

# Northampton County Reporter

(USPS 395-280)

VOL. LVI

EASTON, PA March 31, 2011

NO. 65

**Milton Oren and Roseann Oren, Plaintiffs v. Northampton  
Hospital Corporation et al., Defendants**

**Betty Schaffer and Harry Schaffer, Husband and Wife, Plaintiffs v.  
St. Luke's Hospital and St. Luke's North, Defendants**

**Victor and Stephanie Balletta et al, Plaintiffs v. Chistopher Spadoni et al, Defendants**

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### INSERT: Blue: 1. NCBA/BALC Joint Event

2. 2011 Calendar
3. PBI/CLE Seminars—NCBA Office, March—August 2011
4. PA CLE Requirements

- Cream: 1. "How to Succeed in Business Without Really Trying"
2. "Business and Ethical Considerations When Representing Personal Injury Clients"
  3. "Protecting You and Your Clients' Retirement from a Disability"
  4. Walk for a Healthy Community

### NOTICE TO THE BAR...

#### **N.C. Reporter Deadline Change**

Due to the holiday, the new deadline for the April 21, 2011 issue is  
Monday, April 18 @ 12:00 p.m.

**NORTHAMPTON COUNTY BAR ASSOCIATION  
2011 BAR ASSOCIATION OFFICERS**

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*Northampton County Reporter*

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**155 South Ninth Street, Easton, PA 18042-4399**

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Gloria A. Robison . . . . . Attorney Referral  
Deborah J. Flanagan . . . . . Attorney Referral

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

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Edward P. Shaughnessy, Esquire

Editor

### **NOTICE TO NCBA MEMBERS – BAR NEWS**

#### **Mark Your Calendars**

Iron Pigs Game—NCBA/BALC Joint Event—Thursday, April 21, 2011  
Registration form inside.

Quarterly Association Meeting—Thursday, May 19, 2011.  
Malpractice Avoidance Seminar @ Best Western.

Summer Outing—Thursday, July 21, 2011.  
Malpractice Avoidance Seminar @ Best Western.

#### **Law Day**

Law Day is scheduled for Monday, May 2 in the N.C. Courthouse. We need volunteers to guide our students through the different courtrooms and provide information. The program is scheduled from 8:30 a.m.—12:30 p.m. Lunch will be provided for all volunteers.

If you would like to volunteer to be a guide please contact the NCBA Office at 610-258-6333 or marybeth@nrcobar.org.

The true sign of intelligence is not knowledge but imagination. ~ Albert Einstein

**ESTATE NOTICES**

Notice is hereby given that in the estate of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

**FIRST PUBLICATION****DEITER, HENRY F.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Executrix: Suzanne D. Deiter c/o Mary Ann Snell, Esquire, 3400 Bath Pike, Suite 311, Bethlehem, PA 18017

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

**FLYTUTA, PETER,** dec'd.

Late of the Borough of Northampton, Northampton County, PA

Administrator: Stephen Flytuta c/o Dean C. Berg, Esquire, 1820 Main Street, P.O. Box 10, Northampton, PA 18067

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

**GARRITY, NINA R.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Thomas R. Garrity 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

**GOLDSTEIN, EUGENE,** dec'd.

Late of Hanover Township, Northampton County, PA

Executrix: Dr. Estelle R. Stein 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

**GORSKI, TIMOTHY R.,** dec'd.

Late of Lower Saucon Township, Northampton County, PA

Administrator: Richard D. Gorski, Esquire, 2029 West Union St., Allentown, PA 18104

Attorney: Richard D. Gorski, Esquire, 2029 West Union St., Allentown, PA 18104

**KECK, IRENE M.,** dec'd.

Late of the Township of Hanover, Northampton County, PA

Executor: Luther W. Keck c/o Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

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

**MARSH, VICTORIA I.,** dec'd.

Late of Lower Nazareth Township, Northampton County, PA

Executor: Randall A. Marsh, 455 Spruce Lane, Nazareth, PA 18064-9606

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

**PATEL, ANKIT,** dec'd.

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

Administrator: Rajanikant R. Patel, 5717 Sullivan Trail, Nazareth, PA 18064

Attorney: Gary Neil Asteak, Esquire, 726 Walnut Street, Easton, PA 18042

**SNYDER, SHERRY S.,** dec'd.

Late of Lehigh Township, Northampton County, PA

Administrator: Thomas J. Peters-Hall c/o Jon A. Swartz, Esquire, Swartz & Associates, 1605 N. Cedar Crest Boulevard, Suite 514, Allentown, PA 18104-2351  
Attorneys: Jon A. Swartz, Esquire, Swartz & Associates, 1605 N. Cedar Crest Boulevard, Suite 514, Allentown, PA 18104-2351

**WILLIAMS, TERESA,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Executrix: Mary Ellen Fisher 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

**SECOND PUBLICATION**

**BETSCH, JOSEPH B.,** dec'd.

Late of the Township of Palmer, Northampton County, PA  
Executrix: Jacqueline M. Rogers c/o R. Steven Porreca, Esquire, 38 Beaver Run Road, Downingtown, PA 19335

Attorney: R. Steven Porreca, Esquire, 38 Beaver Run Road, Downingtown, PA 19335

**CASTNER, JOANNE,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA  
Executor: Victor A. Castner, 175 West North Street, Nazareth, PA 18064

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

**CRAWFORD, EDWARD J.,** dec'd.

Late of Lower Saucon Township, Northampton County, PA

Executor: Sean M. Crawford, 4651 Kathi Drive, Bethlehem, PA 18017

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

**FALCONE, MICHAEL J.,** dec'd.

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

Executor: Joseph Falcone, 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

**HORTON, RUTH E.,** dec'd.

Late of Wilson Borough, Northampton County, PA

Executor: Ralph S. Horton, Jr. c/o Thomas L. Walters, Esquire, Lewis and Walters, 46 South Fourth Street, P.O. Box A, Easton, PA 18044-2099

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

**MURPHY, DAVID W.,** dec'd.

Late of Shamokin, Northumberland County, PA

Administratrix: Debra Weit, 1222 West Walnut Street, Coal Township, PA 17866

Attorneys: Robin J. Marzella, Esquire, R.J. Marzella & Associates, 3513 North Front Street, Harrisburg, PA 17110

**NICHOLAS, IDA MAE a/k/a IDA NICHOLAS a/k/a IDA M. NICHOLAS,** dec'd.

Late of Bethlehem Township, Northampton County, PA

Administrators: Alvin N. Nicholas, Jr., 1403 Ravena St., Bethlehem, PA 18015 and Jeffrey A. Nicholas, 1471 Sixth St., Bethlehem, PA 18020

Attorneys: Gary M. Miller, Esquire, Miller & Davison, 210 E. Broad Street, Bethlehem, PA 18018

**ORLANDO, MICHAEL M.,** dec'd.

Late of the Borough of Wilson, Northampton County, PA

Executor: Joseph C. Orlando, Sr., 435 Berkley Street, Easton, PA 18045

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

**PAGNI, PRIMO,** dec'd.

Late of the Borough of Northampton, Northampton County, PA

Administrator: Carlo Pagni, 474 East 12th Street, Whitehall, PA 18052

Attorney: John L. Obrecht, Esquire, 1731 Main Street, Northampton, PA 18067-1544

**PELOSI, MICHAEL,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administratrix: Tara Pelosi c/o Jacob S. Kolb, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

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

**ROTHROCK, FLORENCE I. a/k/a FLORENCE ROTHROCK,** dec'd.

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

Executors: Dale E. Rothrock and Wanda May Rothrock a/k/a Wanda M. Rothrock 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

**SCHIERONI, HELEN,** dec'd.

Late of 602 E. 21st Street, Northampton, Northampton County, PA

Executrix: Roberta Kaplan, 4325 Vassar Avenue, Bethlehem, PA 18017

Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102

**SEIFERT, CARL K.,** dec'd.

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

Executrix: Terry I. Seifert 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

**SINKO, KALMAN,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Executrix: Katherine A. Sinko c/o Nicholas M. Zanakos, Esquire, 742 North Main Street, Bethlehem, PA 18018

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

**SULLIVAN, MARVIN,** dec'd.

Late of Lower Mount Bethel, Northampton County, PA

Administrator: Scott Mayer c/o The Law Offices of Charles W. Gordon, 680 Wolf Avenue, Easton, PA 18042

Attorneys: The Law Offices of Charles W. Gordon, 680 Wolf Avenue, Easton, PA 18042

**TRAINER, HENRIETTA A.,** dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Kay F. Crouse, 131 Goritz Road, Milford, NJ 08848

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

**TROIANO, JOYCE C.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Willard H. Leh 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

**THIRD PUBLICATION**

**BOO, DIANE L.,** dec'd.

Late of East Bangor, Northampton County, PA

Executor: Jason Biechy, 224 Birch Street, Walnutport, PA 18088

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

**DORSA, FRANCES M. a/k/a FRANCES DORSA,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Co-Executors: Nancy Ann Bartolanzo, 440 Raritan Avenue, Raritan, NJ 08869 and James A. Dorsa, Sr., 1317 Jeffrey Lane, Easton, PA 18045

Attorney: Louis S. Minotti, Jr., Esquire, 44 North Second Street, P.O. Box 468, Easton, PA 18042

**EDELMAN, DELBERT A., JR. a/k/a DELBERT A. EDELMAN,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Executor: Howard H. Edelman 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

**FETT, MATHIAS,** dec'd.

Late of Nazareth, Northampton County, PA

Executor: Ilona Fett-Rodriguez c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

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

**FLICK, NORMAN A.,** dec'd.

Late of Lehigh Township, Northampton County, PA

Executors: Carol A. Gross, 4747 Main Street, Whitehall, PA 18052 and Arthur W. Miller, 15117 Kutztown Road, Kutztown, PA 19530

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

**GILL, ROBERT J.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Robert A. Gill c/o Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

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



**KIRCHGASSNER, BETTY F.,** dec'd.

Late of the Township of Palmer, Northampton County, PA  
Administratrix: Ruth K. Bogari c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042  
Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

**KNAUSS, MARJORIE P. a/k/a MARJORIE KNAUSS,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Executors: Dwight Schantz and Williams Evans 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

**LERCH, ELSIE H.,** dec'd.

Late of the Borough of Northampton, Northampton County, PA  
Executrix: Elaine Horwith, 2456 Main Street, Northampton, PA 18067  
Attorney: John L. Obrecht, Esquire, 1731 Main Street, Northampton, PA 18067-1544

**LIGHT, HARRY G.,** dec'd.

Late of Lower Saucon Township, Northampton County, PA  
Executrix: Nancy Knerr Light c/o Gregory E. Grim, Esquire, Grim, Biehn & Thatcher, 104 South Sixth Street, P.O. Box 215, Perkasio, PA 18944-0215  
Attorneys: Gregory E. Grim, Esquire, Grim, Biehn & Thatcher, 104 South Sixth Street, P.O. Box 215, Perkasio, PA 18944-0215

**MEIXSELL, RAYMOND H.,** dec'd.

Late of the Township of East Allen, Northampton County, PA  
Executor: Robert F. Meixsell, 6910 Silver Crest Road, Nazareth, PA 18064  
Attorney: Paul J. Harak, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

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

Late of Bethlehem and Hanover Township Area, Northampton County, PA  
Executrix: Barbara Stella, 575 Angelo Drive, Bethlehem, PA 18017

**REMALY, SAMUEL M.,** dec'd.

Late of the Township of East Allen, Northampton County, PA  
Executrix: Ruth M. Remaly c/o Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738  
Attorneys: Paul A. Florenz, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

**SEAMAN, MARGARET M.,** dec'd.

Late of the Township of Lower Saucon, Northampton County, PA  
Co-Executors: Michael R. Seaman and Ann Marie F. Seaman 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

**SPEVAK, PAULINE R. a/k/a PAULINE T. SPEVAK,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Executrix: Diane Messics, 446 Blue Ridge Drive, Nazareth, PA 18064



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

**STRAWN, EDITH E.,** dec'd.

Late of the City of Bethlehem,  
Northampton County, PA

Executrix: Nancy Blatnik, 1711  
Willow Park Road, Bethlehem,  
PA 18020

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

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

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

Executrices: Elizabeth R. Fa-  
vorito, 4518 Kimberly Court,  
Bethlehem, PA 18020 and Patri-  
cia A. Ball a/k/a Patricia T.  
Bader, 686 Brandywine Road,  
Nazareth, PA 18064

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

**TONNETT, FLORENCE M.,** dec'd.

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

Executrix: Kathy M. DiGiesi-  
Hoffert c/o Bradford D. Wagner,  
Esquire, 662 Main Street, Hel-  
lertown, PA 18055-1726

Attorney: Bradford D. Wagner,  
Esquire, 662 Main Street, Hel-  
lertown, PA 18055-1726

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**TRUST NOTICE**

NOTICE IS HEREBY GIVEN of the  
existence of the trusts of the deceased  
settlor set forth below for whom no  
personal representatives have been  
appointed within 90 days of death.  
All persons having claims or demands

against said trusts are requested to  
make known the same, and all per-  
sons indebted to said trusts are re-  
quested to make payment, without  
delay, to the trustees or to their at-  
torneys named below.

**THOMMA, EVA,** dec'd.

Late of Bushkill Twp., North-  
ampton County, PA

Personal Representative/Trus-  
tee: Dennis W. Thomma c/o  
Peter J. Gilbert, Esquire, High-  
Point Law Offices, PC, 200 High-  
point Drive, Suite 209, Chalfont,  
PA 18914

Attorneys: Peter J. Gilbert, Es-  
quire, HighPoint Law Offices, PC,  
200 Highpoint Drive, Suite 209,  
Chalfont, PA 18914

Mar. 31; Apr. 7, 14

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**NOTICE 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  
purpose of obtaining a Certificate of  
Incorporation pursuant to the provi-  
sions of the Business Corporation  
Law of the Commonwealth of Penn-  
sylvania, Act of December 21, 1988  
(P.L. 1444, No. 177), as amended.

The name of the corporation is:

**ALEXANDER J. KARAM, JR., P.C.**

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

ALEXANDER J. KARAM, JR.,  
ESQUIRE

ALEXANDER J. KARAM, JR., P.C.  
675 Walnut Street  
Easton, PA 18042

Mar. 31

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**NOTICE OF ARTICLES OF  
AMENDMENT**

NOTICE IS HEREBY GIVEN that  
**HOPE GOSPEL QUARTET, INC.,** a

Pennsylvania non-profit corporation, has filed Articles of Amendment with the Department of State of the Commonwealth to provide for the necessary provisions to qualify for 501(c)(3) status under the Internal Revenue Code.

McFALL, LAYMAN & JORDAN, P.C.  
134 Broadway  
Bangor, PA 18013

Mar. 31

### **FICTITIOUS NAME REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on October 12, 2010 for:

#### **WIND GAP GEAR**

located at: 320 E. 2nd St., Wind Gap, PA 18091. The name of the individual interested in the business is James V. Heller. This was filed in accordance with 54 Pa. C.S. 311.

Mar. 31

### **CHANGE OF NAME NOTICE**

NOTICE IS HEREBY GIVEN that on March 22, the petition of Sara Keller was filed in the Northampton County Court of Common Pleas in Easton, PA, seeking to change the name of minor child from Jayden E. Tyler to Jayden E. Keller. The court has fixed April 29, 2011 at 9:00 a.m., in courtroom No. 4 at Northampton County Courthouse, as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

BRIAN M. MONAHAN, ESQUIRE  
Attorney I.D. #37628

701 Washington Street  
Easton, PA 18042  
(610) 258-5329

Mar. 31

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

City of Easton

vs.

James K. Bogie

**NO. C-48-CV-2010-12245**

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 2009-2010, for the property located at 1007 Butler Street, Easton, Pennsylvania, Tax Parcel No. L9SE1D 28 13. A municipal claim in the amount of \$4,034.21 was filed on or about October 28, 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.

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

Mar. 17, 24, 31

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

City of Easton

vs.

Thomas H. Pritchett and  
Tarea J. Pritchett-Roach

**NO. C-48-CV-2010-3735**

NOTICE IS HEREBY GIVEN that the above were named as Defendants in a civil action instituted by plaintiff. This is an action to recover delinquent water, sewer and trash fees for the years 2007-2009 for the property located at 541 W. Lafayette Street, Easton, Pennsylvania, Tax Parcel L9NE2A 15 8. A municipal claim in the amount of \$3,542.35 was filed on or about April 16, 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.

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

Mar. 17, 24, 31

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

City of Easton

vs.

Armando La Torre and  
Mary Ann La Torre

**NO. C48CV-2009-7407**

NOTICE IS HEREBY GIVEN that the above were named as Defendants 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 346 Bushkill Street, Easton, Pennsylvania, Tax Parcel L9NE3D 12 2. A tax claim in the amount of \$1,302.77 was filed on or about July 17, 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.

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

Mar. 17, 24, 31

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

Northampton Area School District  
vs.

Frank R. Lofaro and Silvana Lofaro  
**NO. C48CV-2009-8121**

NOTICE IS HEREBY GIVEN that the above were named as Defendants in a civil action instituted by plaintiff. This is an action to recover delinquent interim real estate taxes for the year 2007, for the property located at 303 McNair Drive, Allen Township, Pennsylvania, Tax Parcel L4 18 4-1. A tax claim in the amount of \$3,444.84 was filed on or about August 4, 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.

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Mar. 17, 24, 31

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

Northampton Area School District  
vs.

Stephen M. Haas, Jr.  
**NO. C48CV-2008-8632**

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 2007, for the property located at Moorestown Drive, Moore Township, Pennsylvania, Tax Parcel J6 16 10A. A tax claim in the amount of \$2,878.53 was filed on or about August 25, 2008 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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Mar. 17, 24, 31

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

Wilson Area School District  
vs.

Teresa Rampulla

**NO. C48CV-2010-10382**

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 2009, for the property located at 438 S. 21st Street, Wilson, Pennsylvania, Tax Parcel L9SW4B 16 3. A tax claim in the amount of \$1,979.01 was filed on or about September 17, 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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(866) 211-9466

Mar. 17, 24, 31

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on APRIL 8, 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-2009-14189**

TRACT NO. 1:

ALL THOSE CERTAIN lots or pieces of ground situate in the Township of Bethlehem, County of Northampton, Pennsylvania, being known as Lots No. 1190, 1191, and 1192, on the Plan of Lots of Bethlehem View in said Bethlehem Township, a map of which is recorded in Book of Maps No. 7, page 31, in the office of the Recorder of Deeds in and for the County of Northampton, said lots each having a frontage of 20 feet on Clairmont Street (sometimes known as Clermont Street), formerly West Street, and then extending between parallel lines a depth of 110 feet to an alley in the rear of the said Clairmont Street.

TRACT NO. 2:

ALL THOSE CERTAIN four (4) lots or pieces of land situated in the Township of Bethlehem, County of Northampton, Pennsylvania, known as Lots No. 1193, 1194, 1195, and 1196 on a certain map or plan of lots designated as Bethlehem View, which plan is recorded in the office of the Recorder of Deeds in and for

Northampton County in Map Book. 7, page 19.

BOUNDED on the north by land of Arlene Remo, on the east by an unnamed alley, on the south by Washington Street, and on the west by Clermont Street. Containing in front on Clermont Street (sometimes known as Clairmont Street) eighty (80) feet and extending in depth of that width One Hundred Ten (110) feet.

Parcel# N7NW35270205.

Property address: 1834 Clermont Street, Bethlehem, PA 18020.

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

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

MICHAEL T. McKEEVER, ESQUIRE

## **No. 2**

### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-12463**

ALL THAT CERTAIN lot or piece of land situated in the City of Bethlehem, County of Northampton, State of Pennsylvania, known as 225 Summit Street, bounded and described as follows:

BEGINNING at an iron pin at the southwest corner of property of Sarah I. Bitters;

Thence, in an easterly direction along the northern line of Summit Street, formerly known as Wood Street, a distance of 37.42' to a point;

Thence, in a northerly direction at right angles to Summit Street, passing through the center of a partition wall of double frame dwelling, a distance of 47' to a point;

Thence, in a westerly direction parallel to Summit Street a distance of 21.56' a point;

Thence, in a southerly direction parallel to Chestnut Street 85.6' east of the same, a distance of 49 5' to the Place of Beginning.

Bounded on the south by Summit Street, on the east and on the north by property now or late of Sarah I. Bitters and on the west by lots fronting on Chestnut Street.

BEING THE SAME Premises which Dale Miller, by deed dated 10/24/06 and recorded 11/16/06 in and for Northampton County in Deed Book 2006-1 Page 474469 granted and conveyed to Christopher Held and Christa Held.

BEING KNOWN AS 225 Summit Street, Bethlehem, PA.

TAX PARCEL NUMBER: P6SE1D 11 14 0204.

THEREON BEING ERECTED a two-and-a-half 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 Christopher Held and Christa Held.

CHRISTOPHER A. DeNARDO,  
ESQUIRE

## **No. 3**

### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-08070**

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate on the Northwesterly side of Railroad Street, known as 1115 Railroad Street, in the Borough of North Catasauqua, County of Northampton and Commonwealth of Pennsylvania, as shown on a plan prepared by Kenneth R. Hahn, R.S., Drawing No. 81-234, dated October 28, 1981, bounded and described as follows:

BEGINNING at a point on the Northwesterly side of Railroad Street (20 feet wide), said point being located 135.10 feet Northwesterly of the



Northwest intersection of Arch Street and Railroad Street; thence extending along the northeasterly side of Railroad Street, North 35 degrees 15 minutes West, 15.00 feet to a point; thence extending along a line, North 53 degrees 45 minutes East, 89.20 feet to a point; thence extending along southerly property line of House No. 1112 Second Street, South 36 degrees 16 minutes East, 15.00 feet to a point; thence extending along the northwesterly property line of House No. 1113 Railroad Street passing partly in and through the party wall separating 1113 from 1115 Railroad Street, South 53 degrees 45 minutes West, 89.20 feet to the place of Beginning.

CONTAINING 1,338 square feet, more or less.

BEING KNOWN AS: 1115 Railroad Street, Catasauqua, PA 18032.

PROPERTY ID NO.: M4 SE4 D-10-10.

TITLE TO SAID PREMISES IS VESTED IN ALBERT W. GILDNER, JR. AND TAMMY A. GILDNER, HIS WIFE, AS TENANTS BY THE ENTIRETY BY DEED FROM ALBERT W. GILDNER, JR. DATED 06/17/2005 RECORDED 07/13/2005 IN DEED BOOK 2005-1 PAGE 260386.

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 Albert W. Gildner, Jr. and Tammy A. Gildner.

STUART WINNEG, ESQUIRE

#### **No. 4**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-06929**

ALL THAT CERTAIN tract of land located in the Borough of Freemans-

burg, County of Northampton, Commonwealth of Pennsylvania, being Lot No. 25 as shown on the 'Development Plan Final' of Eastgate Townehomes, Sheet 1 of 8, Project No. 460-01 dated August 30, 1988, last revised March 13, 1989, prepared by F&M Associates, Inc. as recorded in the Office of Recorder of Deeds in the Northampton County Courthouse, Map Book Volume 89, Page 86, on June 9, 1989, being more fully described as follows to wit:

BEGINNING at an iron pin to be set on the eastern right-of way line of Ramblewood Lane (50' wide) and of said Eastgate Townehomes, also being the northern corner of Lot 26 of said plan;

THENCE along the eastern right of way of Ramblewood Lane (50' wide) along a curve to the left having a radius of 175.00", a central angle of 8 degrees 40' 01", an arc length of 26.47' and a chord bearing and distance of N 16 degrees 16' 34" W 26.45' to a point;

THENCE along the southeastern property line of Lot 24 the following two (2) courses and distances;

1) N 69 degrees 29' 12" E a distance of 18.61' to a point;

2) N 46 degrees 15' 22" E a distance of 167.13' to a point;

3)

THENCE along the southwestern property line of lands n/f Bethlehem Steel Corporation S 43 degrees 44' 38" E a distance of 138.38' to an iron pin to be set;

THENCE along the northern property line of Lot 26 S 78 degrees 09' 12" to an iron pin to be set, being the place of beginning.

CONTAINING 0.35 acres or 15,175.55 square feet.

BEING KNOWN AS property address 953 Ramblewood Lane, Bethlehem, PA 18017.



BEING the same premises by deed from Kevin M. Melillo, married, dated: 08/05/02 and recorded: 08/07/02 in Book 2002-1 Page 207336 granted and conveyed unto Kevon T. Melillo and Kathleen M. Melillo, husband and wife.

BEING KNOWN AS Tax I.D. Number N7-2-36.

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

SEIZED AND TAKEN into execution of the writ as the property of Kathleen M. Melillo and Kevin T. Melillo.

MICHAEL T. McKEEVER, ESQUIRE

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**No. 5**

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

**CV-2010-12462**

ALL THAT CERTAIN lot or piece of ground, together with the improvements thereon erected, known as 1143 Pine Street, situate in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point distant 80 feet eastward from the East side of Twelfth Street; thence extending eastward along the North side of Pine Street 20 feet and of the width in depth northwardly between parallel lines 107 feet.

BOUNDED on the South by Pine Street, on the East by property now or late of Albert Hamman, on the North by property late of Eugene Garcso, and on the West by property now or late of Reuben Siegfried.

ALSO known as Northampton County Parcel Identifier, L9SE1A21-9.

BEING the same premises which the Green Tree Consumer Discount Company, by deed recorded in the Office of the Recorder of Deeds in and

for Northampton County, Pennsylvania on 6/7/2006 at Book 2006-1 Page 226120 instrument No. 2006-021250 granted and conveyed Joseph P. Beck.

BEING KNOWN AS 1143 Pine Street, Easton, PA 18042.

TAX PARCEL NUMBER: L9SE1A 21 9 0310.

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 Joseph P. Beck.

CHRISTOPHER A. DeNARDO,  
ESQUIRE

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**No. 6**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-12877**

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

ALL THAT CERTAIN lot of piece of ground situated in the Village of Ackermanville, Township of Washington, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a public road leading to Flicksville; thence along said road, East one perch and three tenths to a corner in said road; thence by land now or late of Sabina Godshalk, South five degrees and a half West, seven perches and five tenths to a corner in the creek; thence by land of the Delaware Lackawanna R.R. Co., North seventy-eight degrees and a half West, one perch and three tenths to a corner; thence by land now or late of the Estate of Richard H. Gold, North five degrees and a half East seven perches and five tenths to the

place of BEGINNING. CONTAINING nine perches and seventy-five hundredths, more or less.

BEING KNOWN AS: 693 Washington Boulevard, Bangor, PA 18013.

PROPERTY ID NO.: F9NE1-9-8.

TITLE TO SAID PREMISES IS VESTED IN JASON W. JENKINS BY DEED FROM SUSAN A. JENKINS NOW KNOWN AS SUSANA. KETTENBURG DATED 01/03/2008 RECORDED 01/25/2008 IN DEED BOOK 2008-1 PAGE 22582.

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

SEIZED AND TAKEN into execution of the writ as the property of Jason W. Jenkins.

STUART WINNEG, ESQUIRE

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**No. 7**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2009-08003**

ALL THAT CERTAIN message or tenement and tract or piece of land situate in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, known as 714 Broadway, according to present city numbering, bounded and described as follows:

BEGINNING at a point in the southern line of Broadway and two hundred forty-two feet ten inches from the southeast corner of Broadway and Flot Avenue; thence in a westerly direction along said Broadway eighteen and twenty-nine hundredths (18.29) feet to a point; thence in a southerly direction at the right angles to Broadway one hundred and twenty (120) feet to an alley, said line passing through the center of a partition wall between 714 and 716 Broadway; thence in an easterly direction along the north line of said alley twenty-seven and thirty-seven hun-

dredths (27.37) feet to a point, the east side of wall; thence north 42 degrees 45 minutes west one hundred twenty and thirty-seven hundredths (120.37) feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Ferner E. Reyes, by Deed from Diomedes Matos Arias, a married individual, dated 01/30/2007, recorded 02/16/2007 in Book 2007-1, Page 62511.

Premises being: 714 BROADWAY, BETHLEHEM, PA 18015-2729.

Tax Parcel No. P6SW2C 25 4 0204.

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 Ferner E. Reyes.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 8**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-10249**

ALL THAT CERTAIN message, tenement and lot or piece of ground situate on the Northerly side of East Garrison Street, between Maple and Elm Streets, in the City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, and designated as No. 415 Garrison Street, according to the numbering system of the City of Bethlehem, Pennsylvania, and also being Lot # 38 according to a Map or Plan entitled 'Whitehall Park', property of Seaboard Construction Co., situate in Bethlehem, Pa., entered of record at Easton, in and for the County of Northampton in Book of Maps 11, Page 57, bounded and described as follows, to wit:

BEGINNING at a point on the Northerly side of East Garrison Street, distant 328.68 feet Westwardly from an iron pipe marking the intersection

of the Northerly side of East Garrison Street, with the Westerly side of Elm Street; thence extending N. 79 degrees 26 minutes W., along the Northerly side of E. Garrison Street, a distance of 11.31 feet to a point; thence extending Northwestwardly along a curve curving to the right having a radius of 10 feet a distance of 15.70 feet to a point on the Easterly side of Edge Street; thence extending N. 10 degrees 30 minutes E., along the Easterly side of Edge Street, a distance of 72 feet to a point; thence extending Northeastwardly along a curve curving to the right having a radius of 10 feet a distance of 15.72 feet to a point on the Southerly side of 15 feet wide Alley; thence extending S. 79 degrees 26 minutes E. along said Alley a distance of 11.40 feet to a point; thence extending S. 10 degrees 34 minutes W., and passing through the partition or party wall located between the dwelling on the premises herein conveyed and the dwelling located on the premises to the East and designated as #417 E. Garrison Street, a distance of 92 feet to a point on the Northerly side of East Garrison Street, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Seaman Revocable Declaration of Trust, dated July 19, 2006, by Robert S. Seaman and Michele A. Seaman, the settlers and trustees, by Deed from Robert S. Seaman, a/k/a Robert Seaman and Michele Seaman, h/w, dated 11/10/2006, recorded 12/11/2006 in Book 2006-1, Page 507646.

Premises being: 415 EAST GARRISON STREET, BETHLEHEM, PA 18018-4328.

Tax Parcel No. P6NE2A-16-37-0204.

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 Michele A. Seaman, Individually and as Trustee for The Seaman Revocable Declaration of Trust and The Seaman Revocable Declaration of Trust and Robert S. Seaman, Individually and as Trustee for The Seaman Revocable Declaration of Trust.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 9**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-09456**

The land referred to in this Commitment is described as follows:

ALL THAT CERTAIN messuage or tenement and half of a double frame house situate on the East side of Washington Avenue between 14th and 15th Streets in the Fourth Ward of the Borough of Northampton, County of Northampton, and State of Pennsylvania, bounded and described as follows. to wit:

BEGINNING at a point on the East side of Washington Avenue in line of land of Herbert A. Gougher, thence in a Southerly direction along the East side of Washington Avenue twenty (20) feet to a point on the north side of a twenty (20) foot wide alley, thence in an easterly direction along said alley at right angles to Washington Avenue ninety-three (93) feet eight (8) inches to Dewey Avenue, thence in a Northerly direction along Dewey Avenue twenty-two (22) feet, more or less, to a point in line of land of Herbert A. Gougher, thence in a Westerly direction, passing through the middle of a party wall one hundred three and four one-hundredth (103.04) feet to a point on the East

side of Washington Avenue, the place of BEGINNING.

BEING the Southern one-half of lot #155 on plan of town lots laid out of the land of John Smith, said plan being recorded in the office for the Recording of Deeds, ect., in and for the County of Northampton in Map Book 2, Page 60, and said property being now known as #1435 Washington Avenue.

PARCEL NUMBER: M4NW2A-3-2.

BEING OF THE SAME PREMISES which Thomas J. Schoeneberger adn Gail R. Schoeneberger, husband and wife deed dated May 29th, 1991, and recorded May 31, 1991 in Northampton County Deed Book Volume 830 at Page 644, did grant and convey unto David G. Moyer, single, the Grantors herein.

BEING KNOWN AS: 1435 Washington Avenue, Northampton, PA 18067.

PROPERTY ID NO.: M4NW2A-3-2.

TITLE TO SAID PREMISES IS VESTED IN CAMILLE NAPIER BY DEED FROM DAVID G. MAYER DATED 08/29/2003 RECORDED 09/08/2003 IN DEED BOOK 2003-1 PAGE 369903.

THEREON BEING ERECTED a two-story half-of-double 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 Camille Napier.

STUART WINNEG, ESQUIRE

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**No. 10**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-07483**

ALL THAT CERTAIN messuage or tenement and lot or piece of land situate in the Borough of Walnutport, County of Northampton, and Commonwealth of Pennsylvania, being

designated as lot No. 119 Williams Avenue on a certain plan of lots laid out by the Lehigh Engineering Company of Allentown in October, 1901, and recorded in the Office for the Recording of Deeds, at Easton, Pennsylvania, in and for the County of Northampton in Book of Maps No. 1, page 100.

CONTAINING in front on Williams Avenue forty (40 feet) feet and extending in depth of equal width one hundred seventy-two (172 feet) feet.

TITLE TO SAID PREMISES IS VESTED IN Michael A. Rupelli, by Deed from William J. Romanishan, Sr. and Ruth C. Romanishan, h/w, dated 08/21/2006, recorded 08/23/2006 in Book 2006-1, Page 345088.

Premises being: 311 WILLIAMS AVENUE, WALNUTPORT, PA 18088-1465.

Tax Parcel No. J2SW1B-8-9.

THEREON BEING ERECTED a one-story single cape cod style dwelling with stucco exterior and shingle roof

SEIZED AND TAKEN into execution of the writ as the property of Michael A. Rupelli.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 11**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-05686**

ALL THAT CERTAIN parcel or tract of land known as Lot No. 2 on Subdivision of Land owned by Robert Berretta dated May 11, 1995 and revised August 18, 1995, as approved by the Upper Mount Bethel Township Planning Commission on October 16, 1995 and the Upper Mount Bethel Township Board of Supervisors on November 13, 1995 as recorded in Map Book Volume 1995-5 at page 428, Northampton County records,

situate in the Township of Upper Mount Bethel County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point along the Northerly line of Boulder Drive, Township Route No. 734, leading from Autumn Drive to Portland, said point of beginning lying 221.42 feet westerly from the line of land now or formerly W.E. Vester, et ux; thence (1) From point of beginning, leaving Township Route No. 734 and through grantor's lands, which this was a part, being along Lot No. 1 of subdivision of Robert Berretta, grantor herein, North 27 degrees, 45 minutes 56 seconds West, 504.95 feet to a point along line of land, formerly MORNINGSIDE SUBDIVISION, Lot 11; passing over the existing stream; thence (2) Along said Lot No. 11 and part of Lot 12, North 82 degrees, 37 minutes 29 seconds East, 160.68 feet to a point, a corner of Lot 12 and land herein described; thence (3) Along same, passing through the existing 30-foot wide drainage easement and along Lots 13 and part of Lot 14, North 58 degrees 11 minutes 29 seconds East, 275.14 feet to a point, a corner of lands now or formerly Floyd Ayers and grantors herein; thence (4) Along land of Ayers, South 36 degrees, 52 minutes 31 seconds East, 403.92 feet to a point, a corner of land now or formerly of Angie; thence (5) Along land of Angie and land of aforesaid W.E. Vester, South 69 degrees 37 minutes 29 seconds West, 303.60 feet to a point, as corner of said Vester and grantors herein; thence (6) Along line of said Vester, South 35 degrees 37 minutes 31 seconds East, 170.71 feet to a point lying 30.00 feet from the center line of first mentioned Township Route

No. 734, the ultimate right-of-way from said road; thence (7) Along the Northerly line of Township Route No. 734, passing over the above-mentioned 30-foot side drainage easement, South 63 degrees 41 minutes 24 seconds West, 221.42 feet to the point and Place of Beginning.

Commonly known as: 854 Boulder Dr., Mt. Bethel, PA 18343.

BEING the same premises which Robert Berretta by deed dated 5/15/2000 and recorded 5/22/2000 in and for Northampton County in Deed Book Volume 2000-1 Page 060440 granted and conveyed to Wayne D. Wood and Iris I. Wood.

TAX PARCEL NUMBER: C11 1 15C 0131.

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 Wayne D. Wood and Iris I. Wood.

CHRISTOPHER A. DeNARDO,  
ESQUIRE

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**No. 12**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-07592**

ALL THAT CERTAIN lot or piece of land, with the improvements thereon erected, known as 718 Hickory Lane, situated in the Township of Palmer, Northampton County, Pennsylvania, bounded and described as follows:

BEGINNING at the Southwesterly corner of proposed streets of the width of fifty feet known as Hickory Lane and Virginia Street, said point being two hundred seventy-five feet distant on the course South 88 degrees 49 minutes East from the center line of Stones Crossing Road; thence by the westerly building line of Hickory Lane, parallel to Stones Crossing Road,

South 1 degree 11 minutes West one hundred feet to a point; thence by land now or late of John Shuman Haupt, North 88 degrees 49 minutes West one hundred twenty five feet to a point; thence by lot of Leslie Varley and lot of Albert Lusk, North 1 degree 11 minutes East, one hundred feet to a point on the southerly building line of Virginia Street; thence by the said building line of Virginia Street, South 88 degrees 49 minutes East, one hundred twenty-five feet to a point, the place of BEGINNING.

UNDER AND SUBJECT to the building restrictions set forth and enumerated in Deed Book H, Volume 90 at Page 98, Northampton County Recorder's Office.

Under and subject to and together with prior grants and reservations of coal, oil, gas, mining rights of way, exceptions, conditions, restrictions and reservations of record as the same may appear in this or prior instruments of record.

HAVING THEREON ERECTED A DWELLING KNOWN AS 718 HICKORY LANE, EASTON, PA 18045.

PARCEL: M8NE4-19-1.

BEING THE SAME PREMISES WHICH Michael Son Nguyen et al by deed dated 11/26/08 and recorded 12/2/08 in Northampton County Record Book 2008-1 Page 315537, granted and conveyed unto Kim Thuong Tran and Viet Thanh Huynh.

TO BE SOLD AS THE PROPERTY OF VIET THANH HUYNH AND KIM THUONG TRAN ON JUDGMENT NO. C-48-CV-2010-7592.

THEREON BEING ERECTED a two-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 Viet Thanh Huynh and Kim Thuong Tran.

LEON P. HALLER, ESQUIRE

### No. 13

### BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2009-07575

ALL those certain vacant lots or pieces of ground situate on the east side of Freeman Street, in Township of Bethlehem, County of Northampton and State of Pennsylvania, and known and designated on Plan of Lots of Bethlehem Annex tracts as lots Nos. Sixteen Hundred Two (1602), Sixteen Hundred Three (1603), Sixteen Hundred Four (1604) and Sixteen Hundred Five (1605). Being bounded and described as follows, to wit:

Beginning at a point on the east side of Freeman Street, a distance of eighty (80) feet, more or less, from the southeasterly corner of the intersection of Washington Street and Freeman Street measured along the easterly line of Freeman Street, said point being the northwesterly corner of Lot No. Sixteen Hundred Five (1605); thence extending eastwardly along the dividing line of Lots Nos. Sixteen Hundred Five (1605) and Sixteen Hundred Six (1606), a distance of one hundred and twenty (120) feet, more or less, to an alley; thence extending southwardly along the westerly line of said alley a distance of eighty (80) feet, more or less, to land now or late of Savercool and Wright; thence extending westwardly along the northerly line of said land now or late of Savercool and Wright a distance of one hundred twenty (120) feet, more or less, to Freeman Street; thence extending northwardly along the easterly line of Freeman Street a distance of eighty (80) feet, more or less, to the place of Beginning.

Being bounded on the northerly side of Lot No. Sixteen Hundred Six (1606) on the easterly side by an alley,



on the southerly side by land now or late of Savercool and Wright and on the westerly side by Freeman Street.

Being eighty (80) feet, more or less, in width and one hundred twenty (120) feet, more or less, in depth.

HAVING THEREON ERECTED A DWELLING KNOWN AS 1812 FREEMAN STREET, BETHLEHEM, PA 18020.

PARCEL: N7NW3-67-6.

Under and subject to exceptions, conditions, restrictions and reservations of record, as the same may appear in this or prior instruments of record.

BEING THE SAME PREMISES WHICH Juliana M. Nonnemacher et al by deed dated 9/24/99 and recorded 9/27/99 in Northampton County Record Book 1999-1 Page 145907 granted and conveyed unto Brian J. Maffea and Kerri A. Maffea, husband and wife.

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

SEIZED AND TAKEN into execution of the writ as the property of Kerri A. Maffea and Brian J. Maffea.

LEON P. HALLER, ESQUIRE

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**No. 14**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-07900**

ALL THAT CERTAIN dwelling house and tract of land situate on the west side of Woodlawn Avenue in the Township of Palmer, County of Northampton, Commonwealth of Pennsylvania, being a part of Lot No. 106 and all of Lot 107 as shown on plan of lots of Lincoln Terrace recorded in the Northampton County Recorder's Office in Map Book 11, Page 31, bounded and described as follows:

BEGINNING at a point on the west line of Woodlawn Avenue, said point being North 18 degrees 23 minutes West 210.00 feet from the northwest corner of Northwood Avenue and Woodlawn Avenue; thence through Lot No 106 South 71 degrees 37 minutes West 264.22 feet to a point on the east side of a 15.0 foot wide alley; thence along the east line of said 15.0 foot wide alley North 00 degree 21 minutes West 70.24 feet to a point, the northwest corner of Lot No. 107 as shown on said map; thence along the south line of a log in said 15.0 foot wide alley North 71 degrees 37 minutes East 88.84 feet to a point on the west side of Lot No. 108; thence along the west side of Lot No. 108 South 00 degree 21 minutes East 1.88 feet to an iron pipe; the southwest corner of Lot No. 108; thence along the south side of Lot No. 108 North 71 degrees 37 minutes East 154.22 feet to an iron pipe on the west line of Woodlawn Avenue, the southeast corner of Lot No. 108; thence along the west line of Woodlawn Avenue South 18 degrees 23 minutes East 65.00 feet to a point, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Isabel C. Volden, by Deed from Joseph P. Calantoni and Rosalia Calantoni, dated 06/13/2002, recorded 06/14/2002 in Book 2002-1, Page 155801.

Premises being: 2912 WOODLAWN AVENUE, EASTON, PA 18045-2734.

Tax Parcel No. L8NE3 11 13 0324.

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

SEIZED AND TAKEN into execution of the writ as the property of Isabel C. Volden.

DANIEL G. SCHMIEG, ESQUIRE



**No. 15**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-04907**

ALL THAT CERTAIN lot or piece of land situate in the Township of Upper Nazareth, County of Northampton and Commonwealth of Pennsylvania, being Lot No. 7 of block II of Map of Lots known as Rose Inn Terrace, prepared by Rudolph Davidge Associates, Inc., and recorded in the Office of the Recording of Deeds at Easton, Pennsylvania in Map Book 24, page 29, bounded and described as follows, to wit:

BEGINNING at a point on the Northerly property line of St. Elmo Street, a 50 feet wide Street, said point being 20.35 feet West on the intersection of the Northerly property line of St. Elmo Street with the Westerly property line of Willowdale Avenue, a 50 feet wide street, as measured along the Northerly property line of St. Elmo Street; thence along the Northerly side of St. Elmo Street North 71 degrees 00 minutes West 124.34 feet; thence by land of Lehigh Frocks, Inc. North 12 degrees 00 minutes East 100.00 feet; thence by Lot No. 6 South 78 degrees 00 minutes East 143.61 feet to a point on the Westerly property line of Willowdale Avenue, thence along the Westerly property line of Willowdale Avenue South 12 degrees 00 minutes West 97.29 feet to a point marking the beginning of a curve to the right having a radius of 18.00 feet and a central angle of 97 degrees 00 minutes; thence along said curve 30.47 feet to a point of tagency on St. Elmo Street, said point being the place of Beginning.

CONTAINING 0.357 acres of land.

TITLE TO SAID PREMISES IS VESTED IN John Joseph Zym and Donna Jean Zym, h/w, by Deed from

Orie J. Zym and Sandra Zym, h/w, dated 06/14/2006, recorded 06/19/2006 in Book 2006-1, Page 243293.

Premises being: 205 WEST SAINT ELMO STREET, NAZARETH, PA 18064-1029.

Tax Parcel No. J7 11 4S 0432.

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

SEIZED AND TAKEN into execution of the writ as the property of John Joseph Zym and Donna Jean Zym.

DANIEL G. SCHMIEG, ESQUIRE

**No. 17**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-05912**

ALL THAT CERTAIN messuage or tenement and lot or piece of land situate on the East side of North Main Street in the Borough of Stockertown, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of Main Street and in line with the projection of the center of the party partition wall of the double frame dwelling erected hereon; thence along lands of Robert and Annie Cressman, North 39 degrees 30 minutes East 240.71 feet to a stake; thence North 54 degrees 30 minutes East 240.71 feet to a stake; thence North 54 degrees 30 minutes West 11.69 feet to a stake in line of lands now or late of Lizzie A. Buss; thence along lands now or late of Lizzie A. Buss, North 45 degrees 0 minutes East 79.2 feet to a stake in line of lands now or formerly of Jacob Miller; thence along lands of Jacob Miller South 56 degrees 0 minutes East 23.4 feet to a stake in line of lands now or late of

Frederick J. Happel; thence along lands now or late of Frederick J. Happel South 39 degrees 30 minutes West and passing 4.8 feet clear of the Happel dwelling, a distance of 319.9 feet to the center of Main Street; thence along the center of Main Street North 50 degrees 0 minutes West 19.3 feet to the point and place of beginning. Containing in area 6,799 square feet of land, strict measure.

THE above description being according to a survey made by Brice H. Pristine, Registered Surveyor, under date of August 27, 1948.

ALSO KNOWN AS Northampton County Uniform Parcel Identifier: Map J8NE1C Block 1 Lot 6.

BEING the same premises which Sovereign Bank by Deed dated April 8, 2004 and recorded July 26, 2004 in the Office of the Recorder of Deeds in and for Northampton County in Deed Book 2004-1, Page 287921 conveyed to Timothy C. Fassl.

PROPERTY BEING KNOWN AS: 417 MAIN STREET, STOCKERTOWN, PENNSYLVANIA 18083.

TAX PARCEL NUMBER: J8NE1C 1 6 0429.

THEREON BEING ERECTED a two-and-a-half 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 Timothy C. Fassl.

RICHARD B. SOMACH, ESQUIRE

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**No. 18**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-04157**

ALL THAT CERTAIN message or tenement and tract or piece of land situate in the Fourth Ward of the Borough of Northampton, County of Northampton and State of Pennsylvania, being now known as NO. 1560

MAIN STREET, bounded and described as follows, to wit:

BOUNDED on the North by property now or late of Simon P. Walk; on the East by Main Street; on the South by property now or late of Alex Ohotsky and Mary Ohotsky, husband and wife; and on the West by a 12-foot wide public alley.

CONTAINING twenty (20.00) feet, more or less, in front on Main Street, and extending Westward of that width, at right angles to Main Street for a distance of one hundred forty (140.00) feet to the aforesaid 12-foot wide alley. And the Southern boundary line passing through the middle of a party wall between Nos. 1558 and 1560 Main Street.

BEING KNOWN AS: 1560 Main Street, Northampton, PA 18067.

PROPERTY ID NO.: L4SW4C-15-3.

TITLE TO SAID PREMISES IS VESTED IN LYNN B. WETZEL EY DEED FROM OLGA MAGOCHY, BY HER AGENT, SUSAN A YORTY DATED 05/03/06 RECORDED 08/25/06 IN DEED BOOK 2006-1 PAGE 349565.

THEREON BEING ERECTED a two-story half-of-double 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 Lynn B. Wetzel.

STUART WINNEG, ESQUIRE

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**No. 19**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-08158**

ALL THOSE THREE CERTAIN tracts, pieces or parcels of land situate in the Village of Slateford, Township of Upper Mt. Bethel, and County of Northampton, State of Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1: BEGINNING at a point in line of land now or formerly of Samuel J. Wise; thence by land of said Samuel J. Wise, South sixty-nine (69) degrees and twenty-five (25) minutes West, one hundred twenty (120) feet to a point in line of land of the D.L. & W. Railroad Company; thence by land of said D.L. & W. Railroad Company, South twelve (12) degrees East, seventy-eight and one half ( $78 \frac{1}{2}$ ) feet to a point in line of land now or formerly of George W. Kidney and Marguerite Wise Kidney, his wife; thence by land of said George W. Kidney and Marguerite Wise Kidney, his wife, North seventy-four (74) degrees and thirty (30) minutes East, one hundred twenty (120) feet to a point; thence northwardly, seventy-nine (79) feet to a point, the place of BEGINNING.

TRACT NO. 2: BEGINNING at a point at the low water mark of the Delaware River and lands late of Edward Flory, now by this conveyance belonging to the grantees herein; thence generally North along the low water line of the Delaware River ten (10) feet to a point and lands about to be conveyed to George Pritchard and Sadie M. Pritchard, his wife; thence south sixty-nine (69) degrees twenty-five (25) minutes West one hundred twenty (120) feet, more or less, to the right-of-way of the D.L. & W. Railroad Company; thence along the right-of-way of the D.L. & W. Railroad Company South fifteen (15) degrees eight (8) minutes East ten (10) feet to lands now of the grantees herein; thence along said land of the grantee North sixty-nine (69) degrees twenty-five (25) minutes East one hundred twenty (120) feet to the place of BEGINNING.

TRACT NO. 3: BEGINNING at a point at the low water mark of the

Delaware River and land late of William Correll, now the property of Samuel Christine; thence South sixty-eight (68) degrees twenty-five (25) minutes West one hundred thirty-seven (137) feet to a point and the right-of-way of the D.L. & W.R.R.; thence South fifteen (15) degrees eight (8) minutes East three hundred four (304) feet along the right-of-way of the D.L. & W. R. R. Co. to a point and lands about to be conveyed to Lewis J. Bruschi and wife; thence North sixty-nine (69) degrees twenty-five (25) minutes East one hundred twenty (120) feet, more or less, to the low water mark of the Delaware River; thence generally North along the low water line of the Delaware River three hundred eleven (311) feet, more or less, to the place of beginning.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM all that certain message, tenement, tract, parcel or piece of land, situate in the Village of Slatford, aforesaid, bounded and described as follows, to wit:

BEGINNING at a point and land formerly of Samuel Christine, now land of Ethel Pauley, and the right-of-way line of the D.L. & W. R.R. Co., said point being distant fifty (50) feet measured in a southerly direction from an old iron pipe marking the dividing line between land of the late William Correll and the aforementioned land of Ethel Pauley; thence along the land of said Ethel Pauley North sixty-eight (68) degrees twenty-five (25) minutes East one hundred thirty-seven (137) feet to a point at the low water mark of the Delaware River; thence in a southerly direction along the low water mark of the Delaware River one hundred ten (110) feet to a point and land of the grantor, of which this conveyance is a part; thence along the same South sixty-eight (68)

degrees twenty-five (25) minutes West one hundred thirty-one (131) feet to a point in the right-of-way of the D.L. & W. R.R. Co.; thence along the same North fifteen (15) degrees eight (08) minutes West one hundred ten (110) feet to the place of BEGINNING.

Parcel# B11 NE1-9-9; B11 NE1-9-10.

Property address: 241 Decker Ferry Road, Mount Bethel, PA 18343.

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

SEIZED AND TAKEN into execution of the writ as the property of Non Say.

MICHAEL T. MCKEEVER, ESQUIRE

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**No. 21**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2009-13450**

ALL THAT CERTAIN dwelling situate in the County of Northampton, City of Bethlehem and Commonwealth of Pennsylvania, known and numbered as 1420 East Eighth Street, Bethlehem, Northampton County, Pennsylvania, and being more fully described as follows, to wit:

BEGINNING at a point the southern line of Eighth Street, 144 feet east from the southeast corner of Eighth Street and Brinker Avenue; thence extending along the south side of said Eighth Street eastwardly a frontage of 18 feet to a point, said point being the exact middle of a tile brick partition or party wall dividing the house erected on these premises from the one adjoining it on the east; thence extending of that same width between parallel lines southwardly 100 feet to a 15 feet wide alley. Being the eastern 16 feet of Lot No. 92 and the western 2 feet of Lot No. 93 according to map

of "Brinker Terrace" by F.H. Ville, C.E., January, 1914, duly recorded.

BOUNDED on the north by Eighth Street, on the east by premises now or late of William H. Opp, on the south by said alley, on the west by remaining portion of Lot No. 92, according to said plan.

BEING known as 1420 EAST EIGHTH STREET, BETHLEHEM, PA 18015.

BEING THE SAME PREMISES which Susquehanna-Patriot Bank, successor by merger to Patriot Bank, by Indenture dated February 9, 2005 and recorded February 21, 2005 in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 2005-1, Page 62616, granted and conveyed unto VICTOR M. LOCADIA.

PARCEL #P7SW1D 7 6 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 Victor M. Locadia.

GREGORY JAVARDIAN, ESQUIRE

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**No. 22**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-09459**

ALL THAT CERTAIN property located in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, legally described as:

Unit No. A, in building No. 7, in Society Hill at Saucon Valley Condominium together with an undivided .1251 percent interest in the common elements appurtenant thereto as amended from time to time, in accordance with and subject to the terms, limitations, conditions, covenants, restrictions, and other provi-

sions of the Declaration of Society Hill at Saucon Valley Condominium, dated May 31, 1990, and recorded on June 1, 1990, with the Recorder of Deeds of Northampton County in misc book Volume 374, page 18, at seq., as amended from time to time.

TITLE TO SAID PREMISES IS VESTED IN David Nieves, II, a married man and Maria Nieves, as joint tenants with the right of survivorship and not as tenants in common, by Deed from Patrick W. Kittredge and Thomas M. Kittredge, co-executors of the estate of Margaret K. Dolan, a/k/a Margaret Kittredge Dolan, a/k/a Peg Dolan, dated 12/17/2004, recorded 01/05/2005 in Book 2005-1, Page 4919.

DAVID NIEVES II, was a co-record owner of the mortgaged premises as a joint tenant with the right of survivorship. By virtue of David Nieves II's death on or about 03/18/2010, his ownership interest was automatically vested in the surviving joint tenant(s).

Premises being: 1936 CHANCELLOR STREET, HELLERTOWN, PA 18055-2815.

Tax Parcel No. Q7SW4 1 7A 0719.

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

SEIZED AND TAKEN into execution of the writ as the property of Maria Nieves.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 23**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2010-08564**

ALL THAT CERTAIN one-half of a double brick dwelling house, being the northern one-half, and lot or piece of land located at the southeast corner of Pine and Warren Street, in the

City of Easton, County of Northampton and State of Pennsylvania, and now known as No. 34 South Warren Street, containing in front on said Warren Street sixteen (16) feet and extending of that same width throughout in depth eastwardly seventy (70) feet and four (4) inches.

BOUNDED on the north by Pine Street, on the east by property now or late of Frank L. Leshner, and on the south by property now or late of Lehman Socks and George Youngkin, and on the west by South Warren Street.

TITLE TO SAID PREMISES IS VESTED IN Victor R. Wendling, Jr., by Deed from Carolyn M. Long, dated 06/25/2004, recorded 06/28/2004 in Book 2004-1, Page 248234.

Premises being: 34 SOUTH WARREN STREET, EASTON, PA 18042-4226.

Tax Parcel No. L9SE1A 29 17 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 Victor R. Wendling, Jr.

DANIEL G. SCHMIEG, ESQUIRE

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**No. 24**

**BY VIRTUE OF A CERTAIN  
WRIT OF EXECUTION  
CV-2008-11459**

ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate in Lower Saucon Township, Northampton County, Pennsylvania, on the west side of Wyandotte Street, known as 1077 Wyandotte Street, bounded and described as follows:

CONTAINING in front on said Wyandotte Street 52.00' and extending westwardly 242.00', more or less,

to land now or late of Christian Koch, the western line of said lot being 60.00' in length; BOUNDED on the north by land now or late of Sarah Werner, on the east by Wyandotte Street (formerly known as the Philadelphia Road), on the south by land now or late of August Christ, and on the west by land now or late of Christian Koch.

BEING KNOWN AS UNIFORM  
PARCEL IDENTIFIER NO.

MAP: Q6NW2.

BLOCK: 2.

LOT: 15

GIS PIN NO.: 4662-02-9537-7307.

COMMONLY KNOWN AS 3868  
Route 378 Highway, Bethlehem,  
Lower Saucon Township, Northamp-  
ton County, Pennsylvania.

Being the same property conveyed to PARCEL 1: 2502 (a), LLC, a Pennsylvania Limited Liability Company, by deed from Michael F. Wasco and Jody L. Wasco, husband and wife dated 12/16/2004, recorded 12/23/2004 in Northampton County Records of Deeds in Book 2004-1 Page 496283.

NOTE: Being PIN Q6NW2-2-15,  
Tax Map of the Township of Lower  
Saucon, County of Northampton.

BEING KNOWN AS 3868 Route  
378 Highway a/k/a 1077 Wyandotte  
Street, Bethlehem, PA.

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

SEIZED AND TAKEN into execu-  
tion of the writ as the property of 2502  
(a), LLC.

STEVEN K. EISENBERG, ESQUIRE

#### **No. 25**

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

**CV-2009-14079**

ALL THAT CERTAIN messuage or  
tenement and piece or parcel of land

situate in the Township of Bushkill,  
County of Northampton and Com-  
monwealth of Pennsylvania, bounded  
and described as follows, to wit:

BEGINNING at a point in the cen-  
ter of the Old Grade, which is an  
easterly extension of Township Road  
#626, and in the line of the land now  
or late of Gerald Stoudt; thence along  
the center of the Old Grade, South 66  
degrees 58 minutes West, 78.75 feet  
to a point in the Grade; thence along  
the land of the grantors, of which this  
was a part, which was conveyed to  
John Henry Laudenschlager, passing in  
a line of stakes, North 21 degrees 49  
minutes West, 235.09 feet to a stake  
and the State Game Lands, thence  
along the game land, North 68 de-  
grees 11 minutes East, 80.00 feet to  
a pin and the corner of the land of  
Gerald Stoudt; thence along the land  
of Gerald Stoudt, passing in a fence  
and stakes, South 21 degrees 49  
minutes East, 232.00 feet to the point  
and place of Beginning.

CONTAINING in area .425 of an  
acre of land.

TITLE TO SAID PREMISES IS  
VESTED IN Justin J. Kuhs, single,  
by Deed from Paul S. Hurlburt, single,  
dated 02/12/2007, recorded  
02/20/2007 in Book 2007-1, Page  
67090.

Premises being: 105 HORN  
SPRINGS LANE A/K/A 105 HORN  
SPRINGS ROAD, WIND GAP, PA  
18091-9011.

Tax Parcel No. F6 1 62B 0406.

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

SEIZED AND TAKEN into execu-  
tion of the writ as the property of  
Justin Kuhs a/k/a Justin J. Kuhs.

DANIEL G. SCHMIEG, ESQUIRE



**No. 26**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-07479**

ALL THAT CERTAIN lot or parcel of land situate on the Easterly side of Township Road 454, otherwise known as Country Club Road, and being known as Lot No. 4 on the subdivision plan of Richard Wright, Jr., as recorded in the Recorder of Deeds Office for Northampton County at Easton, Pennsylvania, in the Township of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the Easterly line of T.R. 454, otherwise known as Country Club Road, said point being a corner in common between Lots Nos. 3 and 4, Richard Wright Subdivision; thence along Lot No. 3, North 89 degrees 00 minute 00 second East, 298.08 feet to a point in line of lands now or late of the Commonwealth of Pennsylvania; thence along said lands of the Commonwealth of Pennsylvania, South 1 degree 49 minutes 55 seconds East, 100.01 feet to a point a corner of Lot No. 5, Richard Wright Subdivision; thence along said Lot No. 5, South 89 degrees 00 minute 00 second West, 299.54 feet to a point in the Easterly line of Country Club Road; thence along the Easterly line of Country Club Road on a course parallel to and 30.00 feet distant from the centerline thereof, North 1 degree 00 minute 00 second West, 100.00 feet to the point and place of BEGINNING.

CONTAINING 0.6859 acres, more or less.

TITLE TO SAID PREMISES IS VESTED IN Joseph A. Umar, unmarried and Suzanne Cottrell, unmarried, as joint tenants with the right of

survivorship and not as tenants in common, by Deed from Ray Bayless and Dolores E. Bayless, h/w, dated 02/12/2004, recorded 02/18/2004 in Book 2004-1, Page 60107.

Premises being: 3902 COUNTRY CLUB ROAD, EASTON, PA 18045-2917.

Tax Parcel No. L8-21-1A.

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 Suzanne Cottrell and Joseph A. Umar.

DANIEL G. SCHMIEG, ESQUIRE

**No. 27**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-08885**

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 23 of Sullivan Trail Estates as recorded in Map Book 89 page 432 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 an iron pin on the easterly right of way line of Lee Lane (50.00 feet wide), said iron pin also being on a corner of the lands of Lot 22 of Sullivan Trail Estates;

THENCE along said easterly right of way line of Lee Lane (50.00 feet wide) the following two (2) courses and distances;

(1) Along the arc of a curve to the right having a radius of 125.00 feet and central angle of 10 degrees 10 minutes 23 seconds for an arc length of 22.19 feet (chord; North 03 degrees



52 minutes 43 seconds West 22.17 feet) to an iron pin; thence

(2) North 01 degree 12 minutes 28 seconds East 78.67 feet to an iron pin on a corner of the lands of Lot 24 of Sullivan Trail Estates;

THENCE along said lands of Lot 24 of Sullivan Trail Estates South 88 degrees 47 minutes 32 seconds East 132.73 feet to an iron pin on a corner of the lands of Lot 27 of Sullivan Trail Estates;

THENCE along said lands of Lot 27 of Sullivan Trail Estate South 19 degrees 08 minutes 20 seconds East 77.28 feet to an iron pin on a corner of the lands of Lot 22 of Sullivan Trail Estates;

THENCE along said lands of Lot 22 of Sullivan Trail Estate South 81 degrees 02 minutes 04 seconds West 160.15 feet to an iron pin, the place of beginning.

Being known as: 2285 Lee Lane, Easton, Pennsylvania 18040.

Title to said premises is vested in Robert T. Farina and Judith A. Farina, husband and wife, by deed from K & E CORPORATION, A PENNSYLVANIA CORPORATION dated September 27, 1990 and recorded September 27, 1990 in Deed Book 812, Page 308.

TAX I.D. #: K9NW3-5-2.

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 Robert T. Farina and Judith A. Farina.

MARGARET GAIRO, ESQUIRE

#### **No. 28**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-08915**

ALL THAT CERTAIN lot or piece of ground with the dwelling thereon

erected, and known as #328 Porter Street, situate on the west side of Porter Street (late Fourth Street) in the Third Ward of the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows to wit: Containing in front on said Porter Street thirty five and one half (35 1/2) feet, and extending of that same width Westwardly between parallel lines one hundred twenty seven (127) feet more or less to a twenty (20) feet wide public alley, Bound on the north by property now or late of Mary R Welser on the east by said Porter Street on the south by land now or late of Enos Wekheiser and on the west by said public alley.

Being known as: 328 Porter Street, Easton, Pennsylvania 18042.

Title to said premises is vested in Gino Baglieri by deed from ANNE CRISAFULLI, MARRIED, AND ANTHONY CRISAFULLI, A MARRIED MAN dated September 22, 2006 and recorded October 4, 2006 in Deed Book 2006-1. Page 410650.

TAX I.D. #: L9NE2C-9-6.

THEREON BEING ERECTED a three-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 Gino Baglieri.

MARGARET GAIRO, ESQUIRE

#### **No. 29**

#### **BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-08464**

ALL THAT CERTAIN lot or parcel ofl and situate in the Township of Forks, County of Northampton and Commonwealth of Pennsylvania bounded and described as follows to wit:

BEGINNING at a point lying distant 598 feet more or less eastwardly from the intersection of the north right of way line of Apple Blossom Road (T-519) with the easterly line of land now or late of John Panovec on a course bearing North 89 deg. 00 min. East; thence North 01 deg. 00 min. West 150 feet to a point; thence North 89 deg. 00 min. East 100 feet to a point; thence South 01 deg. 00 min. East 150 feet to a point along the North right of way line of aforementioned Apple Blossom Road (T-519) having a right of way width of 150 feet; thence along north right of way line of said T-519 South 89 deg. 00 min. West 100 feet to the point and place of beginning.

CONTAINING .344 acres more or less.

Being known as: 639 Apple Blossom Road, Easton, Pennsylvania 18040.

Title to said premises is vested in Khaled Elgharby by deed from ARTHUR D. HERRITT, JR. AND MERYANN HERRITT, HUSBAND AND WIFE dated June 8, 2001 and recorded June 13, 2001 in Deed Book 2001-1, Page 108904.

TAX I.D. #: K9-14-23E.

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

SEIZED AND TAKEN into execution of the writ as the property of Khaled Elgharby.

MARGARET GAIRO, ESQUIRE

**No. 30**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-00211**

ALL THAT CERTAIN message or tenement, grist mill, and two tracts or pieces of land, situate in Lower Saucon Township, Northampton

County, Pennsylvania, bounded and described as follows:

Tract No. 1 beginning at a stake and stone in line of land of Track No. 2, thence by lands of Philip Kunsman south 15 3/4 degrees east 44 1/10 perches to a stone, thence south 60 degrees west 27 perches to a stone, thence north 35 degrees west 48 5/10 perches to a stone, thence north 68 degrees east 43 2/10 perches to a point, the place of Beginning; Containing 10 acres and 4 perches of land; together also with all the water in the stream running into the dam which is now erected on land late of Albert Cawley and William H. Cawley situate directly south of land now or late of A.T. Kunsman, and from thence to be led and conveyed through the present channel or race to the above-described tract or piece of land, together with ingress, egress and regress to and for John G. Maley, deceased, (a former owner) and his heirs and assigns and his and their servants, employees and workmen with horses, carts and wagons at all times and seasons through and over lands of said A. T. Kunsman and also through and over lands of William H. Cawley, their heirs and assigns, in and along the banks of the said dam, stream and race or water course a distance of five feet in breadth on each side of said dam and stream and a distance of ten feet in width on both sides along the race for the amending, cleansing and repairing of the same with the liberty and privilege of digging and taking stone and earth from the adjacent lands of William H. Cawley when and as often as need be or occasion may require;

Tract No. 2 a certain piece of woodland beginning at a stone in line of lands now or late of A. T. Kunsman, now Tract No. 1; thence partly by the

same and partly by lands now or late of A.T. Kunsman north 66 degrees east 32 perches to a post; thence by lands now or late of Mrs. Mary Wasser north 24 degrees west 42.4 perches to a stone, thence by lands now or late of W. M. Applegate and Wm. H. Zoller south 13 degrees east 53 perches to the place of Beginning.

TITLE TO SAID PREMISES IS VESTED IN Raymond H. Jackson and Philomena B. Jackson, h/w and Kevin A. Kreitz and Kelly Jo. Kreitz, h/w, parents and daughter and son-in-law, as tenants by entirety between each husband and wife and then as joint tenants with right of survivorship, by Deed from Raymond H. Jackson and Philomena B. Jackson, h/w, dated 03/21/2000, recorded 03/30/2000 in Book 2000-1, Page 36006.

Premises being: 2151-2155 WILLIAMS CHURCH ROAD, HELLERTOWN, PA 18055-3156.

Tax Parcel No. Q8 4 18 0719, Q8-3-6-0719.

THEREON BEING ERECTED a two-and-a-half story single dwelling with stone exterior and slate roof; detached three-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Kelly Jo Kreitz and Philomena B. Jackson and Raymond H. Jackson and Kevin A. Kreitz.

DANIEL G. SCHMIEG, ESQUIRE

**No. 31**  
**BY VIRTUE OF A CERTAIN**  
**WRIT OF EXECUTION**  
**CV-2010-01629**

LOT I

ALL THAT CERTAIN parcel of land situate in the TOWNSHIP OF BETHLEHEM, County of Northampton and Commonwealth of Pennsylvania, and being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the southerly line of Falmer Road, said point being the north east corner of land now or late of Moyer Lumber Company, Inc.; thence (1) along the southerly line of Falmer Road South 89 degrees 31 minutes 00 seconds East 330.00 feet to a point; thence (2) along Lot II of a Subdivision Plan of K&E Corporation prepared by Progressive Designs, Inc. and recorded on February 15 1989 in the Office of the Recording of Deeds in and for Northampton County in Map Book 89 Page 51C South 03 degrees 42 minutes 06 seconds West 313.40 feet to a point; thence (3) along land now or late of Fox Chase Subdivision North 89 degrees 40 minutes 00 seconds West 330.04 feet to a point; thence (4) along lands now or late of Moyer Lumber Company, Inc. North 03 degrees 42 minutes East 314.26 feet to a point being the place of beginning-

Said property being Lots I of a Subdivision Plan of K&E Corporation prepared by Progressive Designs, Inc. and recorded in the Office of the Recorder of Deeds of Northampton County on February 15 1989, in Map Book Volume 89 Page 51C.

BEING KNOWN AS 4570 Falmer Drive, Bethlehem, PA 18020.

TAX PARCEL NUMBER: M8-9-4F-1.

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 Stephen F. Selvaggio and Teresa A. Selvaggio and Selvaggio Plumbing & Heating, Inc. and Selvaggio Excavating, Inc. and Selvaggio Enterprises, Inc. and MNMS, LP.

MICHAEL R. NESFEDER,  
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

Mar. 17, 24, 31

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Mar. 31; Apr. 7, 21

## APRIL 2011

MON	TUE	WED	THU	FRI
				1 Misc. Hrngs
4 Juvenile Status	5 Argument	6 ARD/ Summaries	7 Juvenile Arraignments	8 Misc. Hrngs
11 Juvenile Criminal	12 Criminal	13 Criminal	14 Juvenile Criminal	15 Misc. Hrngs
18 Juvenile Status Asbestos Pretrials	19 Civil Pretrials	20 Civil Call Misc. Hrngs	21 Juvenile Arraignments	22 GOOD FRIDAY
25 Juvenile Civil	26 Civil	27 Civil	28 Juvenile Civil	29 Misc. Hrngs O.C. Audit

**MILTON OREN and ROSEANN OREN, Plaintiffs v.  
NORTHAMPTON HOSPITAL CORPORATION, d/b/a EASTON  
HOSPITAL, NORTHAMPTON HOSPITAL COMPANY, LLC,  
d/b/a EASTON HOSPITAL, EASTON HOSPITAL, SAMUEL  
KRAIN, M.D., GREGG D. SCHUBACH, M.D., VALLEY  
ADVANCED IMAGING LLC, MEDICAL IMAGING OF THE  
LEHIGH VALLEY, P.C., EASTERN PENNSYLVANIA IMAGING  
CONSULTANTS, P.C., NORTHAMPTON IMAGING  
SPECIALISTS, INC., P.C., EASTON RADIOLOGY ASSOCIATES  
and PROGRESSIVE PHYSICIAN ASSOCIATES, Defendants**

*Preliminary Objections—Damages—Loss of Consortium.*

Plaintiffs Milton Oren and Roseann Oren filed a First Amended Complaint against Defendant Northampton Hospital Corporation et al. Milton Oren sought damages based on Defendants' alleged negligence and Roseann Oren sought damages based on a theory of loss of consortium and based on Milton's medical expenses that she had expended or would expend.

Northampton Hospital Corporation filed a preliminary objection, seeking to strike Plaintiffs' claim for damages in the form of monies that Roseann Oren had expended or would expend. Based on Pennsylvania law and the Restatement (Second) of Torts, this Court denied their objection.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Civil Division—Law, No. C-48-CV-2010-3019.

KELLY RAMBO, ESQUIRE, for Plaintiffs.

HOWARD S. STEVENS, ESQUIRE and SUSAN ELLIS WILD, ESQUIRE, for  
Defendant Northampton Hospital Corporation.

Order of the Court entered on November 24, 2010 by KOURY, JR., J.

*OPINION*

This matter is before the Court on the Preliminary Objection of Defendant Northampton Hospital Company, LLC ("NHC") to the First Amended Complaint of Plaintiffs Milton Oren ("Husband") and Roseann Oren ("Wife" and, collectively, "Plaintiffs"). Plaintiffs filed their First Amended Complaint on June 16, 2010. Thereafter, NHC filed a Preliminary Objection in the nature of a demurrer on June 30, 2010 and Plaintiffs filed a response thereto on July 2, 2010. The matter was placed on the September 7, 2010 Argument List and assigned to the Honorable Michael J. Koury, Jr. The parties submitted the matter on briefs and it is now ready for disposition.

*I. FACTUAL AND PROCEDURAL BACKGROUND<sup>1</sup>*

The gravamen of the underlying lawsuit is a complaint sounding in medical malpractice. Husband asserts that, subsequent to several 2006 film

<sup>1</sup> "In determining the merits of a demurrer, all well-pleaded material facts set forth in the complaint and all inferences fairly deducible from those facts are considered admitted and

studies, various radiologists affiliated with NHC failed to identify, diagnose, or treat lesions in his chest, and otherwise failed to provide competent medical care. First Amended Complaint at ¶¶17-19, 28, 40, *Oren v. Northampton Hosp. Corp.*, No. C-48-CV-2010-3019 (C.P. Northampton, June 16, 2010). As a result, those lesions went untreated and Husband developed stage III-b lung cancer. *Id.* at ¶23. Through the First Amended Complaint, Husband asserts medical professional liability claims against NHC and the other named Defendants, seeking compensation for his physical injuries, pain and suffering, loss of life's pleasures, and past and future medical expenses. *Id.* at ¶¶31-36, 43.

Wife also asserts claims and seeks damages through the First Amended Complaint. Specifically, she asserts claims against NHC and the other named Defendants for loss of consortium. *Id.* at ¶¶46-47, 50. She also asserts claims for money that she has expended or will expend for Husband's medical expenses "to the extent that they are not recovered or recoverable by her husband, pursuant to the law of the Commonwealth of Pennsylvania." *Id.* at ¶¶48-49.

## II. DISCUSSION

NHC filed a Preliminary Objection in the nature of a demurrer, claiming that this Court should strike Wife's demand for damages arising out of Husband's medical expenses. *See* Preliminary Objections of Defendant, Northampton Hospital Corporation, LLC d/b/a Easton Hospital, to Plaintiff's First Amended Complaint, *Oren v. Northampton Hosp. Corp.*, No. C-48-CV-2010-3019 (C.P. Northampton, June 30, 2010). NHC claims that, as a matter of law, Wife cannot recover those sums. *See id.* at ¶¶14-25.

### A. Standard of Review

A preliminary objection in the nature of a demurrer challenges the underlying complaint, alleging that the plaintiff failed to set forth a cause of action upon which relief can be granted. *See* Pa. R.C.P. 1028(a)(4); *Balsbaugh v. Rowland*, 447 Pa. 423, 426, 290 A.2d 85, 87 (1972). "A trial court may sustain a demurrer, and thereby dismiss a claim, only [where] the law is clear that a plaintiff is not entitled to recovery based on the facts alleged in the complaint." *Insurance Adjustment Bureau, Inc. v. Allstate Insurance Company*, 588 Pa. 470, 905 A.2d 462, 468 (2006). A trial court may not, however, sustain a demurrer unless relief cannot be granted under any theory of law. *See McNeil v. Jordan*, 814 A.2d 234, 238 (Pa. Super. 2002), *reversed on other grounds*, 894 A.2d 1260 (Pa. 2006); *Sutton v. Miller*, 405 Pa. Super. 213, 221, 592 A.2d 83, 87 (1991). Furthermore, "a plaintiff is not obliged to identify the legal theory underlying his complaint,

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... accepted by the trial court as true[.]" *Insurance Adjustment Bureau, Inc. v. Allstate Insurance Company*, 588 Pa. 470, 905 A.2d 462, 468 (2006).



as the burden of discovering such is on the court.” *Weiss v. Equibank*, 313 Pa. Super. 446, 453, 460 A.2d 271, 275 (1983).

*B. Wife’s Claim for Damages, in the Form of Husband’s  
Past and Future Medical Expenses*

In the Preliminary Objection currently before this Court, NHC does not object to Wife’s demand for damages resulting from the alleged loss of consortium. Instead, NHC objects to Wife’s demand for damages arising from medical expenses that Husband cannot or will not recover. In pertinent part, Plaintiffs’ First Amended Complaint states that:

48[.] As a direct and proximate result of the above-described occurrence, Plaintiff, Roseann Oren, has been required, up to the date of the filing of this Complaint, to incur bills for medical treatment and/or personal care expenses for her husband, Milton Oren, due to the nature of his injuries and condition, and claim is made therefore to the extent that they are not recovered or recoverable by her husband, pursuant to the law of the Commonwealth of Pennsylvania.

49[.] As a direct and proximate result of the above-described occurrence, Plaintiff, Roseann Oren, will into the future, be required to incur bills for medical treatment and/or personal care expenses for her husband, Milton Oren, due to the nature of his injuries and condition, and claim is made therefore to the extent that they are not recovered or recoverable by her husband, pursuant to the law of the Commonwealth of Pennsylvania.

First Amended Complaint at ¶¶48-49.

In an action for loss of consortium, the “deprived spouse”—that is, the spouse claiming loss of consortium—effectively attaches her lawsuit to the direct claim(s) of the “injured spouse.” In that sense, the deprived spouse’s action for loss of consortium is derivative to the injured spouse’s claim(s). *See e.g., Barchfeld v. Nunley by Nunley*, 395 Pa. Super. 517, 520, 577 A.2d 910, 912 (1990) (noting that deprived spouse’s “right to recover is derived, both in a literal and legal sense, from the injury suffered by [her] spouse.”). Thus, the deprived spouse may not recover for the injured spouse’s actual injuries, but may instead demand compensation for “those services which may be compensated for in damages ... [that is,] whatever of aid, assistance, comfort, and society one spouse would be expected to render or bestow upon the other, under the circumstances and in the condition in which they may be placed.” *See Burns v. Pepsi-Cola Metropolitan Bottling Company*, 353 Pa. Super. 571, 510 A.2d 810, 812 (1986) (some punctuation and citations omitted).

The Pennsylvania Supreme Court has also recognized that in an action raised in negligence, a deprived spouse may recover any reasonable

medical costs incurred on behalf of the injured spouse. In *Brown v. Philadelphia Transportation Co.*, the court “reiterated what had become a part of the very sinew of our law for countless years” when it held that:

The husband is entitled to recover the mon[ies] he has expended or become liable to pay for the medical care and attendance upon his wife during her illness, and for the loss of her services while unable to attend to her domestic duties. ... *For an injury to the wife, either intentionally or negligently caused, which deprives her of the ability to perform services, or lessens that ability, the husband may maintain an action for the loss of service[], and also for an incidental loss or damage, such as moneys expended in care and medical treatment and the like.*

*Brown v. Philadelphia Transportation Company*, 437 Pa. 348, 352, 263 A.2d 423, 425 (1970) (Bell, C.J., concurring) (emphasis added).<sup>2</sup>

And though it has not been explicitly adopted in Pennsylvania,<sup>3</sup> the Restatement (Second) of Torts provides similar guidance. In section 693, titled “Action By One Spouse For Harm Caused By Tort Against Other Spouse,” the Restatement (Second) provides:

The impaired spouse, in an action for bodily injury brought against the defendant, may recover for bodily harm and emotional distress, loss or impairment of earning capacity and reasonable medical and other expenses. (See § 924). The action by the deprived spouse must therefore not include any of those items, directly or indirectly. Thus to allow a wife to recover for loss of support would be to overlap the husband’s recovery for loss of earning capacity. *To avoid duplication, the deprived spouse can recover expenses for medical treatment of the impaired spouse only for those expenses that have been incurred solely by the deprived spouse.*

Restatement (Second) of Torts, §693 cmt. f (2010) (emphasis added).

Based on the foregoing, this Court has determined that NHC’s Preliminary Objection should be overruled because the relief Wife seeks may be granted under existing Pennsylvania law. See *McNeil*, supra, 814 A.2d at 238; *Sutton*, supra at 221, 592 A.2d at 87. With respect to Husband’s claims in professional medical negligence, Wife raised derivative claims for “bills for medical treatment and/or personal care expenses for her hus-

<sup>2</sup> While Chief Justice Bell only discussed a husband’s right to seek damages in his capacity as a deprived spouse, today, of course, it is axiomatic that a wife enjoys the same rights when she acts in the same capacity. See *Hopkins v. Blanco et al.*, 457 Pa. 90, 92, 320 A.2d 139, 140-41 (1974).

<sup>3</sup> See *Blocher v. McConnell*, 17 D. & C. 4th 97, 97-100 (C.P. Cumberland 1992) (noting that, as of the time of publication, no Pennsylvania court had explicitly adopted section 693(1) of the Restatement (Second) of Torts). This Court was similarly unable to find any Pennsylvania cases that explicitly adopted section 693(1).

band, Milton Oren, due to the nature of his injuries and condition.” First Amended Complaint at ¶¶48-49. Such claims are properly raised by a deprived spouse as “moneys expended in care and medical treatment and the like.” *See Brown*, supra at 352, 263 A.2d at 425 (Bell, C.J., concurring).

Furthermore, in two important respects, Wife’s demand for damages accords with section 693 of the Restatement (Second) of Torts. First, accepting as true all of the well-pleaded material facts in Plaintiffs’ First Amended Complaint and the inferences that fairly arise from them, *see Ins. Adjustment Bureau*, supra, 905 A.2d at 468, the Court has determined that Wife properly demanded only those expenses that she incurred by herself. *See* First Amended Complaint at ¶¶48-49 (noting that such expenses were paid by Roseann Oren on behalf of her husband, Milton Oren). Second, the Court has determined that Wife properly limited her demands “to the extent that [such damages] are not recovered or recoverable by her husband.” *Id.* Accordingly, her demand avoids potential duplication or overlay with Husband’s claims for damages, thus entitling her claim to “recover expenses for medical treatment of the impaired spouse only for those expenses that have been incurred solely by the deprived spouse.” *See* Restatement (Second) of Torts, §693 cmt. f (2010).

WHEREFORE, we enter the following:

#### ORDER

AND NOW, this 24th day of November, 2010, upon consideration of Defendant Northampton Hospital Company, LLC’s Preliminary Objection in the nature of a Demurrer to paragraphs 48 and 49 of Plaintiffs’ First Amended Complaint, it is hereby ORDERED that said Preliminary Objection is OVERRULED. It is further ORDERED that all named Defendants shall file responses to the First Amended Complaint within twenty days of the date of this Order.

**BETTY SCHAFFER and HARRY SCHAFFER, Husband  
and Wife, Plaintiffs v. ST. LUKE'S HOSPITAL and  
ST. LUKE'S NORTH, Defendants**

*Preliminary Objections—Motion To Strike—Insufficient Specificity—Negligence—Agency—Recklessness—Punitive Damages.*

Plaintiffs filed an action in premises liability in connection with a slip and fall accident. Defendants filed preliminary objections thereto. By their preliminary objections, Defendants alleged Plaintiffs' failure to adequately plead the legal theories of agency and negligence in the absence of any averment clearly identifying the alleged actors, the nature of their agency relationship, the conduct attributed to them, or the elements of their alleged negligent acts. Upon review, the Court found that while the complaint did not identify the alleged actors by name, the averments were sufficient to support the contention of an agency relationship, and the elements of a negligence action were properly pled. Preliminary objections overruled.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Civil Division—No. C-0048-CV-2010-10739.

ALVIN C. KRANTZ, ESQUIRE, for Plaintiffs.

PAUL F. LAUGHLIN, ESQUIRE, for Defendants.

Order of the Court entered on January 11, 2011 by DALLY, J.

*ORDER*

AND NOW, this 11th day of January 2011, Defendants' Preliminary Objections to Plaintiffs' Complaint are hereby **OVERRULED**, as set forth more fully below in the attached Statement of Reasons.

*STATEMENT OF REASONS*

This matter commenced with the filing of a Complaint wherein Plaintiffs bring premises liability claims against Defendants in connection with injuries sustained by Betty Schaffer during a slip and fall accident at St. Luke's North, located at 153 Brodhead Road in Bethlehem, Pennsylvania. The instant preliminary objections were filed on November 9, 2010 and the matter came before the undersigned via the Argument Court list of January 4, 2011. Argument having been heard, and briefs having been received, the matter is now ready for disposition.

*Standard of Law*

In ruling on preliminary objections, the Court shall accept as true all well-pleaded facts set forth in the complaint, and all reasonable inferences deducible therefrom. *Richardson v. Beard*, 942 A.2d 911, 913 (Pa. Commw. 2008) *order affirmed*, 963 A.2d 904 (Pa. 2008). Where doubt exists with respect to issues of fact, such doubts shall be resolved in favor of the non-movant. *Koken v. Steinberg*, 825 A.2d 723, 726 (Pa. Commw. 2003) *appeal*

quashed, 575 Pa. 103, 834 A.2d 1103 (2003). The resolution of preliminary objections shall result in the dismissal of a complaint only when it is clear and free from doubt that a plaintiff has no possibility of recovery on the facts as pled. *Swisher v. Pitz*, 868 A.2d 1228, 1230 (Pa. Super. 2005).

### *Discussion*

Defendants initially raised two preliminary objections to Plaintiffs' Complaint; a motion to strike certain paragraphs relating to agency and negligence for insufficient specificity pursuant to Pa. R.C.P. 1028(a)(3); and a motion to strike all averments of recklessness from the Complaint for failure to plead sufficient facts in support thereof. At argument, Plaintiffs conceded the latter objection and agreed to strike all averments of recklessness from the Complaint, leaving only Defendants' insufficient specificity objections for the Court's consideration.

In the first instance, Defendants raise an objection of insufficient specificity to Plaintiffs' averments of agency at Paragraphs Four (4), Six (6), Seven (7) and Nine (9) of the Complaint, which appear below:

4. On June 5, 2009, and at all times herein, the defendants, and each of them, owned and/or leased and/or franchised and/or managed, and by their agents, servants, workmen and/or employees, maintained, supervised, inspected and controlled the premises known as 153 Brodhead Road, Bethlehem, PA and said premises located at the aforesaid address is under the primary inspection, supervision, possession, repair, maintenance and control of the named defendants.

6. At the time and place aforesaid, the defendants, and each of them, by their agents, servants, workmen and/or employees, were under a duty to keep, inspect, possess, supervise, maintain and repair said premises located at 153 Brodhead Road, Bethlehem, PA in a safe condition for those lawfully upon the premises.

7. Notwithstanding this duty, the defendants, and each of them, by their agents, servants, workmen and/or employees, did on the date aforesaid, and for some time prior thereto, carelessly, recklessly and negligently permit and allow the floor of the said premises to be, become and remain in a highly dangerous and unsafe condition located on the said premises.

9. Plaintiff avers that defendants, and each of them, by their agents, servants, workmen and/or employees, had or should have had notice of the existence of the said dangerous and unsafe condition upon the premises above-mentioned prior to the happening of the said accident, and allowed this dangerous and unsafe condition to exist for an unreasonable period of time.

Defendants also object to Plaintiffs' averments of negligence at Paragraphs Eight (8) and Ten (10) of the Complaint. They provide:

8. On the aforesaid date and time, while plaintiff, Betty Schaffer, was walking on the aforesaid premises of defendants, she was caused to trip, stumble and fall by reason of coming into contact with a metal stanchion which created a dangerous and unsafe condition, as a result of which, plaintiff sustained severe and serious permanent injuries hereinafter more specifically set forth.

10. At the time and place aforesaid, the carelessness, recklessness and negligence of defendants, and each of them, consisted of the following:

- (a) Failing to properly maintain and inspect the aforesaid premises;
- (b) Failing to properly supervise and maintain the aforesaid premises;
- (c) Failing to give proper and sufficient warnings and notice to the plaintiff of the highly dangerous and unsafe condition located on the aforesaid premises;
- (d) Disregarding the rights and safety of the plaintiff and other persons lawfully on the premises of defendants;
- (e) Allowing said premises to remain in a dangerous and unsafe condition;
- (f) Failing to use reasonable prudence and care to keep the said premises in a safe condition;
- (g) Failing to instruct their employees as to the proper care, maintenance and control of the said premises.

In evaluating the sufficiency of the foregoing, we note that the purpose of pleading is to place a defendant on notice of the claims upon which he will have to defend. *City of New Castle v. Uzamere*, 829 A.2d 763, 767 (Pa. Commw. 2003). A complaint must give a defendant fair notice of the plaintiff's claims, and a summary of the material facts that support those claims. *Id.* at 767-68 (citing Pa. R.C.P. 1019 (a)). A pleader need not set forth every fact relevant to their cause of action; rather, it is sufficient that the elements be made out and that the opposing party is able to understand the claims against him. *McShea v. City of Philadelphia*, 995 A.2d 334, 339 (Pa. 2010). Where the material facts of a cause of action have been properly pled, the parties are relegated to discovery for purposes of ascertaining additional facts. *Boyd v. Somerset Hospital*, 24 D. & C. 4th 564, 567 (1993). Discovery is not a substitute for proper pleading of the material or ultimate facts. *Id.* The Court further notes that:

[t]he pertinent question under Rule 1028(a)(3) (relating to insufficient specificity) is 'whether the complaint is sufficiently clear to enable the defendant to prepare his defense,' or



‘whether the plaintiff’s complaint informs the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know without question upon what grounds to make his defense.’

*Rambo v. Greene*, 906 A.2d 1232, 1236 (Pa. Super. 2006) (internal citations omitted).

With respect to the challenged averments of agency, Defendant, while acknowledging a plaintiff’s right to bring an action under such a theory, contends that as pled, Plaintiffs’ description of the alleged tort-feasors as the “servants, employees or agents” of Defendants is insufficient as a matter of Pennsylvania law. Additionally, Defendants contend Plaintiff’s failure to aver any specific conduct imputed to them, or to set forth any averments relative to how Defendants authorized or ratified the conduct of their alleged agents. Accordingly, they seek to strike the aforementioned paragraphs from the Complaint.

An agency relationship is one in which the agent owes a fiduciary duty of loyalty to act only for the benefit of the primary. *Basile v. H & R Block, Inc.*, 563 Pa. 359, 761 A.2d 1115, 1120 (2000). The party pleading agency has the burden of establishing the same. *Id.* At the pleading stage, a plaintiff must, at a minimum, “(1) identify the agent by name or appropriate description; and (2) set forth the agent’s authority, and how the tortious acts of the agent either fell within the scope of that [agency,] or[] if unauthorized, were ratified by the principal.” *Alumni Association v. Sullivan*, 369 Pa. Super. 596, 605 n.2 535 A.2d 1095, 1100 n.2 (1987).

Plaintiff recognizes that burden, and maintains that it is satisfied by the averments of the Complaint. Upon a review of the pleading, we note that therein, Plaintiffs aver an agency relationship between Defendants as owners of the subject premises, and their employees or other agents assigned to ensure the safety of the premises. Considering the substance of the Complaint in its entirety, the Court finds that Plaintiffs have clearly and properly pled the relationship between agent and principal, and how the allegedly tortious acts fell within the scope of that agency, given the employment relationship, and the duty of the employees to maintain the premises.

In light of the foregoing, the Court deems such averments sufficient as a matter of law to satisfy the pleading requirements and to apprise Defendants of the nature of the claims against them. Further, to the extent that the acts alleged may be attributable to a particular, named agent or agents of Defendants, those facts may be ascertained through discovery. Accordingly, Defendants’ preliminary objection in the form of a motion to strike Paragraphs Four (4), Six (6), Seven (7) and Nine (9) from the Complaint is hereby OVERRULED.

Finally, the Court moves to consideration of Defendants’ motion to strike Paragraphs Eight (8) and Ten (10), relative to negligence, for insuf-

ficient specificity. At Paragraph Eight (8), Plaintiff sets forth averments as to the causation of her fall, noting that she “was caused to trip, stumble and fall by reason of coming into contact with a metal stanchion.” By the present objection, Defendant asserts the insufficiency of the averment for failure to state the manner in which Plaintiff came into contact with the stanchion, or to state the basis for Defendants’ responsibility for the same. Upon consideration, we disagree with Defendants. The averment plainly and sufficiently states the manner in which Plaintiff came in contact with the stanchion, and the location of the stanchion on Defendants’ premises alone is sufficient, for pleading purposes, to state the basis of Defendants’ proposed liability. Accordingly, Defendants’ preliminary objection in the form of a motion to strike Paragraph Eight (8) from the Complaint as insufficiently specific is hereby OVERRULED.

As to Paragraph Ten (10) of Plaintiffs’ Complaint, Defendants allege its insufficient specificity on the basis that they constitute nothing more than “boilerplate” averments, which fail to specify any failures alleged of Defendants, or how such failures caused Plaintiffs’ harm. While, as Defendants point out, such averments might be found in virtually any complaint alleging premises liability, the facts averred at Paragraph Ten (10) do not stand alone, but must be read in the context of the entire complaint. *Unified Sportsmen of Pennsylvania v. Pennsylvania Game Commission*, 950 A.2d 1120, 1134-35 (Pa. Commw. 2008). Upon review, the Court finds the averments of Paragraph Ten (10), taken together with the rest of the Complaint, sufficiently specific to withstand preliminary objection. Additionally, we note once more that to the extent that there are facts relevant to the action which are not set forth in the Complaint, they may be ascertained through discovery.

**VICTOR and STEPHANIE BALLETTA, MICHAEL and SUSAN PROETTO, and MICHAEL REIS, Plaintiffs v. CHRISTOPHER SPADONI, Individually and in His Official Capacity as Assistant County Solicitor, NORTHAMPTON COUNTY SOLICITOR, NORTHAMPTON COUNTY SHERIFF'S OFFICE, and DAVE RUBERRY, Individually and in His Official Capacity as Deputy Sheriff, Defendants**

*Preliminary Objections—Demurrer—Legal Insufficiency—Defamation.*

Plaintiffs sued Deputy Sheriff Dave Ruberry, the Northampton County Sheriff's Office, Northampton County Assistant Solicitor Christopher Spadoni, and the Northampton County Solicitor's Office for damages resulting from comments made by Ruberry and Spadoni, and published in a local newspaper. Plaintiffs' damages arose from "constitutional defamation," defamation, and loss of consortium. Defendants filed Preliminary Objections in the form of demurrers, seeking to dismiss Plaintiff's Complaint.

Based upon the pleadings, the Court determined that it was clear and free from doubt that Plaintiffs could not establish a right to relief. Accordingly, the Court sustained Defendants' objection and dismissed Plaintiffs' Complaint, with prejudice.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Civil Division—Law, No. C-48-CV-2010-6048.

MATTHEW B. WEISBERG, ESQUIRE, for Plaintiffs.

DAVID J. MACMAIN, ESQUIRE and DANIEL R. BUSH, ESQUIRE, for Defendants.

Order of the Court entered on January 18, 2011 by KOURY, JR., J.

*OPINION*

This matter is before the Court on the Preliminary Objections of Defendants Northampton County Solicitor and Northampton County Sheriff's Office ("Municipal Defendants"), Christopher Spadoni, Esquire, and Deputy Sheriff Dave Ruberry (collectively, "Defendants"), filed on October 7, 2010. Defendants' objections, which all take the form of demurrers, seek dismissal of the "Third Amended Civil Action Complaint" of Plaintiffs Victor Balletta, Stephanie Balletta, Michael Proetto, Susan Proetto, and Michael Reis.

This matter was assigned to the Honorable Michael J. Koury, Jr. from the November 2010 Argument List. The parties have filed briefs and the matter is now ready for disposition.

*I. FACTUAL AND PROCEDURAL BACKGROUND*

On October 10, 2008, Plaintiffs Michael Proetto, Michael Reis and Victor Balletta sought to purchase property at a Northampton County Sheriff's sale. Third Amended Civil Action Complaint at ¶12, *Balletta v.*

*Spadoni*, C-48-CV-2010-6048 (C.P. Northampton, Aug. 30, 2010) [hereinafter “Third Amended Complaint”]. At the sale, they attempted to register bids on nine foreclosed properties. *Id.* Nevertheless, their bids were rejected by Deputy Sheriff Dave Ruberry because they were not predicated on credit. *See id.* at ¶13. Instead, Proetto, Reis, and Balletta intended to purchase the foreclosed property with gold and silver that they brought to the sale. *Id.* at ¶¶8, 10, 13-15.

On October 29, 2008, *The Morning Call* published an article about the failed attempt by Proetto, Reis and Balletta to purchase the foreclosed properties. *See generally*, Matt Assad, *3 men with gold confuse sheriff’s sale*, *The Morning Call*, Oct. 29, 2008, at B1-B2, available at [http://articles.mcall.com/2008-10-29/news/4229135\\_1\\_bids-sale-gold-and-silver](http://articles.mcall.com/2008-10-29/news/4229135_1_bids-sale-gold-and-silver) [hereinafter “*The Morning Call* Article”]. The article included statements from Proetto, Ruberry (identified as the Deputy Sheriff who oversaw the sale), and Spadoni (identified as an assistant county solicitor). In relevant part, it recited that:

- Ruberry speculated [that Proetto, Reis, and Balletta] might be part of an anarchist movement engaging in a ‘paper terrorism’ campaign to clog the courts.
- Spadoni ... said they may simply be opportunists. Most of the properties the men made unsuccessful bids on were bought by the banks holding the mortgages. By challenging the sales, the men could hold up the bank’s ability to sell the property for up to two years, Spadoni said.
- Ruberry believes the men may be fellow travelers of anti-government groups such as the Sovereign Citizen, Posse Comitatus and Liberty Dollar movements that believe paper money is not legal tender.
- Proetto said while he and his colleagues may hold similar philosophies to those organized groups, they are not associated with any of them and are not on an anti-government campaign. ... ‘We’re just three guys trying to buy \$4 million worth of property with gold and silver—the only real money that was bid.’

*Id.* at B1-B2. In the article, Proetto also stated that the successful bids, which were offered in “illegitimate paper money,” used “worthless paper money backed by nothing more than black ink.” *Id.* at B1.

The instant matter arises from the comments made by Ruberry and Spadoni. Plaintiffs Michael Proetto, Michael Reis and Victor Balletta seek damages based upon two causes of action. First, they raise an action sounding in “constitutional defamation” under Article I, Section 1 of the Pennsylvania Constitution. *See* Third Amended Complaint at ¶¶33-36; Memorandum of Law in Support of Plaintiffs’ Response in Opposition to Defendants, Spadoni et al.’s [sic] Preliminary Objections to Plaintiffs’ Third

Amended Complaint at 3, *Balletta v. Spadoni*, C-48-CV-2010-6048 (C.P. Northampton, Aug. 30, 2010) [hereinafter “Plaintiffs’ Brief”]. Second, they raise a cause of action sounding in common-law defamation. *See* Third Amended Complaint at ¶¶33-35, 37. Finally, Plaintiffs Stephanie Balletta and Susan Proetto bring a claim based on an action sounding in loss of consortium. *Id.* at ¶¶39-41.

## II. STANDARD OF REVIEW

When evaluating preliminary objections in the form of demurrers, the Court must accept as true all of the well-pleaded, material and relevant facts alleged in the complaint and all inferences fairly deducible therefrom. *See Mazur v. Trinity Area School District*, 599 Pa. 232, 961 A.2d 96, 101 (2008). We need not, however, accept argument, opinion, conclusions of law, or unwarranted inferences. *See Penn Title Insurance Company v. Deshler*, 661 A.2d 481, 483 (Pa. Cmwlth. 1995).

The Court may not sustain a preliminary objection in the form of a demurrer unless “it is clear and free from doubt that the complainant will be unable to prove facts legally sufficient to establish a right to relief.” *Mazur*, *supra*, 961 A.2d at 101; *see also*, *In re B.L.J.*, 938 A.2d 1068, 1071 (Pa. Super. 2007); *Kane v. State Farm Fire and Casualty Company*, 841 A.2d 1038, 1041 (Pa. Super. 2003) (noting that demurrer should be sustained only where “plaintiff has failed to assert a legally cognizable cause of action”). If any doubts exist as to the legal sufficiency of the complaint, the Court must examine those doubts in the context of the complaint as a whole and, thereafter, should resolve them in favor of overruling the objection. *Id.* at 1041; *Rachlin v. Edmison*, 813 A.2d 862, 868 (Pa. Super. 2002).

## III. DISCUSSION

### A. Plaintiffs’ “Constitutional Defamation” Claim

Plaintiffs’ first claim may be fairly characterized as a cause of action sounding in “constitutional defamation.” *See* Plaintiffs’ Brief at 3. They contend that Article I, Section 1 of the Pennsylvania Constitution—which provides that “[a]ll men ... have certain inherent and indefeasible rights, among which are those of ... possessing and protecting property and reputation”—grants a private remedy for defamation. *Id.* Accordingly, they seek money damages in excess of \$50,000. *See* Complaint at 6.

Defendants’ first preliminary objection is in the form of a demurrer to Plaintiffs’ “constitutional defamation” claim. Based on the following, the Court sustains Defendants’ objection and dismisses Plaintiffs’ claim.

Initially, this Court disagrees with Plaintiffs’ contention that the Pennsylvania Constitution creates a private right of action for defamation. Pennsylvania courts have consistently held that Article I, Section 1 provides Pennsylvania citizens with guarantees that the government may not deprive them of the right to property and/or reputation without due process. *See*

e.g., *Erdman v. Mitchell*, 207 Pa. 79, 56 A. 327 (1903). They have not, however, examined the Pennsylvania Constitution as a self-executing basis for a private cause of action sounding in defamation.

Second, even if this Court found that the Pennsylvania Constitution created such a cause of action, it could not allow Plaintiffs to proceed with their claim because they would nonetheless be unable to prove facts legally sufficient to establish a right to relief. *See Mazur*, supra, 961 A.2d at 101. “To date, neither Pennsylvania statutory authority, nor appellate case law has authorized the award of money damages for a violation of the Pennsylvania Constitution.” *Jones v. City of Philadelphia*, 890 A.2d 1188, 1209 (Pa. Commw. 2006). Because Plaintiffs seek only money damages for this action, and because Pennsylvania courts have not recognized awards of money damages in such actions, this Court sustains Defendants’ objection. *See id.*; *Mazur*, supra, 961 A.2d at 101.

### B. Plaintiffs’ Common-Law Defamation Claim

#### 1. Municipal Defendants

Defendants’ second objection is in the form of a demurrer to Plaintiffs’ common-law defamation action. As Defendants’ action applies to Municipal Defendants, Defendants contend that Plaintiffs cannot demonstrate a right to relief because Municipal Defendants are immune from suit under the Pennsylvania Political Subdivision Tort Claims Act (“PSTCA”). *See* 42 Pa. C.S. §8541 *et seq.* For the reasons set forth below, we agree.

The PSTCA generally immunizes “local agencies” and their authorities, officers and subdivisions from tort suits. *See* 42 Pa. C.S. §§102, 8541 (recognizing tort immunity for “local agencies,” which includes “any political subdivision, municipal authority [or] other local authority, or any officer or agency of any such political subdivision or local authority.”). The PSTCA provides that local agencies are government units other than Commonwealth government, including, but not limited to, “any political subdivision or municipal or other local authority, or any officer or agency of such political subdivision or local authority.” *See* 42 Pa. C.S. §§102, 8501. This definition has been broadly applied by Pennsylvania courts, which have found many county and municipal entities to be “local agencies.” *See Simko v. County of Allegheny*, 869 A.2d 571, 573 (Pa. Cmwlth. 2005) (recognizing that “a county ... is a local agency to which governmental immunity applies”); *see also, Alston v. PW-Philadelphia Weekly*, 980 A.2d 215, 219 (Pa. Cmwlth. 2009) (finding that Philadelphia Redevelopment Authority was “local agency”); *Community College of Allegheny County v. Seibert*, 144 Pa. Commonwealth Ct. 616, 621, 601 A.2d 1348, 1350-52 (1992) (finding that county-funded community colleges are political subdivisions, and thus are “local agencies” for purposes of tort immunity under the PSTCA); *Rhoads v. Lancaster Parking Authority*, 103 Pa. Common-

wealth Ct. 303, 310, 520 A.2d 122, 125 (1987) (recognizing municipal parking authority as “local agency”).

Although local agencies are not immune from certain negligence actions, *see* 42 Pa. C.S. §§8542(a)-(b), the PSTCA shields them from defamation actions. *See id.* (listing exclusive exceptions to PSTCA tort immunity); *see also, Alston*, *supra*, 980 A.2d at 221.

Accepting as true all of the well-pleaded facts in Plaintiffs’ complaint, *see Mazur*, *supra*, 961 A.2d at 101, this Court has determined that Municipal Defendants are local agencies protected by PSTCA immunity. Plaintiffs averred at the outset of this case that Municipal Defendants were each “at all times material ... operating as an agency of the County.” Third Amended Complaint at ¶¶3-4. Northampton County is a local agency which enjoys the protections of the PSTCA. *See Simko*, *supra*, 869 A.2d at 573. Because Municipal Defendants were acting as agencies of Northampton County, it logically follows that Municipal Defendants also enjoy immunity from defamation lawsuits. *See* 42 Pa. C.S. §§102, 8541.

## 2. Ruberry and Spadoni

Defendants’ second demurrer also applies to Plaintiffs’ common-law defamation action against Ruberry and Spadoni. Defendants contend that Plaintiffs cannot demonstrate a right to relief because Ruberry and Spadoni are also immune from suit under the PSTCA. *See* 42 Pa. C.S. §8541 *et seq.*

The Court agrees that Ruberry and Spadoni enjoy immunity from Plaintiffs’ defamation action under the PSTCA. In *Alston*, the Commonwealth Court explained that the PSTCA “affords broad immunity to both city and municipal employees ... acting within the scope of their duties.” *Alston*, *supra*, 980 A.2d at 221. It also explicitly stated that local employees, acting within the scope of their duties, are immune from defamation claims. *See id.*; *see also*, 42 Pa. C.S. §§102, 4501-4502 (including “any officer ... of such political subdivision or local authority” within PSTCA shield of tort immunization).

Plaintiffs have not alleged that Ruberry and Spadoni acted in an individual capacity or otherwise acted outside the scope of their official duties. To the contrary, Plaintiffs allege that Ruberry and Spadoni, “at all times material,” were operating in their official capacities as employees, workers, or agents of their respective County offices. Third Amended Complaint at ¶¶2, 5. Thus, accepting as true all well-pleaded facts in Plaintiffs’ complaint, *see Mazur*, *supra*, 961 A.2d at 101, this Court accepts that Ruberry and Spadoni acted as the employees of the Northampton County Sheriff’s Office and Northampton County Solicitor’s Office, respectively. Accordingly, we find that Ruberry and Spadoni enjoy immunity from the instant action under the PSTCA and find further that, as a result of that immunity, Plaintiffs cannot establish a right to relief. *See Alston*, *supra*, 980 A.2d at 221; 42 Pa. C.S. §§102, 4501-4502; *Mazur*, *supra*, 980 A.2d at 101.



We will thus sustain Defendants' objection and grant the requested demurrer.

Even if this Court determined that the PSTCA did not immunize Ruberry and Spadoni from liability, it would nonetheless sustain Defendants' objection. Ruberry's comments that Plaintiffs might be "fellow travelers of anti-government groups such as the Sovereign Citizen, Posse Comitatus and Liberty Dollar movements that believe paper money is not legal tender" are not capable of a defamatory meaning. Comments regarding a party's political affiliation or philosophy cannot be defamatory. *See Rybas v. Wapner*, 311 Pa. Super. 50, 55, 457 A.2d 108, 110 (1983). In *Rybas*, the Pennsylvania Supreme Court stated that "to call [someone] a bigot or [some] other ... name descriptive of his political, ... economic, or sociological philosophies gives no rise to an action for libel." *See id.*; *see also, Lawrence v. Welker*, 9 D. & C. 5th 225 (C.P. Centre 2009) (in reliance of *Rybas*, determining that comments regarding plaintiff's alleged anarchist allegiances could not be defamatory).

Similarly, Ruberry's comment that Proetto, Reis and Balletta "might be part of an anarchist movement engaging in a 'paper terrorism' campaign to clog the courts" was not capable of a defamatory meaning. As the Supreme Court explained, not every embarrassing and annoying publication gives rise to an action. *See Rybas*, *supra* at 55, 457 A.2d at 110. The implication that Plaintiffs may have acted based on an "unpleasant or undesirable prejudice may offend [Plaintiffs'] sensitivities," but it is not defamatory. *See id.*

Finally, Spadoni's comment that the Plaintiffs "may simply be opportunists" is a "pure opinion" that is not capable of a defamatory meaning. In *Alston*, the Commonwealth Court explained that a pure opinion "occurs when the maker of the comment states the facts on which he bases his opinion of the plaintiff and then expresses a comment [on] the plaintiff's conduct, qualifications or character." *See Alston*, *supra*, 980 A.2d at 220 (quoting Restatement (Second) of Torts, §566 (1977)). The Commonwealth Court thus held that a defendant's comment about plaintiff, when published in a newspaper article that set forth the basis for the defendant's opinion of the plaintiff, was a pure opinion that was not capable of a defamatory meaning. *Id.* at 221. Because this Court is presented with a strikingly similar fact pattern, it reaches the same conclusion.

### *C. Plaintiffs' Loss of Consortium Claim*

In their third and final preliminary objection, Defendants seek a demurrer to Plaintiffs' action sounding in loss of consortium. They argue that dismissal of the action is appropriate upon dismissal of Plaintiffs' constitutional defamation and common-law defamation actions. Notably, Plaintiffs agree that their action for loss of consortium should be dismissed if their respective defamation actions are dismissed. *See Plaintiffs' Brief* at 4.

A claim based on an action in loss of consortium is derivative; a plaintiff may not proceed with such an action without another, underlying tort. *See e.g., Scattaregia v. Shin Shen Wu*, 343 Pa. Super. 452, 455, 495 A.2d 552, 554 (1985) (noting that loss of consortium claim was dependent upon injured spouse's right to recover on underlying action). Because the defamation claims of Michael Proetto and Victor Balletta have been dismissed, their spouses cannot demonstrate that they have a right to relief. *See id.*; *see also, Mazur*, *supra*, 961 A.2d at 101.

WHEREFORE, we enter the following:

*ORDER*

AND NOW, this 18th day of January, 2011, upon consideration of Defendants' Preliminary Objections to Plaintiffs' "Third Amended Civil Action Complaint," Plaintiffs' response thereto, and the parties' briefs thereon, it is hereby ORDERED and DECREED that Defendants' preliminary objections are SUSTAINED. Plaintiffs' "Third Amended Civil Action Complaint" is DISMISSED WITH PREJUDICE.



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## **PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, April 4, 2011**