18042

LAWLER, MARY E., dec'd.

Late of 1604 Lincoln Street,
Bethlehem, Northampton Coun-
ty, PA

Executor: Michael J. Svetecz,
312 E. Main Street, Lititz, PA
17543

Attorneys: Marla J. Melman,
Esquire, Scoblionko, Scoblionko,
Muir & Melman, 40 S. 5th Street,
Allentown, PA 18101

McLAUGHLIN, PHILIP A., dec'd.

Late of 175 W. North Street,
Nazareth, Northampton County,
PA

Administrator: Maureen Gut-
stein c/o Michelle C. Berk, Es-
quire, Law Offices of Michelle C.
Berk, P.C., 400 Maryland Drive,
Suite 200, Fort Washington, PA
19034

Attorneys: Michelle C. Berk,
Esquire, Law Offices of Michelle
C. Berk, P.C., 400 Maryland
Drive, Suite 200, Fort Washing-
ton, PA 19034

NELSON, ROBERT K., dec'd.

Late of the Township of Palmer,
Northampton County, PA

Executrix: Katherine J. Latham
c/o Herster, Newton & Murphy,
127 N. 4th St., Easton, PA 18042
Attorneys: Herster, Newton &
Murphy, 127 N. 4th St., Easton,
PA 18042

SCHNEIDER, ERNEST J., dec'd.

Late of Bangor, Northampton
County, PA

Executrix: Susan E. Westerberg,
200 East 10th Street, Box 100,
New York, NY 10003

SHADY, SONIA H., dec'd.

Late of Nazareth, Northampton
County, PA

Executrix: Pamela A. DeFranco,
2932 Washington St., Easton,
PA 18045

Attorney: Steven B. Molder, Es-
quire, 904 Lehigh Street, Easton,
PA 18042

SECOND PUBLICATION

BRONICO, SAMUEL A., dec'd.

Late of the Township of Palmer,
Northampton County, PA

Executrix: Janice "Mickey" Coo-
per, 2150 Gateway Terrace,
Easton, PA 18045

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

COHEN, CLAIRE, dec'd.

Late of the Borough of Wilson,
Northampton County, PA

Executrix: Dr. Nicki Cohen c/o
Daniel E. Cohen, Attorney, Sei-
del, Cohen, Hof & Reid, L.L.C.,
3101 Emrick Blvd., Suite 205,
Bethlehem, PA 18020

Attorneys: Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

DECKER, HARRY T., JR., dec'd.

Late of Wilson Borough, Northampton County, PA

Co-Executors: Cathleen J. Walp, 2132 Freemansburg Ave., 1st Floor, Easton, PA 18042 and Thomas S. Decker, 2223 Kemmerer Street, Bethlehem, PA 18017-4835

Attorneys: Christopher M. McLean, Esquire, Zator Law Offices, LLC, 4400 Walbert Avenue, Allentown, PA 18104

DECKER, PAUL K., dec'd.

Late of Lower Saucon Township, Northampton County, PA

Administratrix: Shirley W. Chiles c/o Raymond J. DeRaymond, Esquire, Gross McGinley, LLP, 717 Washington Street, Easton, PA 18042-4386

Attorneys: Raymond J. DeRaymond, Esquire, Gross McGinley, LLP, 717 Washington Street, Easton, PA 18042-4386

DeNARDO, LOUIS A., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executrices: Angella Louise DeNardo Angelini and Jeannine Antoinette DeNardo c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

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

DIEROLF, FORREST B., dec'd.

Late of 6149 Snyders Church Road, Lot #18, Bath, East Allen Township, Northampton County, PA

Executrix: Debra M. Mease c/o Jessica R. Grater, Esquire, E. Kenneth Nyce Law Office, LLC, 105 East Philadelphia Avenue, Boyertown, PA 19512

Attorneys: Jessica R. Grater, Esquire, E. Kenneth Nyce Law Office, LLC, 105 East Philadelphia Avenue, Boyertown, PA 19512

FERRARO, JOHN A., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: John F. Lisicky c/o Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, PA Office of Norris, McLaughlin & Marcus, P.A., 1611 Pond Road, Suite 300, Allentown, PA 18104
Attorneys: Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, PA Office of Norris, McLaughlin & Marcus, P.A., 1611 Pond Road, Suite 300, Allentown, PA 18104

HERBST, DELORES F., dec'd.

Late of Upper Nazareth Township, Northampton County, PA
Executor: William C. Herbst, Jr. c/o Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis and Florenz, 74 W. Broad Street, Suite 170, Bethlehem, PA 18018-5738

Attorneys: Constantine M. Vasiliadis, Esquire, Kolb, Vasiliadis and Florenz, 74 W. Broad Street, Suite 170, Bethlehem, PA 18018-5738

HOFFMAN, MARTHA a/k/a MARTHA E. HOFFMAN, dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executor: Walter J. Hoffman c/o Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

Attorney: Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

KIRLICK, GEORGE, dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Executor: Andrew M. Kirlick, 304 Nazareth Pike, Bethlehem, PA 18020

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

KNAUSS, GARY L., dec'd.

Late of the Borough of Wilson, Northampton County, PA
Executrix: Rachel A. Knauss c/o Raymond J. DeRaymond, Esquire, Gross McGinley, LLP, 717 Washington Street, Easton, PA 18042-4386

Attorneys: Raymond J. DeRaymond, Esquire, Gross McGinley, LLP, 717 Washington Street, Easton, PA 18042-4386

MARCH, JACK F. SR., dec'd.

Late of the Township of Lehigh, Northampton County, PA
Executrix: Joanne L. March 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

MICKLEY, ELIZABETH L., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Co-Executors: Harold P. Mickley and Dale Mickley c/o Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, PA Office of Norris, McLaughlin & Marcus, P.A., 1611 Pond Road, Suite 300, Allentown, PA 18104

Attorneys: Judith A. Harris, Esquire, Tallman, Hudders & Sorrentino, PA Office of Norris, McLaughlin & Marcus, P.A., 1611 Pond Road, Suite 300, Allentown, PA 18104

MONDSCHNEIN, EDWARD R., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Executrix: Patricia Mondschein 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

PLETCHAN, MARY, dec'd.

Late of Palmer Township, Northampton County, PA
Executor: Daria A. Zellner c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

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

POTTER, JOHN, dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executor: James Martin Connell, Esquire, 251 E. Broad Street, Bethlehem, PA 18018

Attorney: James Martin Connell, Esquire, 251 E. Broad Street, Bethlehem, PA 18018

YAWORSKI, JOHN H. a/k/a JOHN YAWORSKI, dec'd.

Late of Bethlehem, Northampton County, PA

Co-Administrators: Carol A. Yaworski and Harry Yaworski c/o Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045

Attorney: Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045

ZIEGENFUSS, LUCILLE J. a/k/a LUCILLE ZIEGENFUSS, dec'd.
Late of the Township of Hanover, Northampton County, PA
Executor: Randy M. Ziegenfuss c/o Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446
Attorneys: Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

THIRD PUBLICATION

BAUER, GERALD H., dec'd.
Late of Bath, Northampton County, PA
Co-Executrices: Claire Burns and Michelle Carlisle c/o Jeffrey F. Hussar, Esquire, 946 Third Street, Whitehall, PA 18052
Attorney: Jeffrey F. Hussar, Esquire, 946 Third Street, Whitehall, PA 18052

BEALER, HAROLD J. a/k/a HAROLD BEALER, dec'd.
Late of the City of Bethlehem, Northampton County, PA
Executrix: Susan Schlough c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412
Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 West Lafayette Street, Suite 100, Easton, PA 18042-1412

BESCHEN, ELAINE M., dec'd.
Late of East Allen Township, Northampton County, PA
Executor: Richard S. Beschen c/o John W. Rybak, Esquire, 408 Adams Street, Bethlehem, PA 18105

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

COLVER, DONALD J., dec'd.
Late of the Borough of Pen Argyl, Northampton County, PA
Executor: Alfred S. Pierce, 124 Belvidere Street, Nazareth, PA 18064
Attorneys: Scott R. Steirer, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

FIGLIOLI, ANNA, dec'd.
Late of the Township of Washington, Northampton County, PA
Executrix: Lucy Ann Gold, c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019
Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

FORD, MARK D., dec'd.
Late of Bethlehem, Northampton County, PA
Administratrix: Mrs. Josephine T. Ford c/o John D. Lychak, Esquire, Law Offices of John D. Lychak, P.C., 35 East Elizabeth Avenue, Suite 21, Bethlehem, PA 18018
Attorneys: John D. Lychak, Esquire, Law Offices of John D. Lychak, P.C., 35 East Elizabeth Avenue, Suite 21, Bethlehem, PA 18018

HESTER, ROBERT L., SR., dec'd.
Late of the Borough of Nazareth, Northampton County, PA
Executor: Robert L. Hester, Jr. 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

KELS, BETTY J. a/k/a BETTY JANE KELS, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Betsy J. Kels a/k/a Betsy J. Rodriguez 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

LAMBERT, EDWARD J., dec'd.

Late of Township of Forks, Northampton County, PA

Executrix: Beverly L. Lambert c/o Thomas L. Walters, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

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

MELICK, MICHELE I., dec'd.

Late of 66 Wildbriar Court North, Bath, Northampton County, PA
Executrix: Linda L. Miller, 1409 South Main Street, Phillipsburg, NJ 08865

Attorneys: Lee A. Conrad, Esquire, Thomas, Conrad & Conrad, 3 North Main Street, Topton, PA 19562

PLUCHINSKY, DANIEL R., dec'd.

Late of Northampton, Northampton County, PA

Executor: John Fedor c/o Jeffrey F. Hussar, Esquire, 946 Third Street, Whitehall, PA 18052

Attorney: Jeffrey F. Hussar, Esquire, 946 Third Street, Whitehall, PA 18052

ROSCIOLI, ANNE a/k/a ANNA ROSCIOLI, dec'd.

Late of the Township of Hellertown, Northampton County, PA

Executrix: Paula A. Roscioli, 1310 Santee Mill Road, Bethlehem, PA 18017

Attorney: Gene F. Roscioli, Esquire, 830 Lehigh Street, Easton, PA 18042

STEIDINGER, KATHERINE, dec'd.

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

Executor: Thea Marie Scioscia, 51 Mustang Court, Danville, CA 94526-5109

Attorney: Holly V. Calantoni, Esquire, 801 Lehigh Street, Easton, PA 18042-4327

TALABER, EDWARD R., dec'd.

Late of Lower Saucon Township, Northampton County, PA

Administratrix: Helen M. Talaber
Attorneys: Thomas J. Maloney, Esquire, Maloney, Danyi, O'Donnell & Tranter, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

ZECCHINE, LOUIS F. a/k/a LOUIS ZECCHINE, dec'd.

Late of the Township of Lehigh, Northampton County, PA

Executrix: Rose May, 49 Patchough Drive, Ruby Point, NY 11778

Attorneys: Neil D. Ettinger, Esquire, Ettinger & Associates, LLC, Peachtree Office Plaza, 1815 Schadt Avenue, Whitehall, PA 18052

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the

provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is:

AUNT WENDY'S KIFFLES, INC.

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

Jan. 20

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

The name of the corporation is:

**BLUE VALLEY
DENTAL GROUP, PC**

Robert H. Jacobs, Esquire
Jacobs & Jacobs
8 Centre Square
Easton, PA 18042

Jan. 20

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

The name of the corporation is:

BROWN-DAUB EURO, INC.

Tallman, Hudders & Sorrentino
The Paragon Centre
1611 Pond Road
Suite 300
Allentown, PA 18104-2258

Jan. 20

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

The name of the Corporation is:

**TRI-BORO FENCING
CONTRACTORS, INC.**

The Articles of Incorporation were filed on January 7, 2011.

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

Jan. 20

**FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act No. 295 of 1982, as amended, application was made by Michael Boylan of 3441 Nathaniel Dr., Nazareth, PA 18064 to the Secretary of the Commonwealth of PA, on January 5, 2011 for a certificate to carry on business in Northampton County, Pennsylvania, under the assumed or fictitious name, style or designation of:

iMow

with an address at: 3441 Nathaniel Dr., Nazareth, PA 18064.

Jan. 20

NOTICE OF DISSOLUTION

NOTICE IS HEREBY GIVEN that Articles of Dissolution were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on December 28, 2010 pursuant to the provisions

of the Business Corporation Law. The name of the corporation is **Frazier's Contracting Services, Inc.**

Jan. 20

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing of a Petition with the Court of Common Pleas of Northampton County, Pennsylvania, indexed to No. 2011-CV-343, to change the name of the minor child, JACK J. KOPP, to JACK J. KLOTZ. The Court has fixed February 11, 2011 at 9:00 a.m. as the time and Motions Court/Courtroom No. 4, Northampton County Government Center, as the place for the hearing on this Petition. At that time, all persons interested may appear and show cause, if any, why the Petition should not be granted.

HENRY R. NEWTON, JR., ESQUIRE

HERSTER, NEWTON & MURPHY

127 N. Fourth Street

Easton, PA 18042

(610) 258-6219

Jan. 20, 27; Feb. 3

NOTICE

Legal proceedings have begun. SACKS Automotive is seeking title for 1995 Chevrolet convertible (GEO tracker) vin 2CNBJ18675694213 (case #2010-C-2326) currently titled to Mr. Raymond Barbosa. Said hearing has been continued to March 21, 2011, scheduled in Lehigh County Courthouse, 455 Hamilton Street, Allentown, PA, courtroom 1A at 9:30 a.m. If you have an interest in this matter, you must appear or the case will proceed without you.

Jan. 20

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

IN RE: TURNBRIDGE
PARTNERSHIP TAX PARCEL NOS.
Q6SW2-10-1 AND Q6SW2-5-3,
Defendant

No: C-48-CV-2010-13178

CIVIL ACTION QUIET TITLE

TO: ALL THOSE PERSONS OWNING PROPERTY SUBJECT TO THE PLAN OF BUILDING LOTS AT WYDNOR DATED APRIL 1, 1915 AND RECORDED IN NORTHAMPTON COUNTY MAP BOOK 7, PAGE 12.

NOTICE

Be advised that you are in default because you have failed to take action required of you in this case. Unless you act within ten (10) days from the date of this notice, a judgment may be entered against you without a hearing and you may lose your property or other important rights. A motion for judgment of this matter will be presented at motions court at the Northampton County Courthouse, 669 Washington Street, Easton, PA on February 8, 2011 at 9:00 a.m. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help.

Lawyer Referral Service

155 South 9th Street

Easton, PA 18042

(610) 258-6333

WENDY NICOLosi, ESQUIRE

Attorney I.D. #76794

BROUGHAL & DeVITO, L.L.P.

Attorneys for Plaintiffs

38 West Market Street

Bethlehem, PA 18018

(610) 865-3664

Jan. 20

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

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
PHH MORTGAGE CORPORATION,
F/K/A PHH Mortgage Services
vs.

Marcus A. Bell, in His Capacity as Heir of Ruth B. Bell A/K/A Ruth E. Banks Bell, Deceased and Robin A. Skrine, in her Capacity as Heir of Ruth B. Bell A/K/A Ruth E. Banks Bell, Deceased, The United States of America c/o The United States Attorney for the Eastern District of PA, and Unknown Heirs Successors, Assigns, and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Ruth B. Bell A/K/A Ruth E. Banks Bell, Deceased

NO. C-48-CV-2010-12257

NOTICE

TO Unknown Heirs Successors, Assigns, and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Ruth B. Bell A/K/A Ruth E. Banks Bell, Deceased:

You are hereby notified that on October 28, 2010, Plaintiff, PHH MORTGAGE CORPORATION, F/K/A PHH Mortgage Services, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Northampton County Pennsylvania, docketed to No. C-48-CV-2010-12257. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at Unit No. C-2, 2752 Red Oak Circle, A/K/A 2752 Red Oak Circle, Bethlehem, PA 18017 whereupon your property would be sold by the Sheriff of Northampton County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with

the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

NORTHAMPTON COUNTY
LAWYER REFERRAL
SERVICE (ARIS)
155 South 9th Street
Easton, PA 18042
(610) 258-6333

Jan. 20

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

Northampton Area School District
vs.

Jacob Barbanel

NO. C-48-CV-2006-7704

NOTICE IS HEREBY GIVEN that the above was named as Defendant in a civil action instituted by plaintiff. This is an action to recover delinquent real estate taxes for the year 2005 for the property located at 4656 Park Lane, Lehigh Township, Pennsylvania, Tax Parcel J2SE4 1 1. A tax claim in the amount of \$4,169.84 was filed on or about September 22, 2006, for

this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice for the relief requested by the plaintiff. You may lose property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Northampton County
Lawyer Referral Service
155 S. Ninth Street
Easton, PA 18042
(610) 258-6333

PORTNOFF LAW
ASSOCIATES, LTD.

P.O. Box 391
Norristown, PA 19404-0391
(866) 211-9466

Jan. 20, 27; Feb. 3

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

Northampton Area School District
vs.

Dorothy Hopkins

NO. C-48-CV-2007-8769

NOTICE IS HEREBY GIVEN that the above was named as Defendant in a civil action instituted by plaintiff. This is an action to recover delinquent real estate taxes for the year 2006 for the property located at 302 E. 21st Street, Northampton, Pennsylvania,

Tax Parcel L4SW1C 19 7. A tax claim in the amount of \$3,148.98 was filed on or about October 4, 2007, for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice for the relief requested by the plaintiff. You may lose property or other rights important to you.

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Jan. 20, 27; Feb. 3

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

Northampton Area School District
vs.

R.C.L. Investment Group, L.L.C.

NO. C-48-CV-2009-8039

NOTICE IS HEREBY GIVEN that the above was named as Defendant in a civil action instituted by plaintiff. This is an action to recover delinquent

real estate taxes for the year 2008 for the property located at 107 N. Chestnut Street, Bath, Pennsylvania, Tax Parcel K6NW4B 6 11. A tax claim in the amount of \$7,015.46 was filed on or about August 3, 2009, for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice for the relief requested by the plaintiff. You may lose property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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Jan. 20, 27; Feb. 3

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

Northampton Area School District
vs.

Camille Napier

NO. C-48-CV-2009-9581

NOTICE IS HEREBY GIVEN that the above was named as Defendant in a civil action instituted by plaintiff.

This is an action to recover delinquent real estate taxes for the year 2008 for the property located at 1435 Washington Avenue, Northampton, Pennsylvania, Tax Parcel M4NW2A 3 2. A tax claim in the amount of \$1,947.01 was filed on or about September 2, 2009, for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice for the relief requested by the plaintiff. You may lose property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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Norristown, PA 19404-0391
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Jan. 20, 27; Feb. 3

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

City of Easton

vs.

Janine D. Edwards

NO. C-48-CV-2010-4977

NOTICE IS HEREBY GIVEN that the above was named as Defendant

in a civil action instituted by plaintiff. This is an action to recover delinquent water, sewer and trash fees for the years 2005-2009 for the property located at 147 W. St. Joseph Street, Easton, Pennsylvania, Tax Parcel L9SE3A 13 8A. A municipal claim in the amount of \$4,231.70 was filed on or about May 19, 2010, for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice for the relief requested by the plaintiff. You may lose property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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Norristown, PA 19404-0391
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Jan. 20, 27; Feb. 3

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

City of Easton

vs.

Joseph P. Pierson

NO. C-48-CV-2010-3294

NOTICE IS HEREBY GIVEN that the above was named as Defendant in a civil action instituted by plaintiff. This is an action to recover delinquent water, sewer and trash fees for the years 2006-2009 for the property located at 133 E. Wilkes Barre Street, Easton, Pennsylvania, Tax Parcel L9SE3C 7 8. A municipal claim in the amount of \$7,066.15 was filed on or about April 8, 2010, for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice for the relief requested by the plaintiff. You may lose property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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Norristown, PA 19404-0391
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Jan. 20, 27; Feb. 3

PARALEGAL/LEGAL ASSISTANT

Position in Trusts and Estates
practice for candidate with planning

and drafting experience and familiarity with Lackner software.

Send resume to: Office Administrator, P. O. Box 1407, Bethlehem, PA 18018.

Jan. 20, 27; Feb. 3

NOTICE

NOTICE IS HEREBY GIVEN that the NAZARETH AREA SCHOOL DISTRICT will present a Petition to approve the private sale of a 2,390 square foot property located at 2 North Main Street, Nazareth, Northampton County, Pennsylvania 18064, for the proposed consideration of One Hundred Sixty-Seven Thousand and Five Hundred (\$167,500) Dollars pursuant to Section 707(3) of the School Code on January 28, 2011, in the Northampton County Court of Common Pleas, in Courtroom No. 1, at 9:00 a.m.

GARY A. BRIENZA, ESQUIRE
Solicitor for Nazareth
Area School District
Jan. 13, 20, 27

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

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

ESTATE; Accountant
GEORGE H. HANSELL, SR.; Lucille M. Parknavy, Executrix
SUSAN L. MAZUR; Arthur Verba, Executor

HAROLD P. ROTH, JR. & HAROLD P. ROTH, JR., LIVING TRUST;
David R. Smith, Executor

AUDIT NOTICE

All Parties interested are notified that an audit list will be made up of all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton,

PA on: FRIDAY, JANUARY 28, 2011
AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court
Jan. 13, 20

SHERIFF'S SALE OF VALUABLE REAL ESTATE

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on FEBRUARY 11, 2011 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-2010-08780

ALL THAT CERTAIN lot or parcel of land situate along the easterly side of the Hellertown-Leithsville Road (Pennsylvania State Highway Rt. No. 530) in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania bounded and described according to a survey thereof made the 26th day of January, 1959, by Leonard M. Fraivillig Co. Engineers, Bethlehem, Pennsylvania, as follows, to wit: Beginning at an iron pin on the easterly side of the Hellertown-Leithsville Road, said point of beginning being in line of land now or formerly of Mary Mazoris, thence extending South twenty-four degrees thirty minutes West (S 24° 30' W) along the easterly side of the aforesaid Hellertown-Leithsville Road, a distance of one hundred ten and seventy-five one-hundredths (110.75') feet to an iron

pipe in line of land of Edwin T. Richards, thence extending South fifty-three degrees thirty-four minutes East (S 53° 34' E) along land of said Edwin T. Richards, a distance of two hundred nine and seventy-two one-hundred (209.72') feet to an iron pipe on the westerly side of the public road (Township Route No. 371); thence extending North forty-three degrees three minutes East (N 43° 03' E) along the westerly side of the aforesaid public road, a distance of sixty and zero one-hundredths (60.0') feet to an iron pipe in line of land now or formerly of Mary Mazoris; thence extending North forty-two degrees three minutes West (N 42° 03' W) along land of said Mary Mazoris, a distance of two hundred forty-four and fifty one-hundredths (244.50') feet to the iron pin on the easterly side of the Hellertown-Leithsville Road, the point the place of beginning.

BEING the same premises by deed from Harold C. Sauer and Mary S. Sauer, husband and wife, dated 02/17/59 and recorded in Book C102 Page 291 granted and conveyed unto Harold M. Keck and Nancy J. Keck, husband and wife.

Tax Parcel No: R7-11-3.

1893 Leithsville Road, Hellertown, PA 18055.

THEREON BEING ERECTED a two-story single cap cod style dwelling with aluminum siding and wood exterior and shingle roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Nancy J. Keck.

MICHAEL T. MCKEEVER, ESQUIRE

No. 2

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-03992

PROPERTY BEING KNOWN AS:

ALL THAT CERTAIN tract of land situate in the Township of Lower

Saucon, County of Northampton and State of Pennsylvania, bounded and described according, to a survey and plan dated the first day of May, A. D., 1963, and revised the eleventh day of May, A. D. 1973, made by G. Marvin Hendricks, Professional Engineer-Surveyor, 711 Route 313, Perkaskie, Pennsylvania, as follows, to wit:

BEGINNING at a spike for a corner in Township Road 389 in line of land of now or formerly Frank Chaszar; thence in and along said Township Road 389 South sixty-two degrees twelve minutes East ninety-five and ninety-four one hundredths feet (S. 62 degrees 12' E. 95.94') to a spike for a corner; thence along land of now or formerly John Gall South forty-two degrees twenty-nine minutes thirty seconds West two hundred and no one-hundredths feet (S. 42 degrees 29' 30" W. 200.00") to an iron pin for a corner and South sixty-two degrees twelve minutes East one hundred fifty and no one-hundredths feet (S. 62 degrees 12' E. 150.00') to an iron pin for a corner in line of land of formerly Claude D. Peters; thence along said land South forty-two degrees twenty-nine minutes thirty seconds West six hundred ninety-three and seventeen one-hundredths feet (S. 42 degrees 29' 30" W. 693.17') to an iron pin for a corner in line of land of now or formerly Steve Waslow; thence along said land North forty-seven degrees thirty minutes West two hundred sixty-three and twenty-two one hundredths feet (N. 47 degrees 30' W. 263.22') to a concrete monument for a corner; thence along land of now or formerly Frank Chaszar North forty-four degrees fourteen minutes East eight hundred thirty-one and twenty-one hundredths feet (N. 44 degrees 14' E. 831.20') to the place of beginning.

CONTAINING four and two hundred eight-three one-thousandths Acres (4,283 A.) of land, more or less.
TAX PARCEL #Q8-1-13.

IMPROVEMENTS THEREON
CONSIST OF: Residential Dwelling.

SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF Elizabeth A. Guidon and John D. Zettlemoyer.

TITLE TO SAID PREMISES IS VESTED IN Elizabeth A. Guidon and John D. Zettlemoyer, as joint tenants with the right of survivorship by Deed from Barbara A. Killar, dated 12/14/2004 and recorded 12/21/2004 in Volume 2004-1, Page 493587.

BEING KNOWN AS 2504 Alpine Drive, Hellertown, PA.

THEREON BEING ERECTED a two-story single split level style dwelling 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 Elizabeth A. Guidon and John D. Zettlemoyer.

MARTHA E. VON ROSENSTIEL,
ESQUIRE

No. 3
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-06444

ALL THAT CERTAIN lot or parcel of land situated in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, being Lot No. 41 as shown on a plan entitled, "Final Subdivision Plan of Campbell Estates", dated February 5, 2001 last revised June 17, 2002, prepared by the Pidcock Company, Allentown, Pa. and recorded November 8, 2002 in Plan Book 2002-5 page 318, more particularly described as follows:

Beginning at a common corner of Lots No. 41 and 42 on the southerly side of Rexford Drive (50' R.O.W.); thence

1. Along the southerly side, passing along an arc of a circle curving to the right, having a radius of 3,975.00 feet, an arc distance of 153.49 feet, a chord bearing of South 74 degrees 17 minutes 18 seconds East, a chord distance of 153.48 feet to a corner of Lot No. 40; thence

2. Along Lot No. 40, South 16 degrees 49 minutes 04 seconds West, a distance of 150.00 feet to a corner on line of Lot No. 39; thence

3. Along Lot No. 39 and Open Space, North 75 degrees 21 minutes 05 seconds West, a distance of 147.66 feet to a corner of Lot No. 42; thence

4. Along Lot No. 42, North 14 degrees 36 minutes 20 seconds East, a distance of 152.74 feet to the first mentioned point and place of beginning.

Containing 22,862 square feet or 0.525 acres of land.

Subject to a 10' Wide Drainage and Utility Easement around perimeter of property, as shown on said referenced Final Subdivision Plan.

Being Parcel No. M7-11-3C-41.

Being part of the same premises which The Estate of Doris M. Remaly by Indenture dated 11-28-01 and recorded in the Office of the Recorder of Deeds of Northampton County in Volume 2002-1 page 27366 granted and conveyed unto Toll Pa. IV, L.P.

Subject to all encumbrances and restrictions of record.

BEING KNOWN AS: 4348 Rexford Drive, Bethlehem, PA 18020.

PROPERTY ID NO.: M7-11-3C-41.

TITLE TO SAID PREMISES IS VESTED IN Lawrence A. Cecio and Bobbie J. Cecio, husband and wife by Deed from Toll Pa. IV, L.P. Dated

10/24/2003 recorded 10/30/2003 in Deed Book 2003-1 Page 455336.

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

SEIZED AND TAKEN into execution of the writ as the property of Lawrence A. Cecio and Bobbie J. Cecio a/k/a Bobbi J. Cecio.

ALAN M. MINATO, ESQUIRE

No. 4

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-05909**

ALL THAT CERTAIN lot, tract of land, parcel, piece of ground with the buildings and improvements thereon erected, situate in the City of Easton, Northampton County, State of Pennsylvania, being the western one half of a double frame house and lot situate and known as 1352 Ferry Street, bounded and described as follows, to wit:

BEGINNING at a point on the South side of Ferry Street, forty-five (45) feet East of the East building line of Fourteenth Street; THENCE East along the South side of Ferry Street, nineteen (19) feet; THENCE the property extending Southwardly of the same width in depth one hundred and twenty (120) feet to a ten (10) foot wide alley.

BOUNDED on the North by said Ferry Street, East by property now or late of John H. Price and Elsie J. Price, his wife, South by said alley and West by property now or late of Joseph Compton.

PARCEL NO. L9SW2C-12-3-0310.

BEING the same premises which Arieh Sternberg and Miriam Sternberg, His wife, by Indenture dated 04-10-97 and recorded 05-02-97 in the Office of the Recorder of Deeds in and for the County of Northampton

in Record Book 1997-1 Page 43505, granted and conveyed unto Barry L. Givens, Single Man.

BEING KNOWN AS: 1352 Ferry Street, Easton, PA 18042.

PROPERTY ID NO.: L9SW2C-12-3.

TITLE TO SAID PREMISES IS VESTED IN Barry L. Givens, Single Man by Deed from Arieh Sternberg and Miriam Sternberg, His Wife dated 04/10/1997 Recorded 05/02/1997 In Deed Book 1997-1 Page 043505.

THEREON BEING ERECTED a three-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 Barry L. Givens.

ALAN M. MINATO, ESQUIRE

No. 6

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-00429**

All that certain lot or piece of land, together with the improvements thereon erected, known as 1223 Bushkill Drive situate in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows:

Beginning at a point on the north side of Bushkill Drive, 16.5 feet from a point in the center line of Bushkill Drive, which point is 968.53 feet east of the intersection of Thirteenth Street and Bushkill Drive; thence North 11 degrees West 161.25 feet to a corner; thence South 79 degrees West 58 feet to a corner; thence South 11 degrees East 159.7 feet to a corner, the same being 16 1/2 feet from the center line of Bushkill Drive; thence North 80 degrees 36 minutes East 57.98 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Richard Buskirk and Rosalie M. Buskirk from Lillian M.

Chapman a/k/a Lillie Chapman deed recorded 8/4/00, book 2000-1, page 99565.

Premises being: 1223 BUSHKILL DRIVE, EASTON, PA 18042-1438.

Tax. Parcel No. L9NE1 17 14 0310.

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

SEIZED AND TAKEN into execution of the writ as the property of Richard A. Buskirk and Rosalie M. Buskirk.

DANIEL G. SCHMIEG, ESQUIRE

No. 7
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-05647

ALL THAT CERTAIN message, tenement and lot or piece of ground situate on the North side of Washington Street in the City of Easton aforesaid, between Ninth and Tenth Street, BEGINNING at a point on the North side of said Washington Street at a distance of One Hundred Eighty-Four (184) feet six (6) inches East of the inner section of the building lines at the Northeast corner of Washington and Tenth Street; thence Northwardly One Hundred Ten (110) feet, more or less, to the South side of a fifteen (15) feet wide private alley (laid out by Traill Green, a former owner of the premises herein described for the use of all the lot owners in common whose lots border on said alley); thence East along the South side of said alley twenty-five (25) feet to a lot now or late of William C. Edelman; thence in a Southerly direction One Hundred Ten (110) feet more or less, to the building line on the North side of Washington thence Westwardly along the same twenty-five (25) feet, more, or less, to the place of beginning, BOUNDED on the South by Washington Street, on the West by

the lot now or late of George Short, on the North by said alley and on the East by lots now or late of the said William C. Edelman.

Northampton County Tax Parcel No. L9SE1C 13 9.

BEING KNOWN AS 919 Washington Street, Easton, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Antoinette Currey.

ROBERT P. DADAY, ESQUIRE

No. 8
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-11453

ALL THAT CERTAIN piece, parcel or tract of land situate in the City of Easton, County of Northampton, and Commonwealth of Pennsylvania shown as Lot 2 on the Final Plan of Lands of Stephen Heiss, East Kleinhans Street as recorded in Map Book 2006-5, Page 609 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 southerly right-of-way line of East Kleinhans Street (50 feet wide) at the northeast corner of Lot 1 of Lands of Stephen Heiss;

THENCE, along said southerly right-of-way line of East Kleinhans Street (50 feet wide) North 87 degrees 30 minutes 00 second East 24.00 feet to a point at a corner of Lot 3 of Lands of Stephen Heiss;

THENCE, along said lands of Lot 3 of Lands of Stephen Heiss South 02 degrees 30 minutes 00 second East 125.00 feet to a point on the northerly right-of-way line of Terry Street;

THENCE, along said northerly right-of-way line of Terry Street South 87 degrees 30 minutes 00 second West 24.00 feet to a point at a corner of Lot 1 of Lands of Stephen Heiss;

THENCE along said lands of Lot 1 of Lands of Stephen Heiss North 02 degrees 30 minutes 00 second West 125.00 feet to a point, the place of the Beginning.

CONTAINING 3000 square feet or 0.0689 acre.

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

TITLE TO SAID PREMISES IS VESTED IN Kevin W. Smith and Tara F. Smith, his wife, by Deed from Genesis Builders, Inc., a Pennsylvania Business Corporation, dated 11/27/2006, recorded 12/07/2006 in Book 2006-1, Page 505438.

Premises being: 421 EAST KLEINHANS STREET, EASTON, PA 18042-6778.

Tax Parcel No. L10SW4D5 7 0310.

THEREON BEING ERECTED a three-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 Kevin W. Smith and Tara F. Smith.

DANIEL G. SCHMIEG, ESQUIRE

No. 9

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-04597**

ALL THOSE TWO CERTAIN lots or pieces of ground, together with the brick dwelling house erected thereon, known as #314 Berwick Street, situated in the City of Easton, Northampton County, Pennsylvania, designated as Lots #5 and #6 in Block "E" on plan of lots of the Uhl Farm", as laid out by Charles and Frederick Seitz; situ-

ated on the South side of said Berwick Street, and

BEGINNING at a point 650 feet East of the center of Seitz Avenue; thence extending eastwardly along Berwick Street 50 feet to Lot #4 and extending southwardly of the same width 140 feet to Wireback Alley.

Northampton County Tax Parcel No. L9SE3D 25 18.

BEING KNOWN AS 314 West Berwick Street, Easton, PA.

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 John T. Dagon and Barbara A. Dagon.

ROBERT P. DADAY, ESQUIRE

No. 11

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04909**

ALL THAT CERTAIN UNIT, designated as 11 W. Second Street, Suite 367, being Unit #367, BEING Unit #367 in the Lehigh Riverport Condominium, situate in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, as designated in Declaration of Lehigh Riverport Condominium, dated August 26, 2004, and recorded on August 26, 2004, in the Office of the Recorder of Deeds in and for Northampton County in Book Volume 2004-1, Page 336478, as amended from time to time and as identified on the Lehigh Riverport Condominium Plat recorded in the Office of the Recorder of Deeds in and for Northampton County in Plan Book Volume 2004-5, Page 531, as amended from time to time.

TOGETHER with a .5405 percent undivided interest of, in and to the common elements as set forth in the aforesaid Declaration of Condomini-

um, Condominium Plat and Amendments thereto.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Rieker, by Deed from Denise L. Rieker, dated 08/31/2009, recorded 09/02/2009 in Book 2009-1, Page 228582.

Premises being: 11 WEST 2ND STREET, UNIT 367, BETHLEHEM, PA 18015-1386.

Tax Parcel No. P6 2 367 0204.

THEREON BEING ERECTED a condominium style dwelling with brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Denise L. Rieker and Michael J. Rieker.

DANIEL G. SCHMIEG, ESQUIRE

No. 12
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-03154

ALL THAT CERTAIN brick dwelling and lot or piece of land, Hereditaments and Appurtenances, located on the South side of Jackson Street, between Seventh and Oak Streets, in the 4th Ward of the City of Easton, Northampton County, Pennsylvania, known as 712 Jackson Street, bounded and described as follows:

BEGINNING at a point in the South building line of Jackson Street said point being distant 118 1/2 feet from the Southwest corner of Seventh and Jackson Streets measured along the South building line of Jackson Street; thence extending Westwardly along the South building line of Jackson Street for a distance of 38 feet more or less, and extending of that width Southwardly between parallel lines for a depth of 100 feet to property now or late of Frank L. Fackenthall.

BOUNDED on the North by Jackson Street, on the East by property 710 Jackson Street, now or late of

Marshall P. Kleinhans, on the South by property now or late of Frank. L. Fackenthall, and on the West by Oak Street.

TITLE TO SAID PREMISES IS VESTED IN Maureen M. Rivera and Jemi Rivera, as tenants in common, by Deed from Janice Maria Gilliland and Brenda Brown Paulson, Executrices of the Estate of Theresa Laura Brown aka Teresa L. Brown, Deceased, dated 09/25/1995, recorded 10/12/1995 in Book 1995-1, Page 97014.

The said Jemi Rivera died on 12/30/2005.

Premises being: 712 JACKSON STREET, EASTON, PA 18042-3421.

Tax Parcel No. L9NE4C 9 1 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 Maureen M. Rivera and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or Under Jemi Rivera (Deceased).

DANIEL G. SCHMIEG, ESQUIRE

No. 13
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-02535

ALL THAT CERTAIN tract, parcel or piece of ground situate in the Township of Upper Mount Bethel, County of Northampton, and State of Pennsylvania, bounded and described as follows:

BEGINNING at the southwest corner of Center Road and Laural Road; both roads being 30 feet wide, and said corner being located South 54 degrees 38 minutes West 625 feet, approximately, from the Southerly side of the public road leading from

Portland to Totts Gap, as measured along the Southerly side of Center Road; thence along the Southerly side of said Center Road, South 64 degrees 38 minutes West 200 feet to a point in line of land of the Grantors; thence along other land of the Grantors herein, South 25 degrees 22 minutes East 325 feet more or less to a point on line of land now or late of Joseph and Anna Tvaroka; thence along said land, North 37 degrees 25 minutes East 5 feet, more or less, to a corner, thence still along the same, North 57 degrees 50 minutes East 208 feet, more or less, to a point on the West-erly side of Laurel Road, first above mentioned; thence along the same, North 25 degrees 22 minutes West 300 feet, more or less to the place of beginning.

SUBJECT to all rights of ways reserved held or otherwise possessed by Grantors in Deed Book Volume A99, Page 337 for access to from, through and over the tracts of land granted.

SUBJECT to a right of way granted to Metropolitan Edison Co. in Misc. Book 169, Page 172.

PARCEL #B11-15-15C-0131.

BEING the same premises which Craig Gearhart, unmarried, by Deed dated October 16, 2006 and recorded November 9, 2006 in Deed Book 2006-1 Page 465486, as Instrument No. 2006065612, granted and conveyed unto Robert Lewis and Ann Lewis, husband and wife, in fee.

BEING KNOWN AS 90 Gearhart Lane, Mt. Bethel, PA.

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

SEIZED AND TAKEN into execution of the writ as the property of Robert Lewis and Ann Lewis.

STEVEN K. EISENBERG, ESQUIRE

No. 14
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-02730

Exhibit A

Legal Description

ALL THAT CERTAIN message or tenement and lot or piece of land situate on the Northerly side of Timberlane Drive, designated as No. 3741 Timberlane Drive, in the Township of Palmer, County of Northampton and State of Pennsylvania, being all of Lot No. 258 plus the Westernmost 5 feet portion of Lot No. 257, on Plan of Old Orchard, Section "D" Extension, Revision of Streets, Lots, Roads and Highways, prepared by Edgar T. Sales and Thomas D. Sales, Registered Professional Engineers, dated March, 1959, which plan has been duly recorded in the Office for the Recording of Deeds at Easton, Pennsylvania, in and for the County of Northampton, in Map Book No. 14, Page 36, bounded and described as follows, to-wit:

BEGINNING at a point on the North side of Timberlane Drive, said point being a concrete monument located at the point of curvature of a curve to the left with a radius of 175 feet, thence along Timberlane Drive around said curve to the left a distance of 43.12 feet to a point in the boundary line between Lot No. 258 and Lot No. 259, thence by the same line North 16 degrees 9.9 minutes West, a distance of 135.20 feet to a point in the Northern boundary line of Section "D", thence by the same line North 73 degrees 50.1 minutes East, a distance of 105 feet to a point, thence through Lot No. 257 South 16 degrees 9.9 minutes East, a distance of 130 feet to a point on the North side of Timberlane Drive, thence by the same South 73 degrees 50.1 minutes West, a distance of 62.3 feet to the

point or place of beginning; containing 13,862.11 square feet, more or less.

Parcel #M8SE3-8-16.

Title is vested in: Cynthia A. Wagner a single woman and Dean J. Wager a single man as tenants in common, by that Special Warranty Deed dated 10/21/2001 and recorded on 10/31/2001 in Book 2005-1 at Page 431452, of the Northampton County, PA records.

BEING KNOWN AS 3741 Timberlane Drive, Easton, PA.

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

SEIZED AND TAKEN into execution of the writ as the property of Cynthia A. Wagner and Dean J. Wagner.

STEVEN K. EISENBERG, ESQUIRE

No. 15

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-06220**

ALL THAT CERTAIN parcel or lot of land situate on West Saucon Street, Borough of Hellertown, County of Northampton and in the Commonwealth of Pennsylvania; bounded and described according to a survey thereof made the 20th day of September 1969 A.D. by W. E. Bleckley, a Registered Engineer Bethlehem, Penna., as follows, to wit:

BEGINNING at a point on the south property line of Saucon Street, thence along the west line of No. 50 Saucon Street, through the centerline of a mutual party wall South 03 degrees 17 minutes West 96.63 feet to an iron pin thence along land now or late of Clarence W. Templeton, North 80 degrees 01 minutes West 17.72 feet to an iron pin; thence along the

east line of No. 54 Saucon Street, North 03 degrees 17 minutes East 94.55 feet to a point on the south property line of Saucon Street; thence along the same property line South 86 degrees 43 minutes East 17.60 feet to the place of beginning, being know as No. 52 Saucon Street, Hellertown, Pennsylvania.

For informational purposes only: The ABN is shown by the County Assessor as Q7SW3A61B0715; sources of title is Book 577, Page 252 (recorded 01/30/78).

BEING KNOWN AS: 52 West Saucon Street, Hellertown, PA 18055.

PROPERTY ID NO.: Q7SW3A-6-1B.

TITLE TO SAID PREMISES IS VESTED IN John R. Arnold, Sr and Louise T. Arnold, husband and wife, and their daughter Jennifer Kozak and Brian Kozak, wife and husband by deed from John R. Arnold Sr., & Louise T. Arnold, husband and wife dated 01/15/2007 recorded 02/08/2007 in Deed Book 2007-1 Page 54187.

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

SEIZED AND TAKEN into execution of the writ as the property of John R. Arnold, Sr., Jennifer Kozak and Brian Kozak.

ALAN M. MINATO, ESQUIRE

No. 16

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-06390**

ALL THAT CERTAIN messuage, tenement and lot or tract of ground situated in the City of Bethlehem (formerly South Bethlehem) County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the west side of Wyandotte Street, otherwise called Philadelphia Road, at the distance of two hundred (200) feet southward from the southwest corner of the said Wyandotte Street and Itaska Street; thence running westwardly on a line parallel with the said Itaska Street, one hundred forty (140) feet to the west line of Lackawanna Street (now Bradley Alley) thence southwardly along the same thirty (30) feet; thence eastwardly on a line parallel with the said Itaska Street one hundred forty (140) feet to the west line of Wyandotte Street; thence northwardly along the same thirty (30) feet to the place of BEGINNING.

EXCEPTION from the above description a certain small parcel of land granted and conveyed by the late Sarah Miller to Herman Herling and Mathilda Herling, his wife, by Deed dated on the 21st day of May, 1921 and recorded in the Office of the Recorder of Deeds in and for the County of Northampton in Deed Book Volume F 59, Page 285.

TITLE TO SAID PREMISES IS VESTED IN Jose L. Ramos, by Deed from Stephen J. Horvath, Jr. and Angela Horvath, his wife, dated 09/12/2002, recorded 10/07/2002 in Book 2002-1, Page 271036.

Premises being: 722 WYANDOTTE STREET, BETHLEHEM, PA 18015-2943.

Tax Parcel No. P6SW3B 8 7 0204.

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

SEIZED AND TAKEN into execution of the writ as the property of Jose L. Ramos.

DANIEL G. SCHMIEG, ESQUIRE

No. 17
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-05103

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Forks, County of Northampton and Commonwealth of Pennsylvania shown as Lot 5 on the Final Plan of Lafayette Estates as recorded in Map Book 1999-5, Pages 54 and 55 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 westerly right-of-way line of Clark Place (50 feet wide) at the southeast corner of Lot 4 of Lafayette Estates; thence, along said westerly right-of-way line of Clark Place (50 feet wide) South 07 degrees 01 minute 51 seconds East 114.30 feet to a point at a corner of Lot 6 of Lafayette Estates; thence, along said lands of Lot 6 of Lafayette Estates South 82 degrees 58 minutes 09 seconds West 106.28 feet to a point at a corner of Lot 1 of Lafayette Estates; thence, along said lands of Lot 1 of Lafayette Estates North 07 degrees 01 minute 51 seconds West 114.30 feet to a point at a corner of Lot 4 of Lafayette Estates; thence, along said lands of Lot 4 of Lafayette Estates North 82 degrees 58 minutes 09 seconds East 106.28 feet to a point, the place of the beginning.

UNDER AND SUBJECT to all restrictions, easements and covenants of record.

CONTAINING 12,147.29 square feet or 0.2789 acre.

TITLE TO SAID PREMISES IS VESTED IN Ronald J. Licari, Jr. and Joann Licari, h/w, by Deed from Scott T. Hunsicker and Kimberly D. Hun-

sicker, h/w, dated 05/23/2007, recorded 11/14/2007, in Deed Book 2007-1, page 413094.

Premises being: 2635 CLARK PLACE, EASTON, PA 18040.

Tax Parcel No. K9 6 9-5 0311.

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

SEIZED AND TAKEN into execution of the writ as the property of Joann Licari and Ronald J. Licari, Jr. a/k/a Ronald Licari, Jr.

DANIEL G. SCHMIEG, ESQUIRE

No. 18

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-05228**

ALL THAT CERTAIN land 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, on January 15, 1955, as follows, to wit:

BEGINNING at a point on the northwesterly side of Fourth Street (fifty feet wide) at the distance of seven feet and sixty-eight one-hundredths of a foot measured South 57 degrees 24' West along the same side of Fourth Street from a point of tangent in the same, which point of tangent is at the arc distance of sixty-nine feet and fifty one-hundredths of a foot measured on the arc of a circle curving to the left having a radius of one hundred seventy-seven feet and sixty-one one hundredths of a foot from another point tangent in the said side of Fourth Street which point is at the distance of 93 78/100 of a foot measured South 80 degrees 05' West along the north side of Fourth Street

from its intersection with the west side of 23rd Street (sixty feet wide).

CONTAINING in front or breadth on the said northwesterly side of Fourth Street twenty feet and extending of that width in length or depth northwardly between parallel lines at right angles to the said northwesterly side of Fourth Street passing through the center of party walls between these premises and premises to the northeast and southwest 96 50/100 of a foot on the southwest line thereof, to the line of land of Lehigh Valley Railroad; containing on the rear line thereof along said line of Lehigh Valley Railroad 20 3/100 of a foot. Being Lot No. 134 on said plan and House No., 2317 Fourth Street.

For information purposes only—Property a/k/a: 2317 4th St, Williams Twp, PA, 18042-6005.

Tax ID No: M9NW1B-21-14.

BEING KNOWN AS: 2317 4th Street a/k/a 2317 Fourth Street, Wilson, PA 18042.

PROPERTY ID NO.: M9NW1B- 21-14.

TITLE TO SAID PREMISES IS VESTED IN Floyd Repsher, Jr. by Deed from Melinda Rogers dated 12/27/2004 recorded 1/19/2005 in Deed Book 2005-1 Page 24519.

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 Floyd Repsher, Jr.

ALAN M. MINATO, ESQUIRE

No. 19

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04831**

ALL THAT CERTAIN lot or piece of ground situate and lying in the first

ward of the City of Bethlehem, (formerly the Borough of South Bethlehem) County of Northampton and State of Pennsylvania, and known as 800 BROADWAY, bounded and described as follows, to wit:

BEGINNING at a point in the southerly line of Broadway being the southwest corner of Broadway and Fiot Avenue, thence in a westerly direction along the south side of Broadway, twenty-six and forty-four hundredths feet (26.44 feet) to center of the brick partition wall of the house adjoining on the west; thence southwardly through said partition wall and land heretofore coming to Harry H. Hart, ninety-seven and five tenths feet (97.5 feet) more or less, to a point in line of lands now or late of Armrein, thence in an easterly direction along the same twenty-six and seventy-five hundredths feet (26.75 feet) more or less, to the western line of Fiot Avenue thence northwardly along said western line of Fiot Avenue one hundred feet (100 feet) more or less to the southward side of Broadway the point to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Jose F. Vega and Gloria Vega, h/w, by Deed from Leonard G. Green and Mary D. Green, h/w, dated 12/04/1995, recorded 12/26/1995 in Book 1995-1, Page 123258.

Premises being: 800 BROADWAY, BETHLEHEM, PA 18015-2731.

Tax Parcel No. P6SW3A-2 31-0204.

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

SEIZED AND TAKEN into execution of the writ as the property of Jose F. Vega and Gloria Vega.

DANIEL G. SCHMIEG, ESQUIRE

No. 21

BY VIRTUE OF A CERTAIN WIT OF EXECUTION CV-2010-05420

PARCEL 1:

ALL THAT CERTAIN parcel or tract of land situate in Lower Saucon Township, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe in the westerly property line of the road leading from Bethlehem to Center Valley and known as State Highway Route #12 and land conveyed to Irving Anderson; thence along the westerly property line of State Highway Route #12 on a curve to the right of radius 1886.08 feet a distance of 145.27 feet to an iron pin in the centerline of the Pennsylvania Power and Light Company's Transmission Line and property of Anna Hepp; thence along the centerline of the transmission line and property of Anna Hepp, North seventy-six degrees thirty-three minutes West (N. 76 degrees 33 minutes W.) one hundred seventy-eight and sixteen one-hundredths (178.16) feet to a pole in the line of other land of the grantor; thence along other land of the Grantor, North twenty degrees thirty minutes East (N. 20 degrees 30 minutes E.) one hundred forty-nine and eighty-seven one-hundredths (149.87) feet to an iron pipe in the line of land conveyed to Irving Anderson; thence along land conveyed to Irving Anderson, South seventy-three degrees eighteen minutes East (S. 73 degrees 18 minutes E.) one hundred twenty-six and eighty-five one-hundredths (126.85) feet to the point or place of Beginning.

PARCEL 2:

TRACT NO. 1: ALL THAT CERTAIN messuage, lot or tract of land situate in the Township of Lower Saucon,

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

BEGINNING at an iron pipe near the middle of Raeder's Lane; thence along said land North 57 1/2 degrees West 20 feet to an iron pipe; thence along lands of Charles Dubbs, the following courses and distances: South 31 degrees 28 minutes West, 147.12 feet to an iron pipe, South 67 degrees and 47 minutes East 33.91 feet to an iron pipe; thence along lot of Erving Anderson North 26 degrees East 142 feet to the place of Beginning. CONTAINING 14.25 perches.

TRACT NO. 2: ALL THAT CERTAIN lot or piece of land situate in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe, from which an iron pipe at or near the center of Raeder's Lane bears North 20 degrees 30 minutes East 142 feet; thence (1) along other lands of the grantee herein, South 20 degrees 30 minutes West 149.87 feet to a wooden pole at or near the center of the P.P. & L. transmission line right of way; thence (2) along other lands of the grantor herein, of which this tract was formerly a part, North 07 degrees 50 minutes East 154.85 feet, to an iron pipe; thence (3) along other lands of the grantee herein, North 67 degrees 47 minutes West 33.01 feet to the place of beginning. CONTAINING 2,540 square feet, more or less.

TITLE TO SAID PREMISES IS VESTED IN Jesus Picart, by Deed from Thomas W. Machemer, dated 11/29/1999, recorded 12/01/1999 in Book 1999-1, Page 177125.

Premises being: 1452 CLAUSER DRIVE, BETHLEHM, PA 18015-5411.

Tax Parcel No. Q6NW3 9 6 0719.

THEREON BEING ERECTED a two-story single cape cod 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 Jesus Picart.

DANIEL G. SCHMIEG, ESQUIRE

No. 22

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-13414**

ALL THAT CERTAIN dwelling house and lots or pieces of land bounded and described as follows, to wit:

TRACT #1: ALL THAT CERTAIN lot of land situated in the City of Easton, formerly Borough of South Easton, Northampton County and Commonwealth of Pennsylvania, designated as Lot #14, in Block O on a plan of lots of "The Utt Farm" made originally by Chas. McIntyre for Chas. and Frederick Seitz and afterwards amended by Phillips and Wells, and recorded in the Office for the Recording of Deeds at Easton, the said Lot #14 is situated on the North side of Wilkes Barre Street, commencing at a point 350 feet West of the center of Seitz Avenue, thence continuing Westward from said point 25 feet. Bounded on the South by Wilkes Barre Street, East by Lot #13 in said Block O, West by Lot #15 in said Block O and on the North by Cooper Alley. Containing in front on said Wilkes Barre Street, 25 feet and extending Northward of that same width 172 feet, more or less to Cooper Alley.

TRACT #2: ALL THAT CERTAIN lot of land situated in the City of Easton aforesaid, designated as Lot #12, in Block O on a plan of lots of "The Utt Farm" aforesaid, the said Lot #12 is situate on the North side of

Wilkes Barre Street, commencing at a point 300 feet West of the center of Seitz Avenue, thence continuing Westward 25 feet from said point. Bounded on the South by Wilkes Barre Street, East by Lot #11 in said Block O, West by Lot #13 in said Block O and on the North by Cooper Alley. Containing in front on said Wilkes Barre Street, 25 feet and extending of that same width Northward 175 feet, more or less, to Cooper Alley aforesaid.

TRACT #3: ALL THAT CERTAIN lot of land situated in the City of Easton aforesaid, designated as Lot#13, in Block O on a plan of lots of "The Utt Farm" aforesaid, commencing at a point 325 feet West of the center of Seitz Avenue, thence continuing Westward 25 feet from said point. Bounded on the South by Wilkes Barre Street, East by Lot #12 in said Block O, West by Lot #14 in said Block O and on the North by Cooper Alley. Containing in front on said Wilkes Barre Street, 25 feet and extending Northward of that same width 175 feet, more or less, to Cooper Alley aforesaid.

SUBJECT to a right of way to Metropolitan Edison Company recorded in Miscellaneous Book 182, Page 459.

SUBJECT to public and private rights in streets and alleys, etc., as shown on Map Volume 1, Page 24.

BEING known as 445 WEST WILKES BARRE STREET, EASTON, PA 18042.

PARCEL #L9SE4C 18 14 0310.

BEING THE SAME PREMISES which Eva K. Brobst, by Deed dated August 27, 2004 and recorded September 8, 2004 in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 2004-1, Page 352022, grant-

ed and conveyed unto RICHARD L. VANVLIET and RICHANN VANVLIET, husband and wife.

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

SEIZED AND TAKEN into execution of the writ as the property of Richard L. Vanvliet a/k/a Richard Lee Vanvliet and Richann Vanvliet a/k/a Richann Petchonka.

GREGORY JAVARDIAN, ESQUIRE

No. 23

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-01854

ALL THAT CERTAIN message, tenement, tract or piece of land situate in the Borough of Wind Gap, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of Lot No. 7 in Block No. 1 designated on a Map made for Miller & Romig, on the west side of Broadway Street; thence along said Lot No. 7 in a Westerly direction, one hundred twenty-five (125) feet to a corner on the east side of a public alley sixteen (16) feet wide; thence along the east side of said public alley in a southerly direction, thirty (30) feet to a corner of Lot No. 8; thence along said Lot No. 8 in an easterly direction, one hundred twenty-five (125) feet to a corner on said Broadway Street; thence along the west side of Broadway Street in a northerly direction, thirty (30) feet to the place of BEGINNING.

Parcel# F8NW1A-1-3-0638.

Property address: 246 South Broad Way, Wind Gap, PA 18091.

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

SEIZED AND TAKEN into execution of the writ as the property of Elsie V. Fritz a/k/a Elsie V. Garren.

MICHAEL T. MCKEEVER, ESQUIRE

No. 24
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-03325

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, described according to a survey and plan of Chetwin thereof made by John McNeal, 3rd, Registered Engineer, of Easton Pennsylvania on the 12th day of April, A.D. 1955, as follows, to wit:

BEGINNING at a point on the northwesterly side of Winfield Terrace (fifty feet wide) the three following courses and distances along the said side of Winfield Terrace from its intersection with the southwesterly side of Center Street (fifty feet wide):

1. South seventy-three degrees thirteen minutes West two hundred eighty-nine feet and eighty-nine one-hundredths of a foot to a point;

2. South sixty-eight degrees forty-four minutes West fifty-four feet and four tenths of a foot to a point;

3. South fifty-nine degrees two minutes West sixty-three feet and twenty-five one-hundredths of a foot to a point, the place of beginning;

Thence from said beginning point extending along the said side of Winfield Terrace South forty-eight degrees thirty-six minutes West sixty-three feet and twenty-five one-hundredths of a foot to a point; thence extending North forty-five degrees seventeen minutes West one hundred five feet and sixty-seven one-hundredths of a foot to a point; thence extending North thirty-seven degrees forty-two minutes East ten feet and two tenths of a foot to a point; thence extending North forty-five degrees twenty-three minutes East sixteen feet and three

tenths of a foot to a point; thence extending South thirty-five degrees eighteen minutes East one hundred ten feet and five tenths of a foot to the northwesterly side of Winfield Terrace aforesaid, the first mentioned point and place of beginning.

BENG Lot No. 164 on said plan, House No. 4311 Winfield Terrace.

UNDER AND SUBJECT to certain conditions and building restrictions as now appear of record.

TITLE TO SAID PREMISES IS VESTED IN Linda Friedman, unmarried and Fred M. Harden, III, unmarried, by Deed from Joyce L. Bastian, widow, dated 11/02/2004, recorded 11/09/2004 in Book 2004-1, Page 436463.

The said Linda Friedman died on 10/15/2006.

Premises being: 4311 WINFIELD TERRACE, EASTON, PA 18045-4932.

Tax Parcel No. M8SE1-2-9.

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 Fred M. Harden, III.

DANIEL G. SCHMIEG, ESQUIRE

No. 26
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-14416

ALL THAT CERTAIN lot, tenement, or piece of ground situate on the northwesterly intersection of Fairview Avenue and Burdette Avenue, in the Borough of Wind Gap, County of Northampton, Commonwealth of Pennsylvania, and being shown on a Plan prepared by Kenneth R. Hahn, PLS and entitled 'Property Survey for John Liero', Drawing Number 05-47,

dated and last revised June 28, 2005, bounded and described as follows:

BEGINNING at a PK nail set, said PK nail being located in the northerly right of way line of Fairview Avenue, 107.50 feet southwesterly of Burdette Avenue; thence extending along the easterly property line of 244 Fairview Avenue, North 28 degrees 00 minutes 00 seconds West, 120.00 feet to a PK nail set in the southerly right of way line of Oak Alley; thence extending along the southerly right of way line of Oak Alley, North 62 degrees 00 minutes 00 seconds East 107.50 feet to a point; thence extending along the westerly right of way line of Burdette Avenue, South 28 degrees 00 minutes 00 seconds East 120.00 feet to a point; thence extending along the northerly right of way line of Fairview Avenue, South 62 degrees 00 minutes 00 seconds West 107.50 feet to the place of beginning.

CONTAINING 12,900.00 square feet.

BEING Lots 446, 447 and 20 feet of Lot 448 as shown on the Plan of Parkside, recorded in Northampton County Map Book 3, page 37.

SUBJECT to a 7.5 feet by 70.00 feet blacktop paved easement located on the southwesterly most corner of Lot #260 granted to (#244 Fairview Avenue).

TITLE TO SAID PREMISES IS VESTED IN Terry L. Sutton, Jr. and DeAnne Sutton, h/w; by Deed from Clara T. Liero, Trustee of the Clara T. Liero Trust, dated June 30, 2000, dated 07/18/2005, recorded 07/28/2005 in Book 2005-1, Page 284268.

Premises being: 260 FAIRVIEW AVENUE, WIND GAP, PA 18091-1228.

Tax Parcel No. E8SW4B 10 8 0638.

THEREON BEING ERECTED a single ranch style dwelling with aluminum siding exterior and shingle roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Terry L. Sutton, Jr. and Deanne Sutton.

DANIEL G. SCHMIEG, ESQUIRE

No. 28

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-01261**

ALL THAT CERTAIN message, tenement, tract or piece of land situated in the Township of Bushkill, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the iron pin in the public road leading from Cherry Hill to Jacobsburg; thence along the property of Charles Rice, South 57 degrees East 190 feet to a point; thence along the property of which this was a part now about to be conveyed to Arthur Schmidt, the following two courses: North 31 1/2 degrees East 135 feet and North 57 degrees West 190 feet to the middle of the aforesaid public road; thence along the public road South 31 1/2 degrees West 135.0 feet to the place of beginning. Also described in the chain of title as a parallelogram at the southwest corner of the tract as more fully set forth in Northampton County Deed Book Volume A56, page 91.

TITLE TO SAID PREMISES IS VESTED IN Robert C. Weber, single., by Deed from Emma C. Hughes, a/k/a Emma Hughes, widow, by Linwood A. Clewell and Alice M. Clewell, her Agents, specially constituted by power of Attorney dated August 8, 2002, and Recorded December 2, 2005, in the Northampton County Recorder of Deeds Office at

Easton, Pennsylvania in Record book volume 2005-1, page 485056., dated 11/30/2005, recorded 12/02/2005 in Book 2005-1, Page 485064.

Premises being: 468 JA-COBSBURG ROAD, NAZARETH, PA 18064-9160.

Tax Parcel No. J7NE2-3-1.

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

SEIZED AND TAKEN into execution of the writ as the property of Robert C. Weber.

DANIEL G. SCHMIEG, ESQUIRE

No. 29
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-10349

PROPERTY BEING KNOWN AS:

ALL THAT CERTAIN lot or parcel of land situated in the Township of Williams, County of Northampton and Commonwealth of Pennsylvania, being Lot No. 37 as shown on a plan entitled, "Preliminary/Final Subdivision Plan, Woodside-Phase 2", dated January 27, 2003 last revised August 18, 2003, prepared by Van Cleef Engineering Associates, Bethlehem, Pa. and recorded on November 04, 2003 in Book 2003-5, Pages 419-423, more particularly described as follows:

BEGINNING at a common corner of Lots No. 37 and No. 38 on the Southwesterly side of a cul-de-sac bulb, Woodrun Court (50' R. O. W.); thence

1. Along the cul-de-sac bulb, passing along an arc of a circle curving to the left, having a radius of 70.00 feet, an arc distance of 102.24 feet to a corner of Lot No. 36; thence

2. Along Lot No. 36 a non-radial line, South 21 degrees 44 minutes 59

seconds East, a distance of 305.12 feet to a corner; thence

3. South 65 degrees 04 minutes 13 seconds West, a distance of 272.05 feet to a corner; thence

4. North 24 degrees 55 minutes 03 seconds West, a distance of 312.96 feet to a corner of Lot No. 38; thence

5. Along Lot No. 38 a non-radial line, North 50 degrees 21 minutes 23 seconds East, a distance of 231.57 feet to the first mentioned point and place of beginning.

CONTAINING 94,934 square feet or 2.179 acres of land.

SUBJECT to 10' Wide Drainage and Utility Easement around perimeter of property, as shown on said referenced Preliminary/Final Subdivision Plan.

SUBJECT to 10' Wide Street Tree Easement as shown on said referenced Preliminary/Final Subdivision Plan.

SUBJECT to a 20' Wide Drainage and Utility Easement as shown on said referenced Preliminary/Final Subdivision Plan.

45 WOODRUN COURT, EASTON, PA 18042.

TAX PARCEL #N10-3-3-37.

TITLE TO SAID PREMISES IS VESTED IN Philip Hunte and Michelle Audain Hunte, his wife by Deed from Toll Pa, L.P. dated 1/22/2007 and recorded 2/8/2007 in Record Book 2007-1, Page 54799.

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

SEIZED AND TAKEN into execution of the writ as the property of Philip Hunte and Michelle Audain-Hunte a/k/a Michelle Audaine-Hunte.

MARTHA E. VON ROSENSTIEL,
ESQUIRE

No. 30
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-03996

Parcel #1

All that certain lot or piece, of land and dwelling thereon erected formerly in the Borough of South Easton, now City of Easton, County of Northampton and Commonwealth of Pennsylvania, comprising lot numbered One Hundred and forty-four (144) according to the map of Packer Farm situated on the North side of Lincoln Street and containing in front or breadth on said street Twenty (20) feet and extending Northwardly of that breadth between parallel lines at right angles with said Lincoln Street a distance of One Hundred and forty (140 feet) feet,

Bounded as follows; On the North by Wirebach Street, on the East by Lot No. 143, on the South by said Lincoln Street, and on the West by Lot No. 145.

PARCEL NUMBER: M9NE1A-9-17-0310.

Parcel #2

All that certain lot or piece of land formerly situated in the Borough of South Easton, now City of Easton, County of Northampton and Commonwealth of Pennsylvania, comprising lots numbered 142 and 143 according to the Map of 'Packer Farm', situated on the North side of Lincoln Street and containing together in front or breadth on said street Forty Feet and extending Northward of that breadth between parallel lines at right angles with said Lincoln Street a distance of One Hundred Forty Feet, bounded as follows:

Bounded on the North by Wirebach Street, on the East by Lot No. 141, on the South by Lincoln Street, and on the West by Lot No. 144.

PARCEL NUMBER: M9NE1A-9-16-0310.

Being the same premises which Floyd James Thomas, Jr. by Deed dated March 2, 2004 and recorded March 2, 2004 in Northampton County in Deed Book Volume 2004-1 Page 77649 conveyed unto William R. Young and Bria M. Young, husband and wife, in fee.

TITLE TO SAID PREMISES IS VESTED IN Scott N. Clark, by Deed from William R. Young and Bria M. Young, dated 07/11/2007, recorded 07/31/2007 in Book 2007-1, Page 277444.

Premises being 1079 WEST LINCOLN STREET, EASTON, PA 18042-6320.

Tax Parcel No. M9NE1A 9 17 0310, M9NE1A 9 16 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 Scott N. Clark.

DANIEL G. SCHMIEG, ESQUIRE

No. 32
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.

Premises being: 819 LEHIGH STREET, EASTON, PA 18042-4327.

Tax Parcel No. 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. 33

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-10436**

ALL THOSE CERTAIN two (2) lots or pieces of land situate on the south side of Grant Street in the City of Easton (South Side), County of Northampton and State of Pennsylvania, between Valley and Iron Streets, known as No. 812 Grant Street, bounded and described as follows, to wit:

BEGINNING at a point forty (40) feet east from the northeast corner of lot now or late of Thomas Harcastle and extending eastwardly along the south side of Grant Street eighty (80) feet to land now or late of J. S. Downs; thence along the same southwardly one hundred forty (140) feet to Rock Alley; thence along rock Alley west eighty (80) feet to land late of J. Alfred Schaffer; thence along land late of J. Alfred Schaffer northwardly one hundred forty (140) feet to the place of beginning.

IT BEING THE SAME PREMISES which Gene D. Bechtel and Marlene

K. Bechtel, his wife, by their Indenture bearing date the sixteenth day of March, A.D. 1976, for the consideration therein mentioned, granted and conveyed unto the said Charles W. Bechtel, Jr., and Nancy A. Bechtel, his wife (who died September 15, 2001), and to their 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 Deed Book Volume 538, page 141, etc., relation begin thereunto had, more fully and at large appears.

BEING KNOWN AS 812 West Grant Street, Easton, PA 18042.

TAX PARCEL NUMBER: M9NE1D-2-8.

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

SEIZED AND TAKEN into execution of the writ as the property of Charles W. Bechtel, Jr.

ALFRED S. PIERCE, ESQUIRE

No. 34

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04031**

ALL THAT CERTAIN messuage and tract of land together with the dwelling now thereon erected, designed as Tract 1 and 2 situate in Williams Township, Northampton County, Pennsylvania bounded and described as follows:

TRACT NO. 1:

Beginning at a point in the north edge of an 18 feet concrete road from Riegelsville to Easton, PA, said point being 150 feet from eastern boundary line formerly of Frank O. Kichline property adjoining property of Lee Adams, along eastern property line and said 150 feet being measured along said northern edge of said 18

feet concrete road and being considered as running south 69 degrees west; thence from said beginning point continuing said northern edge of said concrete road, south 69 degrees west 200 feet to a point; thence along property now or late of Frank O. Kichline, of which this is a part, north 20 degrees west 200 feet to a point; thence along property now or late of Frank O. Kichline, north 69 degrees east 200 feet to a point in the western line of property now or late of said Lewis Walter, thence along said western property line now or late of Lewis C. Walter, south 20 degrees east 200 feet to a point of beginning.

BEING bounded on the east by property now or late of Lewis C. Walter, on the south by concrete road leading from Riegelsville to Easton; and on the west and north by other property now or late of Frank O. Kichline.

IT IS HEREBY AGREED AND UNDERSTOOD by the said parties hereto that the lot conveyed herein and above described is to be used strictly for residential purposes and whatever building are erected thereon must be set back at least 50 feet from the highway.

TRACT NO. 2:

Beginning at a point for a corner to other lands now or late of Richard Walters and on line of land now or late of George L. Kramer; (1) north 16 degrees 45 minutes west 298 feet to a point for a corner in the eastern Doylestown trolley line road bed now abandoned, same being the northwest corner to lands now or late of George L. Kramer; thence along the fourth course of the original farm description of which this survey is a part and in accord with the bearing given at that time, and continuing

along the above mentioned trolley line road bed (2) south 68 degrees west 50 feet to a point for a corner; thence being one and the same described as the fifth course in the original farm survey, continuing along the old trolley road bed (3) south 51 degrees west 100 feet to a point for a corner; thence along the sixth course of the original farm survey for a portion of its original farm survey length still along old trolley line road bed (4) south 46 degrees 15 minutes west 63.5 feet to a point for corner, same being corner to lands remaining now or late of Frank O. Kichline; thence following a line parallel to the first course of this survey and by lands remaining now or late of F.O. Kichline (5) south 16 degrees 45 minutes east 230.5 feet to a point for a corner same being the northwest corner of other lands now or late of Richard Walters; thence along the northern boundary of other lands now or late of Richard Walters (6) north 72 degrees 15 minutes east 200 feet to a point and place of beginning.

ALSO being described by a recent survey prepared by Donald C. Fredrickson, P.E., L.S. dated 5-18-2000 as follows:

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Williams, County of Northampton and Commonwealth of Pennsylvania, shown as 2780 South Delaware Drive and being further bounded and described as follows, to wit:

BEGINNING at a point in the right of way of U.S. Route 611 (South Delaware Drive—approximately 9 feet from centerline); said point also being on line of lands now or formerly of Michael Newman; thence in and along said right of way line in U.S. Route 611 (South Delaware Drive) south 72-15 minutes 00 seconds west

200.00 feet to a point on line of lands now or formerly of Wilma and Elisworth Morris; thence along lands now or formerly of Wilma and Elisworth Morris north 46-45 minutes 00 seconds west 430.50 feet to a point on line of lands now or formerly of George and Ingrid Toth; thence along said lands now or formerly of George and Ingrid Toth north 45-42 minutes 16 seconds east 64.11 feet to a point; thence continuing along lands now or formerly of George and Ingrid Toth and also along lands now or formerly of Patrick Comiskey north 52-24 minutes 30 seconds east 100.00 feet to a point; thence continuing along said lands now or formerly of Patrick Comiskey north 66-37 minutes 57 seconds east 50.00 feet to a point at a corner of lands now or formerly of Michael Newman; thence along said lands now or formerly of Michael Newman south 16-45 minutes 00 seconds east 498.00 feet to a point, the place of beginning.

CONTAINING 94,396.9 square feet or 2.1671 acres more or less.

Said property being subject to a portion of right of way for U.S. Route 611 (South Delaware Drive).

TITLE TO SAID PREMISES IS VESTED IN Amy E. Chandler-Skerkis, by Deed from Craig Skerkis, dated 03/12/2010, recorded 03/19/2010 in Book 2010-1, Page 47923.

Premises being: 2780 SOUTH DELAWARE DRIVE, EASTON, PA 18042-9715.

Tax Parcel No. P10 1 18 0836.

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

SEIZED AND TAKEN into execution of the writ as the property of Amy E. Chandler-Skerkis.

DANIEL G. SCHMIEG, ESQUIRE

No. 37

BY VIRTUE OF A CERTAIN WRT OF EXECUTION CV-2010-03995

ALL THAT CERTAIN lot, piece or parcel of land, situate, lying and being in the Second Ward of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the west side of South Main Street and land now or late of Charles O. Miers; thence along the west side of said South Main Street and in line therewith South three and three-fourth ($3\frac{3}{4}$) degrees East seventeen and seventy-five one-hundredths (17.75) feet to a point; thence westwardly along land to be conveyed to Wayne M. Avery, now or formerly, and through the center of a partition wall of a double dwelling of which this conveyance is the north side of House No. 678, a distance of one hundred twenty (120) feet to a sixteen (16) foot wide alley; thence along east side of said alley North three and three-fourth ($3\frac{3}{4}$) degrees West seventeen and five-tenths (17.5) feet to a point and land now or late of the aforesaid Charles O. Miers; thence along the same North eighty-six and one-fourth ($86\frac{1}{4}$) degrees East one hundred twenty (120) feet to the place of beginning. Containing the above described premises. It being a part of Lot No. 5 upon J. J. Scheffler's Map or plan of lots as surveyed on July 1907.

TITLE TO SAID PREMISES IS VESTED IN Joshua K. Guerrero, by Deed from Lawrence E. Hallett, Jr. and Linda Hallett, h/w, dated 08/19/2005, recorded 08/26/2005 in Book 2005-1, Page 327702.

Premises being: 678 SOUTH MAIN STREET, BANGOR, PA 18013-2828.

Tax Parcel No. E9NE3D 5 5 0102.
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 Joshua K. Guerrero.

DANIEL G. SCHMIEG, ESQUIRE

No. 38

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-07832**

ALL THAT CERTAIN parcel of land known as Lot No. 17, located in Bushkill Township, Northampton County, Commonwealth of Pennsylvania, as shown on a Plan entitled 'Country Chase' prepared by Harte Engineering, Inc. recorded September 30, 2005, in Northampton County Map Book Volume 2005-5, Page 578, bounded and described as follows:

BEGINNING at a point on the northerly right-of-way line of Country Chase Drive, 25.00 feet from the centerline, said point being in line with the lands known as Lot 26 of County Chase Major Subdivision; thence along said Lot 26, North 03 degrees 49 minutes 28 seconds West 155.97 feet to a point; thence along the same, North 19 degrees 20 minutes 07 seconds West 94.14 feet to a point; thence along the lands known as Lot 18 of Country Chase Major Subdivision, North 90 degrees 00 minute 00 second East 270.23 feet to a point; thence along the northerly right-of-way line of Country Chase Drive, on a curve to the right having a radius of 245.00 feet and an arc length of 368.49 feet to the POINT OF BEGINNING.

CONTAINING: 46,261 sq. ft. or 1.0620 acres.

SUBJECT TO any drainage easements as shown on the record plan.

SUBJECT to easements, restrictions, and covenants of record.

TITLE TO SAID PREMISES IS VESTED IN Gregory G. Grismore, by Deed from CMC Development Corporation, dated 01/31/2008, recorded 02/12/2008 in Book 2008-1, Page 39001.

Premises being: 125 COUNTRY CHASE DRIVE, UNIT 17, WIND GAP, PA 18091-9678.

Tax Parcel No. G7 4 8-17 0406.

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

SEIZED AND TAKEN into execution of the writ as the property of Gregory G. Grismore.

DANIEL G. SCHMIEG, ESQUIRE

No. 39

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-07658**

ALL THAT CERTAIN message, tenement and lot or piece of land, Situate, lying and being on the South side of Bushkill Street, in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point 23 feet East of the Southeast corner of Bushkill and Mulberry Streets; thence along the South side of Bushkill Street in an Eastwardly direction 23 feet 6 minutes to a point; thence South on a parallel line with Mulberry Street 141 feet to Sassafras Street; thence West along the North side of Sassafras Street 23 feet 6 inches to a corner of lot now or late of Jacob A. Frutchey; thence along the same North 141 feet to a point on Bushkill Street, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Allen Williams and

Chanda Jones-Williams, by Deed from Raymond V. Morrow and Bonnie A. Morrow, dated 3/31/2004, recorded 04/19/2004 in Book 2004-1, Page 143709.

Premises being: 818 BUSHKILL STREET, EASTON, PA 18042-3340.

Tax Parcel No. L9NE4C 15 2 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 Chanda Jones-Williams and Allen Williams.

DANIEL G. SCHMIEG, ESQUIRE

No. 40

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION**

CV-2007-09601

ALL THAT CERTAIN message, tenement, and lot or piece of ground situate on the northeast corner of Seventh and Church Streets, in the City of Easton aforesaid, bounded and described as follows, to wit:

BEGINNING at said corner of Seventh and Church Streets, thence extending along said Seventh Street northwardly ninety feet, more or less, to a private alley, thence along the same eastwardly twenty-seven feet to the line of land now or late of George Miller, thence along said Miller's land southwardly ninety feet, more or less, to Church Street aforesaid; thence along said Church Street westwardly, thirty-one feet, more or less, to the place of Beginning. The premises are presently known and designated as No. 21 North Seventh Street, Easton.

Northampton County Tax Parcel Number: L9SE1B 9 14.

BEING KNOWN AS 21 North Seventh Street, Easton, PA 18042.

THEREON BEING ERECTED a three-story single dwelling with alu-

minum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Mark A. Holmes.

ROBERT P. DADAY, ESQUIRE

No. 41

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION**

CV-2009-10106

ALL THAT CERTAIN lot, tract of land, parcel, piece of ground with the buildings and improvements thereon erected, situate in the City of Easton, Northampton County, State of Pennsylvania, being the western one-half of a double frame house and lot situate and known as 1352 Ferry Street, bounded and described as follows, to wit:

BEGINNING at a point on the south side of Ferry Street forty-five (45) feet East of the East building line of Fourteenth Street, thence East along the South side of Ferry Street nineteen (19) feet; thence the property extending Southwardly of the same width in depth one hundred and twenty (120) feet to a ten (10) foot wide alley.

BOUNDED on the North by said Ferry Street, East by property now or late of John H. Price and Elsie J. Price, his wife, South by said alley and West by property now or late of Joseph Compton.

BEING THE SAME PREMISES which Samuel R. Pierce, Jr. Secretary of Housing and Urban Development, by Deed dated June 30, 1988 and recorded on July 1, 1988, in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, in Deed Book 750, Page 955, granted and conveyed unto Arieh Sternberg and Miriam Sternberg, His Wife.

Northampton County Tax Parcel No. L9SW2C 12 3.

BEING KNOWN AS 1352 Ferry Street, Easton, PA 18042.

THEREON BEING ERECTED a three-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 Barry L. Givens.

ROBERT P. DADAY, ESQUIRE

No. 43

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-07479**

TRACT I (consisting of Premises A and B)

PREMISES A (Tax Parcels 14, 15 and 16):

ALL THAT CERTAIN tract or parcel of land situate an the northerly side of Main Street in the Borough of Bath, County of Northampton and Commonwealth of Pennsylvania bounded and described according to a survey dated November 13, 1996 and last revised December 12, 1996 prepared by Alfred O. Werner, Professional Land Surveyor of East Greenville, Pennsylvania, as follows, to wit:

BEGINNING at a point in the centerline of Main Street and the easterly side of an eleven feet wide public alley; thence along the easterly side of said alley North 23° 46' 35" East 293.29 feet to a railroad spike in the southerly side of a sixteen feet wide public alley; thence along the southerly side of said alley South 67° 00' 00" East 62.50 feet to a point in line of lands now or formerly of the First Bath Corporation; thence along said lands now or formerly of the First Bath Corporation South 23° 41' 40" West 293.29 feet to a point in the aforementioned centerline of Main Street; thence along said centerline of Main Street North 67° 00' 00" West 62.92 feet to the place of beginning.

Containing 18,391 square feet of land.

County Tax Parcels—K6NW4C-12-14, 15 & 16.

PREMISES B (Tax Parcels 17 and 19):

ALL THAT CERTAIN tract or parcel of land with buildings and improvements thereon erected situate at the northeast corner of Main and Walnut Streets in the Borough of Bath, County of Northampton and Commonwealth of Pennsylvania bounded and described according to a survey dated November 13, 1996 and last revised December 12, 1996 prepared by Alfred O. Werner, Professional Land Surveyor of East Greenville, Pennsylvania, as follows, to wit:

BEGINNING at the intersection of the easterly side of Walnut Street and the northerly side of Main Street; thence along the easterly side of said Walnut Street North 00° 27' 15" West 164.86 feet to a point in the southerly side of a fifteen feet wide private alley; thence along the southerly side of said alley North 89° 32' 45" East 143.67 feet; thence partly along the terminus of said private alley and partly along lands now or formerly of the Bath Chemical Engine & Hose Company No. 1 North 20° 12' 55" East 116.69 feet to a point in the southerly side of Center Street; thence along the southerly side of said Center Street the following two courses:

1) South 88° 46' 10" East 3.35 feet; and

2) South 84° 34' 10" East 73.09 feet to a point in line of lands now or formerly of Roger G. Rehrig;

thence along said lands now or formerly of Roger G. Rehrig South 21° 34' 40" West 67.02 feet to a point in the northerly side of a sixteen feet wide public alley; thence along the northerly side of said alley North 67°

00' 00" West 12.20 feet to a point in the westerly side of an eleven feet wide public alley; thence along the westerly side of said alley South 23° 46' 35" West 309.29 feet to a point in the centerline of the aforementioned Main Street; thence along said centerline of Main Street North 67° 00' 00" West 45.71 feet; thence crossing the bed of said Main Street North 22° 13' 15" East 28.00 feet to a point in the aforementioned northerly side of said Main Street; thence along the northerly side of said Main Street North 67° 00' 00" West 72.49 feet to the place of beginning.

Containing 39,586 square feet of land.

County Tax Parcels K6NW4C-12-17 & 19.

TRACT II

ALL THAT CERTAIN tract or parcel of land situate on the northerly side of Main Street in the Borough of Bath, County of Northampton and Commonwealth of Pennsylvania bounded and described according to a survey dated November 13, 1996 and last revised December 12, 1996 prepared by Alfred O. Werner, Professional Land Surveyor of East Greenville, Pennsylvania, as follows, to wit:

BEGINNING at a point in the centerline of Main Street and the westerly side of a fourteen feet wide alley; thence along said centerline of Main Street North 67° 00' 00" West 34.00 feet to a point in line of lands now or formerly of the First National Bank of Bath; thence along said lands now or formerly of the First National Bank of Bath North 23° 41' 40" East 293.29 feet to a point in the southerly side of a sixteen feet wide public alley; thence along the southerly side of said alley South 67° 00' 00" East 34.00 feet to a point in the aforementioned westerly side of a fourteen feet wide public

alley; thence along the westerly side of said alley South 23° 41' 40" West 293.29 feet to the place of beginning.

Containing 9,971 square feet of land.

County Tax Parcels—K6NW4C-12-13.

Northampton County Tax Parcel No. K6NW4C 12 17.

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

SEIZED AND TAKEN into execution of the writ as the property of Arcangelo DiOdoardo and Wendy DiOdoardo.

ROBERT P. DADAY, ESQUIRE

No. 44

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2009-07195

ALL THAT certain lots, tracts and parcels of land with building and improvements thereon commonly known as 1328 Lehigh St., Easton, Pennsylvania, more particularly described as follows:

CONTAINING in front on the south side of Lehigh Street twenty-one (21') feet and extending southwardly of equal width one hundred (100') feet to a ten (10') feet wide private alley. Bounded on the north by Lehigh Street, on the east by land now or late of William Arnold, on the south by the said ten (10') feet wide private alley, and on the west by Peach Street.

BEING THE SAME PREMISES which YONG HUI MULLIN, single, by Deed dated August 26, 1982 and recorded in the Office for the Recorder of Deeds of Northampton County, Pennsylvania, in Deed Book Volume 641, Page 102, did grant and convey unto VIOLET H. STARNER and LORETTA F. STARNER, their heirs and assigns.

ALSO BEING THE SAME PREMISES which the Estate of VIOLET H. STARNER, by Deed dated May 22, 2001 and recorded in the Office for the Recorder of Deeds of Northampton County, Pennsylvania, in Deed Book Volume 2001-1, Page 105583, did grant and convey unto the Estate of LORETTA FAYE STARNER, her heirs and assigns.

Northampton County Tax Parcel No. L9SW2C 24 1.

BEING KNOWN AS 1328 Lehigh Street, Easton, PA 18042.

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 Bonnie B. Starnier.

ROBERT P. DADAY, ESQUIRE

No. 46

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-08455**

ALL THAT CERTAIN lot, parcel or place of land shown as LOT NO. 3 on a Plan of Lots entitled "Major Subdivision Land of Charles Stachnik" situate in the city of Easton, Northampton County, Pennsylvania, drawn by T&T Associates, C.E. dated November 30, 1983 and recorded in the Office for the Recording of Deeds for Northampton County in Plan Book 84, Page 169, and being more particularly described as follows:

BEGINNING at a point in the southerly right of way line of Milton Street, said point being the same common corner of Lots 3 and 4 as shown on said Plan, thence, along the westerly boundary line of said Lot No. 4, South 0° 00' West 150.00 feet to a point on other land of granter, thence, along said other lands of granter, North 89° 60' West 80.00 feet to a

point being the common corner of LOTS 2 and 3, thence, along the easterly boundary line of said Lot No. 2, North 0° 0' East 150.00 feet to a point in the southerly right of way line of Milton Street, thence, along said southerly right of way line of Milton Street, North 89° 60' East 80.00 feet to the place of beginning.

Northampton County Tax Parcel No. M9NE2A 13 1C.

BEING KNOWN AS 352 Milton Street, Easton, PA 18042.

THEREON BEING ERECTED a two-story single bi-level 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 Joseph C. Stachnik.

ROBERT P. DADAY, ESQUIRE

No. 47

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04160**

All That Certain lot or tract of land known as 705 Overlook Drive, Bethlehem, and shown as Lot No. 54 on a Subdivision Plan of Stones Crossing Phase Two, recorded in Map Book Volume 87, Page 98, prepared by the Martin H. Schuler Company, Engineers and Surveyors of Allentown, situated in Hanover Township, Northampton County, Pennsylvania, more particularly described as follows:

BEGINNING at a point on the southern property line of Overlook Drive said point being located the following three (3) courses and distances east of the point formed by the intersection of the southern property line of Overlook Drive extended with the eastern property line of land now or late of Clinton and Lilly Koehler: (1) North 85 degrees—37 minutes—03

seconds East 179.19 feet to a point of curvature; (2) along an arc having a central angle of 23 degrees—51 minutes—54 seconds, radius of 175 feet, tangent 36.98 feet, a distance of 72.89 feet to a point of tangency; (3) North 61 degrees—45 minutes—09 seconds East 25.81 feet to a point; thence extending along Lot No. 79 of the aforementioned subdivision South 28 degrees—14 minutes—51 seconds East 187.65 feet to a point; thence extending along land designated as a noise barrier to be dedicated to Hanover Township North 63 degrees—46 minutes—00 second East 25.02 feet to a point; thence extending along Lot No. 55 of the aforementioned subdivision North 28 degrees—14 minutes—51 seconds West 188.53 feet to a point; thence extending along the southern property line of Overlook Drive South 61 degrees—45 minutes—09 seconds West 25.00 feet to the place of beginning.

CONTAINING 4,703.1 square feet.

SUBJECT, however, to a 20.00 foot wide drainage easement through the southern portion of the above described property.

SUBJECT, however, to a 10.00 foot wide T.V., electric, and telephone easement along Overlook Drive.

SUBJECT, however, to a 35.00 foot building restriction set back lines along the northern boundary.

SUBJECT, however, to a 10.00 foot wide Township Access right of way easement along the aforesaid drainage easement through the southern portion of the above described property.

SUBJECT, however, to a 10.00 foot wide mutual utility easement for maintenance of utility laterals and those of adjacent owners.

TITLE TO SAID PREMISES IS VESTED IN Johanna L. Schildt, a single individual and Angel L. Torres, a single individual, by Deed from Jeffrey L. Williams, dated 06/01/2007, recorded 06/05/2007 in Book 2007-1, Page 205489.

Premises being: 705 OVERLOOK DRIVE, BETHLEHEM, PA 18017-2314.

Tax Parcel No. M6SW4 10 29 0214.

THEREON BEING ERECTED a two-story row home style 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 Johanna L. Schildt and Angel L. Torres.

DANIEL G. SCHMIEG, ESQUIRE

No. 48
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-06928

ALL THOSE CERTAIN tracts or pieces of land, together with the buildings and improvements thereon erected, situate in the Borough of Pen Argyl, County of Northampton and State of Pennsylvania, singly and particularly described as follows:

TRACT NUMBER 1:

BEGINNING at the northeastern intersection of C Street and Pennsylvania Avenue; thence north along the east side of C Street, 100 feet to a point in line with other lands of E.A. Speer described in Tract No. 2 of this document; thence east along said southern boundary of Tract No. 2, 50 feet to a point in line with the western boundary of other lands E.A. Speer; herein described as Tract No. 3; thence south along said western boundary of Tract No. 3, 100 feet to a point of intersection with the north side of Pennsylvania Avenue; thence

west along the said north side of Pennsylvania Avenue, 50 feet to the place of beginning.

TRACT NUMBER 2:

BEGINNING at a point on the east side of C Street, 100 feet north of the northeastern intersection of C Street and Pennsylvania Avenue and in line with the northern boundary of Tract No. 1; thence east along said northern boundary of Tract No. 1 and Tract No. 3, hereinafter described 95 feet, more or less, to a point in line with the western boundary of the property of Frank Williams; thence north along said western boundary of property of said Frank Williams, 69 1/2 feet to a point in line with the right of way of said L. & N.E.R.R. Company, 95 feet, more or less, to a point of intersection with the east side of C Street; thence south along said east side of C Street, 82 feet to the point of beginning.

TRACT NUMBER 3:

BEGINNING at a point on the north side of Pennsylvania Avenue, 50 feet east of the northeastern intersection of C Street and Pennsylvania Avenue; thence north along the eastern boundary of Tract No. 1, 100 feet to a point in line with the southern boundary of Tract No. 2; thence east along said southern boundary of Tract No. 2, 45 feet to a point in line with the western boundary of property of Frank Williams; thence south along said western boundary of said Frank Williams, 100 feet to a point in line with the north side of Pennsylvania Avenue; thence along said north side of Pennsylvania Avenue in a westerly direction, 45 feet to the point of beginning.

BEING KNOWN AS: 439 West Pennsylvania Avenue, Pen Argyl, PA 18072.

PROPERTY ID NO.: E8NE1C-5A-1.

TITLE TO SAID PREMISES IS VESTED IN Dennis L. Riker and Denise M. Riker, husband and wife by Deed from James F. Wilson and Elizabeth B. Wilson, husband and wife dated 06/30/2003 recorded 07/13/2004 in Deed Book 2004-1 Page 269426.

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 Dennis L. Riker and Denise M. Riker.

ALAN M. MINATO, ESQUIRE

No. 49

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-03723**

ALL THAT CERTAIN land or tract of ground known as H4/13/20 that is a reminder tract of 1.0750 acres gross of the Boundary Line Adjustment for Barry C. & Mary Alice Beil, located in the Township of Lehigh, County of Northampton and Commonwealth of Pennsylvania, as shown on a Plan entitled Boundary Line Adjustment for Barry C. & Mary Alice Beil, by Hop-pes Professional Engineering & Surveying, bounded as follows, to wit:

BEGINNING at a point that is approximate centerline of Mountain View Drive (Pa Route 946), being the northeastern corner of the tract of the now or former Stephen P. & Shirl A. Tomsic, and also being the northwestern corner H4/13/20 of the same said Boundary Line Adjustment for Barry C. & Mary Alice Beil, herein described; thence extending a line in and along the Mountain View Drive (Pa Route 946) into the southern right-of-way, a bearing of North eighty-two (82) degrees twenty-six (26) minutes (17) seconds East and a

distance of one hundred fifty-six and eighty-eight one-hundredths (156.88) feet to a point; thence extending a line in and through the southern right-of-way of Mountain View Drive (Pa Route 946) and also dividing the tract of the now or former Donna L. Filchner from H4/13/20 of the same said Boundary Line Adjustment for Barry C. & Mary Alice Beil, herein described, a bearing of South three (03) degrees fifty-seven (57) minutes fifty-five (55) seconds West and distance of one hundred twenty and forty-five one-hundredths (120.45) feet to an iron pin (found), this last line passes through an iron pin (found) at five and sixty one-hundredths (5.60) feet; thence extending a line dividing Boundary Adjustment Area 'A' of the same said Boundary Line Adjustment for Barry C. & Mary Alice Beil from H4/13/20 of the same said Boundary Line Adjustment for Barry C. & Mary Alice Beil, herein described, the two following courses and distances:

1. A bearing of South seven (07) degrees four (04) minutes seventeen (17) seconds East and a distance of two hundred eleven and fifty-one one-hundredths (211.51) feet to an iron pin (set);

2. A bearing of South seventy-three (73) degrees forty-five (45) minutes nineteen (19) seconds West and a distance of one hundred thirty-five and fifty-five one-hundredths (135.55) feet to a pin (found);

Thence extending a line dividing the tract of the same said, now or former Stephen P. & Shirl A., Tomsic from H4/13/20 of the same Boundary Line Adjustment for Barry C. & Mary Alice Beil, herein described, a bearing of North seven (07) degrees four (04) minutes seventeen (17) seconds West and a distance of three hundred fifty and no one-hundredths

(350.00) feet to a point, the Place of Beginning; this last line passes through an iron pin (found) at three hundred thirty-three and fifty-seven one-hundredths (333.57) feet.

CONTAINING one and seven hundred fifty ten thousandths (1.0750) acres of gross land more or less.

BEING SUBJECT TO any and all easements, building restrictions lines, installation of curbing, and site development that is shown and indicated on the same said Boundary Line Adjustment For Barry C. & Mary Alice Beil.

TITLE TO SAID PREMISES IS VESTED IN Yudelkis Lugo, unmarried, by Deed from Barry Beil, married, dated 03/30/2007, recorded 04/04/2007 in Book 2007-1, Page 123308.

Premises being: 3525 MOUNTAIN VIEW DRIVE, DANILESVILLE, PA 18038-9767.

Tax Parcel No. H4 13 20 0516.

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

SEIZED AND TAKEN into execution of the writ as the property of Yudelkis Lugo.

DANIEL G. SCHMIEG, ESQUIRE

No. 50

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-09001**

ALL THAT CERTAIN message, tenement and lot or piece of ground situate on the north side of Seminole Street in the City of Bethlehem, County of Northampton Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point one hundred feet northwest from the northwest corner of Seminole and Cherokee Streets said point being the exact middle of a brick partition wall divid-

ing houses No. 704 and No. 706 Seminole Street; thence through the middle of said partition wall in a northerly direction a distance of eighty (80) feet to a point in a line of land late of W.F. Danzer; thence along the same in a northwestern direction a distance of twenty (20) feet to a point in a line of other land late of W.F. Danzer; thence along the same in a southerly direction a distance of eighty (80) feet to a point in the northern line of said Seminole Street; thence along the same an easterly direction a distance of twenty (20) feet to the point, the place of beginning.

TOGETHER with all and singular improvements, ways, waters-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and also all the estate, right title, interest, use, trust property, possession, claim and demand whatsoever, of them, the Grantors, as well at law as in equity, of, in, and to the same.

TITLE TO SAID PREMISES IS VESTED IN Dolores Fernandez, single and Louisa Maldonado, single, as joint tenants with right of survivorship and not as tenants in common, by Deed from Dolores Fernandez, executrix of the estate of Antonio M. Fernandez, aka Antonio Fernandez, deceased, dated 10/16/2006, recorded 10/25/2006 in Book 2006-1, Page 443828.

WHEREAS The said Antonio M. Fernandez also known as Antonio Fernandez died on 10/12/2005 Testate. Letters were granted to his daughter Dolores Fernandez on November 3rd 2005.

The said Delia Fernandez died on July 13, 2005, leaving her husband,

the said Antonio Fernandez, as the surviving tenant by the entirety and sole owner in fee.

Premises being: 706 SEMINOLE STREET, BETHLEHEM, PA 18015-1436.

Tax Parcel No. P6SW2C 1 8 0204.

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 Louisa Maldonado and Dolores Fernandez.

DANIEL G. SCHMIEG, ESQUIRE

No. 51**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05064**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania shown as Lot 50 on the Lot Line Adjustment Plan—Lots 49 & 50 of The Vineyard at Wagner Farms, Phase 1 as recorded in Map Book 1998-5, Page 18 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 westerly right-of-way line of Chianti Place (50 feet wide) at the southeast corner of Lot 49 of The Vineyard at Wagner Farms;

thence along said westerly right-of-way line of Chianti Place (50 feet wide) the following two courses and distances:

1. along the arc of a curve deflecting to the left having a radius of 175.00 feet and central angle of 01° -38' -14' for an arc length of 5.00 feet (chord: South 08°-07'-31" East 5.00 feet) to a point; thence

2. South 08° -01'41" East 65.00 feet to a point at a corner of lands now or formerly of Richard E. and Sherry B. Cornell;

thence along said lands now or formerly of Richard E. and Sherry B. Cornell South 81° 57' -11" West 110.00 feet to a point on line of lands of Lot 59 of The Vineyard at Wagner Farms;

thence along said lands of Lot 59 and also along lands of Lot 60, both of The Vineyard at Wagner Farms, North 08° -02' -49" West 70.00 feet to a point at a corner of Lot 49 of The Vineyard at Wagner Farms;

thence along said lands of Lot 49 of The Vineyard at Wagner Farms North 81° 57' 11" East 110.01 feet to a point, the place of the Beginning.

Containing 7700.65 square feet or 0.1767 acre.

Being known as: 1817 Chianti Place, Easton, Pennsylvania 18045.

Title to said premises is vested in Elizabeth Attinello by deed from Elizabeth Attinello, single, and James Attinello, single, dated March 12, 2004 and recorded March 15, 2004 in Deed Book 2004-1, Page 96854, Instrument #2004018259.

TAX I.D. #: N8-23-10-0205.

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

SEIZED AND TAKEN into execution of the writ as the property of Elizabeth Attinello.

MARGARET GAIRO, ESQUIRE

No. 52
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-02326

ALL THAT CERTAIN message, tenement, and tract of land located on the east side of Canal Street, between W. 14th and W. 16th Streets

in the borough of Northampton, Northampton County, Commonwealth of Pennsylvania, known as 1453 Canal Street, being bounded and described, in accordance with a survey (#5253) by Bascom and Sieger, as follows, to wit:

BEGINNING at an iron pipe on the easterly property line of Canal Street, 242 feet south of the southerly property line of W. 16th Street.

Thence, along the southerly property line of land now or late of Borough of Northampton and partly along the southerly property line of Spruce Street, N 55° 16'30" E, 162.78 feet to an iron pin,

Thence, along the westerly property line of land now or late of Joseph Banko, et al. S 38° 54' 15" E, 36.00 feet to an iron pipe,

Thence, along the northerly property line of land now or late of Stephen E. Sedora, S 53° 12' 25" W, 164.70 feet to an iron pipe,

Thence, along the easterly property line of Canal Street, N 35° SO W 41.85 feet to the place of beginning.

Being known as: 1453 Canal Street, Northampton, Pennsylvania 18067.

Title to said premises is vested in Bret A. Bruch and Mary L. Bruch a/k/a Mary L. Abraham a/k/a Mary L. Wood a/k/a Mary L. Haskins, husband and wife, as tenants by the entirety, by deed from JEFFREY F. KREMPASKY, MARRIED AND SUSAN L. KREMPASKY, HIS WIFE dated December 29, 1999 and recorded January 4, 2000 in Deed Book 2000-1, Page 868. Instrument #2000000270.

TAX I.D. #: M4NW1B-9-10.

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

SEIZED AND TAKEN into execution of the writ as the property of Bret A. Bruch and Mary L. Bruch a/k/a Mary L. Abraham a/k/a Mary L. Wood a/k/a Mary L. Haskins.

MARGARET GAIRO, ESQUIRE

No. 54

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04404**

ALL those certain lots or pieces of ground situated in the Township of Lower Saucon, in the County of Northampton and State of Pennsylvania, being Lots No. 27, 28, and 29, In Block No. 2 of the first Subdivision of Bethlehem Steel City, as surveyed and laid out by A.M. Cawley, C.E., for Herman and Jones, on November 8, 1915, and recorded in the Office for the Recording of Deeds at Easton, Pennsylvania, in Map Book 6, Page 28, bounded and described as follows, to wit:

BEGINNING at a point in the South line of Riverside Drive distant four hundred fifty feet east of the southeast corner of Grace Avenue and Riverside Drive, thence in and along the south line of Riverside Drive eastwardly a distance of seventy-five feet to a point in the west line of Lot No. 26, In block No. 2 of said tract, and extending in depth of that width southwardly one hundred and twenty feet to a twenty foot wide alley. BOUNDED on the north by Riverside Drive, on the west by lot No. 30, on the south by said twenty feet wide alley, and on the east by lot No. 26 in block No. 2 of said above mentioned tract.

Being known as: 2088 Riverside Drive, Bethlehem, Pennsylvania 18015.

Title to said premises is vested in Joseph Nagy by deed from JOSEPH A. NAGY AS ATTORNEY IN FACT

FOR JOSEPH NAGY dated August 25, 2008 and recorded September 3, 2008 in Deed Book 2008-1, Page 249455, Instrument #2008034825.

Joseph Nagy departed this life on 2/23/2009. Title to said premises is now vested in Joseph. A. Nagy Jr., Administrator of the Estate of Joseph Nagy, Deceased Mortgagor and Real Owner by operations of law.

TAX I.D. #: N7SE4-10-10.

THEREON BEING ERECTED a single ranch style dwelling with attached one-car garage with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Joseph A. Nagy, Jr., Administrator of the Estate of Joseph Nagy, Deceased Mortgagor and Real Owner.

MARGARET GAIRO, ESQUIRE

No. 55

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05015**

ALL THAT CERTAIN messuage, tenement and lot or piece of land known as No. 824 South 24th Street, Wilson Borough, Pennsylvania together with an additional messuage, lot or piece of land adjacent thereto all situate in the Borough of Wilson, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the Eastern building line of South 24th Street in the said Borough of Wilson, County and State aforesaid, said point being 115.73 feet distant from the intersection of said building line of South 24th Street with the Northern building line of Freemansburg Road; thence Northwardly along the Eastern building line of said South 24th Street 45 feet to a point and extending Eastwardly of that same width in depth 65 feet to land now or

late of Arthur W. Trach and/or Raymond Trach.

BOUNDED on the North by premises, now or late of Herman Kliban-sky, on the East by land or lands now or late of Arthur W. Trach and/or Raymond Trach on the South by land now or late of Mabel R. Myers Burwell, and on the West by South 24th Street aforesaid.

TITLE TO SAID PREMISES IS VESTED IN Lateef P. McGill, by Deed from Richard C. Arlotto and Lisa M. Arlotto, h/w, dated 03/30/2006, recorded 04/27/2006 in Book 2006-1, Page 166507.

Premises being: 824 SOUTH 24TH STREET, EASTON, PA 18042-5334.

Tax Parcel No. L9SW4C-19-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Lateef P. McGill.

DANIEL G. SCHMIEG, ESQUIRE

No. 56

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-06697

ALL THAT CERTAIN tract of land situated along the northern right-of-way of Angela Drive in the city of Bethlehem, Northampton County, Pennsylvania, designated as Lot No. 28, as shown on the Final Plan of Slatepost Village—P.U.D. dated March 11, 1980 and last revised August 20, 1985, more specifically described as follows:

BEGINNING at a point on the northern right-of-way of Angela Drive, said point being inline with Lot No. 29 of Slatepost Village—P.U.D. and being 25.00 feet distant from the centerline of Angela Drive;

THENCE, along said northern right-of-way of Angela Drive North 87 degrees—59'—42" East, 24.00 feet to a point; said point being in line with Lot No. 27 of Slatepost Village—P.U.D.;

THENCE along said Lot No. 27, North 2 degrees—00'—18" West, 107.73 feet to a point, said point being in line with the Drainage and Utility Easement of Slatepost Village—P.U.D.;

THENCE along said Drainage and Utility Easement, south 87 degrees—59'—42" West, 24.00 feet to a point, said point being in line with Lot No. 29 of Slatepost Village—P.U.D.;

THENCE, along said Lot No. 29, South 2 degrees—00'—18" East, 107.73 feet to a point, said point being the PLACE OF BEGINNING.

CONTAINING approximately 2,585.52 square feet.

SUBJECT to easements, covenants and restrictions which appear in the chain of title, as shown on recorded plans of Slatepost Village—P.U.D. and which presently exist.

TAX PARCEL IDENTIFIER: M7SW4-1-7-1.

BEING KNOWN AS 1653 Angela Drive, Bethlehem, PA 18017.

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

SEIZED AND TAKEN into execution of the writ as the property of Swarnjit Kaur Mundi and Surjit Singh Mundi.

MICHAEL T. MCKEEVER, ESQUIRE

No. 57

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-05625

All that certain messuage, tenement and lot or piece of ground situate on the West side of Washington Avenue (formerly Washington Street) in the Fourth Ward of the Borough of

Northampton, County of Northampton and State of Pennsylvania,

Bounded on the North side by Lot No. 6, now or late of Thomas Hower; on the East by the aforesaid Washington Avenue; on the South by Lot No. 8, now or late of Sarah L. Rehrig; and on the West by an eighteen (18) foot wide alley.

Containing in front on said Washington Avenue fifty (50) feet and extending westward of that width at right angles to said Washington Avenue a distance of one hundred twenty-five (125) feet to the aforesaid eighteen (18) foot wide alley; being Lot No. 7 on a plan of town lots laid out of the land of Edward H. Laubach and Peter J. Laubach, by L. J. Grossart, C. E.

TITLE TO SAID PREMISES IS VESTED IN Sarah W. Bryan, by Deed from Steven Nalevanko, married and Melissa Ann Nalevanko, his wife, dated 07/05/2001, recorded 07/13/2001 in Book 2001-1, Page 134925.

Mortgagor Sarah W. Bryan died on 10/09/2009 and upon information and belief; her surviving heir(s) are Anne Asarian Cummins and Richard Webb Bryan.

By executed waivers, Anne Asarian Cummins and Richard Webb Bryan waived their right to be named as a defendant in the foreclosure action.

Premises being: 1326 WASHINGTON AVENUE, NORTHAMPTON, PA 18067-1632.

Tax Parcel No. M4NW2A-9-12.

THEREON BEING ERECTED a two-story single dwelling with asbestos shingle 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 Associa-

tions Claiming Right, Title or Interest from or Under Sarah W. Bryan, Deceased.

DANIEL G. SCHMIEG, ESQUIRE

No. 58

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-03746**

ALL THAT CERTAIN lot of land situate in the Township of Palmer, County of Northampton, and Commonwealth of Pennsylvania, and being designated as Lot No. 91 as shown on a plan of lots entitled 'Final Plan—Hillcrest, Phase 2, Section 5—Palmer Township, Northampton Co., Penna.', prepared by Environmental Design and Engineering, dated April 5, 2002, as revised, and recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania on October 3, 2002, in Record Book Volume 2002-5, Pages 263 to 264, and being more fully bounded and described as follows, to wit:

BEGINNING at a point on the northerly right-of-way line of Morningside Drive (50 feet wide) at the southwest corner of Lot No. 92 of Hillcrest, Phase 2—Section 5; thence along said northerly right-of-way line of Morningside Drive (50 feet wide) the following two courses and distances:

1. along an arc of a curve deflecting to the left having a radius of 175.00 feet and central angle of 15 degrees—37 minutes—46 seconds for an arc length of 47.74 feet (Chord: South 68 degrees—25 minutes—51 seconds West 47.59 feet) to a point, thence;

2. South 60 degrees—36 minutes—58 seconds West 30.00 feet to a point on the easterly right-of-way line of Eastview Terrace (50 feet wide);

thence, along said easterly right of way line of Eastview Terrace (50 feet wide) the following three courses and distances:

1. along an arc of a curve deflecting to the right having a radius of 25.00 feet and central angle of 90 degrees—00 minute—00 second for an arc length of 39.27 feet (chord: North 74 degrees—23 minutes—02 seconds West 35.36 feet) to a point; thence,

2. North 29 degrees—23 minutes—02 seconds West 62.07 feet to a point; thence,

3. along an arc of a curve deflecting to the right having a radius of 125.00 feet and central angle of 12 degrees 22 minutes 09 seconds for an arc length of 26.99 feet (chord: North 23 degrees 11 minutes 57 seconds West 26.93 feet) to a point at a corner of Lot No. 90 of Hillcrest, Phase 2—Section 5;

thence along said lands of Lot No. 90 of Hillcrest, Phase 2—Section 5 North 72 degrees—59 minutes—07 seconds East 128.20 feet to a point on a line of lands of Lot No. 92 of Hillcrest, Phase 2—Section 5; thence along said lands of Lot No. 92 of Hillcrest Acres, Phase 2, Section 5 South 13 degrees—45 minutes—16 seconds East 96.42 feet to a point, the PLACE OF THE BEGINNING.

CONTAINING 11,770.30 square feet or 0.2702 acre.

TITLE TO SAID PREMISES IS VESTED IN Jose Andres De Los Angeles and Berqui Angeles, h/w, by Deed from Nauman Construction, Inc., dated 02/16/2004, recorded 03/01/2004 in Book 2004-1, Page 75381.

Premises being: 1 EASTVIEW TERRACE, EASTON, PA 18045-3160.

Tax Parcel No. L8-6-19-91.

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

SEIZED AND TAKEN into execution of the writ as the property of Jose A. Los De Angeles a/k/a Jose Andres De Los Angeles and Berqui Angeles.

DANIEL G. SCHMIEG, ESQUIRE

No. 59

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-05432

ALL THAT CERTAIN messuage or tenement and lot of land situate in the Township of Plainfield, County of Northampton and State of Pennsylvania, bounded and described is follows, to wit:

BEGINNING at a point in a public road leading from Belfast to Wind Gap, thence by land now or late of Richard Bath North eighty-four (84) degrees East, twenty-three and three-tenths (23.3) perches to a stone, thence by other land now or late of Eugene F. Mohn, prior grantor, North eighteen (18) degrees West, eight (8) perches to a stone, by the same South eighty-four (84) degrees West, twenty-three and four-tenths (23.4) perches to a stone in the middle of the aforesaid public road, thence in said road and lands of the same South eighteen (18) degrees East, eight (8) perches to the place of beginning; containing one (1) acre and twenty-four (24) perches, strict measure.

TITLE TO SAID PREMISES IS VESTED IN Ronald C. Keiper, Sr. and Beverly A. Keiper, his wife, by Deed from Joseph R. Gostony, Executor of the last Will and Testament of Anna Gostony, dated 05/31/2003, recorded 06/28/2002 in Book 2002-1, Page 167703.

Premises being: 5966 SULLIVAN TRAIL, NAZARETH, PA 18064-9302.

Tax Parcel No. H8NW2 5 9 0626.

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

SEIZED AND TAKEN into execution of the writ as the property of Ronald C. Keiper, Sr. and Beverly A. Keiper.

DANIEL G. SCHMIEG, ESQUIRE

No. 60
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-13294

ALL THAT CERTAIN piece of ground within the improvements thereon erected situated on the South side of and known as No. 754 Washington Street, in said City of Easton, containing in front on said Washington Street twenty-four feet, more or less, and extending of that same width in depth Southwardly eighty-nine feet and three inches, more or less, to land late of Harry Stausberg, the middle of the partition wall between this property and the property adjoining on the west being deemed the dividing line.

BOUNDED on the North by said Washington Street; East by property now or late of Allen Albright; South by property late of Harry Stausberg; and on the West by property late of H. W. Kern.

Northampton County Tax Parcel No. L9SE1C 23 6.

BEING KNOWN AS 754 Washington Street, Easton, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Patricia R. Pierson.

ROBERT P. DADAY, ESQUIRE

No. 61
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-08842

All that certain lot or parcel of land situated in the Township of Bushkill, County of Northampton, and Commonwealth of Pennsylvania, being Lot No. 3 as shown on a plan entitled, "Final Plan, Major Subdivision of Land, Record Plan, Scenic View Estates Section II", dated February 22, 2002, last revised March 8, 2004 prepared by George J. Collura, Roseto, Pa. 18013 and recorded in the Northampton County Recorder of Deeds Office on February 21, 2005 in Plan Book 2005-5, Pages 83-85, more particularly described as follows:

Beginning at a common corner of Lots No. 2 and No. 3 on the northerly side of Clearview Avenue (T-756) (50' R.O.W.); thence

1. Along Lot No. 2, North 06 degrees 02 minutes 45 seconds East, a distance of 317.00 feet to a corner; thence

2. Continuing along Lot No. 2 and along Lot No. 1, North 83 degrees 57 minutes 15 seconds West, a distance of 408.04 feet to a corner; thence

3. North 02 degrees 39 minutes 59 seconds East, a distance of 253.82 feet to a corner, an iron pin; thence

4. South 62 degrees 29 minutes 40 seconds East, a distance of 370.00 feet to a corner of Lot No. 4; thence

5. Along Lot No. 4 the following three (3) courses and distances, South 07 degrees 30 minutes 20 seconds West, a distance of 130.00 feet to a corner; thence

6. South 55 degrees 22 minutes 24 seconds East, a distance of 96.15 feet to a corner; thence

7. South 06 degrees 02 minutes 45 seconds West, a distance of 385.00

feet to a corner on the aforesaid side of Clearview Avenue; thence

8. Along the northerly side, North 83 degrees 57 minutes 15 seconds West, a distance of 30.00 feet to the first mentioned point and place of beginning.

Containing 106,683 square feet or 2.4491 acres of land.

Property Code No. J8-2-8G-3.

Subject to Drainage and Utility Easements stated on the above referenced Final Plan as: All lots are subject to a 10 feet wide Drainage and Utility Easement adjacent to all lot lines except 15 feet along all exterior subdivision property lines unless otherwise shown. Being the same premises conveyed to Toll PA XI, L.P., a Pennsylvania Limited Partnership by deed from James K. Carty and Sharon L. Carty, husband and wife, dated May 31, 2006 in Deed Book 2006-1, Page 214316, Bushkill Township, Northampton County.

Subject to restrictions and easements of record which may be amended from time to time.

BEING KNOWN AS: 337 Clearview Avenue, Nazareth, PA 18064.

PROPERTY ID NO.: J8-2-8G-3.

TITLE TO SAID PREMISES IS VESTED IN WILLIAM HYNES AND CESARIA HYNES, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY BY DEED FROM TOLL PA XI, L.P. DATED 02/14/2008 RECORDED 03/17/2008 IN DEED BOOK 2008-1 PAGE 72938.

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

SEIZED AND TAKEN into execution of the writ as the property of William T. Hynes a/k/a William Hynes and Cesaria Hynes.

ALAN M. MINATO, ESQUIRE

No. 62

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2007-04021

ALL THAT CERTAIN lot or tract of land, with the building improvements erected thereon, known as premises 358 West St. Joseph Street, situated in the City of Easton, County of Northampton, and State of Pennsylvania, more particularly described as follows:

BEGINNING at a point along the southerly property line of West St. Joseph Street in line with property of premises 360 West St. Joseph Street, property now or late of Thomas Riley; thence along the southerly property line of West St. Joseph South 82 degrees 30 minutes 00 seconds East 20 feet to a , point; thence along property of premises 356 West St. Joseph Street, property now or late of Joseph Hoffman South 7 degrees 30 minutes 00 seconds West 125 feet to a point; thence along Church Alley, North 82 degrees 30 minutes 00 seconds West (inadvertently omitted in prior deed) 20 feet to a point; thence along property of premises 360 West St. Joseph Street, property now or late of Thomas Riley, passing through the party wall segregating premises 360 West St. Joseph Street from premises 358 West St. Joseph Street, North 7 degrees 30 minutes 00 seconds East 125 feet to the place of beginning.

Being known as: 358 West Saint Joseph Street, Easton, Pennsylvania 18042.

Title to said premises is vested in Domenic A. DeSei and Judith A. DeSei, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, by deed from LOMAS MORTGAGE USA, INC. dated September 1, 1994 and

recorded September 13, 2004 in Deed Book 1994-6, Page 076601, Instrument #1994039124.

TAX I.D. #: L9SE3A-14-2.

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

SEIZED AND TAKEN into execution of the writ as the property of Domenic A. DeSei and Judith A. DeSei.

MARGARET GAIRO, ESQUIRE

No. 63

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-06648**

ALL THAT CERTAIN lot or piece of ground with the 2 1/2 story hollow tile message or tenement thereon erected.

SITUATED 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 Valley Avenue and Grant Street; thence extending west along the north side of Grant Street a distance of 20 feet; thence in a northwardly direction at right angles to the said Grant Street a distance of 140 feet to an alley; thence along the said south side of an alley, a distance of 20 feet to Valley Avenue; thence along west side of said Valley Avenue in a southwardly direction a distance of 240 feet to the place of beginning.

BOUNDED as follows: southerly by Grant Street; westerly by one half-double hollow tile house known as No. 803 Grant Street; northerly by the above mentioned alley; and easterly by Valley Avenue.

BEING THE SAME PREMISES BY DEED FROM GREGORY RAMPERTAB DATED 11/27/07 AND RECORDD 11/30/07 IN BOOK 2007-1

PAGE 430088 GRANTED AND CONVEYED UNTO MOHAMED KHAN AND BIBI KHAN, HUSBAND AND WIFE.

TAX PARCEL NO: M9NE1A19-1-03-10.

BEING KNOWN AS 801 WEST GRANT STREET, EASTON, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Bibi Khan and Mohamed Khan.

MICHAEL T. McKEEVER, ESQUIRE

No. 64

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04561**

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

BEGINNING at a concrete monument in the southerly right-of-way line of Township Road Number 663, known as Ott's Corner Road, said monument being South 80 degrees 13 minutes 09 seconds East 338.22 feet from the southwest corner of land belonging to Millard Rice; thence along the southerly right-of-way line of said Route 662, running parallel to and 30.00 feet southerly of the centerline thereof, South 89 degrees 30 minutes 40 seconds East 226.31 feet to a concrete monument; thence along land of Barry F. Ott and Lois C. Ott, South 0 degrees 29 minutes 20 seconds West 235.46 feet to a concrete monument; thence along same North 89 degrees 30 minutes 40 seconds West 143.69 feet to a concrete monument; thence along said North 18 degrees 50 minutes 40

seconds West 249.53 feet to the place of BEGINNING.

CONTAINING 1.00 acre.

BEING THE SAME PREMISES WHICH Marvin L. Brodt and Beth M. Brodt by their deed dated October 14, 2009 and recorded October 29, 2009 at the Office of the Recorder of Deeds, etc., in and for the County of Northampton at Easton, Pennsylvania in Record Book Volume 2009-1 Page 273072, granted and conveyed unto Beth M. Brodt.

UNDER AND SUBEJCT to the reservations set forth in the chain of title.

BEING NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: F11-7-3A.

PROPERTY BEING KNOWN AS: 4897 A OTT DRIVE, BANGOR, PENNSYLVANIA 18013.

THEREON BEING ERECTED a single ranch 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 Marvin L. Brodt and Beth M. Brodt.

RICHARD BRENT SOMACH,
ESQUIRE

No. 65

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2005-03898**

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Williams, County of Northampton and Commonwealth of Pennsylvania shown as Lot 2 (Remaining Lands) on the Minor Subdivision Plan "Lands of Robert E. Shultz, Sharon L. Shultz, h/w" as recorded in Map Book 1995-5, Page 416 in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania being further bounded and described as follows, to wit:

BEGINNING at an iron pin on the existing westerly right-of-way line of Pennsylvania Route 611 (16.5 feet from centerline) at the southeast corner of lands now or formerly of Benny and Mary Ann Weidemoyer; thence along said existing westerly right-of-way line of Pennsylvania Route 611 (16.5 feet from centerline) South 00°-44'-26" East 30.00 feet to an iron pin at a corner of lands now or formerly of Elwood and Florence Bryfogle; thence along said lands now or formerly of Elwood and Florence Bryfogle and also along other lands now or formerly of Elwood and Florence Bryfogle South 89°-27'-30" West 427.74 feet to an iron pin at a corner of Lot 1 of the Lands of Robert E. Shultz, Sharon L. Shultz, h/w; thence along said lands of Lot 1 of the Lands of Robert E. Shultz, Sharon L. Shultz, h/w the following two courses and distances: 1) South 62°-04'-08" West 600.00 feet to a point; thence 2) South 79°-56'-11" West 445.23 feet to a point on line of lands now or formerly of John and Shirley Cuvalo; thence along said lands now or formerly of John and Shirley Cuvalo North 14°-50'-41" West 883.04 feet to an iron pin at a corner of lands of the I-78 right-of-way; thence along said lands of the I-78 right-of-way North 80°-20'-25" East 410.24 feet to an iron pin on line of lands now or formerly of Thomas and Marilyn Wharen; thence along said lands now or formerly of Thomas and Marilyn Wharen and also along lands now or formerly of Benny and Mary Ann Weidemoyer South 13°-41'-44" East 415.32 feet to an iron pin; thence continuing along said lands now or formerly of Benny and Mary Ann Weidemoyer North 84°-41'-52" East 727.54 feet to an iron pin at a corner of lands now or formerly of George

and Frances Karch; thence along said lands now or formerly of George and Frances Karch the following three courses and distances: 1) South 24°-19'-24" West 233.46 feet to a point; thence 2) North 89°-29'-03" East 14.84 feet to a point; thence 3) North 04°-05'-03" East 14.91 feet to an iron pin; thence continuing along said lands now or formerly of George and Frances Karch and also along lands now or formerly of Benny and Mary Ann Weidemoyer North 89°-27'-30" East 475.15 feet to an iron pin, the place of the beginning.

CONTAINING 591,408.39 square feet or 13.577 acres.

BEING KNOWN AS: 394 South Delaware Drive, Easton, PA 18042.

PROPERTY ID NO.: M10-3-9J.

TITLE TO SAID PREMISES IS VESTED IN THOMAS B. MATTIS BY DEED FROM ROBERT E. SHULTZ AND SHARON L. SHULTZ, HUSBAND AND WIFE DATED 01/05/99 RECORDED 01/07/99 IN DEED BOOK 1999-1 PAGE 2528.

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

SEIZED AND TAKEN into execution of the writ as the property of Thomas B. Mattis.

ALAN M. MINATO, ESQUIRE

No. 66
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-04971

ALL that parcel of land in City of Easton, Northampton County, State of Pennsylvania, as more fully described in Deed Book 728, Page 803, ID# L9SE3D-20-6, being known and designated as all that certain lot or piece of land with the eastern half of a double brick dwelling erected thereon, situate on the north side of

Berwick Street, between Davis Street and Seitz Avenue known as No. 369 Berwick Street in the City of Easton, County and State aforesaid, bounded and described as follows, to wit:

BEGINNING 225 feet east from the northeast corner of the intersection of Berwick Street and Seitz Avenue and extending eastwardly along the north side of said Berwick Street 16 1/2 feet more or less to lands formerly of S.R. Bush;

THENCE northwardly along lands formerly of S.R. Bush 125 feet to a 20 feet wide alley;

THENCE westwardly along the south side of said alley 16 1/2 feet, more or less to other lands formerly of Aaron W. Hackman;

THENCE southwardly along said lands 125 feet to Berwick Street, the place of beginning.

The western line of the above-described premises shall be the center of a partition wall dividing a double brick dwelling house.

Deed from Napolian Johnson and Edna D. Casey, both unmarried as set forth in Deed Book 728, Page 803 dated 05/10/1985 and recorded 06/26/1987, Northampton County Records, Commonwealth of Pennsylvania.

BEING KNOWN AS: 369 West Berwick Street, Easton, PA 18042.

PROPERTY ID NO.: L9SE3D-20-6.

TITLE TO SAID PREMISES IS VESTED IN Edna D. Casey, unmarried by Deed from Napolian Johnson and Edna D. Casey, both unmarried dated 05/10/85 recorded 06/26/87 in Deed Book 728 Page 803.

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

SEIZED AND TAKEN into execution of the writ as the property of Edna D. Casey.

ALAN M. MINATO, ESQUIRE

No. 67

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-12135**

ALL THAT CERTAIN message and tenement, tract, piece or parcel of land, situated in the Second Ward of Bangor, in the County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in South Main Street, corner of land now conveyed to Florence R. Hartzell and Abraham Hartzell, thence along said South Main Street North five and one-half degrees West Thirty feet, more or less, to a corner of land now or late of Judson Labar; thence along said Labar's land, South eighty-four and one-half degrees West one hundred and twenty feet, to a stone in an alley or street; thence along said alley or street, South five and one-half degrees East thirty feet, more or less, in line of land now or late of Florence R. Hartzell and Abraham Hartzell; thence in and along said Hartzell's land, North eighty-four and one-half degrees East one hundred twenty feet to a point in said South Main Street, the place of beginning.

CONTAINING thirty feet, more or less, in front on South Main Street and being one hundred twenty feet in depth.

UNDER AND SUBJECT to coal, oil gas, mineral and mining rights as heretofore conveyed or reserved as shown in prior instruments of record.

UNDER AND SUBJECT to rights of way, easements, restrictions, reservations and exceptions as set forth in prior instruments of record.

TITLE TO SAID PREMISES IS VESTED IN Randolph Gerringer, single man, by Deed from Timothy Beams, dated 10/03/2000, recorded 10/13/2000 in Book 2000-1, Page 135398.

Premises being: 652 S. MAIN ST., BANGOR, PA 18013-2828.

Tax Parcel No.: E9NE3D-3-9.

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

SEIZED AND TAKEN into execution of the writ as the property of Randolph Gerringer.

DANIEL G. SCHMIEG, ESQUIRE

No. 68

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-11168**

ALL THAT CERTAIN lot or piece of land with a dwelling house erected thereon known as 204 Vista Drive situate in the City of Easton, County of Northampton and Commonwealth of Pennsylvania being known as Lot No. 50, as shown on a Plat of a Subdivision entitled 'The Highlands, Final Subdivision Plat, Section 1, Alvin and Rose Benjamin' by C. Douglas Cherry and Associates, recorded in the Office for the Recording of Deeds in and for Northampton County, Pennsylvania, in Map Book 30, Page 23A.

TITLE TO SAID PREMISES IS VESTED IN Irene Sprecher, by Deed from Robert Kashuba, h/w and Agatha Kashuba, h/w, dated 11/14/1997, recorded 11/26/1997 in Book 1997-1, Page 132283.

Premises being: 204 VISTA DRIVE, EASTON, PA 18042-7204.

Tax Parcel No. L10SW4C1 23 0310.

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 Irene Sprecher.

DANIEL G. SCHMIEG, ESQUIRE

No. 69
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04027

ALL THAT CERTAIN parcel of land located in Lower Saucon Township, Northampton County, Commonwealth of Pennsylvania, known as LOT 1 on a plan titled Oakview Hollow recorded in Northampton County in Record Book Volume 1999-5, Page 284 on August 27, 1999, also known as tax parcel R8-2-2, bounded and described as follows:

BEGINNING at a point on the westerly right-of-way line of Lower Saucon Road T-567, 30 feet from the centerline, said point being in common with Lot #4 of Oakview Hollow; thence,

ALONG the Lot #4 of Oakview Hollow, S 78 degrees 00 minute 31 seconds W, 426.67 feet to a point; thence,

ALONG Lot 2 of Oakview Hollow, S 11 degrees 12 minutes 02 seconds E, 267.12 feet to a point; thence,

ALONG the same, S 14 degrees 41 minutes 35 seconds W, 213.50 feet to a point; thence,

ALONG the Northerly right-of-way line of Polk Valley Road T-566 on a curve to the right having a radius of 816.50 feet and an arc length of 188.99 feet to a point; thence,

ALONG the same, S 62 degrees 02 minutes 42 seconds E, 238.62 feet to a point; thence,

ALONG the lands now or formerly of Edward J. Seifert, N 80 degrees 18 minutes 12 seconds E, 79.06 feet to a point; thence,

ALONG the aforementioned right-of-way line of Lower Saucon Road T-567 on a curve to the left having a radius of 1,670.00 feet and an arc length of 202.92 feet to a point; thence,

ALONG the same, N 90 degrees 00 minute 00 second E, 13.50 feet to a point; thence,

ALONG the same on a curve to the left having a radius of 1,683.50 feet and an arc length of 92.90 feet to a point; thence,

ALONG the same, N 03 degrees 09 minutes 42 seconds W, 105.44 feet to a point; thence,

ALONG the same, S 86 degrees 50 minutes 18 seconds W, 13.50 feet to a point; thence,

ALONG the same on a curve to the left having a radius of 1670.00 feet and an arc length of 257.36 feet to a point; thence,

ALONG the same, N 11 degrees 59 minutes 29 seconds W, 71.20 feet to the point of BEGINNING.

CONTAINING: 273,230 square feet or 6.2725 acres.

UNDER AND SUBJECT TO ANY AND ALL EASEMENTS SHOWN ON THE RECORD PLAN.

UNDER AND SUBJECT to certain covenants, conditions, easements and restrictions as appear of record, as appear on the recorded plan and as appear in the Declaration of Restrictions and Covenants as recorded in Northampton County Record Book Volume 1999-1, Page 146706, on September 27, 1999.

KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: MAP R8 BLOCK 2 LOT 2.

Premises being: 3370 LOWER SAUCON ROAD, AKA 3370 POLK VALLEY ROAD, HELLERTOWN, PA 18055.

Tax Parcel No. R8 2 2 0719.

THEREON BEING ERECTED a two-and-a-half story single dwelling with attached three-car garage with vinyl siding and brick and stucco exterior and shingle roof; detached five-car garage; two outbuildings.

SEIZED AND TAKEN into execution of the writ as the property of David J. Harte and Kim A. Harte.

DANIEL G. SCHMIEG, ESQUIRE

No. 70
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-08562

ALL THAT CERTAIN lot or parcel of land situate on the north side of Blair Road between Jacksonville Road (TR 575) and Kenwick Circle, known as Lot 3, Macada North 2, 970 Blair Road, in the Township of Hanover, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING a point in the north right of way line of Blair road (a 60 feet wide street), said point being a common corner of lands herein described and Lot 4, Macada North 2; thence, along the north right of way line of Blair Road, South 88 degrees 14 minutes 24 seconds West, 93.50 feet to a point a corner in common with Lot 2, Macada North 2; thence, along Lot 2, North 01 degrees 45 minutes 36 seconds West (incorrectly indicated at North 01 degrees 45 minutes 36 seconds East in Map Book 87, Page 374) 452.38 feet to a point, a corner in the south right of way line of US Route 22—LR 772 (a 120 feet wide street); thence, along the south right of way line of US Route 22, North 63 degrees 46 minutes 00 seconds East, 102.73 feet to a point, a corner in common with Lot 4, Macada North 2; thence, along Lot 4, South 01 degrees 45 minutes 36 seconds East, (incorrectly indicated

as South 01 degrees 45 minutes 36 seconds West in Map Book 87, page 374) 494.94 feet to a point being the point and place of beginning.

CONTAINING 44,287 square feet or 1.0167 acres of land, more or less.

SUBJECT to the easements, building restriction lines and covenants indicated on the plan of record.

TITLE TO SAID PREMISES IS VESTED IN David C. Laughery and Sharon J. Laughery, h/w, as tenants by the entireties, by Deed from Herman H. Winter, Sr. and Rose P. Winter, h/w, dated 02/28/1994, recorded 03/01/1994 in Book 1994-1, Page 7252.

Premises being: 970 BLAIR ROAD, BETHLEHEM, PA 18017-3044.

Tax Parcel No. M6 19 19 0214.

THEREON BEING ERECTED a two-story single 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 Sharon J. Laughery and David C. Laughery.

DANIEL G. SCHMIEG, ESQUIRE

No. 71
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-07188

ALL THAT CERTAIN messuage and lot of land being the brick hotel and land thereunto belonging and hereinafter described, located on the southeast corner of Northampton and Sixth Streets, in the City of Easton, known and designated as the Mount Vernon Hotel and bounded and described as follows:

BEGINNING at a point on the east side of Sixth Street and the intersection of Walnut Street therewith; thence along the south side of Walnut Street in a northeasterly direction

seventeen (17) feet to the intersection of Northampton Street; thence along the south side of said Northampton Street eastwardly eleven (11) feet to property now or late of Kate Jacobi; thence along the western line of said property now or late of Kate Jacobi, south one hundred and twenty (120) feet to a ten feet wide private alley; thence along said private alley west twenty five (25) feet to the said Sixth Street; thence along the said Sixth Street on the east side thereof north one hundred and ten (110) feet and six (6) inches to the point of beginning.

Northampton County Tax Parcel No. L9SE2A 14 1.

BEING KNOWN AS 542 Northampton Street, Easton, PA 18042.

THEREON BEING ERECTED a four-story apartment building with brick exterior.

SEIZED AND TAKEN into execution of the writ as the property of Lavery-Tarsi, LLC.

ROBERT P. DADAY, ESQUIRE

No. 72
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-08890

ALL THAT CERTAIN lot or piece of land with improvements thereon erected, known as No. 1251 Ferry Street, situated at the Northeast corner of 13th and Ferry Streets in the City of Easton, County of Northampton and State of Pennsylvania, containing on said Ferry Street twenty-two (22') feet and extending Northwardly of that same width in depth sixty-five (65') feet four (4") inches more or less to land now or late of William Woodring.

BOUNDED on the North by land now or late of Lillian E. Woodring, on the East by land now or late of Mrs. A. Darrohn, on the South by Ferry Street, and on the West by Thirteenth Street.

Northampton County Tax Parcel No. L9SW2C 7 6.

BEING KNOWN AS 1251 Ferry Street, Easton, PA 18042.

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 Gail J. Johnson.

ROBERT P. DADAY, ESQUIRE

No. 73
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-02991

ALL THAT CERTAIN house and lot of land situate on the West side of North Warren Street, in the City of Easton, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the middle of a partition wall separating this house from the one immediately adjoining on the South side and extending North 15 feet 8 inches, more or less, on the West side of North Warren Street; to the middle of a 2 feet 7 1/2 inches, more or less wide alley, (which said alley is for the joint use for ingress and egress of the owners or occupiers of this house, as well as those of the house and lot adjoining immediately on the North) and extending of that width Westwardly 97 feet in depth to a 10-foot wide private alley in the rear, intended for the joint use for ingress and egress of the owners and occupiers of the land immediately adjoining it on the East and West sides.

BOUNDED on the North by property now or late of Edwin Sunderland; on the East by North Warren Street; on the South by property now or late of William R. Warner; and on the West by the aforesaid 10-foot wide private

alley, and known as 33 North Warren Street, Easton, Pennsylvania.

Northampton County Tax Parcel No. L9SE1A 10 12.

BEING KNOWN AS 33 N. Warren Street, Easton, PA 18042.

THEREON BEING ERECTED a two-and-a-half story row home style dwelling with brick exterior and slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Robert L. Smith.

ROBERT P. DADAY, ESQUIRE

No. 74

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-03011**

ALL THAT CERTAIN messuage, tenement, or saloon property and lot or piece of land situate in the City of Easton, County of Northampton, Commonwealth of Pennsylvania, formerly the Borough of South Easton, on the south side of Berwick Street, between Coal and Reynolds (formerly Delaware) Streets, and described as follows, to wit:

BEGINNING six (6) inches west from the west brick wall of the residence lately occupied by William Kolb, thence extending Westwardly thirty-nine (39) feet five (5) inches, more or less, along the south side of Berwick Street to a lot now or late of Henry Griffith, and extending of that width southwardly in depth one hundred forty (140) feet to a twenty feet wide alley.

BOUNDED on the North by Berwick Street, on the East by lands now or late of William Kolb, deceased, on the South by said twenty feet wide alley, and on the West by land now or late of Henry Griffith.

ASSESMENT DESIGNATION NO: M9NE1B 3 11.

Northampton County Tax Parcel No. M9NE1B 3 11.

BEING KNOWN AS 506-08 W. Berwick Street, Easton, PA 18042.

THEREON BEING ERECTED a two-and-a-half story commercial building.

SEIZED AND TAKEN into execution of the writ as the property of Iglesia Cristiana Jesucristo Carmono Verdad y Vida, Inc.

ROBERT P. DADAY, ESQUIRE

No. 76

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-06913**

ALL THAT CERTAIN lot or piece of land with brick dwelling thereon erected, known as no. 1404 Washington Street, City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the middle of the party wall dividing said brick dwelling and dwelling on the East known as No. 1402 Washington Street, said point being thirty-six feet, more or less, from the West building line of Fourteenth Street; thence extending Westwardly along the South side of said Washington Street eighteen feet more or less, to a point, the middle of the party wall dividing said brick dwelling and dwelling on the West known as No. 1406 Washington Street; thence extending Southwardly through the middle of said party wall and continuing a distance of ninety-six feet to a five feet wide private alley, which alley is to be used jointly by the adjoining owners of property; thence Eastwardly along said private alley eighteen feet, more or less, to a point; thence Northwardly ninety-six feet on a line dividing the party wall of dwelling No. 1402

Washington Street, to the point, the place of Beginning.

BEING THE SAME PREMISES which Angelo R. Ferraro and Joanne Ferraro his wife, by Deed dated April 30, 1993, and recorded May 1, 1993 at the Northampton County Recorder of Deeds, Deed Book Volume 896 Page 349 granted and conveyed unto Patrick M. Lipyanic and Lina M. Lipyanic, husband and wife, Grantors herein.

This Deed is intended to be a conveyance by husband of his undivided one-half interest in the aforementioned property and is further intended to extinguish all his right, title and interest in said property including any Statutory interest in lieu of curtesy, so that from and after the date of entry of this Deed of record the party of the second part shall be free to dispose of the property without the joinder of husband.

Northampton County Tax Parcel No. L9SW 2C 26 9.

BEING KNOWN AS 1404 Washington Street, Easton, PA 18042.

THEREON BEING ERECTED a three-story row home style dwelling with brick exterior and flat roof.

SEIZED AND TAKEN into execution of the writ as the property of Lina M. Lipyanic.

ROBERT P. DADAY, ESQUIRE

No. 77
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-01987

ALL THAT CERTAIN tract of land situated in the City of Easton, County of Northampton and Stat of Pennsylvania, being Lot No. 2 of the map of Property of Edwin D. Brinker, dated May 23, 1980, prepared by Estate Developers & Engineers, and entered of record in the Northampton County Recorder's Office in Map Book 61, Page 44, bounded and described as follows, to wit:

BEGINNING at an iron pipe, said point being n 75 degrees 11' E 40.10 feet from the intersection of the easterly side of Hamilton Street, extended, and the northern side of Chestnut Terrace, both 60 feet right-of-ways. (1) thence along the lands formerly of Edwin D. Brinker, of which this was a part and through the center of a partition wall, N 14 degrees 49' W, a distance of 124.91 feet to an iron pipe. (2) thence along lands, now or formerly, of Paul Stefan, N 49 degrees 17' E, a distance of 38.96 feet to an iron pipe. (3) thence along lands, now or formerly of Francis and Joan McNally, S. 14 degrees 49' E., a distance of 141.93 feet to an iron pipe. (4) Thence Along the northern side of Chestnut Terrace, S 75 degrees 11' W, a distance of 35.05 feet to the point of beginning.

CONTAINING 4,676 square feet.

Bounded on the West by property formerly of Edwin D. Brinker, the North by property of Paul Stefan, the East by Property of Francis and Joan McNally, and the South by Chestnut Street.

Northampton County Tax Parcel No. L9NE2A 7 10.

BEING KNOWN AS 639 Chestnut Terrace, Easton, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Matthew A. Nixon.

ROBERT P. DADAY, ESQUIRE

No. 78
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-09167

ALL THOSE CERTAIN messuages, tenements, tracts or pieces of land being and lying in the Township of

Plainfield, Northampton County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1: BEGINNING AT A CORNER OF Pennsylvania Avenue and running in a northerly direction along lands, now or late of W. T. Allen, sixty three feet (63 feet) more, or less, to a corner of lands of Central Railroad of New Jersey; thence running in a westerly direction along lands of said Railroad fifty feet (50 feet) more or less to corner of lands of Fitzgerald Speer Company; thence along lands of Fitzgerald Speer Company running in a southerly direction eighty two (82 feet) more or less, to a corner in said Pennsylvania Avenue; thence along said Pennsylvania Avenue running in an easterly direction fifty feet (50 feet) more or less, to the place of beginning.

TRACT NO. 2: BEGINNING AT A CORNER of Pennsylvania Avenue and other lands of said Harry Burnard; thence by lands of Harry Burnard north thirty degrees forty six minutes, west sixty three and seventy nine hundredths feet to a corner of lands of the Lehigh & New England Railroad; thence in a southerly direction along other lands of William T. Allen, fifty eight feet (58 feet) more or less, to the aforesaid Pennsylvania Avenue; thence along Pennsylvania Avenue running in a westerly direction twenty six feet (26 feet) more or less, to the place of beginning.

BEING KNOWN AS Northampton County Uniform Parcel Identifier No. E8NE1-33-2.

TITLE TO SAID PREMISES IS VESTED IN Edward J. Wilgus, by Deed from Joseph Lobb and Lillie M. Chapman, dated 09/21/2004, recorded 09/29/2004 in Book 2004-1, Page 378205.

Premises being: 749 WEST PENNSYLVANIA AVENUE, PEN ARGYL, PA 18072-2014.

Tax Parcel No. E8NE1 33 2 0626.

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

SEIZED AND TAKEN into execution of the writ as the property of Edward J. Wilgus.

DANIEL G. SCHMIEG, ESQUIRE

No. 79

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-04308**

ALL THAT CERTAIN lot of land, with the improvements thereon erected, known as 1705 Northampton Street, situated in the Borough of Wilson, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the northerly side of Nazareth Road, on line of lot of Hilda Hochman; thence by the said side of the said road, now Northampton Street, North 88 degrees 48 minutes West, 20.25 feet to a point; thence by other land now or late of the grantors, and passing through the middle partition wall of the double frame house known as #1705-1707 Northampton Street, North 1 degree 02 minutes East, 107.87 feet to a point; thence by lot about to be conveyed by the grantors to James B. Acton, parallel to Church Street and 32.0 feet distant therefrom in a southerly direction, South 88 degrees 58 minutes East 20.25 feet to point; thence by lot of Hilda Hochman and running along the western side of the residence now standing thereon, South 1 degree 02 minutes West, 107.93 feet to a point, the place of Beginning.

TITLE TO SAID PREMISES IS VESTED IN David A. Bechtold, single,

given by Joseph L. Todaro and Josephine B. Todaro, husband and wife recorded July 1, 1999 In Volume 1999-1 Page 98344.

Premises being: 1705 NORTHAMPTON STREET, EASTON, PA 18042-3133.

Tax Parcel No. L9SW2A.21-3.

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

SEIZED AND TAKEN into execution of the writ as the property of David A. Bechtold.

DANIEL G. SCHMIEG, ESQUIRE

No. 80

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-06882**

ALL THAT CERTAIN condominium unit known as Unit #4B of Turnberry Mews Condominiums, a Luxury Townhome Community, located in the City of Bethlehem, Northampton County, Pennsylvania, as designated in a certain Declaration of Covenants, Conditions and Restrictions for Turnberry Mews, dated November 30, 2005 and recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Record-Book 2005-1, page 530841, as amended by a First Amendment to Declaration of Covenants, Conditions and Restrictions for Turnberry Mews, dated May 30, 2006 and recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Record Book 2006-1, page 223266, and amended by a Second Amendment to Declaration of Covenants, Conditions and Restrictions for Turnberry Mews Condominiums, a Luxury Townhome Community dated August 17, 2006 and recorded in the Office of the Recorder of Deeds in and for Northamp-

ton County, Pennsylvania, in Record Book 2006-1, page 343477, and amended by a Third Amendment to Declaration of Covenants, Conditions and Restrictions for Turnberry Mews Condominiums, a Luxury Townhome Community, dated January 3, 2007 and recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Record Book 2007-1, page 34688, and amended by a Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Turnberry Mews Condominiums, a Luxury Townhome Community, recorded in the Office of the Recorder of Deeds in Northampton County, Pennsylvania, in Record Book 2008-1, page 86147, as identified on the plan entitled Turnberry Mews, a Luxury Townhome Community' dated May 20, 2005, last revised October 24, 2005, prepared by Keystone Consulting Engineers, Inc., being recorded on November 2, 2005 in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Record. Book 2005-5, pages 646-648 ('Plan').

TOGETHER with a 2.94% undivided interest of, in and to the Common Areas as set forth in the aforesaid Declaration of Covenants, Conditions and Restrictions, as amended, and as shown on the Plan.

UNDER AND SUBJECT, nevertheless, to the final plan of subdivision 'Turnberry Mews A Luxury Townhome Community' recorded in the Office of the Recorder of Deeds, Northampton County, at Northampton County Record Book 2005-5, Pages 646-648, and the notes, conditions, and restrictions set forth or depicted therein, and any amendments thereto, and to all building restrictions, zoning restrictions, easements, rights-of-way, conditions, re-

strictions and reservations of record or visible on or about the premises or as depicted on the Final Plan, and any amendments thereto.

TITLE TO SAID PREMISES IS VESTED IN Mary Mayer, an adult individual, by Deed from Turnberry Mews, LLC, a Pennsylvania Limited Liability Company, dated 04/07/2008, recorded 04/11/2008 in Book 2008-1, Page 102852.

Premises being: 932 GREENHOUSE DRIVE, AKA 932 GREENHOUSE DRIVE UNIT 4B, BETHLEHEM, PA 18017-1117.

Tax Parcel No. N6NE2 2 3-4B 0204.

THEREON BEING ERECTED a three-story townhouse style dwelling with attached two-car garage with brick and stucco exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Mary Mayer.

DANIEL G. SCHMIEG, ESQUIRE

No. 81

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-00009**

ALL THAT CERTAIN lot or piece of ground together with the improvements thereon erected, known as No. 922 Wilkes-Barre Street, situate on the South side of Wilkes-Barre Street, in the City of Easton, formerly Borough of South Easton, in the County and Commonwealth aforesaid; being the Eastern 1/2 of Lot No. 5 on Plan of Lots of said James McKeen in said Borough, bounded on the East by Lot Number 4, on the South by a 20 feet wide public ally, on the West by No. 524 Wilkes Barre Street and on the North by Wilkes Barre Street, aforesaid.

CONTAINING in front on the South side of Wilkes Barre Street, aforesaid 20 feet and extending in length or depth Southwardly of the same width 140 feet to said 20 foot wide alley.

Being known as: 922 West Wilkes Barre Street, Easton, Pennsylvania 18042.

Title to said premises is vested in Joseph DeJesus a/k/a Joseph W. DeJesus and Silvia DeJesus a/k/a Sylvia J. DeJesus, husband and wife, by deed from THOMAS W. FOX AND CAROL A. FOX, HUSBAND AND WIFE dated December 19, 1997 and recorded January 2, 1998 in Deed Book 1998-1, Page 277, Instrument #1998000061.

TAX I.D. #: L9SE4D-17-9.

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 Joseph DeJesus a/k/a Joseph W. DeJesus and Silvia DeJesus a/k/a Sylvia J. DeJesus.

MARGARET GAIRO, 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. 20, 27; Feb. 3

**PART-TIME LEGAL SECRETARY/PARALEGAL
POSITION AVAILABLE**

Part-time position available in Allentown, Hanover Township general practice law firm for motivated, detail oriented legal secretary/paralegal. Salary commensurate with experience. Opportunity for growth. Bankruptcy experience a plus. Please send **resume and letter of interest with salary requirements** to Jill at Fox Tobey, P.C., 1834 Pennsylvania Avenue, Allentown, Pennsylvania, 18109, via email at jmmanos@foxtobey.com, or via facsimile at (610) 861-5989.

Jan. 13, 20



**Gross McGinley Welcomes
James Ritter
and Adds a New
Location—Emmaus**

The Law Firm of Gross McGinley, LLP is pleased to announce that James A. Ritter has joined the firm as a partner, effective January 1, 2011. Attorney Ritter, formerly of Ritter & Ritter Law Office, established in 1938 by his late father, Ernest F. Ritter, has been practicing law in the Lehigh Valley since 1980.

Mr. Ritter will continue to practice from the Emmaus location, utilizing his skills in estate planning and administration, small business planning, real estate law and elder law. In addition, the Emmaus location will expand its resources by adding local Emmaus resident, Attorney Thomas A. Capehart, currently a partner of Gross McGinley.

Expanding into Emmaus is a natural progression for Gross McGinley. In addition to Attorneys Ritter and Capehart, many other Gross McGinley attorneys have deep roots in and strong ties to the Emmaus area. Attorney Paul McGinley has, for numerous years, been general counsel to Rodale Inc., a large employer in the Borough. Attorneys Michael Henry and Patrick Reilly, having graduated from Emmaus High School, both have several generations of family that have lived in Emmaus.

Gross McGinley, LLP—Locations

33 S. Seventh Street, Allentown, PA 18101

717 Washington Street, Easton, PA 18042

111 East Harrison Street, Suite 2, Emmaus, PA 18049

Jan. 20

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**BRONWIN BARTOSH, Administratrix of the Estate of
KATHERINE GARDNER, Deceased, and BRONWIN BARTOSH,
Administratrix of the Estate of WILLIS O. GARDNER,
Individually, Plaintiff v. EASTON HOSPITAL, MARK CHOI, M.D.,
EMCARE, BARBARA J. DINSMORE, M.D., and
NORTHAMPTON IMAGING SPECIALISTS, Defendants.**

Motion in Limine—Evidence—Evidentiary Issues—Spoliation—Hearsay—Bias—Impeach—Impeachment—Expert Witness—Basis of Expert Testimony—Relevance.

Plaintiff, the administratrix for the estate of her deceased mother, alleged medical malpractice against Defendants Easton Hospital, Dr. Mark Choi, Emcare, Dr. Barbara Dinsmore, and Northampton Imaging Specialists. Prior to trial, Plaintiff and Defendants Choi and Emcare filed several motions in limine.

In Plaintiff's first motion in limine, Plaintiff requested either entry of partial summary or an adverse inference instruction against the Defendants for the destruction or loss of x-ray films that Plaintiff alleged were crucial to her case. After an examination of statutes and precedent, the Court ordered that it would issue an adverse inference instruction.

In Plaintiff's second and third motions in limine, Plaintiff sought to impeach Defendants' expert witnesses for bias. Plaintiff alleged that this bias stemmed from one witnesses' relationship with Defense counsel and from their respective histories as medical malpractice defendants. The Court granted Plaintiff's motions.

In Plaintiff's last motion in limine, Plaintiff sought to exclude one of Defendants' experts from testifying for failure to exercise independent judgment. The Court denied Plaintiff's motion.

Defendants Choi and Emcare filed a joint motion to prevent one of Plaintiff's expert witnesses from testifying at trial for failure to present his expert opinions with sufficient medical certainty. After reviewing the expert's report, the Court denied Defendants' motion.

Defendants Choi and Emcare also filed motions to exclude certain documents and statements from trial on the basis of hearsay. With respect to the hearsay motions, the Court granted in part and denied in part. The Court's discussion relied on the general prohibition against hearsay testimony and the exceptions set forth in the Pennsylvania Rules of Evidence for statements of then-existing physical condition and party-opponent admissions.

Finally, Defendant Choi filed a motion to exclude certain evidence as irrelevant. After considering the evidence's probative value, the Court determined that it was irrelevant or, in the alternative, that it was relevant but so highly prejudicial that it should nonetheless be excluded from trial.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—Law, No. C-48-CV-2003-2225.

ABRAHAM KASSIS, ESQUIRE and JONATHAN ACKLEN, ESQUIRE, for Plaintiff.

SUSAN ELLIS WILD, ESQUIRE, for Defendant Easton Hospital.

CANDY BARR HEIMBACH, ESQUIRE for Defendants Mark Choi, M.D. and Emcare.

ELAINE M. ROSS, ESQUIRE, for Defendants Barbara Dinsmore, M.D., and Northampton Imaging Specialists.

Order of the Court entered on September 30, 2010 by KOURY, JR., J.

STATEMENT OF REASONS

This matter is before the Court on the Motions in Limine of Plaintiff Bronwin Bartosh, administratrix of the Estates of Katherine Gardner and Willis O. Gardner, and Defendant Mark Choi, M.D., both individually and jointly with Defendant Emcare (together, "Moving Defendants"). The parties argued their motions on September 28, 2010 and a jury trial is scheduled to begin on October 12, 2010. The parties' motions are now ready for disposition.

On May 14, 2001, Katherine Gardner fell and struck her head and neck on the ground. Shortly thereafter, she was admitted to Easton Hospital for emergency treatment. Dr. Mark Choi ordered cervical x-ray films, reviewed the films, and determined that her spine was not fractured. He thus determined that it was appropriate to send Gardner home and she was discharged.

On May 15, 2001, Dr. Barbara Dinsmore signed out these cervical x-ray films from Easton Hospital's records facility to review them. Dinsmore had some concerns about the films and felt that Gardner should come back for additional studies. She noted that "on the cross table lateral, there is a linear lucency [sic], which overlies the anterior aspect of these prominent syndesmophytes at C5, which appears to extend beyond the margin of the vertebral body and is probably within the soft tissues."

Dinsmore was the last person of record to sign out the cervical x-ray films from Easton Hospital's records facility. Since May 17, 2001, Easton Hospital has been unable to locate these films.

Gardner returned to Easton Hospital on May 17, 2001 for additional studies and treatment. Nonetheless, her condition quickly deteriorated. On May 18, 2001, she developed bradycardia. On May 22, 2001 she became quadriplegic and, on June 16, 2001, she died.

Bartosh filed the instant action in 2003. The parties have completed discovery, and filed their respective motions in limine and responses thereto. The Court heard argument on the motions on September 28, 2010.

In Bartosh's motion in limine, she requested:

1. spoliation sanctions (either partial summary judgment or an adverse inference instruction and prohibiting Defendants' from introducing expert testimony about the films or any inferences that may be drawn from the films in support of Defendants' case) based on Defendants' inability to produce the cervical x-ray films;

2. permission to impeach expert witness John W. Patterson, M.D., for potential bias resulting from his relationship with Choi's attorney;
3. permission to impeach expert witnesses John W. Patterson, M.D., Gene Salkind, M.D., and Richard I. Katz, M.D., for bias resulting from their individual histories as medical malpractice defendants; and
4. preclusion of the testimony of Defendants' expert witness Richard P. Moser, Jr., M.D., because he merely repeated other doctors' opinions.

Together, Moving Defendants filed three motions in limine, requesting:

1. preclusion of written statements prepared by Bartosh and/or Bartosh's family, and testimony about those statements, all as hearsay;
2. preclusion of Gardner's friends' statements, as hearsay; and
3. preclusion or limitation of the testimony of Bartosh's expert witness Liudvikas Jagminas, M.D., for lack of sufficient certainty.

Finally, Choi filed a motion in limine, seeking:

1. preclusion of testimony offered by Bartosh, regarding any delay treating Katherine Gardner on May 14, 2001, as irrelevant.

SPOILIATION AND SPOILIATION SANCTIONS

Citing Defendants' failure to produce x-ray films of Gardner's cervical spine, Bartosh filed a motion asking this Court to recognize Defendants' failure as spoliation and to impose certain sanctions. Specifically, and with regard to the issue of whether these x-ray films provided a sufficient basis for the determination that decedent Gardner had not fractured her cervical spine, Bartosh requested that the Court grant partial summary judgment in her favor. Alternatively, she requested that the Court give the jury an adverse inference instruction and prohibit Defendants' medical experts from testifying about the films or any inferences that may be drawn from the films in support of Defendants' case. For the reasons that follow, the Court recognizes Defendants' failure as spoliation, grants Bartosh partial relief in that the Court will give the jury an adverse inference instruction, and denies Bartosh's request that the Court prohibit Defendants' medical experts from testifying.

Pennsylvania courts have long recognized the evidentiary doctrine of spoliation.¹ See *McHugh v. McHugh*, 186 Pa. 197, 201, 40 A. 410, 411

¹ Although Pennsylvania courts recognize the evidentiary doctrine, they routinely reject spoliation as a separate cause of action. See e.g., *Urban v. Dollar Bank*, 34 D. & C. 4th 11, 25-31 (Allegheny Cty., 1996) (detailing prior case law and explaining policy).

(1898) (“The spoliation of papers and the destruction or withholding of evidence which a party ought to produce gives rise to a presumption unfavorable to him, as his conduct may properly be attributed to his supposed knowledge that the truth would operate against him.”); *Duquesne Light Company v. Woodland Hills School District*, 700 A.2d 1038, 1050 (Pa. Commw. 1997). Through enforcement of spoliation sanctions, trial courts ensure that “a party cannot benefit from its own withholding or spoliation of evidence.” *Duquesne Light Co.*, supra, 700 A.2d at 1050.

If a court determines that a party has spoiled or otherwise withheld evidence, it may impose spoliation sanctions including prohibiting the introduction of additional evidence, entering summary judgment in favor of the opposing party, or giving the jury an “adverse inference” instruction. See generally, *Schroeder v. Commonwealth of Pennsylvania, Department of Transportation*, 551 Pa. 243, 710 A.2d 23 (1998). To determine the appropriate sanction, courts must consider three factors: (1) the degree of fault of the party who altered, destroyed, or otherwise spoiled the evidence; (2) the degree of prejudice suffered by the opposing party; and (3) the availability of lesser sanctions that will both deter future similar conduct and protect the opposing party’s rights. *Id.*, 710 A.2d at 27. Through this analysis, several Pennsylvania courts have determined that the appropriate sanction in medical malpractice actions is an “adverse inference” instruction, whereby the jury may infer that spoiled evidence, if preserved and presented at trial, would have been unfavorable to the spoiling party.² See *Magette v. Goodman*, 771 A.2d 775, 780-81 (Pa. Super. 2001); *Clark v. Philadelphia College of Osteopathic Medicine*, 693 A.2d 202, 205 (Pa. Super. 1997). The adverse inference stands in place of evidence that the opposing party was unable to present, thus addressing any prejudice faced by the opposing party. At the same time, the adverse inference is a far less drastic sanction than summary judgment.

The *Magette* case is very similar to the case presently before this court. Abington Memorial Hospital admitted Joann Magette for spinal fusion surgery. *Magette*, supra, 771 A.2d at 776. The hospital anesthesiologist, Dr. David Goodman, placed Magette under anesthesia and monitored her condition during surgery. After surgery, a hospital nurse, Nurse Patterson, continued to monitor Magette’s condition. Shortly after bringing her out of anesthesia, Nurse Patterson noted that Magette’s blood pressure monitor

² Under the Medical Care Availability and Reduction of Error Act, adverse inference instructions are also appropriate when a “claimant proves by a preponderance of the evidence that there has been an intentional alteration or destruction of medical records” within the mandatory seven-year storage period, “the court in its discretion may instruct the jury to consider whether such intentional alteration or destruction constitutes an adverse inference.” See §511, 40 Pa. C.S. §1303.511(c) [hereinafter MCARE Act]; 28 Pa. Code §§115.22-115.23 (establishing seven-year retention period). Under MCARE, however, an adverse inference instruction would be inappropriate, if the spoiling party routinely disposed of the records as permitted by law. See MCARE Act §1303.511(b)(3).

sounded an alarm. Unconcerned due to the likelihood of “false alarms,” the nurse reset the monitor. Thirty seconds later, however, the alarm sounded again. Nurse Patterson then looked at Magette’s EKG monitor and noted that she did not *see* a heart rate. *Id.* at 776-77.

Magette’s estate brought a medical malpractice action against Abington Memorial Hospital. At trial, the estate contended that the EKG strip was material to its case. Nonetheless, it could not offer the strip into evidence because Dr. Goodman discarded it before trial, noting that “it didn’t show anything that [he] considered to be significant.” *Id.* at 781. The estate thus requested that the trial court give the jury a “missing evidence instruction.” *Id.* at 780. In response, the Hospital argued that evidence of the strip’s contents would sufficiently come into evidence through Dr. Goodman’s testimony. *Id.* The trial court denied the estate’s request.

On appeal, the Superior Court remanded due to the trial court’s failure to give the jury an adverse inference instruction. *Id.* at 780, 781. The Superior Court relied on the estate’s demonstration that the EKG strip was a medical record, that the Hospital’s policy was to retain medical records for seven years following discharge, and that the missing EKG strip would have been material to the estate’s case.³ *Id.* at 780. Notably, the Superior Court stated that “[w]hile the strip may have disproved appellant’s theory [of Hospital’s liability], this determination should have been left to the jury, not to Dr. Goodman.” *Id.* at 781.

In the instant matter, Katherine Gardner struck her head and neck on the ground. Shortly thereafter, on May 14, 2001, Easton Hospital admitted Gardner so that doctors could administer emergency medical services. Dr. Mark Choi ordered x-rays of Gardner’s cervical spine. Choi and Dr. Barbara Dinsmore examined the x-rays within about twenty-four hours of each other but had varied interpretations. On May 14, 2001, Choi determined that Gardner’s spine was not fractured and thus discharged her from Easton Hospital. Shortly thereafter, on or about May 15, 2001, Dinsmore examined the x-rays and reported that “on the cross table lateral, there is a linear luceny [sic], which overlies the anterior aspect of these prominent syndes-mophytes at C5, which appears to extend beyond the margin of the vertebral body and is probably within the soft tissues.” Linear lucencies often point to, but are not determinative as to the existence of, fractures.

In filing this lawsuit, Bartosh contends that the Defendants committed medical malpractice by relying on the x-ray films in question to deter-

³ In fact, the Superior Court’s reliance on evidence of the Hospital’s policy was unnecessary. Under the Pennsylvania Code, the Hospital had an affirmative duty to preserve Magette’s records for at least seven years. *See* 28 Pa. Code §§115.22-115.23. Further, if the case were heard today, the Hospital’s policy would be supplanted by newer Pennsylvania law that mandates that health providers store records “in such a manner as to provide protection from loss [and/or] damage” for at least seven years after a patient’s discharge from care. *See* MCARE Act §1303.511(c).

mine that Gardner had not fractured her cervical spine. She alleges that the Defendants were negligent in relying on only the x-rays films because the x-rays films were insufficient to support such a conclusion. In support of their contention, Bartosh points to Gardner's subsequent bradycardia, paralysis, and death. She further contends that the x-ray films in question, if presented for her inspection and presented to the jury, would play a significant role in her case because she would have been able to inspect the films, offer expert testimony about the films, and produce them to the jury. Like Dr. Goodman in *Magette*, only the Defendant doctors to this action had the opportunity to view and interpret the now-missing cervical x-ray films. Bartosh, on behalf of Gardner's estate, filed the instant lawsuit in 2003. Since filing, Defendants have not produced the x-ray films for Bartosh's benefit in discovery. Since Defendants should not be allowed to benefit from their destruction, loss, or withholding of these x-ray films, this Court must determine the appropriate spoliation sanctions. See *Duquesne Light Co.*, supra, 700 A.2d at 1050.

First, the Court must consider the Defendants' relative fault. From all appearances, at least one defendant, Easton Hospital, has a great degree of fault. This fault stems from Easton Hospital's failure to preserve and maintain the records. While parties do not generally have an affirmative duty to preserve evidence, such a duty may arise by statute or other circumstances where a party assumes the duty through its conduct. See *Elias v. Lancaster General Hospital*, 710 A.2d 65, 68 (Pa. Super. 1998).

Here, under the Pennsylvania Code, Easton Hospital owed Gardner an affirmative statutory duty to preserve the films for at least seven years after Gardner's discharge.⁴ See 28 Pa. Code §115.23. The Code mandates that "[m]edical records, whether original, reproductions or microfilm, shall be kept on file for a minimum of 7 years following the discharge of a patient." *Id.* Since Easton Hospital, through counsel, acknowledged that it has been unable to locate the files since May 17, 2001—only two days after it initially discharged Gardner—the hospital failed to satisfy the statute.

Further, even in the absence of this section of the Code, Easton Hospital demonstrated that it assumed a duty to its patients—namely, a duty to preserve hospital records—by taking affirmative acts to that effect. This conclusion rests on two principles. First, Easton Hospital and Gardner had the kind of "special relationship" that might give rise to an affirmative duty. See e.g., *Wnek v. City of Phila.*, 2007 WL 1410361 (E.D. Pa. 2007) (citing

⁴ At this juncture, the Court cannot determine whether Easton Hospital spoiled the films before or after MCARE went into effect in 2002. By admission of counsel, Easton Hospital first realized that it could not locate the films on May 17, 2001; this does not, however, preclude the possibility that Easton Hospital spoiled the films after MCARE's effective date. In any case, because the Court has determined that Easton Hospital owed Gardner an affirmative duty based on other grounds, the Court need not address MCARE's applicability.

DiMarco v. Lynch Homes-Chester County, Inc., 384 Pa. Super. 463, 559 A.2d 530 (1989) (noting that Pennsylvania courts recognize the existence of a “special relationship” between both hospitals and patients, and doctors and patients). Second, Easton Hospital actually assumed that duty by its affirmative conduct. At all times since Gardner’s x-ray films were created in 2001, Easton Hospital owned and exercised control over the films. The Hospital’s contract with Northampton Imaging Specialists details that the records, once created, were property of Easton Hospital. Further, Easton Hospital maintained its ownership by storing the films in its records facility and by requiring doctors and other personnel to sign the records in and out. Ostensibly, Easton Hospital kept such procedures in place because it recognized that it had a responsibility to maintain and preserve patient records in order to facilitate treatment. Nonetheless, by the Hospital’s admission at argument, Easton Hospital lost or otherwise misplaced her records between May 15, 2001 and May 17, 2001, when Gardner still relied on it for treatment.

It is of little consequence that the Court cannot immediately determine Easton Hospital’s level of intent in spoiling the films. The hospital may have intentionally destroyed the films, intentionally withheld them during discovery, or simply acted recklessly or negligently in failing to preserve the films in accordance with its duties. In any case, the end result is the same. Easton Hospital has been unable to find or produce Gardner’s x-ray films since May 17, 2001. Its failure to produce the records amounts to a breach of duty and this breach, in turn, gives rise to spoliation sanctions. If not for spoliation sanctions, all Defendants would unfairly benefit from Easton Hospital’s failure.

Second, the Court must consider the prejudice that Bartosh now faces. This prejudice lies between moderate and great. The missing x-ray films were reviewed both by Choi and Dinsmore. Choi saw no evidence of a fracture while Dinsmore saw some evidence of a linear lucency. With the films, Bartosh could determine whether the films were by themselves sufficient to support Choi’s determination that Gardner had not suffered a fracture. She could present the films to her expert witnesses and produce their testimony about the films for the jury. She could also produce the films as actual evidence for the jury.

Third, the Court is charged with the task of determining the appropriate spoliation sanction. Under the test adopted by the Pennsylvania Supreme Court in *Schroeder*, the court must select the least onerous spoliation sanction that will still: (1) deter future similar conduct and (2) protect the opposing party’s rights. In this case, as set forth in *Magette* and for the reasons that follow, the Court believes that the appropriate sanction is an adverse inference instruction.

As stated above, it is not clear whether the Defendants intentionally destroyed the films or whether they were merely reckless or negligent in

handling them. In either case, an adverse inference instruction will deter future similar conduct. If the jury may draw an adverse inference against Easton Hospital in this case, it encourages the hospital to be more diligent when handling patient records in the future. This should prevent similar harm to other patients and potential plaintiffs.

Furthermore, the Court has determined that an adverse inference instruction is appropriate because it is the least onerous sanction that still protects Bartosh's rights in the instant lawsuit. In this case, entering partial summary judgment for Bartosh would be too severe. Instead, the Court will allow the jury to draw an adverse inference against Easton Hospital and to weigh that inference in its deliberations.

At argument, the parties argued at length about to whom the adverse inference could apply. Bartosh felt that the adverse inference should apply to all Defendants; Choi and Dinsmore argued that since only Easton Hospital had an affirmative duty to preserve the films, the inference should apply only to Easton Hospital; Easton Hospital argued that the inference should also apply to Dinsmore, the last person of record to have signed out the films. Ultimately, the Court determines that the adverse inference instruction will be entered against Easton Hospital, because Easton Hospital, by failing to preserve Gardner's medical records, was the only party to breach affirmative duties. Nevertheless, the impact of the Court's decision would be the same whether the Court enters the adverse inference instruction against one or all of the parties. Because the parties share joint and several liability, an adverse inference against one defendant amounts to an adverse inference against all. This "spoliation sanction shrapnel," as it were, is an unavoidable consequence of the Hospital's failure to produce the x-ray films.

Finally, the Court denies Bartosh's request to preclude Defendants from introducing expert testimony about the films or any inferences that may be drawn from them in support of Defendants' case. Even without the films, Bartosh may still explore the issues pertinent to her case through other evidence and expert testimony. She may cross-examine Choi and Dinsmore to flesh out the difference in their opinions, and she can emphasize those portions of Dinsmore's report that state that the x-ray film showed evidence of a linear lucency. Further, Bartosh may produce expert testimony, such as that of Dr. Liudvikas Jagminas, to the effect that Gardner's injuries would not have happened but for Defendants' alleged negligence.

IMPEACHMENT OF EXPERT WITNESSES FOR BIAS

Bartosh has moved for an order allowing her to impeach Defendants' expert medical witness John W. Patterson, M.D. on the basis of his relationship with Defendant Choi's attorney, Candy Barr Heimbach. Bartosh has also moved for an order allowing her to impeach the credibility of Dr. Patterson and Defendants' additional expert witnesses Gene Salkind, M.D.

and Richard I. Katz, M.D. based on their respective histories as medical malpractice defendants. Bartosh alleges that their experiences as medical malpractice defendants “gives them a bias in favor of medical malpractice defendants and against medical malpractice plaintiffs.” Plaintiff’s Brief in Support of Omnibus Motions In Limine at 14-15, *Gardner v. Choi* (No. C-48-CV-2003-2225). Based on the following, the Court will grant her motions.

Under the Pennsylvania Rules of Evidence, “[t]he credibility of a witness may be impeached by any evidence relevant to that issue, except as otherwise provided by statute or these Rules.” Pa. R.E. 607(b). Relevant evidence tends “to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Pa. R.E. 401. Although relevant evidence is generally admissible, it may nonetheless be excluded if prohibited by other rules of evidence or “if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Pa. R.E. 402, 403.

Following these rules, Pennsylvania courts have consistently held that witnesses may be impeached for bias. Through cross-examination, litigants test the credibility and truthfulness of witness testimony. *See R. v. Pennsylvania Department of Public Welfare*, 535 Pa. 440, 466, 636 A.2d 142, 155 (1994) (Papadakos, J., concurring and dissenting). A cross-examiner must be permitted to reveal “possible biases, prejudices, or other ulterior motives as they might relate directly to issues or personalities in the case.” *Id.* A “successful showing of bias ... would have a tendency to make the facts to which [the witness] testified less probable in the eyes of the jury than it would be without such testimony.” *Commonwealth v. Rouse*, 782 A.2d 1041, 1045 (Pa. Super. 2001) (quoting Pa. R.E. 607, cmt. (quoting *U.S. v. Abel*, 469 U.S. 45 (1984))).

Pennsylvania courts allow impeachment of witnesses for bias based on a broad range of bases. *See Grutski v. Kline*, 352 Pa. 401, 406, 43 A.2d 142, 144 (1945) (“Whatever tends to show the interest or feeling of a witness in a cause is competent by way of cross examination.”); *Spino v. John S. Tilley Ladder Co.*, 448 Pa. Super. 327, 351-52, 671 A.2d 726, 738 (1996) (“A party is entitled to cross-examine an expert witness to explore the credibility of the witness and to inquire into any potential bias, interest or relationship which could effect the testimony of the witness.”). For example, Pennsylvania courts have determined that expert medical witnesses may be impeached for bias based on their relationships either with parties to the case or the parties’ attorneys. *See Downey v. Weston*, 451 Pa. 259, 263-64, 301 A.2d 635, 639 (1973); *Yacoub v. Lehigh Valley Medical Associates, P.C.*, 805 A.2d 579, 592 (Pa. Super. 2002) (en banc) (“An expert witness can be cross-examined as to any facts that tend to show partiality on the

part of the expert, and that examination may include a prior relationship with a party's counsel.”). They have also determined that witnesses may be impeached based on perceived bias for or against a cause about which they are testifying. *See Coward v. Owens-Corning Fiberglas Corporation*, 729 A.2d 614, 625-26 (Pa. Super. 1999). In *Coward*, the Superior Court affirmed the trial court's decision to allow cross-examination of defendant's expert witness based on his history of testifying on behalf of similarly situated defendants. The Superior Court stated that such questioning properly “probe[d] the extent to which the witness's identification with ... defendants might bias his testimony in this case.” *See id.* at 626.

Here, Bartosh wishes to question Defendants' expert witness John W. Patterson, M.D., based on his relationship with Choi's attorney, Candy Barr Heimbach. Dr. Patterson was sued in a separate and unrelated medical malpractice action, approximately fifteen years ago and was represented by Attorney Heimbach of Marshall, Dennehey, Warner, Coleman and Goggin. During argument upon the motions, Bartosh indicated that she wishes to question Patterson's relationship with Heimbach insofar as it calls Patterson's credibility into question.

With respect to Dr. Patterson's relationship with Attorney Heimbach, the Court will grant Bartosh's motion. The Superior Court has addressed several factually similar cases and ruled that such questioning is appropriate on cross-examination. *See Downey*, supra at 263-64, 301 A.2d at 639; *Yacoub*, supra, 805 A.2d at 592. Denying Bartosh the opportunity to impugn Dr. Patterson's credibility on the basis of these relationships would constitute reversible error. *See Fisher v. North Hills Passavant Hospital*, 781 A.2d 1232, 1235 (Pa. Super. 2001) (“Where a credibility determination must be made by the jury, evidence of any such bias becomes critical. ... [T]he trial court committed reversible error by restricting cross-examination as to that witness' [possible] bias”). Accordingly, the jury may consider Patterson's relationship with Attorney Heimbach, the scope and nature of that relationship, and its distance in time from the instant action.

Bartosh also asked the Court to issue an Order granting her permission to cross-examine Dr. Patterson, Dr. Salkind, and Dr. Katz for potential bias based on their respective histories as medical malpractice defendants. She has indicated that she will limit this line of questioning “by simply asking Dr. Patterson, Dr. Salkind and Dr. Katz if they have been sued for medical malpractice in the past on multiple occasions.” Plaintiff's Brief in Support of Omnibus Motions In Limine at 14-15, *Gardner v. Choi* (No. C-48-CV-2003-2225).

The Court will grant Bartosh's motion with respect to Dr. Patterson, Dr. Salkind, and Dr. Katz. As noted above, Pennsylvania courts have consistently held that parties may impeach witnesses on *any* basis that tends to show an effect on the witness' testimony. *See Grutski*, supra at 402, 43 A.2d at 144; *Spino*, supra at 351-52, 671 A.2d at 738. Specifically, the

Superior Court has stated that it is appropriate to probe “the extent to which [a] witness’s identification with ... defendants might bias his testimony in this case.” See *Coward*, supra, 729 A.2d at 626. Based on her representations as to the scope of her planned cross-examination, the Court does not believe that Bartosh’s questions pose any risk of unfair prejudice or jury confusion. See Pa. R.E. 403, 607(b).

BASIS AND NATURE OF EXPERT TESTIMONY

Bartosh asks this Court to bar Defendants’ expert Richard P. Moser, M.D., from merely repeating other doctors’ conclusions drawn from the x-ray films at issue. To bolster their arguments, both Bartosh and the Moving Defendants refer to portions of a transcript of Dr. Moser’s deposition, taken on September 14, 2007. Bartosh argues that Dr. Moser failed to bring his own education, experience, or other knowledge to bear on other doctors’ conclusions and alleges that Dr. Moser has merely repeated other doctors’ conclusions to bolster their credibility. Moving Defendants, in response, argue that Dr. Moser’s conclusions are based on several factors and were drawn from his independent expertise and analysis. For the reasons that follow, the Court will deny Bartosh’s motion.

In Pennsylvania, the basis of an expert witness’ opinion need not be admissible in evidence so long as the basis is “of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject.” Pa. R.E. 703. Medical experts may rely on hearsay testimony so long as other medical experts would reasonably rely upon it. See *Commonwealth v. Thomas*, 444 Pa. 436, 445, 282 A.2d 693, 698-99 (1971); *Primavera v. Celotex Corporation*, 415 Pa. Super. 41, 47-49, 608 A.2d 515, 518-21 (1992). In *Primavera*, the Superior Court stated that:

[t]he logical underpinnings for this rule which allows the qualified expert to rely on material which might otherwise be classified as hearsay are multi-fold. First, the rule is born of practical necessity. An expert’s opinion may be based upon years of professional experience, schooling and knowledge, not all of which can be presented on a first-hand basis in court. Moreover, and more importantly in the context of this case, the expert is assumed to have the mastery to evaluate the trustworthiness of the data upon which he or she relies, both because the expert has demonstrated his expert qualifications and because the expert regularly relies on and uses similar data in the practice of his or her profession. The kind of data contemplated by the rule is often, as it is in this case, the kind of data used daily by experts in making judgments, reaching diagnoses, and taking action.

This rationale is particularly apt in cases such as the instant one, involving the sources of physicians’ opinions and

conclusions regarding a patient's health. The practice in court literally reflects the process upon which expert opinion is based in the field. ... [A] physician in his own practice bases his diagnosis on information from numerous sources and of considerable variety including statements by patients and relatives, reports and opinions from nurses, technicians and other doctors, hospital records, and X-rays. Most of them are admissible in evidence, but only with the expenditure of substantial time in producing and examining various authenticating witnesses. The physician makes life-and-death decisions in reliance upon them. His validation, expertly performed and subject to cross-examination, ought to suffice for judicial purposes.

The fact that experts reasonably and regularly rely on this type of information merely to practice their profession lends strong indicia of reliability to source material, when it is presented through a qualified expert's eyes.

Primavera, supra, 415 Pa. Super. at 49-50, 608 A.2d at 520 (emphasis and some formatting omitted).

Nevertheless, an expert's right to relay hearsay testimony to the jury is not absolute. To introduce hearsay to the jury, an expert must testify that the hearsay formed the basis of his opinion, demonstrate that he reasonably relied on the hearsay, and bring his independent expertise and judgment to bear on it. See *Cacurak v. St. Francis Medical Center*, 823 A.2d 159 (Pa. Super. 2003) (interpreting and citing to *Primavera*, 415 Pa. Super. at 51, 608 A.2d at 521). Even if the expert meets these requirements, the Court may instruct the jury to consider those facts or that data only to explain the basis of the expert's opinion; the Court may instruct the jury to disregard those facts or that data as substantive evidence. See Pa. R.E. 703, cmt.

In this case, at the September 14, 2007 deposition, Dr. Moser testified at length about his credentials, expertise, and experience. He also testified at length about Gardner's condition, the x-rays at issue, and Choi and Dinsmore's conclusions about those x-rays. Transcript of Videotape Deposition of Richard P. Moser, Jr., M.D., 5-23, *Gardner v. Choi* (No. C-48-CV-2003-2225). Finally, he testified about the process that he normally undertakes when reviewing films and records, and also testified that he went through that process in this matter: he looked at the available imaging films, reviewed the accompanying documentation, and then compared the documentation to the available films to reconcile any potential discrepancies. *Id.* at 26-27. Since Gardner's May 14, 2001 x-ray films were unavailable for review, Moser testified that neither he nor others could comment on the x-ray films, directly. *Id.* at 34. Nonetheless, he was able to review and actually reviewed Choi's report, Dinsmore's report, and the imaging studies created on May 18, 2001.

Moser testified that he felt confident that the May 14, 2001 x-ray films did not show evidence of a fracture. He stated that he could draw this conclusion:

because there are subsequent imaging studies that were performed shortly thereafter, and there is no evidence of fracture on them. And fractures do not heal that quickly on imaging studies.

So, therefore, if there's nothing on the study done within a week or several weeks or even a matter of months in someone who has a cervical spine fracture, if you don't see it on the follow-up study it wasn't there on the original study.

Id. at 34-35; *see also, id.* at 61-62.

Accordingly, to the extent that Choi's report served as a basis for Moser's opinion that the May 14, 2001 x-rays did not and could not show evidence of a cervical fracture, this Court will deny Bartosh's motion and allow Moser to testify about the contents of and conclusions contained in Choi's report. Moser, in providing his expert opinion to the jury, must reveal the bases for his opinion. *See* Pa. R.E. 705. To the extent that Moser is familiar with and relied upon Choi's report, he must discuss it. Further, based on his deposition testimony, the Court concludes that Moser is not merely bootstrapping Dr. Choi's opinion onto his testimony; to the contrary, he has exercised independent judgment in his determination that the May 14, 2001 x-ray film could not or did not show evidence of a fracture. Thus, the Court will allow his testimony. *See Cacurak, supra*, 823 A.2d at 159.

The Court will, however, instruct the jury that it may consider Moser's testimony about Choi's reports only as the basis of Moser's opinion, and will further instruct the jury that it may not consider Dr. Moser's testimony of those reports as substantive evidence. *See* Pa. R.E. 703, cmt. It will also entertain renewed objections to Moser's testimony during trial, should he offer the contents of Choi's reports in other, prohibited contexts.

HEARSAY

Through their motions in limine, Moving Defendants seek to preclude introduction of or testimony about the contents of written statements prepared by Plaintiff or by Plaintiff's family. Moving Defendants also seek to preclude Plaintiff from testifying about statements made by Gardner's friends. Both motions request preclusion on the basis that the referenced written or oral statements constitute inadmissible hearsay. For the reasons that follow, this Court: (1) grants Moving Defendants' motion to prevent Plaintiff from introducing the actual written statements prepared by Plaintiff or Plaintiff's family; (2) denies Moving Defendants' motion to prevent Plaintiff from calling witnesses to testify about Gardner's statements or hospital employees' statements that are excluded from the general hearsay prohibition by the Pennsylvania Rules of Evidence; and (3) grants Moving Defendants' motion to prohibit Bartosh from testifying about Bartosh's motives in seeking legal counsel.

Generally, hearsay evidence is not admissible. *See* Pa. R.E. 802. In Pennsylvania, hearsay is “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Pa. R.E. 801(c). Hearsay statements may be either oral or written. Pa. R.E. 801(a).

Despite the general prohibition against hearsay, the Pennsylvania Rules of Evidence provide several exceptions whereby hearsay testimony is admissible. *See* Pa. R.E. 803-804. Three exceptions are particularly relevant to this case. First, the rules permit admission of statements of “then-existing mental, emotional, or physical condition.” *See* Pa. R.E. 803(3). This exception permits admission of a declarant’s statements about her then-existing emotion, sensation, or physical condition (*e.g.*, pain or bodily health). *See* Pa. R.E. 803, cmt.; *Whelan v. W.C.A.B. (F. H. Sparks Co. of Pa., Inc.)*, 110 Pa. Commonwealth Ct. 242, 246, 532 A.2d 65, 67 (1987).

Second, the rules permit the introduction of party-opponent admissions. *See* Pa. R.E. 803(25). Under this rule, a party’s statement is admissible as a party-opponent admission if:

[t]he statement is offered against a party and is (A) the party’s own statement in either an individual or representative capacity, or ... (D) a statement by the party’s agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship ...

Id. Under Pa. R.E. 803(25)(D), the party offering the statement must prove that the speaker was an agent or servant of the party against whom it is offered, that the statement concerned a matter within the scope of the speaker’s agency or employment, and that the statement was made while the speaker was still an agent or servant of the party against whom the statement is offered. *See Harris v. Toys “R” Us-Penn, Inc.*, 880 A.2d 1270, 1275 (Pa. Super. 2005).

Finally, the rules also address hearsay within hearsay—hearsay statements contained inside other hearsay statements. Statements that are hearsay within hearsay are admissible only “if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.” *See* Pa. R.E. 805.

In their first motion for exclusion of hearsay statements, Moving Defendants ask this Court to preclude admission of and/or testimony about statements contained in written narratives and diary entries created by Gardner’s husband, Willis O. Gardner, and Gardner’s grandchildren, Rebecca Kim, Stephen Castone, David Castone, and Bartosh.⁵ Initially, we

⁵ Moving Defendants attached copies of these statements to their Motion. *See* Motion in Limine of Defendants, Mark Choi, M.D. and Emcare, to Preclude and/or Limit Plaintiff From Introducing Any Testimony or Other Evidence Regarding Hearsay Statements in the Written Statements of Herself and Her Family Members, at Exhibit A, *Gardner v. Choi* (No. C-48-CV-2003-2225).

note that these written narratives and entries are “statements” within the meaning of the Rules of Evidence. *See* Pa. R.E. 801(a).

Insofar as Moving Defendants seek to prohibit Bartosh from submitting the written statements as evidence, this Court will grant Moving Defendants’ motion. First, at argument upon the motions in limine, Bartosh stipulated that she would not seek to produce her or Willis Gardner’s written statements. Further, even if these or the other written statements were submitted as evidence, each statement would be hearsay under Pa. R.E. 801(c). Each narrative or diary entry is a statement prepared outside the context of a court hearing or trial. If offered to prove the truth of its contents, each would be barred from admission by the general prohibition against hearsay evidence.⁶ *See* Pa. R.E. 802.⁷

Further, Bartosh may not submit portions of the written documents—even portions that seem to satisfy exceptions to the hearsay rule. As hearsay within hearsay, these statements are inadmissible under Rule 805.

If Moving Defendants sought only to prohibit introduction of these documents, our analysis would end here. However, they also sought to prohibit testimony about the contents of the narratives. To the extent that the authors of said documents are called as witnesses at trial, and to the extent that their testimony amounts to admissible hearsay, Moving Defendants’ motion is denied.

In several places, the referenced narratives contain hearsay statements that, if repeated by a live witness at trial, would be admissible. For example, Rebecca Kim detailed a conversation that she had with an Easton Hospital E.R. Doctor:

On the day of May 17, 2001, I received a phone call that I was to contact [an] Easton hospital E.R. doctor about my grandmother Katherine Gardner in reference to her fall two day [sic] prior. When I called back around 11:00, I spoke with the ER doctor on call that day. He told me that my grandmother needed to come back to the emergency room for further testing. I asked him why, and his response was that the radiologist read

⁶ Of course, Bartosh may produce the documents for purposes other than to prove the truth of the matter asserted. For example, Bartosh may introduce the written statements to prove simply that they exist. *See e.g., Bachman v. Artinger*, 285 Pa. Super. 57, 63, 426 A.2d 702, 705 (1981). The prohibition against hearsay only bars admission if offered to prove the truth of the matter asserted within the statement. *See* Pa. R.E. 802.

⁷ While the rules of evidence also permit admission of “present sense impressions,” *see* Pa. R.E. 803(1), this Court was not presented with sufficient evidence to determine whether any of the written statements qualified as such. A present sense impression is a statement made while or soon after the declarant observed events unfolding before him. *See id.*, cmt; *Commonwealth v. Peterkin*, 511 Pa. 299, 311, 513 A.2d 373, 379 (1986). Here, it appears from the dates and narrative structure that Plaintiff and Plaintiff’s relatives’ statements were created after the fact. Further, Plaintiff did not present evidence or argument suggesting that the statements were made during the course of events described or immediately thereafter.

her reports and x-rays from Monday night and said something was missed. I asked what, but he would not comment.

Motion in Limine of Defendants, Mark Choi, M.D. and Emcare, to Preclude and/or Limit Plaintiff From Introducing Any Testimony or Other Evidence Regarding Hearsay Statements in the Written Statements of Herself and Her Family Members [hereinafter “Defendants First Hearsay Motion”], at Exhibit A, *Gardner v. Choi* (No. C-48-CV-2003-2225). During live testimony and following a proper foundation, Ms. Kim’s retelling of this conversation may be admissible under Pa. R.E. 803(25). Bartosh should have the opportunity to prove that the doctor was a servant of one or more of the Defendants, that the statement concerned the subject of the doctor’s servitude, and that the statement was made while the doctor actually served one or more of the Defendants. *See Harris*, supra, 880 A.2d at 1275. At this juncture, it would be inappropriate for this Court to deny Bartosh that opportunity.

Other third-party statements within the referenced written documents may also qualify as party-opponent admissions or statements of then-existing physical condition. As such, the Court cannot fully grant Moving Defendants’ motion. So long as the statements’ authors are called as witnesses, and so long as each witness is competent to testify, it would be inappropriate at this juncture to deny Bartosh the opportunity to develop these lines of testimony. By way of example, Stephen Castone wrote that Gardner told him that she had extreme pain in her neck. *See Defendants’ First Hearsay Motion*, at Exhibit A, *Gardner v. Choi* (No. C-48-CV-2003-2225). At trial, Stephen Castone could testify to his grandmother’s statements as statements of then-existing physical condition under Pa. R.E. 803(3). Further, Bartosh wrote that an Easton Hospital radiologist said that “they wanted to re-do x-rays because they were unsure of the x-ray results.” *Defendants’ First Hearsay Motion*, at Exhibit A, *Gardner v. Choi* (No. C-48-CV-2003-2225). Plaintiff’s statement may fit under Pa. R.E. 805. At this time, this Court will not prevent her from exploring this testimony.

In their second motion for exclusion of hearsay statements, Moving Defendants seek to preclude Bartosh from testifying about statements made by her friends. Specifically, they reference the following portion of Bartosh’s deposition:

Q.: Who told you that information about the Christopher Reeve Syndrome?

A.: I don’t recall.

Q.: And when I’m saying research, it’s open-ended, talking to people, talking to other medical providers, going on the Internet, medical books?

A.: I did not go on the Internet and I did not look at any medical books. I do remember discussing this with a friend that I have, a very good [friend] that I have in South Carolina who

discussed it with a friend of hers who is an emergency room physician. And actually he was the one who suggested that we get counsel.

* * * * *

Q.: And what was related to you that prompted you then to seek legal advice?

A.: It was his opinion that she should not have been sent home on the evening of the 14th without a radiologist reading the x-rays and being certain as to what the extent of the damages were to my mother at that time.

Motion in Limine of Defendants, Mark Choi, M.D. and Emcare, to Preclude as Hearsay Certain Testimony By Bronwin Bartosh Regarding Statements Made By Plaintiff's Friends, at Exhibit A, *Gardner v. Choi* (No. C-48-CV-2003-2225).

At argument upon the motions in limine, Bartosh stipulated to the Court's preclusion of these statements because she did not intend to produce them at trial. Nevertheless, even if Bartosh had not stipulated to their preclusion, this Court would have granted Defendants' motion.

Bartosh's repetition of the South Carolina doctor's statement is not hearsay. If offered in the same context at trial, Plaintiff would not be offering the doctor's statement for its truth. Instead, she would be offering it to demonstrate her motivation for seeking legal counsel and, presumably, for bringing the instant lawsuit. The Court, however, would grant Moving Defendants' motion and prohibit Bartosh from introducing the South Carolina doctor's statements because the doctor's statements are irrelevant. *See* Pa. R.E. 401. Such testimony does not make any fact in consequence more or less probable.

Alternatively, even if this Court determined that the South Carolina doctor's statements were relevant, the Court believes that production of this testimony would unfairly prejudice the jury against Defendants and lead to undue jury confusion. It would thus prohibit production of these statements under Pa. R.E. 403.

EXPERT TESTIMONY—SUFFICIENT CERTAINTY

In their third motion in limine, the Moving Defendants ask this Court to preclude or limit the testimony of Bartosh's expert witness Liudvikas Jagminas, M.D. In support of their motion, they argue that Dr. Jagminas' opinion lacks sufficient certainty. The Court will deny Moving Defendants' motion for two reasons.

First, in the context of a medical malpractice expert witness' testimony, Pennsylvania courts have set a clear standard for "sufficient certainty:"

where the circumstances surrounding the malpractice claim are beyond the knowledge of the average layperson ... the plaintiff is also required to present an expert witness who will testify, to a reasonable degree of medical certainty, that the acts of the physician deviated from good and acceptable medical standards, and that such deviation was the proximate cause of the harm suffered.

* * * * *

In determining whether the expert's opinion is rendered to the requisite degree of certainty, *we examine the expert's testimony in its entirety. ... That an expert may have used less definite language does not render his entire opinion speculative if at some time during his testimony he expressed his opinion with reasonable certainty.* ... Accordingly, an expert's opinion will not be deemed deficient merely because he or she failed to expressly use the specific words, 'reasonable degree of medical certainty.' ... Nevertheless, [a]n expert fails this standard of certainty if he testifies that the alleged cause 'possibly', or 'could have' led to the result, that it 'could very properly account' for the result, or even that it was 'very highly probable' that it caused the result.

Vicari v. Spiegel, 936 A.2d 503, 510-11 (Pa. Super. 2007) (emphasis added and citations, footnote and some quotation marks omitted). The Superior Court has also repeatedly held that expert witnesses are only required to testify that the defendant's conduct—whether by act or omission—increased the risk of harm that the victim actually sustained. *See id.* at 510 (citing *Smith v. Grab*, 705 A.2d 894, 899 (Pa. Super. 1997) ("[A] medical opinion need only demonstrate, with a reasonable degree of medical certainty, that a defendant's conduct increased the risk of the harm actually sustained, and the jury then must decide whether that conduct was a substantial factor in bringing about the harm."); *see also, Billman v. Saylor*, 761 A.2d 1208, 1212 (Pa. Super. 2000) ("[W]here the plaintiff is unable to show to a reasonable degree of medical certainty that the physician's actions/omissions caused the resulting harm, but is able to show to a reasonable degree of ... certainty that the physician's actions/omissions increased the risk of harm, the question of whether the conduct caused the ultimate injury should be submitted to the jury."). In *Montgomery v. South Phila. Med. Group, Inc.*, the Superior Court explained that:

where the plaintiff has alleged that the defendant's conduct increased the risk of injury, the defendant will not be relieved from liability merely because the plaintiff's medical expert was unable to say with certainty that the defendant's act caused the harm. So long as reasonable minds can conclude that the de-

fendant's conduct was a substantial factor in causing the harm, the issue of causation may go to the jury upon a less than normal threshold of proof.

Montgomery v. South Philadelphia Medical Group, Inc., 441 Pa. Super. 146, 160, 656 A.2d 1385, 1392 (1995). Thus, an expert need not testify, with any degree of certainty, that other procedures would have prevented the victim's harm. In many cases, it would be impossible to offer such testimony. See *Vicari*, supra, 936 A.2d at 512.

In *Vicari*, the Superior Court reviewed an expert's testimony for sufficient medical certainty and emphasized the need to review such testimony in its entirety. Barbara Vicari was diagnosed with tongue cancer in February 2001 and died after her cancer metastasized in April 2002. *Id.* at 506. Her estate brought a medical malpractice lawsuit against her surgeons and oncologists, alleging that their failure to inform Mrs. Vicari about the option and availability of follow-up chemotherapy led to her subsequent suffering and death. *Id.*

At trial, the estate called Dr. Peter Berman, M.D., as an expert witness. *Id.* at 508. Dr. Berman testified at length about the standard of care and opined that the defendants failed to meet that standard. He explained that Mrs. Vicari's post-surgery reports demonstrated that cancer cells remained in her body. *Id.* at 511. According to Dr. Berman, the remaining cancer cells resulted in a "'very great' potential for recurrence and metastasis" and, because cancer cells were detected in Mrs. Vicari's lymph node, there was a "'high propensity'" that her tumors would again metastasize. *Id.* (emphasis added). Given these circumstances, Dr. Berman testified that Mrs. Vicari "'absolutely'" should have been referred to an oncologist for ongoing chemotherapy treatments. *Id.* (emphasis added). In his opinion, because the Defendants failed to advise her of this option, they deprived Mrs. Vicari "of the significant opportunity for treatment which significantly increased the risk to her of local regional occurrence of metastasis [to] which she ultimately succumbed." *Id.* (emphasis added). Finally, he testified that "the failure to evaluate and send Mrs. Vicari for chemotherapy created harm to her, and may have prevented her from having disease free interval and large survival life." *Id.* (emphasis added).

On appeal, the defendants argued that Dr. Berman failed to render his opinion with the required medical certainty. They pointed to his last statement and emphasized his use of the word "may." Nevertheless, the Superior Court restated the need to look at the whole of the expert's testimony. The Court held that:

Dr. Berman's testimony, taken in its entirety, reveals a steadfast opinion ... that Mrs. Vicari should have 'absolutely' been referred to a medical oncologist and that the failure to do so 'deprived' her of a 'significant opportunity for treatment which significantly increased' the risk of harm. ... [O]ur focus is, again,

on the totality of Dr. Berman's testimony, which reveals an opinion rendered to the requisite degree of certainty
Id. 936 A.2d at 512. Dr. Berman's failure to use the words "reasonable degree of medical certainty" was not determinative. *Id.* at 512 n.9.

The Superior Court recognized that Dr. Berman did not state with the same degree of certainty that ongoing chemotherapy would have prevented Mrs. Vicari's injuries or death. The Court, however, also recognized that Dr. Berman was not required to demonstrate with sufficient certainty that other treatments would have prevented her injuries. Instead, Dr. Berman had to show with sufficient certainty that the defendants' conduct led to her injuries. *See id.* at 510, 512. The Court concluded that Dr. Berman sufficiently demonstrated that the defendants' conduct caused Mrs. Vicari's injuries. It also noted that Dr. Berman's use of the word "may" merely indicated his inability, and the objective impossibility, to determine whether chemotherapy would have prevented her injuries, pain, and death.

In the instant matter, unlike experts in the cases cited above, Dr. Jagminas has not testified. Instead, the Moving Defendants seek to preclude or limit Dr. Jagminas' testimony at trial based on what they perceive as his inability to testify with sufficient certainty. In support of their motion, Moving Defendants highlight the portion of Dr. Jagminas' report where he stated that:

The cervical spine films performed and interpreted by Dr. Choi were inadequate, thereby necessitating a CT scan of her cervical spine, which was not performed at that time. Had it been done, the cervical spine fracture would have been detected, proper spine immobilization would have been instituted, proper consultation obtained, and *more likely than not*, her paralysis and ultimate death prevented.

Motion in Limine of Defendants, Mark Choi, M.D. and Emcare, to Preclude and/or Limit the Expert Opinions of Liudvikas Jagminas, M.D., For Lack of Sufficient Certainty at the Time of Trial [hereinafter "Defendant's Motion re: Dr. Jagminas"], at 2, *Gardner v. Choi* (No. C-48-CV-2003-2225) (emphasis added by Moving Defendants). Relying on language cited above from *Vicari*, supra, 936 A.2d at 511, Moving Defendants ask this court to preclude or limit Dr. Jagminas' testimony because he stated only that proactive treatments would "more likely than not" have prevented Gardner's injuries and subsequent death.

This Court has reviewed Dr. Jagminas' report in its entirety and will deny Moving Defendants motion. This Court's denial rests on two rationales.

First, when read in its entirety, Dr. Jagminas' report reveals itself to a steadfast opinion supported by what Dr. Jagminas describes as "a reasonable degree of medical certainty." Specifically, Dr. Jagminas states that, to "a reasonable degree of medical certainty:" (1) the care and treatment rendered to Gardner did not meet the applicable standards of care; and (2)

the Defendants' failure to provide proper care caused or contributed to Gardner's paralysis and death. He supports his conclusions by references to Gardner's treatment, to conditions or facts that he considers to be "red flags" that should have piqued her treating doctors' notice, and to the supposed inadequacy of the care actually rendered to Gardner. He also references "several studies" that demonstrate that failure to diagnose and treat cervical spinal fractures generally leads to otherwise preventable injury. Taken as a whole, Dr. Jagminas' report indicates that, at trial, Dr. Jagminas could testify with sufficient certainty. See *Vicari*, supra, 936 A.2d at 512.

Second, Moving Defendants' have misplaced reliance on the sentence referenced in their brief, wherein Dr. Jagminas states that a different course of treatment "more likely than not" would have prevented Gardner's paralysis and death. An expert witness is not required to testify with certainty that other, proactive treatments would have prevented the patient's injury or death. See *id.* at 511; see also, *Billman*, supra, 761 A.2d at 1212; *Montgomery*, supra, 441 Pa. Super. at 160, 656 A.2d at 1392. To the contrary, an expert witness is only required to testify that the defendants' conduct increased the risk of harm that the victim actually sustained. See e.g., *Vicari*, supra at 510. As stated above, Dr. Jagminas' report contains such an allegation. He wrote that the cervical spine films ordered and interpreted by Dr. Choi were inadequate. He also wrote that the treating physician's failure to perform an appropriate physical evaluation or to immobilize Gardner "to a reasonable degree of medically [sic] certainty caused or contributed to her paralysis and ultimate death." Defendant's Motion re: Dr. Jagminas, at Exhibit A, *Gardner v. Choi* (No. C-48-CV-2003-2225) (emphasis added by Moving Defendants).

The Court notes that it would be impossible to determine with sufficient certainty whether other, proactive treatments or measures would have prevented Gardner's injury or death. See *Vicari*, supra, 936 A.2d at 512. Experts may testify with certainty as to causation; they cannot testify with certainty, however, as to what might have been. *Id.* Dr. Jagminas' statement that more proactive treatments would "more likely than not" prevent Gardner's paralysis and death are not fatal, and will not prevent his testimony at trial.⁸

RELEVANCE

In the final motion in limine presented to this Court, Choi seeks to preclude Bartosh's testimony, witness testimony, or other evidence relating to Gardner's initial waiting period in the Easton Hospital emergency room. Choi alleges that such evidence is irrelevant to Plaintiff's claims of medical

⁸ At argument upon the motions in limine, Bartosh argued that the Court should deny Defendants' motion because it was premature and, as such, was an improper vehicle by which to seek preclusion of Dr. Jagminas' testimony. Since the Court denied the motion on other grounds, it was unnecessary to address Plaintiff's argument.

malpractice or, at the least, that such evidence would be unduly prejudicial and would risk jury confusion.

This Court need not reach the issue of undue prejudice or jury confusion under Pa. R.E. 403 because this evidence, if offered to prove Defendant's negligence in medical malpractice, is not relevant. In Pennsylvania, "relevant evidence" includes "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." *See* Pa. R.E. 401. Any delay in services or treatment due to a long wait in the emergency room, while unfortunate, does not tend to make any of the facts of consequence in this action more or less likely. As such, the Court will grant Choi's motion.

WHEREFORE, we enter the following:

ORDER

AND NOW, this 30th day of September, 2010, upon consideration of the motions in limine filed by Plaintiff, Defendant Mark Choi, M.D., and Defendant Emcare, the responses thereto and argument thereon, it is hereby ORDERED and DECREED that:

- Plaintiff's motion in limine seeking either entry of partial summary judgment or an adverse inference jury instruction, based upon Defendant Easton Hospital's spoliation of the cervical x-ray films taken of Katherine Gardner on May 14, 2001, is Granted in Part and Denied in Part. The motion in limine seeking entry of partial summary judgment is DENIED. The motion in limine seeking an adverse inference instruction is GRANTED and the jury will be provided with the following instruction:

If you find that the cervical x-ray films taken of Katherine Gardner on May 14, 2001 were within Easton Hospital's control, that Easton Hospital disposed of or failed to maintain those films before the plaintiff had an opportunity to inspect them, and that those films were relevant to this case—that is, that the films should be recognized as bearing on an issue that you will be deciding—then you may draw the inference that, if this evidence had been preserved for plaintiff's inspection and had been available to be presented to you here in court, it would have been unfavorable to Easton Hospital.

- Plaintiff's motion in limine seeking to prohibit Defendants' expert witnesses from testifying about the nature or content of the missing cervical x-ray films is hereby DENIED. Defendants may present expert witness testimony about the content of the films. The jury may weigh this against any adverse inference that they draw.

- Plaintiff's motion in limine requesting permission to impeach Defendants' expert witness John W. Patterson, M.D., for potential bias resulting from his relationship with Defendant Choi's counsel, Attorney Candy Barr

Heimbach, is hereby GRANTED. Plaintiff may cross-examine Dr. Patterson regarding this relationship.

- Plaintiff's motion in limine requesting permission to impeach Defendants' expert witnesses John W. Patterson, M.D., Gene Salkind, M.D., and Richard I. Katz, M.D., for potential bias based on their respective history as medical malpractice defendants, is hereby GRANTED. However, Plaintiff may only ask the following questions:

- Have you ever been a defendant in a medical malpractice action?

- How many times?

- How many times have you been found liable?

- Plaintiff's motion in limine seeking to preclude any testimony by Defendants' expert witness Dr. Richard P. Moser regarding the contents of Defendant Choi's reports about the cervical x-ray films taken of Katherine Gardner on May 14, 2001, is DENIED. To the extent that Choi's reports were the basis of Dr. Moser's expert medical opinion, Dr. Moser may discuss the reports' contents.

- Defendants' motion in limine seeking to preclude admission of and testimony regarding the written statements attached to Defendants' motion as Exhibit A is Granted in Part and Denied in Part. The motion seeking preclusion of the written statements is GRANTED. Plaintiffs may not produce the written statements to prove the truth of their contents. The motion seeking preclusion of testimony regarding the contents of the written statements is DENIED. In accordance with the Pennsylvania Rules of Evidence, Plaintiff may offer testimony regarding party-opponent admissions and/or statements of then-existing physical condition that appear in the written statements, so long as Plaintiff's witnesses are competent to testify about such statements. To the extent that Plaintiff's testimony does not conform to the relevant rules of evidence regarding party-opponent admissions and/or statements of then-existing physical condition that appear in the written statements, Defendants may renew their objections at trial.

- Defendants' motion in limine seeking to preclude Plaintiff from repeating the statements of her friend's friend, a doctor in South Carolina, is GRANTED. Plaintiff's motives for bringing this lawsuit are irrelevant and, in any case, the statements would create unfair prejudice toward Defendants and/or a risk of jury confusion.

- Defendants' motion in limine seeking preclusion or limitation of the testimony of Plaintiff's expert witness, Liudvikas Jagminas, M.D., is DENIED. Dr. Jagminas may testify at trial. Based upon his expert report, Dr. Jagminas' opinions were supported by sufficient certainty. If Dr. Jagminas' testimony indicates otherwise, Defendants may renew their objections at the time of trial.

- Defendant Choi's motion in limine seeking preclusion of evidence of Katherine Gardner's wait in the Easton Hospital emergency room is GRANTED. Such testimony is irrelevant to the instant action and, accordingly, Plaintiff may not produce it.

**BRONWIN BARTOSH, Administratrix of the Estate of
KATHERINE GARDNER, Deceased, and BRONWIN BARTOSH,
Administratrix of the Estate of WILLIS O. GARDNER, Individually,
Plaintiff v. EASTON HOSPITAL, MARK CHOI, M.D., EMCARE,
BARBARA J. DINSMORE, M.D., and NORTHAMPTON
IMAGING SPECIALISTS, Defendants**

Motion in Limine—Evidence—Bias—Impeachment—Expert Witness.

Plaintiff, the administratrix for the estate of her deceased mother, alleged medical malpractice against Defendants Easton Hospital, Dr. Mark Choi, Emcare, Dr. Barbara Dinsmore, and Northampton Imaging Specialists. Prior to trial, Defendants Choi and Emcare filed this motion in limine.

In response to this Court's Order granting Plaintiff permission to question Defendants' experts for bias based on their respective histories as medical malpractice defendants, Defendants sought permission to question Plaintiff's experts for bias based on their respective histories as medical malpractice defendants. The Court denied Defendants' request, reasoning that Defendants failed to demonstrate potential bias resulting from Plaintiff's witnesses experience as medical malpractice defendants. The Court distinguished Defendants' request from Plaintiff's earlier request.

In the Court of Common Pleas of Northampton County, Commonwealth of Pennsylvania, Civil Division—No. C-48-CV-2003-2225.

ABRAHAM KASSIS, ESQUIRE and JONATHAN ACKLEN, ESQUIRE, for Plaintiff.

SUSAN ELLIS WILD, ESQUIRE for Defendant Easton Hospital.

CANDY BARR HEIMBACH, ESQUIRE for Defendants Mark Choi, M.D. and Emcare.

ELAINE M. ROSS, ESQUIRE, for Defendants Barbara Dinsmore, M.D., and Northampton Imaging Specialists.

Order of the Court entered on October 8, 2010 by KOURY, JR., J.

STATEMENT OF REASONS

On October 7, 2010, Defendants Mark Choi, M.D., and Emcare presented the Court with the instant matter, a Motion in Limine. Later that day, the parties argued the motion on the record during a conference call with the Court. The motion is now ready for disposition.

On May 14, 2001, Katherine Gardner fell and struck her head and neck on the ground. Shortly thereafter, she was admitted to Easton Hospital for emergency treatment. Dr. Mark Choi ordered cervical x-ray films, reviewed them, and determined that her spine was not fractured. He thus

determined that it was appropriate to send Gardner home and she was discharged.

On May 15, 2001, Dr. Barbara Dinsmore signed out these cervical x-ray films from Easton Hospital's records facility to review them. Dinsmore had some concerns about the films and felt that Gardner should come back for additional studies. She noted that "on the cross table lateral, there is a linear luceny [sic], which overlies the anterior aspect of these prominent syndesmophytes at C5, which appears to extend beyond the margin of the vertebral body and is probably within the soft tissues."

Dinsmore was the last person of record to sign out the cervical x-ray films from Easton Hospital's records facility. Since May 17, 2001, Easton Hospital has been unable to locate these films.

Gardner returned to Easton Hospital on May 17, 2001 for additional studies and treatment. Nonetheless, her condition quickly deteriorated. On May 18, 2001, she developed bradycardia. On May 22, 2001, she became quadriplegic and, on June 16, 2001, she died. Bronwin Bartosh, the Administratrix of the Estate of her mother, Katherine Gardner, filed the instant action in 2003.

In a previously filed motion in limine, Bartosh requested permission to question Defendants' expert witnesses John W. Patterson, M.D., Gene Salkind, M.D., and Richard I. Katz, M.D., for bias resulting from their individual histories as medical malpractice defendants. Bartosh alleged that their respective experience as medical malpractice defendants "gives them a bias in favor of medical malpractice defendants and against medical malpractice plaintiffs." Plaintiff's Brief in Support of Omnibus Motions in Limine at 14-15, *Gardner v. Choi* (No. C-48-CV-2003-2225). In an Order dated September 30, 2010, this Court granted the motion, allowing Plaintiff permission to question the Defendants' aforementioned expert witnesses based on their respective history as medical malpractice defendants. The Court, however, limited Plaintiff to asking the following questions at trial:

- Have you ever been a defendant in a medical malpractice action?
- How many times?
- How many times have you been found liable?

Order at 3, 10/30/2010, *Gardner v. Choi* (No. C-48-CV-2003-2225).

Under the Pennsylvania Rules of Evidence, "[t]he credibility of a witness may be impeached by any evidence relevant to that issue, except as otherwise provided by statute or these Rules." Pa. R.E. 607(b). Relevant evidence tends "to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Pa. R.E. 401. Although relevant evidence is generally admissible, it may nonetheless be excluded if prohibited by other rules of evidence or "if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or

by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Pa. R.E. 402, 403.

Following these rules, Pennsylvania courts have consistently held that witnesses may be impeached for bias. Through cross-examination, litigants test the credibility and truthfulness of witness testimony. *See R. v. Pennsylvania Department of Public Welfare*, 535 Pa. 440, 636 A.2d 142, 155 (1994) (Papadakos, J., concurring and dissenting). A cross-examiner must be permitted to reveal “possible biases, prejudices, or other ulterior motives as they might relate directly to issues or personalities in the case.” *Id.* A “successful showing of bias ... would have a tendency to make the facts to which [the witness] testified less probable in the eyes of the jury than it would be without such testimony.” *Commonwealth v. Rouse*, 782 A.2d 1041, 1045 (Pa. Super. 2001) (quoting Pa. R.E. 607, cmt. (quoting *U.S. v. Abel*, 469 U.S. 45 (1984))). As early as 1908, the Pennsylvania Supreme Court recognized that:

regard must be had to the undoubted right of the plaintiff to cross-examine a witness for the defendant to show his interest or bias. It is always the right of a party against whom a witness is called to show by cross-examination that he has an interest direct or collateral in the result of the trial[,] or that he has a relation to the party from which bias would naturally arise. Such an examination goes to the credibility of the witness. ... The right is not to be denied or abridged because incidentally facts may be developed that are irrelevant to the issue and prejudicial to the other party.

Lenahan v. Pittston Coal Mining Company, 221 Pa. 626, 629, 70 A. 884, 885 (1908) (citation omitted).

Pennsylvania courts allow impeachment of witnesses for bias based on a broad range of bases. *See Grutski v. Kline*, 352 Pa. 401, 406, 43 A.2d 142, 144 (1945) (“Whatever tends to show the interest or feeling of a witness in a cause is competent by way of cross examination.”); *Spino v. John S. Tilley Ladder Company*, 448 Pa. Super. 327, 351-52, 671 A.2d 726, 738 (1996) (“A party is entitled to cross-examine an expert witness to explore the credibility of the witness and to inquire into any potential bias, interest or relationship which could effect the testimony of the witness.”). For example, Pennsylvania courts have determined that expert medical witnesses may be impeached for bias based on their relationships either with parties to the case or the parties’ attorneys. *See Downey v. Weston*, 451 Pa. 259, 263-64, 301 A.2d 635, 639 (1973); *Yacoub v. Lehigh Valley Medical Associates, P.C.*, 805 A.2d 579, 592 (Pa. Super. 2002) (en banc) (“An expert witness can be cross-examined as to any facts that tend to show partiality on the part of the expert, and that examination may include a prior relationship with a party’s counsel.”). They have also determined that witnesses may be impeached based on perceived bias for or against a cause about

which they are testifying. See *Coward v. Owens-Corning Fiberglas Corporation*, 729 A.2d 614, 625-26 (Pa. Super. 1999). In *Coward*, the Superior Court affirmed the trial court's decision to allow cross-examination of defendant's expert witness based on his history of testifying on behalf of similarly situated defendants. The Superior Court stated that such questioning properly "probe[d] the extent to which the witness's identification with ... defendants might bias his testimony in this case." See *id.* at 626.

Nonetheless, a party's right to impeach for bias is not absolute. The Superior Court has explained that:

As a general proposition, impeachment is interjected into a lawsuit for the purpose of affecting the credibility of a witness. This is accomplished by exposing any interest or bias such an individual may have in the dispute for the trier-of-facts [sic] consideration. ... However, the field of inquiry is not unbounded; it is limited by the requirement that the question(s) posed be relevant to establishing a witness' credibility. ... To exceed the line of inquisition denominated 'relevant' runs the risk of exposing the witness or the party on whose behalf he appears to the danger of being unduly prejudiced.

Mohn v. Hahnemann Medical College and Hospital of Philadelphia, 357 Pa. Super. 173, 180-181, 515 A.2d 920, 924 (1986) (citations omitted). Accordingly, trial courts have the discretion to limit impeachment questioning to prevent it from becoming unproductive. "[T]he precise degree to which such impeachment cross-examination will be permitted rests in the sound discretion of the trial court." *Brady v. Ballay, Thornton, Maloney Medical Associates, Inc.*, 704 A.2d 1076, 1083 (1997) (citing *Downey v. Weston*, 451 Pa. 259, 301 A.2d 635 (1973)).

Through an October 5, 2010 motion in limine, Bartosh asked the Court to issue an Order granting her permission to cross-examine Dr. Patterson, Dr. Salkind, and Dr. Katz for potential bias based on their respective histories as medical malpractice defendants. Based upon the Superior Court's holding that it is appropriate to probe the extent to which a witness identifies with a party, see, e.g., *Coward*, supra, 729 A.2d at 626, the Court granted Bartosh's motion. Because Defendants' expert witnesses had each been sued as medical malpractice defendants, Bartosh may probe the extent to which these witnesses identify with Defendants' position as medical malpractice defendants. See *Coward*, 729 A.2d at 625-26. The doctors' respective histories as medical malpractice defendants are relevant because it tends to make it more or less probable that they will identify with the medical malpractice defendants in this case. See Pa. R.E. 401.

Through the instant motion, Defendants Choi and Emcare seek a similar allowance; they have requested permission to question Bartosh's expert witnesses, Douglas William Gibson, M.D., and Liudvikas Jagminas, M.D., for potential bias based on each doctor's respective history as a

medical malpractice defendant. The Court, however, will deny Defendants' motion because the aforementioned legal reasoning, when applied to Defendants' motion, yields a different result.

Defendants Choi and Emcare propose to ask Dr. Gibson and Dr. Jagminas whether each has been sued and acted as a medical malpractice defendant. The proposed questioning is irrelevant because it does not demonstrate an increased likelihood of bias. Cf. *Mohn*, supra at 181, 515 A.2d at 924. Any answers that result from such questioning will not show bias. Regardless of the answer—simply, “yes” or “no”—Dr. Gibson’s and Dr. Jagminas’ respective histories as medical malpractice defendants do not demonstrate any association or potential identification with the causes of the instant medical malpractice *plaintiffs*. Furthermore, this line of questioning does not “inquire into any potential bias, interest or relationship which could affect the testimony of the witness.” See *Spino*, supra, 448 Pa. Super. 327, 671 A.2d 726.

WHEREFORE, we enter the following:

ORDER

AND NOW, this 8th day of October, 2010, upon consideration of the motion in limine filed by Defendants Mark Choi and Emcare requesting permission to question Plaintiff’s expert witnesses regarding their potential histories as medical malpractice defendants, the responses thereto and argument thereon, it is hereby ORDERED and DECREED that the motion is DENIED.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, January 24, 2011**