

Northampton County Reporter

(USPS 395-280)

VOL. LVI

EASTON, PA May 19, 2011

NO. 72

Citibank (South Dakota), N.A., Plaintiff v. Dennis L. Klemmer, Defendant

Commonwealth of Pennsylvania v. Angel Ortiz, Defendant

**Martin D. Cohen, Individually and Successor in Interest to Susan Parker, Plaintiff v.
William Fenstermacher, Individually and d/b/a Fenstermacher Construction
Services, Inc., David Dietrich, Individually and d/b/a Dietrich Stone
Masonry, Inc., and Weiss Construction, Defendants**

CONTENTS

Audit—Orphan's Court.....	9	Limited Liability Company Notice	9
Bar News	3	Notices of Incorporation	8
Corporate Fictitious Name		Private Counsel Debt Collection—	
Registration Notice	9	Pennsylvania Eastern District	42
Estate Notices	4	Sheriff's Sales	13
Legal Notices.....	10	Trust Notice	8

INSERT: Yellow: 1.Walk for a Healthy Community

2. 2011 Calendar
3. 2011 Summer Outing
4. NCBA/Miller Keystone Blood Center Blood Bank Program
- Cream: 1. "Dealing with the Internal Revenue Service"
2. Philadelphia Phillies vs. New York Mets
3. 2011 Photo Directory
4. PBI/CLE Seminars—NCBA Office, June—September 2011

NOTICE TO THE BAR...

Private Counsel Debt Collection—PA Eastern District
RFP Requested—see page 42.

* * * * *

PA Treasury Unclaimed Property
Published next week—May 26th edition.

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

Kerry S. Freidl President
Victor E. Scomillio President-elect
Stanley J. Margle, III Vice President
Christopher M. Reid Treasurer
Abraham P. Kassis Secretary
Jacqueline M. Taschner Past President

BOARD OF GOVERNORS

Kevin F. Danyi
Robert M. Donchez
Alyssa A. Lopiano-Reilly
Jessica Frisch Moyer
Samuel P. Murray
Michael P. Shay
Matthew C. Potts

ZONE II DELEGATES

Michael C. Deschler
Barbara L. Hollenbach
Nicholas Noel, III
Joel M. Scheer
Michael P. Shay
Ronald W. Shipman
Jacqueline M. Taschner

Northampton County Reporter

Attorney Referral & Information Service

155 South Ninth Street, Easton, PA 18042-4399

Phone (610) 258-6333 Fax (610) 258-8715

E-mail: ncba@norcobar.org

PBA (800) 932-0311—PBI (800) 932-4637

BAR ASSOCIATION STAFF

Mary Beth Leeson Executive Director
Stephanie Pasquel Accounting
Heather Rizzotto-Stefanik Legal Journal
Gloria A. Robison Attorney Referral
Deborah J. Flanagan Attorney Referral

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.

Subscription Price—\$75.00 per year.

Periodical Postage Paid at Easton, PA and additional office.

Postmaster: Send all communications and address changes to:

NORTHAMPTON COUNTY REPORTER

155 South Ninth St., Easton, PA 18042-4399

Telephone (610) 258-6333 FAX (610) 258-8715

Edward P. Shaughnessy, Esquire

Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

IN MEMORIAM

Karl K. LaBarr, Esquire

Admitted to Northampton County Bar: April 12, 1954 ♦ Died: May 10, 2011

Private services were held for the family.

Memorials may be sent to:

Two Rivers Health and Wellness Foundation

1101 Northampton Street, Easton, PA 18042

Department of Justice Announcement for Private Counsel

Submit an RFP if you are interested in entering into contracts with the Department of Justice to collect delinquent Federal debts in the Eastern District of PA. See page 42 or

www.fbo.gov/spg/DOJ/JMD/PSS/DJJB-11-RFP-0726/listing.html

New Photo Directory

It's time for that ever popular project—the Photo Directory!

The photographer is scheduled to be here on Thursday, June 16, Friday, June 17 and Monday, June 20.

Please make EVERY EFFORT to come to the Bar Association Office to have your photo taken for the new directory. *We are requesting 100% participation.*

Call the Bar Association to schedule your time—610-258-6333.

Walk for a Healthy Community—June 11, 2011

The YLD will be participating in the Walk for a Healthy Community. If you are interested in helping one of 23 local community organizations and, if you like to take a nice walk on a Saturday morning in downtown Bethlehem, consider joining the young lawyers in support of this event. Contact Karley Biggs if you need more information. karleybiggs@gmail.com

Register online: www.walkforahealthycommunity.org

Friends, family, strollers, dogs—all are welcome!

There is only one quality worse than hardness of heart and that is softness of head. ~ Theodore Roosevelt

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**AVERILL, DEBORAH M. a/k/a DEBORAH AVERILL, dec'd.**

Late of 1855 8th Street, Bethlehem, Northampton County, PA
Administratrix, c.t.a.: Jeanne E. Swain c/o James A. Ritter, Esquire, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916
Attorney: James A. Ritter, Esquire, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916

CONNORS, MICHAEL J., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Administratrix: Joan L. Zaun c/o Michael J. Maransky, Esquire, Fox Rothschild, LLP, Ten Sentry Parkway, Ste. 200, P.O. Box 3001, Blue Bell, PA 19422-3001
Attorneys: Michael J. Maransky, Esquire, Fox Rothschild, LLP, Ten Sentry Parkway, Ste. 200, P.O. Box 3001, Blue Bell, PA 19422-3001

DARABARIS, GREGORY J., dec'd.

Late of Bethlehem, Northampton County, PA
Executrix: Dorene Darabaris, 1937 Hopewell Road, Bethlehem, PA 18017

DOBISH, HELEN I. a/k/a HELEN DOBISH, dec'd.

Late of Northampton, Northampton County, PA
Executrix: Dolores A. Johnson c/o James J. McConnell, Esquire, 526 North St. Cloud Street, Allentown, PA 18104
Attorney: James J. McConnell, Esquire, 526 North St. Cloud Street, Allentown, PA 18104

DRYCH, SABINA, dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executor: John Drych, 4106 Birch Drive, Bethlehem, PA 18020
Attorneys: Richard S. Luse, Esquire, Reybitz and Luse, 316 W. Broad Street, Bethlehem, PA 18018

EDWARDS, BERNADINE A., dec'd.

Late of Bethlehem, Northampton County, PA
Executor: John R. Edwards, 7436 Carol Lane, Northampton, PA 18067
Attorney: Daniel P. Sabetti, Esquire, 224 West Broad Street, Bethlehem, PA 18018

ENGLER, MARY V. a/k/a MARY ENGLER, dec'd.

Late of the Borough of Wind Gap, Northampton County, PA
Executors: Margaret Powell, Joann Jones, Terry Reese and Ronald Reese c/o McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013
Attorneys: McFall, Layman & Jordan, P.C., Attorneys at Law, 134 Broadway, Bangor, PA 18013

GERBER, CATHERINE M., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Judith A. Gerber c/o
Bradford D. Wagner, Esquire,
662 Main Street, Hellertown, PA
18055-1726

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

**HODGES, BEATRICE M. a/k/a
BEATRICE HODGES**, dec'd.

Late of Bath, Northampton
County, PA

Executor: James E. Hodges c/o
Kimberly A. Spotts-Kimmel, Es-
quire, Gross McGinley, LLP, P.O.
Box 4060, Allentown, PA 18105-
4060

Attorneys: Kimberly A. Spotts-
Kimmel, Esquire, Gross McGin-
ley, LLP, P.O. Box 4060, Allen-
town, PA 18105-4060

KYRA, CAROLYN, dec'd.

Late of North Catasauqua Bor-
ough, Northampton County, PA
Executrices: Tammy Kyra-Sny-
der and Kristen Kyra c/o Domi-
nic A. Farole, Esquire, 1005
Chestnut Street, Suite 101, Co-
play, PA 18037

Attorney: Dominic A. Farole,
Esquire, 1005 Chestnut Street,
Suite 101, Coplay, PA 18037

LEITH, GLORIA A., dec'd.

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

Executrix: Patricia J. Leith c/o
Bradford D. Wagner, Esquire,
662 Main Street, Hellertown, PA
18055-1726

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

MILLER, BARBARA A., dec'd.

Late of the Township of East Al-
len, Northampton County, PA

Executrix: Sherry Rodenbaugh,
56 Acorn CT N, Bath, PA 18014

**SIEGFRIED, RICHARD W. a/k/a
RICHARD SIEGFRIED**, dec'd.

Late of Northampton Borough,
Northampton County, PA

Administratrix: Jeanine M. Sieg-
fried c/o Michael A. Santanasto,
Esquire, 114 E. Broad St., Beth-
lehem, PA 18018

Attorney: Michael A. Santanasto,
Esquire, 114 E. Broad St., Beth-
lehem, PA 18018

**SMITH, NANCY LEE a/k/a NAN-
CY SMITH**, dec'd.

Late of the Township of Hanover,
Northampton County, PA

Executor: Luther Smith, 4605
Cheryl Drive, Bethlehem, PA
18017

Attorneys: Richard S. Luse, Es-
quire, Reybitz and Luse, 316
West Broad Street, Bethlehem,
PA 18018

**SNYDER, HELEN POSEY a/k/a
HELEN P. SNYDER**, dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executrices: Margaret Louise
Snyder and JoAnn S. Slattery
c/o Michael A. Santanasto, Es-
quire, 114 E. Broad St., Bethle-
hem, PA 18018

Attorney: Michael A. Santanasto,
Esquire, 114 E. Broad St., Beth-
lehem, PA 18018

WEIDLICK, ARLINGTON, dec'd.

Late of 223 Independence Way,
Mount Bethel, Northampton
County, PA

Executrix: Joyce Weidlick, 1569
Teels Road, Apartment 2D, Pen
Argyl, PA 18072

Attorney: Louis D. Powlette, Es-
quire, 231 Park Avenue, Strouds-
burg, PA 18360

SECOND PUBLICATION

BEERS, JULIA, dec'd.

Late of the City of Easton,
Northampton County, PA

Executrix: Mary Horvath 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

BISCHOFF, JEAN B., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Philip Carpenter, 2830 Linden Street, Apt. 7D, Bethlehem, PA 18017

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

FAVA, HELEN M. a/k/a HELEN FAVA, dec'd.

Late of the Township of East Allen, Northampton County, PA

Executrix: Donna Schoeneberger, 5496 Nor-Bath Blvd., Northampton, PA 18067

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

FOGEL, EDNA A., dec'd.

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

Executors: Norma L. Faust and David W. Faust, 510 W. St. Elmo Street, Nazareth, PA 18064

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

FREITAS, WILBUR I., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executor: Bret W. Frantz 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

HALL, MARIE A., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Robert S. Bukvics c/o Edward L. Redding, Esquire, 548 N. New Street, Bethlehem, PA 18018

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

HECKMAN, MARIE E., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Deborah Ann Wykosky 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

MATYAS, ROSE H. a/k/a ROSE S. H. MATYAS, dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executors: James G. Matyas, 3590 Old Philadelphia Pike, Bethlehem, PA 18015 and Rita L. O'Brien, 152 N. Main Street, Nazareth, PA 18064

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

RUSH, JOSEPHINE B., dec'd.

Late of Easton, Northampton County, PA

Executrix: Barbara R. Renkert c/o Dennis P. Ortwein, Esquire, 5201 William Penn Highway, Easton, PA 18045

Attorney: Dennis P. Ortwein, Esquire, 5201 William Penn Highway, Easton, PA 18045

THIRD PUBLICATION**COFFIN, WILLIAM P.,** dec'd.

Late of the Township of Williams, Northampton County, PA
Executrix: Margaret J. Coffin, 35 Riverview Drive, Easton, PA 18042

Attorneys: Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, LLC, 3101 Emrick Boulevard, Suite 205, Bethlehem, PA 18020

HEIN, JAMES R., dec'd.

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

Executor: Douglas James Hein 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

HRITZ, LAURA M., dec'd.

Late of the Borough of Freemansburg, Northampton County, PA
Executor: Michael G. Hritz 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

KALE, DOROTHY M. a/k/a DOROTHY MARY KALE, dec'd.

Late of Bethlehem Township, Northampton County, PA
Executor: Alan L. Kale c/o Gregory E. Grim, Esquire, Grim, Biehn & Thatcher, 104 South Sixth Street, P.O. Box 215, Perkaskie, PA 18944

Attorneys: Gregory E. Grim, Esquire, Grim, Biehn & Thatcher, 104 South Sixth Street, P.O. Box 215, Perkaskie, PA 18944

McCARTHY, ROBERT P., dec'd.

Late of the Township of Hanover, Northampton County, PA
Executrix: Cynthia S. McCarthy c/o Harry Newman, Esquire, Harry Newman & Associates, P.C., 3897 Adler Place, Suite 180C, Bethlehem, PA 18017

Attorneys: Harry Newman, Esquire, Harry Newman & Associates, P.C., 3897 Adler Place, Suite 180C, Bethlehem, PA 18017

RONNEBERG, ELIZABETH a/k/a ELIZABETH ANN RONNEBERG a/k/a ELIZABETH A. RONNEBERG, dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Administratrix C.T.A.: Jane R. Ronneberg c/o Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

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

SEAROCK, JANE L., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executrix: Betty J. Reczek 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

SMITH, RUTH E. a/k/a RUTH SMITH, dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Ruth D. Smith c/o John J. Bartos, Esquire, 100 Brodhead Road, Suite 130, Bethlehem, PA 18017

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

TOMBLER, MARGARET A. a/k/a MARGARET TOMBLER, dec'd.

Late of Williams Township,
Northampton County, PA

Executrix: Karen L. Drake c/o
Joel M. Scheer, Esquire, Fish-
bone and Scheer, 940 West La-
fayette Street, Easton, PA 18042

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

WEAVER, RUTH M. a/k/a RUTH WEAVER, dec'd.

Late of Wilson Borough,
Northampton County, PA

Executor: Edwin Weaver, III c/o
Ralph J. Bellafatto, Esquire,
4480 William Penn Highway,
Easton, PA 18045

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

TRUST NOTICE

NOTICE IS HEREBY GIVEN of the existence of the trusts of the deceased settlors 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 persons indebted to said trusts are requested to make payment, without delay, to the trustees or to their attorneys named below.

MATTHEWS, JAMES, dec'd.

Late of Palmer Township,
Northampton County, PA

Trustee: Marilyn Matthews,
2643 Woodlawn Avenue, Easton,
PA 18045

Attorney: Brett B. Weinstein,
Esquire, 705 W. DeKalb Pike,
King of Prussia, PA 19406

May 5, 12, 19

NOTICES OF INCORPORATION

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

The name of the corporation is:

AutoCoveragePlus, L.L.C.

RICHARD H. PEPPER, ESQUIRE
801 Lehigh Street
Easton, PA 18042-4327

May 19

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

The name of the corporation is:

JIMMY'S ALTERNATIVE DENT REPAIR, INC.

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

May 19

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

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

The name of the corporation is:

RedHawkWay, L.L.C.

RICHARD H. PEPPER, ESQUIRE
801 Lehigh Street
Easton, PA 18042-4327

May 19

**CORPORATE FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982 (54 Pa. C.S.A. Sec. 311(g) et seq.), of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, under the assumed or fictitious name, style or designation of:

TheGreenHouse Pub

with its principal place of business at: 409-11 Wyandotte Street, Bethlehem, PA 18015.

The name and address of the entity owning or interested in said business is: Fionn Inc., 324 North Main Street #1, Sellersville, PA 18960.

The certification was filed on May 2, 2011.

William Finnegan
Fionn Inc.

324 N. Main St.
Sellersville, PA 18960
(610) 804-1929

May 19

NOTICE IS HEREBY GIVEN pursuant to the provisions of Act No. 295 of 1982 of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania under the assumed or fictitious name, style or designation of:

**NONNA'LIA ITALIAN
RISTORANTE PIZZERIA**

with its principal place of business at: 501 Village at Stones Crossing, Easton, PA 18045.

The name and address of the entity owning or interested in said business is: S.I.L.S.U.S., Inc., 4011 William Penn Highway, Easton, PA 18042.

The certificate has been filed on May 4, 2011.

HARRY NEWMAN, ESQUIRE
HARRY NEWMAN &
ASSOCIATES, P.C.

3897 Adler Place
Suite 180C
Bethlehem, PA 18017

May 19

**LIMITED LIABILITY COMPANY
NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization—Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of creating a limited liability company in accordance with the provisions of Title 15, Corporations and Unincorporated Associations, 15 Pa. C.S.A. 8901 et seq., approved December 7, 1994, P.L. 703 No. 106(4).

The name of the Domestic Limited Liability Company:

EAST LAWN REALTY, LLC

Todd H. Lahr, Esquire
Lahr & Lahr Law Offices
3570 Hamilton Blvd.
Suite 303
Allentown, PA 18103-4513
(610) 398-2440

May 19

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

The following Executors, Administrators, Guardians & Trustees have

filed Accounts in the Office of the Orphans' Court:

ESTATE; Accountant

MICHAEL A. BETZ, JR.; Donna Lalonde, Executrix

RONALD J. BINN; Donna S. Binn, Administratrix

STEPHEN A. CHROUST; Richard A. Chroust and Elizabeth Ann Chroust, Co-Executors

JOSEPH SHATTUCK DE RAYMOND a/k/a JOSEPH S. DE RAYMOND; Raymond J. De Raymond, Administrator

MICHAELA. GILIO; Mary Lee Garr and Patricia A. Arndt a/k/a Patricia Arndt Hartzell, Co-Executrices

LISA HUFF; Wilmington Trust Company, FSB, Guardian

RICHARD JUDE LEARY SR.; Kathleen E. O'Neill-Leary, Executrix

HELEN E. NICHOLAS; Cleo M. Eck, Executor

MARJORIE SHIMER PETERS a/k/a MARJORIE S. PETERS; Robert H. Peters, Jr., Executor

AUDIT NOTICE

All Parties interested are notified that an audit list will be made up of all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton, PA on: MAY 27, 2011 AT 9:00 A.M. IN COURTROOM #1.

Dorothy L. Cole
Clerk of Orphans' Court
May 12, 19

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

IN RE: CHANGE OF NAME OF
COLTON FRYMOYER-CARRERAS
TO COLTON CARRERAS

No. C0048CV2011-04380

NOTICE IS HEREBY GIVEN that
on May 13, 2011, the Petition of

COLTON FRYMOYER-CARRERAS,
was filed in the Court of Common
Pleas of Northampton County, Penn-
sylvania, praying for a decree to
change his name to COLTON CAR-
RERAS.

The Court has fixed June 17,
2011, at 9:00 a.m. in Courtroom No.
4 of the Northampton County Court-
house as the time and place for the
hearing of said Petition, when and
where all persons interested may ap-
pear and show cause, if any they
have, why the prayer of the said Peti-
tion should not be granted.

JOSEPH A. CORPORA, III,
ESQUIRE

Attorney for Petitioner

100 North Third Street
Suite 502
Sovereign Bank Building
Easton, PA 18042-1869

May 19

NOTICE IS HEREBY GIVEN that
on May 17, 2011, the Petition of Da-
vid John Young and Suzanne Eliza-
beth Young was filed in the Northamp-
ton County Court of Common Pleas
at No. C-48-CV-2011-4456, seeking
to change the name of a minor child
from Rebecca Ann Young to Rebecca
Elizabeth Young. The Court has fixed
Thursday, June 30, 2011 at 9:00
A.M. in Motion's Court, Courtroom
Four at the Northampton County
Government Center 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 Petitioners should not be granted.

May 19

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

Wilson Area School District
vs.

Eugene J. Abromitis and
Sayuri Abromitis

NO. C-48-CV-2010-8664

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 2009, for the property located at 40 Connard Drive, Williams Township, Pennsylvania, Tax Parcel P9 12 16-9. A tax claim in the amount of \$6,303.20 was filed on or about August 10, 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

May 12, 19, 26

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

City of Easton

vs.

Building Your Way, Inc.

NO. C-48-CV-2009-10107

NOTICE IS HEREBY GIVEN that the above was named as Defendant in a civil action instituted by plaintiff. This is an action to recover delinquent real estate taxes for the year 2008, for the property located at 624 Lehigh Drive, Easton, Pennsylvania, Tax Parcel L9SE4B 2 5. A tax claim in the amount of \$3,547.07 was filed on or about September 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

May 12, 19, 26

**NOTICE OF INTENTION TO
ADOPT RESOLUTION**

NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting on June 6, 2011 at 7:00 p.m., at the William P. Tollinger Administration Building, 2040 Washington Blvd., Easton, Pennsylvania, the Board of School Directors of Wilson Area School District intends to adopt a Resolution, of which this Notice is a summary:

A RESOLUTION OF WILSON AREA SCHOOL DISTRICT, NORTHAMPTON COUNTY, PENNSYLVANIA, RE-ADOPTING, RESTATING AND AMENDING ITS EARNED INCOME TAX RESOLUTION TO ESTABLISH CONFORMITY WITH THE LOCAL TAX ENABLING ACT AS AMENDED BY ACT 32 OF JULY 2, 2008; LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; PROVIDING FOR INTEREST PENALTIES, COSTS AND FINES FOR VIOLATIONS AND NON-PAYMENT OF TAX; PROVIDING FOR SEVERABILITY, PURPOSE/REPEAL, CONSTRUCTION AND EFFECTIVE DATE, AND RELATED PROVISIONS.

The proposed Resolution is being adopted, and notice is being given, pursuant to the Local Tax Enabling Act, 53 P.S. §6924.101, et. seq. The Resolution restates and amends in its entirety the School District's currently existing Earned Income Tax Resolution, as amended, in order to conform to the provisions of the Local Tax Enabling Act, 53 P.S. §6924.101, et. seq., as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. The proposed Resolution imposes a tax of one percent (1%) on the earned income and net profits of residents of

the School District. The tax is in addition to any earned income and net profits of residents of the School District. The tax is in addition to any earned income tax levied by the Commonwealth of Pennsylvania or municipality in the School District, but may be subject to certain credits or deductions permitted by law. The tax is imposed for general revenue purposes, including general operating revenue for the School District. The Resolution will be effective January 1, 2012 and continues the tax previously imposed, and at the same rate. The nature of the tax is substantially the same as the earned income tax currently levied, subject to the changes required by Act 32. The Resolution shall apply to earned income and net profits earned or received by a taxpayer during calendar year 2012 and each year thereafter without annual re-enactment unless the rate of tax is subsequently changed. The estimated revenue generated by the tax for the 2011-12 fiscal year is \$1,650,000.

A copy of the full text of the proposed Resolution may be obtained at the Business Office of the Wilson Area School District, located at the School District's Administration Building, 2040 Washington Blvd., Easton, PA, during regular business hours (Monday through Friday between 8 a.m. and 4 p.m.).

Richard Male
Business Manager
Wilson Area School District
May 19, 26; June 2

**NOTICE OF INTENTION TO
ADOPT RESOLUTION**

NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting on June 14, 2011, at 7:00 o'clock p.m., at the Wind Gap Middle School Auditorium, 1620 Teels Road, Pen Argyl,

Pennsylvania, the Board of School Directors of the Pen Argyl Area School District intends to adopt a Resolution of which this Notice is a summary:

A RESOLUTION OF THE PEN ARGYL AREA SCHOOL DISTRICT, NORTHAMPTON COUNTY, PENNSYLVANIA, RE-ADOPTING, RESTATING AND AMENDING ITS EARNED INCOME TAX RESOLUTION TO ESTABLISH CONFORMITY WITH THE LOCAL TAX ENABLING ACT AS AMENDED BY ACT 32 OF JULY 2, 2008; LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; PROVIDING FOR INTEREST, PENALTIES, COSTS AND FINES FOR VIOLATIONS AND NON-PAYMENT OF TAX; PROVIDING FOR SEVERABILITY, PURPOSE/REPEAL, CONSTRUCTION AND EFFECTIVE DATE, AND RELATED PROVISIONS.

The proposed Resolution is being adopted, and notice is being given, pursuant to the Local Tax Enabling Act, 53 P.S. §6924.101, et. seq. The Resolution restates and amends in its entirety the School District's currently existing Earned Income Tax Resolution, dated June 24, 2003, in order to conform to the provisions of the Local Tax Enabling Act, 53 P.S. §6924.101, et. seq., as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. The proposed Resolution imposes a tax of one and thirty-five one-hundredths percent (1.35%) on the earned income and net profits of residents of the School District. The tax is in addition to any earned income tax levied by the Commonwealth of Pennsylvania or municipality in the School District, subject to credits and deductions imposed by law. The tax is imposed for general

revenue purposes, including general operating revenue for the School District. The Resolution will be effective January 1, 2012, and continues the tax previously imposed, and at the same rate. The nature of the tax is substantially the same as the earned income tax currently levied, subject to the changes required by Act 32. The Resolution shall apply to earned income and net profits earned or received by a taxpayer during calendar year 2012 and each year thereafter without annual re-enactment unless the rate of tax is subsequently changed. The estimated revenue generated by the tax for the 2011-12 fiscal year is \$2,077,640.

A copy of the full text of the proposed Resolution may be obtained at the Business Office of the Pen Argyl Area School District located at the School District Administration Building, Wind Gap Middle School, 1620 Teels Road, Pen Argyl, Pennsylvania, during regular business hours (Monday through Friday between 9:00 a.m. and 4:00 p.m.).

Walter M. Schlegel, Jr.,
Business Manager

Pen Argyl Area School District
1620 Teels Road
Pen Argyl, PA 18072

May 19, 26; June 2

SHERIFF'S SALE OF VALUABLE REAL ESTATE

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on JUNE 10, 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-2008-06065

ALL that certain lot or parcel of land situated in the Township of Williams, County of Northampton and Commonwealth of Pennsylvania, being Lot No. 17 as shown on a Plan entitled, "Preliminary/Final Subdivision Plan, Woodside-Chase 2", dated January 27, 2003 last revised August 18, 2003, prepared by Van Cleff Engineering Associates, Bethlehem, PA and recorded on November 04, 2003 in Book 2003-5, Pages 419-423, more particularly described as follows:

BEGINNING at a common corner of Lots No. 17 and No. 18 on the Easterly side of a cul-de-sac Bulb Forrest Stand Drive (50' R.O.W.); thence:

1. Along the cul-de-sac bulb, passing along an arc of a circle curving to the left, having a radius of 70.00 feet, an arc distance of 74.89 feet to a point of reverse curvature at the terminus of the cul-de-sac bulb; thence,

2. Passing along an arc of a circle curving to the right, having a radius of 150.00 feet, an arc distance of 97.66 feet to a point of tangency on the Northeasterly side; thence,

3. Along the Northeasterly side of Forrest Stand Drive, North 24 degrees 41 minutes 52 seconds West, a distance of 5.28 feet to a corner of Lot No. 16; thence,

4. Along Lot No. 16, North 65 degrees 46 minutes 23 seconds East, a distance of 290.17 feet to a corner; thence,

5. South 24 degrees 40 minutes 41 seconds East, a distance of 212.24 feet to a corner of Lot No. 18; thence,

6. Along Lot No. 18 a non-radial line, South 76 degrees 01 minutes 14 seconds West, a distance of 255.59 feet to the first mentioned point and place of beginning.

HAVING erected thereon a dwelling known as 45 Forrest Stand Drive, Easton, PA 18042.

PARCEL NO. N10-3-3-17-0836.

BEING the same premises which Toll, PA, L.P., by Deed dated 11/27/2006 and recorded 11/30/2006 in the Recorder's Office of Northampton County, Pennsylvania, Deed Book Volume 2006-1, Page 493147, granted and conveyed unto James Walker and Donna Walker, husband and wife, as tenants by the entirety.

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

SEIZED AND TAKEN into execution of the writ as the property of James Walker and Donna Walker.

LOUIS P. VITTI, ESQUIRE

No. 2
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-13858

ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate on the West side of Pawnee Street in the City of Bethlehem First Ward, Northampton County, Pennsylvania known as 506 Pawnee Street, according to present City numbering (the eastern half of a double brick dwelling) bounded and described as follows:

BEGINNING at a point in the Southwest side of Pawnee Street distant 40 feet from the Northwest corner of Dakotah and Pawnee Streets, thence along lot now or late of Reading Harwick 10 feet to lot now or late of Amandus and Allen Woaver,

thence along said lot 20 feet to a point, a corner of lot now or late of Charles Eichenberg, thence along said lot 100 feet to Pawnee Street, thence along said Pawnee Street 20 feet to the place of beginning.

Title is Vested in: CURTIS M. HAYNES, as tenants by entirety by that Warranty Deed dated 10/27/2006 and recorded on 11/03/2006 in Book 2006-1 at Page 456905, of the Northampton County, PA records.

BEING KNOWN AS 506 Pawnee Street, Bethlehem, PA.

TAX PARCEL NUMBER: P6SW2C-2-4.

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

SEIZED AND TAKEN into execution of the writ as the property of Curtis M. Haynes.

STEVEN K. EISENBERG, ESQUIRE

No. 3

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-09591

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, hereditaments and appurtenances, situate in the Borough of Wilson, County of Northampton and State of Pennsylvania, described according to a survey and plan thereof made by John F. Cibula, Registered Professional Engineer of Easton, Pennsylvania, on March 5, 1954, as follows, to wit:

BEGINNING at a point on the southerly side of 3rd Street (50 feet wide) at the distance of 330.13 feet westwardly from the westerly side of 23rd Street (60 feet wide).

CONTAINING in front or breadth on the said southerly side of 3rd Street, 19.92 feet and extending of that width in length or depth south-

wardly between parallel lines at right angles to the said 3rd Street, passing through the center of party walls between these premises and the premises to the Northeast and southwest, 87.16 feet.

BEING known as Lot No. 77 on said Plan and House No. 2332 3rd Street (Lot No. 13).

TAX PARCEL NUMBER: M9NW1C -5-43.

BEING KNOWN AS 2332 3rd Street, Easton, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Carol L. Stamets.

MICHAEL T. MCKEEVER, ESQUIRE

No. 4

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-06541

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Williams, Northampton County, Pennsylvania, being an irregular parcel located on the Southerly side of Old Philadelphia Road, as shown by a survey made by Edgar T. Sales, Registered Professional Engineer, dated March 24, 1956, further bounded and described as follows, to wit:

BEGINNING at a point, said point being an iron pin in the center of Old Philadelphia Road; thence along the center line of Old Philadelphia Road on a curve to the left with a radius of 477.5 feet a distance of 191.65 feet to a point; thence North 59 degrees, 30 minutes West a distance of 201.54 feet to a point; thence South 53 degrees, 31 minutes West a distance of 200 feet to a point; thence South 59

degrees, 30 minutes East a distance of 196.58 feet to a point; thence North 79 degrees, 00 minutes East a distance of 269.74 feet to a point in the center line of Old Philadelphia Road; thence by the same North 36 degrees, 29 minutes West a distance of 8.61 feet to a point, the place of beginning.

Being in area 1.21 acres, more or less.

Parcel No. M9-16-20A.

BEING the same premises which James R. Little and Diane M. Little, his wife, by deed dated 5/26/2006 and recorded 6/8/2006 in and for Northampton County in Deed Book 2006-1 page 230167 granted and conveyed to Luis Rivadeneira.

BEING KNOWN AS 820 Morgan Hill Road, Easton, PA.

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

SEIZED AND TAKEN into execution of the writ as the property of Luis Revadeneira and Nereida Rivadeneira.

CHRISTOPHER A. DeNARDO,
ESQUIRE

No. 6

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-07762

ALL THAT CERTAIN tract or parcel of land situate at the Northwesterly corner of the intersection of Township Road 575 known as Jacksonville Road and Township Road 431 known as Macada Road in the Township of Hanover, County of Northampton and Commonwealth of Pennsylvania, in accordance with a boundary survey by Keystone Consulting Engineers, Inc., of Bethlehem, Pennsylvania, on June 10, 1987, last revised 7/12/2004 and recorded 9/14/2004

in Map Book 2004-5, Page 580, as follows to wit:

BEING Lot # 20 a/k/a 1385 Ciara Drive on aforementioned plan.

TITLE TO SAID PREMISES IS VESTED IN Thomas Blair and Joy L. Blair, husband and wife, by Deed from NRV, Inc., A Virginia Corporation, Trading as Ryan Homes, dated 03/31/2006, recorded 04/19/2006, in Book 2006-1, Page 154109.

Premises being: 1385 CIARA DRIVE, BETHLEHEM, PA 18017-3059.

Tax Parcel No. N6-22-1-20-0214.

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

SEIZED AND TAKEN into execution of the writ as the property of Thomas Blair and Joy L. Blair.

DANIEL G. SCHMIEG, ESQUIRE

No. 7

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-11061

All that certain parcel of land situate in the Township of Upper Mt. Bethel, County of Northampton, Commonwealth of Pennsylvania, being shown as Lot No. 1 according to a Plan of Denery Subdivision, as prepared by Joseph E. Policelli, Registered Surveyor, bounded and described as follows:

Beginning at a concrete monument on the Easterly right of way line of the public road known as Pennsylvania Legislative Route 48030, on the Northerly line of land of Floyd Rader; thence along land of said Floyd Rader, North 59 deg. 12 min. 13 sec. East, 650.98 feet to a stone corner; thence along land of Hickory Lake Campground, North 3 deg. 00 min. 00 sec. East, 112.00 feet; thence along other land of Wesley Denery

and Donelle Denery, his wife, prior grantors, the following 6 courses; (1) North 87 deg. 00 min. 00 sec West, 192.70 feet to a concrete monument; (2) South 57 deg. 54 min. 30 sec. West 348.00 feet to an iron pipe; (3) North 32 deg. 05 min. 30 sec. West 15.00 feet to a concrete monument; (4) South 57 deg. 54 min. 30 sec. West, 142.17 feet to a concrete monument; (5) South 32 deg. 05 min. 30 sec. East, 15.00 feet to an iron pipe; (6) South 57 deg. 54 min. 30 sec. West, 70.00 feet to an iron pipe on the Easterly right of way line of Legislative Route 48030m above mentioned; thence along said right of way line, South 32 deg. 53 min. 48 sec. East, 187.73 feet to the place of beginning.

Containing 3.0000 acres.

TITLE TO SAID PREMISES IS VESTED IN Matthew M. Cooper and Jessica Cooper, h/w, by Deed from Jill D. Pask, dated 11/19/2004, recorded 11/24/2004 in Book 2004-1, Page 457029.

Premises being: 1191 MILLION DOLLAR HIGHWAY, BANGOR, PA 18013-5519.

Tax Parcel No. B10 6 16E-1 0131.

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 Matthew M. Cooper and Jessica M. Cooper a/k/a Jessica Cooper.

DANIEL G. SCHMIEG, ESQUIRE

No. 8
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-05737

ALL THAT CERTAIN messuage and tract of land situate and lying in the Township of Williams, County of Northampton and State of Pennsyl-

vania, bounded and described as follows:

BEGINNING at a chestnut oak in a corner of land of the late Mahlon Long, and of land of the late Isaac Koplin, deceased; thence by land late of said Mahlon Long, North fifty (50) degrees East twenty-five and eight-tenths (25.8) perches; thence South one (1) degree West eight (8) perches; thence by land now or late of the estate of James Bougher, deceased, North fifty-five (55) degrees East forty and five-tenths (40.5) perches an apple tree; thence by land now or late of Mary Kichline South thirty-five (35) degrees East fifty-nine and five-tenths (59.5) perches to a corner of lot of land to the hereinafter fully described, being the boundary line dividing Northampton and Bucks Counties; thence along said boundary line South sixty-four (64) degrees West fifty-nine (59) perches; thence by land now or late of the said Isaac Koplin's estate North twenty-five (25) degrees West thirty-two and five-tenths (32.5) perches; thence by the same South forty-seven (47) degrees West five and five-tenths (5.5) perches; thence by the same North thirty-two (32) degrees West twenty-four (24) perches to the place of beginning.

CONTAINING twenty-one (21) acres and seven (7) perches of land, be the same more or less.

LESS AND EXCEPTING, therefrom and thereout, the above land and premises, a tract of land consisting of four and four one-hundredths (4.04) acres (the area being incorrectly described numerically as four and four-tenths [4.4] acres in the prior deed of conveyance to Arthur Ivencz, recorded in Deed Book F, Volume 71, Page 507), heretofore conveyed by Peter Zani and wife Mary Zani to Ralph B. Kachline, which deed

of conveyance was recorded in the office of the Recorder of Deeds in and for the County of Northampton, State of Pennsylvania, in Deed Book B, Volume 69, Pages 21, etc., on May 3, 1938, which, by referring thereto, will more specifically appear.

AND, LESS AND EXCEPTING, therefrom and thereout, another tract consisting of two and one-half (2 1/2) acres heretofore conveyed by Peter Zani and wife Mary Zani to Kenneth E. McBride and wife, by deed of conveyance which was duly recorded in the office of the Recorder of Deeds in and for the County of Northampton, State of Pennsylvania, on May 19, 1938, in Deed Book B, Volume 69, Pages 36, etc., a more specific description thereof may be readily ascertained by referring thereto.

IT BEING THE SAME PREMISES which Arthur Paul Ivenz and Polly Jane Ivenz, his wife, by their Indenture bearing date the nineteenth day of August, A.D. 2002, for the consideration therein mentioned, granted and conveyed unto the said Michael Arthur Ivenz and Patty Jo Ivenz, his wife, and to their heirs and assigns, forever; as in and by the said in part recited Indenture recorded in the Office of the Recorder of Deeds in and for Northampton County, at Easton, Pennsylvania, in Record Book Volume 2002-1, Page 223484, etc., relation being thereunto had, more fully and at large appears.

Being known as 370 County Line East, Easton (Williams Township), Northampton County, Pennsylvania, and being Northampton County Uniform Parcel Identifier: P9-13-14.

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

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

Michael Arthur Ivenz and Patty Jo Ivenz.

ALFRED S. PIERCE, ESQUIRE

No. 9

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-11126**

ALL THAT CERTAIN tract of land known as Lot 1 as shown on the final plan of Fox Meadows, Section 1, Minor Subdivision, prepared by Base Engineering, Inc., dated May 7, 1987, recorded in the Northampton County Recorder of Deeds Office in Map Book Volume 87, Page 188, located in the Township of Lehigh, County of Northampton, Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a concrete monument on the Westerly right-of-way line of Mulberry Drive (T-532), 50 feet wide, and in line with lands now or formerly owned by Clover Hills Farm, Inc., thence along the lands of Clover Hills Farms, Inc., the following two courses and distances: (1) South 86 degrees 30 minutes 00 second West 468.50 feet to a concrete monument; (2) North 16 degrees 17 minutes 15 seconds West 422.26 feet to an iron pin in line with Lot 2 of Fox Meadows, Section 1, Minor Subdivision; thence along Lot 2; North 82 degrees 30 minutes 04 seconds East 368.69 feet to a concrete monument on the westerly right-of-way line of Mulberry Drive (T-532); thence along the right-of-way of Mulberry Drive the following three courses and distances: (1) On a curve to the left with a radius of 575.00 feet; a central angle of 29 degrees 07 minutes 45 seconds an arc length of 292.33 feet and a chord of South 22 degrees 03 minutes 49 seconds East 289.19 feet to a concrete monument; (2) South 36 degrees 37 minutes 41 seconds East 166.13 feet

to a concrete monument; (3) on a curve to the right with a radius of 95.00 feet, a central angle of 16 degrees 10 minutes 54 seconds, an arc length of 26.83 feet to a concrete monument, the place of BEGINNING.

UNDER AND SUBJECT to easements and restrictions as shown on Final Plan', Fox Meadows, Section 1, Minor Subdivision, prepared by Base Engineering, Inc., dated May 7, 1987, recorded in the Northampton County Recorder of Deeds Office in Map Book Volume 87, Page 188, and the Declaration of Covenants recorded in the Northampton County Recorder of Deeds Office in Misc. Book Volume 327, Page 334.

ALSO UNDER and subject to all easements, restrictions and covenants appearing in the chain of title to this property.

TITLE TO SAID PREMISES IS VESTED IN John P. Vogel, II and Karrie Zukowski, h/w, by Deed from Cynthia M. Allan and John J. Allam, w/h, dated 12/15/2006, recorded 12/22/2006 in Book 2006-1, Page 527089.

Premises being: 443 MULBERRY DRIVE, WALNUTPORT, PA 18088-9625.

Tax Parcel No. J2 21 10A 0516.

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

SEIZED AND TAKEN into execution of the writ as the property of John P. Vogel, II and Karrie Zukowski.

DANIEL G. SCHMIEG, ESQUIRE

No. 10
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2004-03833

ALL THOSE LOTS, pieces or parcels of land situate in the Borough of Roseto, County of Northampton,

Commonwealth of Pennsylvania, shown as Lots 1 and 2 according to Leon Calviero Subdivision, Drawing 80C1288, as prepared by Duane W. Policelli, Registered Surveyor, bounded and described as follows, to wit:

LOT NO 1

BEGINNING at an iron spike on the Southerly curb line of Jewel Street; thence along the southwesterly side of a private alley; South 61 Degrees, 31 Minutes, 03 Seconds East 35.78 Feet to a point; thence along other lands of Leon J. Calviero and Annabelle Calviero, his wife, grantors hereof, of which this was a part, South 14 Degrees, 42 Minutes, 22 Seconds East 28.97 Feet to an iron pipe; thence along land of Leroy Johns, South 77 Degrees, 04 Minutes, 00 Seconds West, 141.81 Feet to a point; thence along the northerly side of a private alley, North 62 Degrees, 04 Minutes, 00 Seconds West, 81.38 Feet to an iron pipe; thence along the southerly side of Jewel Street, first above mentioned, North 77 Degrees, 37 Minutes, 20 Seconds East, 175.62 Feet to the place of BEGINNING.

CONTAINING 8716 square feet of land.

LOT NO. 2

BEGINNING at a point on the southerly curb line of Jewel Street, thence along other land of Leon J. Calviero and Annabelle Calviero, his wife, grantors hereof, of which this was a part; South 14 Degrees, 42 Minutes, 22 Seconds East, 11.12 Feet to a point on the North side of a private alley; thence along said alley, North 61 Degrees, 31 Minutes, 03 Seconds West, 16.25 Feet to point on the South side of Jewel Street, 31 Minutes, 03 Seconds West, 16.25 Feet above mentioned; thence along the south side of Jewel Street, above

mentioned; thence along the south side of Jewel Street, above mentioned; thence along the south side of said Jewel Street North 75 Degrees, 17 Minutes, 38 Seconds East, 11.85 Feet to the place of BEGINNING.

TAX PARCEL #'S: A) D9SE1D-2-1A; B) D9SE1D-2-3A-1.

PROPERTY ADDRESS: 17 JEWEL STREET, ROSETO, PA 18013.

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

SEIZED AND TAKEN into execution of the writ as the property of John Shutte and Patricia Shutte.

MICHAEL T. McKEEVER, ESQUIRE

No. 11

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-11281**

All that certain messuage or tenement and lot or piece of land situate in the North side of and known as No. 439 East Ninth Street, in the third Ward of the borough of Northampton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point on the North side of East Ninth Street (formerly Stem Street) at the corner of a Twenty (20') feet wide alley, thence Eastwardly along said East Ninth Street Fifty (50') feet to a corner of Lot No. 92 as designated on Plan of Town Lots, thence Northwardly along said Lot No. 92 one hundred fifty (150') feet to a point on the South side of center alley, thence Westwardly along said center alley fifty (50') feet to a point on the East side of the first-mentioned twenty (20') feet wide alley, thence Southwardly along said last-mentioned alley one hundred fifty (150') feet to the place of beginning.

TAX PARCEL #: M4NE1D-1-15.

BEING KNOWN AS: 439 East 9th Street, Northampton, PA 18067.

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

SEIZED AND TAKEN into execution of the writ as the property of Jessica D. Kocher and Kevin F. Kocher.

MICHAEL T. McKEEVER, ESQUIRE

No. 12

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-10413**

ALL THAT CERTAIN lot or parcel of land situate along the westerly side of Barclay Court and being Lot No. 12-A Block "B" Section 2, as shown on "Plan of Section 2, Saucon Valley Terrace", in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described according to a survey thereof made by Leonard M. Fraivillig Company, Engineers, Bethlehem, Pennsylvania, as follows, to wit:

BEGINNING at a point on the westerly side of Barclay Court, distant two hundred thirty-nine and forty-two one-hundredths (239.42') feet southwardly, along the westerly side of Barclay Court, from the point where the westerly side of Barclay Court extended Northwardly intersects the southerly side of Willowbrook Drive extended eastwardly thence extending along the westerly side of Barclay Drive the three following courses and distances to-wit: (1) South seven degrees, twenty-five minutes West (S. 7° 25' W.) sixty and forty one-hundredths (60.40') feet to a point of curve, (2) along a curve, curving to the right, having a radius of twenty feet (20.00') an arc distance of sixteen and eighty-two one-hun-

dredths feet (16.82') to a point of compound curve, and (3) along a curve, curving to left, having a radius of forty feet (40,0') an arc distance of thirty-eight feet (38.0') to a point in line of Lot 12-B, Block "B", Section 2 Saucon Valley Terrace; thence extending North eighty-eight degrees fifty-one minutes West (N. 88° 51' W) along the division line between lots 12-A and 12-B, Block "B", Section 2, a distance of one hundred fifty-three and thirty one-hundredths (153.30') feet to a point in line of land now or late Theodore V. Geissler, said point being a common corner of lots 12-A and 128 and Lot 8, Block "B", Section I, Saucon Valley Terrace; thence extending North eighteen degrees fifty-one minutes thirty seconds East (N. 18° 51' 30" E.) along the aforesaid Lot No. 8, a distance of one hundred twenty-eight and seventy eight one hundredths feet (128.78') to a point in line of Lot 12, Block "B", Section 2, Saucon Valley Terrace; thence extending South eighty two degrees thirty-five minutes East (S. 82° 35' E.) along the division line between lots 12 and 12-A a distance of one hundred forty-six and sixty one-hundredths feet (146.60') to a point on the westerly side of Barclay Court, the point the place of beginning.

BEING KNOWN AS 1962 Barclay Court, Bethlehem, PA.

TAX PARCEL NUMBER: Q6SE4 2 10 0719.

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

SEIZED AND TAKEN into execution of the writ as the property of Robert M. Renna and Faith M. Renna.

MICHAEL R. NESFEDER,
ESQUIRE

No. 13

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION CV-2010-03327

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

BEGINNING at a stake along the west side of the road leading from Nazareth to Bethlehem North thirty (30) degrees East forty (40) feet along the west side of the Nazareth-Bethlehem Road to a point; thence North sixty-two (62) degrees West one hundred fifty (150) feet along land now or late of Luther Clawall and Isabell Clawall to a stake on the east side of a proposed alley; thence South thirty (30) degrees West forty (40) feet along the said alley to a stake; thence South sixty-two (62) degrees East one hundred fifty (150) feet along the land now or late of John Saylor to a stake the point of beginning. Containing 6,000 square feet.

It is expressly covenanted and agreed by the parties hereto that the building line as presently maintained by neighboring lot owners along said Nazareth-Bethlehem highway, be adhered to by the grantees herein, their heirs and assigns.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Gerstenberg and Alice L. Coughlin, as joint tenants with the right of survivorship and not as tenants in common, by Deed from Andrew M. Cuomo, Secretary of Housing and Urban Development, of Washington, D.C., dated 01/05/2000, recorded 01/07/2000 in Book 2000-1, Page 003208.

Premises being: 757 NAZARETH PIKE, NAZARETH, PA 18064-9086.

Tax Parcel No. K7NE4 1 16 0418.

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

SEIZED AND TAKEN into execution of the writ as the property of Michael J. Gerstenberg and Alice L. Coughlin.

DANIEL G. SCHMIEG, ESQUIRE

No. 14

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-11273**

Tract No. 1: ALL THAT CERTAIN messuage or tenement and lot or piece of land situate on the north side of the Public Road leading from Belfast to Jacobsburg, in Plainfield Township, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the middle of the public road leading from Belfast to Jacobsburg, corner of land formerly of Cecelia Ealer, now other; thence along the same in a northerly direction, two hundred ninety-two (292) feet to a stake in said line; thence along lot formerly of Robert Mengel, now other, in an easterly direction fifty (50) feet to a stake; thence by land now or late of William Robbins (of which this was once a part) in a southerly direction, two hundred eighty-seven and eight-twelfth (287-8/12) feet to a point in the middle of the aforesaid public road; thence in the middle of the same in a westerly direction fifty (50) feet to a point, the place of beginning. Containing fourteen thousand four hundred and ninety-one (14,491) square feet of ground, be the same more or less.

Tract No. 2: ALL THAT CERTAIN strip of land situate on the northern side of the public road leading from Belfast to Jacobsburg, in the Town-

ship of Plainfield, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the middle of the public road aforesaid, corner of land formerly of Cecelia Ealer, now or late of William Robbins, thence westwardly in said road a distance of four (4) feet, more or less to lot now or late of William G. Young, being four (4) feet, more or less, front on said public road, and running in a northerly direction between now or late of William G. Young and William E. Richter, a distance of two hundred and ninety-two (292) feet to other lands now or late of William Robbins, grantor hereof. (The preceding distance was erroneously omitted from prior deeds due to Scrivener's error; correctly set forth at A60-183) tapering in width to three (3) feet, more or less, at the northern end of said tract. Being bounded on the north by other lands now or late of William E. Richter, on the south by said public road, and on the west by lot now or late of William C. Young.

Tax Parcel #H8NW3-1-15.

SEIZED AND TAKEN in execution of the writ of execution of the writ as the property of Gregory W. Ressler, Original Mortgagor and Real Owner and Amanda J. Ressler, Original Mortgagor PATRICK J. WESNER, Esquire.

BEING KNOWN AS 491 Belfast Road, Nazareth, PA.

THEREON BEING ERECTED a two-story single cape cod style dwelling with stucco exterior and shingle roof; detached one-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Gregory W. Ressler and Amanda J. Ressler.

PATRICK J. WESNER, ESQUIRE

No. 15
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-12078

ALL THAT CERTAIN lot or piece of ground situate in Hillside Park, City of Bethlehem, County of Northampton and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe, said pipe being the northwest corner of Lot B1 of Hillside Park, a subdivision recorded in the Northampton County Recorder of Deeds Office in Map Book Vol. 7, page 41, and also the southeast corner of the intersection of Norwood Street and Dearborn Avenue; thence along the southern right-of-way line of Norwood Street, South 85° 00' 00" East a distance of 25.00' to an iron pipe, the northwest corner of Lot 82; thence along the western property line of Lot 82 South 85° 00' 00" West a distance of 110.00' to an iron pipe, said pipe located on the northern right-of-way line of Clyde Street, and unopened alley; thence along said Clyde Street North 85° 00' 00" West a distance of 25.00' to an iron pipe, said pipe being the northeast corner of the intersection of Dearborn Avenue and Clyde Street; thence along the eastern right-of-way line of Dearborn Avenue North 5° 00' 00" East a distance of 110.00' to an iron pipe, the place of beginning.

CONTAINING 2,750 square feet, 0.063 Acres.

BEING THE SAME PREMISES which Hill Top Enterprises, Inc., a Pennsylvania Corporation, by Deed dated August 27, 1987 and recorded in the Office of the Recorder of Deeds in Northampton County, Pennsylvania, in Deed Book Volume 733, page 1110, granted and conveyed unto Stephen T. DeLade and Barbara DeLade, husband and wife, in fee.

ALSO KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER: MAP: P7SW4B BLOCK: 5 LOT: 1 BEING KNOWN AS: 1820 Norwood Street, Bethlehem, PA 18015. PROPERTY ID NO.: p7sw4b-5-1.

TITLE TO SAID PREMISES IS VESTED IN Ann Marie Pulcini, unmarried by Deed from Stephen T. Delade and Barbara Delade, husband and wife dated 08/16/1993 recorded 08/18/1993 in Deed Book 906 Page 220.

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

SEIZED AND TAKEN into execution of the writ as the property of Ann Marie Pulcini.

STUART WINNEG, ESQUIRE

No. 16
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-07739

ALL THAT CERTAIN lot of land in Lehigh Township, County of Northampton, State of Pennsylvania, near the intersection of Township Route No. 538, a thirty-three (33) foot wide earth road leading from Township Route No. 534 to Township Route No. 532 with Township Route No. 534, a thirty-three (33) foot wide macadam road leading from State Highway Traffic Route No. 145 (legislative Route No. 175) at Treichlers to Legislative Route No. 48059, bounded and described as follows, to wit:

Beginning at an iron pipe located on the westerly legal right-of-way line of Township Route No. 534, sixteen and five tenths (16.5) feet from the center line, this distance measured at right angles to the center line of said Township Route. No. 534, said iron pipe being distant south twenty-

six (26) degrees, no (00) minutes East, eighty and no one hundredths (80.00) feet from an iron pipe marking the intersection of the westerly legal right-of-way line of Township Route No. 534 with the southerly legal right-of-way line of Township Route No. 538, both roads having a legal right-of-way width of thirty-three (33) feet. Thence along the westerly legal right-of-way line of Township Route No. 534 South twenty-six (26) degrees no (00) minutes East ten and no one hundredths (10.00) feet to an iron pipe. Thence, along other property of Victor R. Handwerk and Ruth Handwerk, his wife, of which the herein described lot of land is presently a part, the following six (6) courses and distances: (1) South sixty-four (64) degrees no (00) minutes West two hundred and no one hundredths (200.00) feet to an iron pipe; (2) South sixty-five (65) degrees thirty-five (35) minutes West two hundred eighty and one hundredths (280.00) feet to an iron pipe; (3) South seventy-six (76) degrees forty-eight (48) minutes West fifty and no one hundredths (50.00) feet to an iron pipe; (4) South eighty-six (86) degrees forty (40) minutes thirty (30) seconds West fifty and no one hundredths (50.00) feet to an iron pipe; (5) North eighty-eight (88) degrees six (06) minutes West fifty and no one hundredths (50.00) feet to an iron pipe; (6) North eighty-three (83) degrees forty-two (42) minutes West forty-four and eighty-one one hundredths (44.81) feet to an iron pipe located on the southerly legal right-of-way line of Township Route No. 538, sixteen and five tenths (16.5) feet from the center line of said road, this distance measured at right angles to the center line, said iron pipe marking the most westerly corner of the herein described lot of land. Thence,

along said southerly legal right-of-way line of Township Route No. 538, North sixty-three (63) degrees twenty-five (25) minutes (30) seconds East two hundred twenty-six and eighty-one one hundredths (226.81) feet to an iron pipe; thence along other land previously conveyed by the Grantors herein to Victor Handwerk, Jr., the Grantee herein the three (3) following courses and distances; (1) South twenty-six (26) degrees no (00) minutes East eighty and no one hundredths (80.00) feet to an iron pipe; (2) South sixty-four (64) degrees no (00) minutes East one hundred and no one hundredths (100.00) feet to an iron pipe; (3) North sixty-four (64) degrees no (00) minutes East one hundred and no one hundredths (100.00) feet to an iron pipe on the westerly legal right-of-way line of Township Route No. 534, the place of beginning. CONTAINING: 0.7815 acre. As surveyed by Mast Engineering Company, Inc., of Allentown, Pennsylvania, October 23, 1970.

BEING THE SAME PREMISES THAT Victor R. Handwerk and Ruth Handwerk, his wife, by indenture dated 12/21/1970 and recorded 12/23/1970 in the office of recorder of deeds in and for the Office of the Recorder of Deeds in and for the County of Northampton in Deed Book 388, Page 177 conveyed unto Victor R. Handwerk (deceased) and Helen N. Handwerk, h/w.

LOCATION OF PROPERTY: 4452 Laurel Drive, Walnutport, PA 18088.

TAX PARCEL NUMBER: K2 7 2A 0516.

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

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

Helen H. Handwerk and Dana Brooker a/k/a Dana M. Brooker and Steven Brooker a/k/a Steven K. Brooker, Jr.
THOMAS M. FEDERMAN,
ESQUIRE

No. 17
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-05804

ALL THAT CERTAIN lot or tract of land situate in the Township of Lehigh, County of Northampton and Commonwealth of Pennsylvania, designated as Lot 3 on the Jack F. Pascoe Subdivision Plan to be recorded in the Office of the Recorder of Deeds, in and for the County of Northampton, more particularly described as follows, to wit:

BEGINNING at a concrete monument set at the southerly right-of-way line of Cedar Drive T-511, said point being also the northeasterly corner of Lot I of the Jack Pascoe Subdivision; thence along Lot 1 and Lot 3 of the Jack Pascoe Subdivision South seventeen (17) degrees thirty one (31') minutes ten seconds (10") West four hundred eighty-four and nineteen hundredths feet (484.19') to a 3/4" steel marker set in line of lands now or late of Oscar Beck; thence along a tree row and lands of the said Oscar Beck South sixty-five (65) degrees two minutes (02') thirty seconds (30') East one hundred ten and eighteen hundredths feet (110.18') to an iron pin found; thence along Lot 4 of the Jack Pascoe Subdivision South sixty-five (65) degrees two minutes (02') thirty seconds (30") East three hundred twelve and ninety-three hundredths feet (312.93') to a 3/4" steel marker; thence along a thirty feet (30.00') wide access portion of same Lot 4 North three degrees (03) twenty-one minutes (21') forty-five seconds (45") East

four hundred seventy-two and twenty-seven hundredths feet (472.27') to a 3/4" steel marker set at the southerly right-of-way line of Cedar Drive; thence along Cedar Drive at twenty-five feet (21.00') south of Center North thirty-nine degrees (39) forty-four minutes (44') twenty-five seconds (25') West eighty-two and twenty hundredths feet (82.20') to a point; thence along Cedar Drive and a two hundred thirty and thirty-two hundredths feet (230.32') radius curve to the left an arc distance of one hundred thirty-one and sixty-one hundredths feet (131.61') to a 3/4" steel marker, thence along Cedar Drive at twenty-five feet (25.00') South of center North seventy-two degrees (72) twenty-eight minutes (28') fifty seconds (50") West one hundred ten and thirty three hundredths feet (110.33') to the place of Beginning.

CONTAINING 3.9392 Acres.

BEING the same premises which Christopher D. Hess and Laurie A. Hess, h/w by indenture dated 07/28/2005 and recorded 08/01/2005 in the office of the recorder of deeds in and for Northampton County in Record Book 2008-1 Page 188116 granted and conveyed to Christopher D. Hess.

BEING KNOWN AS 3931 Cedar Drive, Walnutport, PA.

TAX PARCEL NUMBER: J3-5-2B-2.

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

SEIZED AND TAKEN into execution of the writ as the property of Christopher D. Hess.

THOMAS M. FEDERMAN,
ESQUIRE

No. 18
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-01434

ALL THAT CERTAIN house and lot situate on the southeast corner of Centre and Wilkes Barre Streets, in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at said corner of Centre and Wilkes Barre Streets, and extending along the south side of Wilkes Barr Street east one hundred and twenty (120') feet to land now or late of James Kennedy; thence south eighteen feet eight inches (18'8") to other lands now or late of Catherine E. Waltman; thence west along said land one hundred and twenty (120') feet to a Centre Street; thence along the same north eighteen feet eight inches (18'8") to the place of beginning.

BEING also known as 400 Centre Street, Easton, Pennsylvania 18042.

BEING Known as Northampton County Tax Parcel Identifier No. L9SE4C-20-11.

BEING the same premises which SHILOH COMMUNITY SERVICES, INC. a Pennsylvania Corporation, duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, having its principal office in Easton, Northampton County, PA by deed dated June 1, 2007 and recorded in the Northampton County Recorder of Deeds Office on June 4, 2007 Book 2007-1 Page 203766, granted and conveyed unto Juanita Davis.

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

SEIZED AND TAKEN into execution of the writ as the property of Juanita Davis.

CHRISTOPHER A. DeNARDO,
ESQUIRE

No. 19
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-03499

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

BEGINNING at a point on the Northeast side of Concord Circle (50 feet wide) which point is a corner common to Lots 231 and 232 on said plan; thence extending along the said side of Concord Circle on the arc of a circle curving to the left having a radius of 325.00 an arc distance of 57.03 feet to a point of compound curve; thence extending along a radius round corner connecting the said side of Concord Circle with the Southeast side of Sturbridge Drive (60 feet wide) on the arc of a circle curving to the right having a radius of 30.00 feet an arc distance of 48.32 feet to a point of tangent on the Southeast side of Sturbridge Drive; thence extending North 66 degrees 30 minutes East along the said side of Sturbridge Drive 79.57 feet to a point a corner of lot 233; thence extending South 23 degrees 30 minutes East along Lot 233 103.40 feet to a point in line of Lot 231; thence extending South 74 degrees 16 minutes 30 seconds West

along Lot 231 113.31 feet to a point on the Northeast side of Concord Circle the place of BEGINNING.

BEING Lot Number 232 on said plan.

TITLE TO SAID PREMISES IS VESTED IN Anthony Capobianco and Dianne M. Capobianco, h/w, by Deed from Calton Homes of Pennsylvania at Pennway, Inc., a Pennsylvania Corp., dated 10/26/1994, recorded 10/27/1994, in Deed Book 1994-6, page 90057.

BEING KNOWN AS 4735 Concod Circle, Easton, PA 18045.

TAX PARCEL NUMBER: M8SW3-4-1-0205.

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

SEIZED AND TAKEN into execution of the writ as the property of Dianne M. Capobianco and Anthony Capobianco.

DANIEL G. SCHMIEG, ESQUIRE

No. 20
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-13019

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania known as Lot 23 of Victoria Square as recorded in Map Book 92, Page 280 in the Office of the Recorder of Deeds for Northampton County at Easton, Pennsylvania and being further bounded and described as follows, to wit:

Beginning at a point on the southerly right-of-way line of Victoria Lane (50 feet wide); said point being at the northeast corner of Lot 24 of Victoria Square; thence along said southerly right-of-way line of Victoria Lane (50

feet wide) North 74 degrees 31 minutes 00 seconds East 25.00 feet to a point on a corner of Lot 22 of Victoria Square; thence along said lands of Lot 22 of Victoria Square South 15 degrees 29 minutes 00 seconds East 123.43 feet to a point on the northerly right-of-way line of Division Street (60 feet wide); thence along said northerly right-of-way line of Division Street (60 feet wide) South 74 degrees 26 minutes 09 seconds West 25.00 feet to a point on a corner of Lot 24 of Victoria Square; thence along said lands of Lot 24 of Victoria Square North 15 degrees 29 minutes 00 seconds West 123.46 feet to a point, the place of the Beginning.

TITLE TO SAID PREMISES IS VESTED IN Camee L. Lee, by Deed from Hind M. Vanic, dated 05/31/2007, recorded 06/04/2007 in Book 2007-1, Page 204717.

Premises being: 2754 VICTORIA LANE, EASTON, PA 18045-5272.

Tax Parcel No. M8NE2-33-6-0324.

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

SEIZED AND TAKEN into execution of the writ as the property of Camee L. Lee.

DANIEL G. SCHMIEG, ESQUIRE

No. 22
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-10565

ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Forks, County of Northampton and State of Pennsylvania, being known as Lot No. 2505, Frost Hollow, Section III.

BEGINNING at an iron pin in the easterly edge of Meadow Lane Drive, said pin also marking the northwest

corner of property known as 2501 Meadow Lane Drive; thence along said property known as 2501 Meadow Lane Drive North 75 degrees 46 minutes 25 seconds East 133.33 feet to an iron pin; thence along land of Oscar Falk North 1 degree 08 minutes 20 seconds West 151.47 feet to an iron pin; thence along Section 5 of the "Subdivision of Frost Hollow" South 60 degrees, 41 minutes 45 seconds west 187.16 feet to an iron pin; thence along the easterly edge of the aforementioned Meadow Lane Drive on a curve to the right having a radius of 380.00 feet, a distance at 100.00 feet to the place of beginning.

CONTAINING 18,867 square feet.

Parcel# K9-16-5Q.

Property address: 2505 Meadow Lane, Easton, PA 18040.

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

SEIZED AND TAKEN into execution of the writ as the property of Rebecca Donnelly and Thomas R. Donnelly.

MICHAEL T. MCKEEVER, ESQUIRE

No. 23

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-11203**

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Easton, County of Northampton State of Pennsylvania.

BEGINNING at an iron pin on the westerly right of way line of North Tenth Street (80 feet wide) in line of lands now or formerly of Charles Anascavage; thence along the same South 89 degrees 59 minutes 40 seconds West, 137.00 feet to a drill

hole; thence along lands now or late of Louise H. Coons, North 00 degrees 05 minutes 12 seconds East, 46.61 feet to an iron pin; thence along lands of #312 North Tenth Street the following three courses:

1. North 89 degrees 59 minutes 40 seconds East, 16.18 feet to an iron pin; thence

2. North 00 degrees 05 minutes 12 seconds East, 5.57 feet to an iron pin; thence

3. South 89 degrees 54 minutes 25 seconds East, 120.00 feet to a drill hole; thence along said right of way line of North Tenth Street, South 00 degrees 01 minutes 36 seconds West, 62.61 feet to an iron pin and the point and place of BEGINNING.

Parcel # L9NE4D-19-1A.

BEING shown on recorded plan entitled "Minor Subdivision 310 and 312 North Tenth Street" prepared by Stan Shelosky, PE dated June 20, 1996.

NOTE: Being Lot(s) 4A-0310, Block L9NE4D-19, Tax Map of the City of Easton, County of Northampton.

BEING KNOWN AS 310 North 10th Street, Easton, PA 18042.

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 David M. Hanley.

MICHAEL T. MCKEEVER, ESQUIRE

No. 24

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-10369**

ALL that certain messuage, tenement and lot or piece of ground situate on the west side of 3rd Street, formerly in Allen Township, Northampton County and State of

Pennsylvania, now in the Borough of North Catasauqua, County and State aforesaid, and known as 1232 North 3rd Street, bounded and described as follows, to wit:

On the north by property of Leonard D.C. Schock, known as 1234 North 3rd Street, on the south by other property of the grantors about to be conveyed to Raymond T. Porter and known as No. 1230 North 3rd Street, on the east by 3rd Street; and on the west by Limestone Alley; CONTAINING in front on said 3rd Street, 20 feet and extending in depth of equal width to said Limestone Alley a distance of 177 feet end 6 inches.

BEING KNOWN AS 1232 3rd Street, Catasauqua, PA.

TAX PARCEL NUMBER: M4SE4-A-14-7-0923.

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

SEIZED AND TAKEN into execution of the writ as the property of Cheri Mohry and Jason Mohry.

PATRICK J. WESNER, ESQUIRE

No. 26

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-03120**

ALL THAT CERTAIN lot or piece of ground situate in the Township of Moore, County of Northampton and Commonwealth of Pennsylvania, being Lot No. 21, Plan of Evanwood Acres, formerly Grand Acres Estates, bounded and described as follows, to wit:

BEGINNING at a point along line of land now or late of F.G. Herd, lying distant 400 feet northeastwardly from a concrete monument on the southeast corner of land now or late of Amedeo DiEdoardo and Mary DiEdoardo, on a course bearing N. 86 deg.

30 min. East; thence thru other lands of Amedeo DiEdoardo and Mary DiEdoardo, of which this was formerly a part, N. 3 deg. 57 min. East, 175.00 feet to a point along the South right of way line of a 50 foot wide proposed street; thence along same, N. 86 deg. 30 min. East, 100.00 feet to a point; thence leaving said right of way line, S 3 deg. 57 min. West, 175.00 feet to a point along line of land of aforementioned F.G. Herd; thence along same, S. 86 deg. 60 min. West, 100.00 feet to the point and place of beginning.

THE above described lot being bounded on the North by a 50 foot wide proposed road, on the East by Grand Acres, on the South by land now or late of F.G. Herd and on the West by Grand Acres.

TITLE TO SAID PREMISES IS VESTED IN Cheryl L. Burow, unmarried and Jennifer Terfinko, unmarried, by Deed from James A. Smith and Rolande G. Smith, h/w, dated 07/31/2007, recorded 09/07/2007 in Book 2007-1, Page 331037.

Premises being: 2473 CHERRYWOOD LANE, BATH, PA 18014-1836.

Tax Parcel No. J611 10M 0520.

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

SEIZED AND TAKEN into execution of the writ as the property of Cheryl L. Burow and Jennifer Terfinko.

DANIEL G. SCHMIEG, ESQUIRE

No. 29

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-09486**

ALL THAT CERTAIN unit designated as Unit No. 16, Residential being a unit in Payson House as 77

West Broad Street, a condominium, located in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania as designated in that certain Declaration of condominium under the Unit Property Act of Pennsylvania, Act of July 3, 1963, P.L. 196, dated October 21, 1980, and recorded October 23, 1980, in the Office of the Recorder of Deeds in and for the County of Northampton in Miscellaneous Book Vol. 277, Page 461, et seq. (hereinafter called the 'Declaration of Condominium'), that certain Code of Regulations dated October 23, 1980, and recorded as aforesaid in Misc. Book Vol. 277, Page 470, et seq. (hereinafter called the 'Code of Regulations'), and that certain Declaration Plan dated October 23, 1980 and recorded as aforesaid in Plan Book Volume 61, Page 54, et seq. (hereinafter called the 'Declaration Plan'), Amendment to Developers Declaration dated April 30, 1982, at Misc. Vol. 286, Page 348 and Amended Declaration Plan in Plan Book Vol. 69, Page 2, et seq.

TOGETHER with all right, title and interest, being an undivided 2.05% interest of, in and to the Common Elements as more fully set in the aforesaid Declaration of Condominium and Declaration Plan.

Less and excepting that portion of the common elements as previously conveyed to the City of Bethlehem.

UNDER AND SUBJECT to all agreements, conditions and restrictions of record and to the provisions, easements, covenants and restrictions as contained in the Declaration of Condominium, Declaration Plan and Code of Regulations and any amendments thereto.

TITLE TO SAID PREMISES IS VESTED IN Arthur Eisenbuch, single, by Deed from Helen J. Schaefer, by

marriage now known as Helen S. Patten and Jeffery L Patten, her husband, dated 01/24/1992, recorded 01/27/1992 in Book 853, Page 151.

Premises being: 77 WEST BROAD STREET, UNIT 16, BETHLEHEM, PA 18018-5722.

Tax Parcel No. P6NE1D 10 5-16 0204.

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

SEIZED AND TAKEN into execution of the writ as the property of Arthur Eisenbuch.

DANIEL G. SCHMIEG, ESQUIRE

No. 30**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-09606**

ALL THAT CERTAIN lot or parcel of ground situated in Bethlehem Township, Northampton County, Pennsylvania, known as Lot No. 10, as shown on a 'Final Plan' of the John Stead Estate, dated March 21, 1983 (revised April 8, 1983) prepared by Hanover Engineering Associates, Inc., and recorded in Plan Book 83, Page 78, bounded and described as follows, to wit:

BEGINNING at a point on the Western right-of-way line of Country Club Road, (T-454), said point being in common with lands known as Lot No. 9; thence along Lot No. 9, N 89 degrees- 57 minutes- 34 seconds W, 175.00 feet to a point; thence along the other lands now or formerly of the John Stead Estate, the following two (2) courses:

N 0 degree-02 minutes-26 seconds E., 42.57 feet to a point; thence

N 0 degree-00 minute-02 seconds E, 107.27 feet to a point; thence along lands known as Lot No. 11;

S 89 degrees-59 minutes-58 seconds E, 175.00 feet to a point; thence along the Western right-of-way line of Country Club Road, the following two courses:

S 0 degree- 00 minute-02 seconds W, 107.33 feet to a point; thence

S 0 degree-02 minutes-26 seconds W, 42.63 feet to a point, the PLACE OF BEGINNING;

CONTAINING 0.602 acres.

UNDER AND SUBJECT, nevertheless, to the restrictions and covenants as appear in the Declaration of Covenants, Restrictions and Reservations, dated August 22, 1983, and recorded in the Office of the Recorder of Deeds of Northampton County in Misc. Book 293, Page 184, as amended by the Amended Declarations of Covenants, Restrictions and reservations dated November 30, 1983, and recorded in the Office of the Recorder of Deeds of Northampton County in Misc. Book 295, Page 933.

ALSO UNDER AND SUBJECT nevertheless, to the restrictions, drainage and utility easements as set for on said Plan of "The John Stead Estate" recorded in Plan Book 83, Page 78.

TITLE TO SAID PREMISES IS VESTED IN Kishor A. Kharecha and Vipula K. Kharecha, his wife, by Deed from Mellon Bank (East) National Association, formerly Girard Bank, formerly Girard Trust Company, Trustee and Patricia A. Marhefka, Substitute Trustee, dated 03/11/1986, recorded 03/26/1986 in Book 697, Page 1007.

Premises being: 3531 COUNTRY CLUB ROAD, EASTON, PA 18045-2911.

Tax Parcel No. M8-23-10-0205.

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

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

SEIZED AND TAKEN into execution of the writ as the property of Kishor A. Kharecha and Vipula K. Kharecha.

DANIEL G. SCHMIEG, ESQUIRE

No. 32**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-11276**

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER: N7NE3-12-9 for purposes of compliance with Northampton County Ordinance No. 159-L989.

ALL THAT CERTAIN lot or parcel of ground situate in Bethlehem Township, Northampton County, Pennsylvania, and being designated as Lot No. 9, Block L, according to the map or plan entitled "Subdivision Plan of Birchwood Farms East", dated June 10, 1969, revised June 19, 1970 and recorded in Plan Book 27, page 15, Northampton County Records.

UNDER AND SUBJECT to an 'easement right of way for all township requirements" as set forth on said plan; and all public utility easements.

Northampton County Tax Parcel: N7NE3-12-9.

BEING the same premises which Kenneth F. Strawn, Jr. and Linda A. Strawn by their Deed dated June 29, 1994 and recorded in the Office of the Recorder of Deeds of Northampton County In Record Book Vol. 1994-6, Page 045763. Granted and Conveyed unto Patricia M. Kemmerer.

This is in pursuant to a consent order for motion to sell as entered in the Eastern District of Pennsylvania United States Bankruptcy County to Docket No. 03-25946 on October 14, 2004.

SUBJECT to easements, rights-of way, restrictions and conditions of record.

TOGETHER with all and singular, the buildings, improvements, ways, waters, water-courses, rights, liberties, privileges hereditament and appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rent, issues and profits thereof; and all the estate, right, title, interest, use, trust, property, possession, claim and demand whatsoever, in law, equity, or otherwise, of, in, to, or out of the same;

ALSO BEING KNOWN AS 3960 Kenrick Drive, Bethlehem, PA, 18020.

BEING the same premises which Patricia M. Kemmerer, by Deed dated October 26, 2004 and recorded October 29, 2004 in and for Northampton County, Pennsylvania, in Deed Book Volume 2004-1, Page 420423, Granted and conveyed unto Robert L. Creazzo, Jr. and James B. Coughlin, as Joint Tenants with right of Survivorship.

Tax Parcel Number: N7NE3 12 9 0205.

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

SEIZED AND TAKEN into execution of the writ as the property of Robert L. Creazzo, Jr. and James B. Coughlin.

SCOTT A. DIETTERICK, ESQUIRE

No. 34
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-03601

ALL THAT CERTAIN messuage or tenement and parcel of land situate on the east side of Oakwood Lane, in the Township of Lower Nazareth, County of Northampton and Commonwealth of Pennsylvania, known as Lot 26 as shown on the final plan

of 'Hidden Oaks II Major Subdivision—Layout Plan—Phase II,' said plan being recorded in the Office of the Recorder of Deeds in and for Northampton County in Plan Book Volume 2003-5 Page 351, being more fully described as follows:

BEGINNING at an iron pin set on the western right-of-way line of Oakwood Lane (50 feet wide), said iron pin also being the northeast property corner of Lot #27; thence along Lot #27, South 79 degrees 25 minutes 01 second West, a distance of 286.00 feet to an iron pin set; thence along Lot #18 and Lot #17, Hidden Oaks II Major Subdivision, Phase I, North 10 degrees 34 minutes 59 seconds West, passing through an iron pin set at a distance of 116.64 feet, a total distance of 153.00 feet to an iron pin set; said iron pin being the southwest property corner of Lot #25; thence along Lot #25, North 79 degrees 25 minutes 01 second East, a distance of 286.00 feet to an iron pin set on the western right-of-way line of Oakwood Lane (50 feet wide); thence along Oakwood Lane, South 10 degrees 34 minutes 59 seconds East, a distance of 153.00 feet to an iron pin set, the point of beginning.

Containing 43,758 square feet or 1.0045 acres.

TITLE TO SAID PREMISES IS VESTED in Lawrence J. Hohner and Janine E. Hohner, as tenants by the entirety, by Deed from Hidden Oaks I, LLP., dated 05/25/2005, recorded 05/27/2005, in Deed Book 2005-1, page 198838.

Premises being: 4467 OAKWOOD LANE, NAZARETH, PA 18064.

Tax Parcel No. L7-5-7G-26 0418.

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

SEIZED AND TAKEN into execution of the writ as the property of Lawrence Hohner a/k/a Lawrence J. Hohner and Janine Hohner a/k/a Janine E. Hohner.

DANIEL G. SCHMIEG, ESQUIRE

No. 35
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-08152

ALL THAT CERTAIN lot, piece or parcel of land situate in the Township of Plainfield, County of Northampton, Commonwealth of Pennsylvania, shown as Lot Number 5 of the Gap View Subdivision, prepared by Policelli Engineering, Inc., bounded and described as follows, to wit:

BEGINNING at an iron pipe on the southerly 25 feet right-of-way line of Gap View Road, T-625, said iron pipe also marking the northwesterly corner of Lot No. 4; thence along said lot, South 29 degrees 13 minutes 32 seconds West, 349.55 feet to an iron pipe on line of land now or late of Louise C. Rapp; thence along said land, North 31 degrees 53 minutes 10 seconds West, 398.95 feet to a concrete monument on the easterly 25 feet wide right-of-way line of another public road known as Weiss Road, T-754; thence along said right-of-way line, North 48 degrees 55 minutes 21 seconds East, 138.40 feet to a concrete monument; thence along the same and along Gap View Road, first above mentioned, along a curve to the right having a central angle of 70 degrees 18 minutes 11 seconds, a radius of 40.00 feet, an arc length of 49.08 feet, and a chord bearing a distance of North 84 degrees 04 minutes 27 seconds east, 46.06 feet to a concrete monument; thence along said Gap View Road, South 60 degrees 46 minutes 28 seconds East, 265.00 feet to the place of beginning,

CONTAINING 1.9259 acres.

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

TITLE TO SAID PREMISES IS VESTED by Special Warranty Deed, dated 12/29/2006, given by LAM Contractors Inc. to Ramazan Tufan and Fatma Tufan, h/w, their heirs and assigns, as tenants by the entirety and recorded 01/10/2007 in Book 2007-1, Page 12995, Instrument Number 2007001776.

Premises being: 926 GAP VIEW ROAD, NAZARETH, PA 18064-9354.

Tax Parcel No. G9 11 4A 0626.

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

SEIZED AND TAKEN into execution of the writ as the property of Ramazan Tufan and Fatma Tufan.

DANIEL G. SCHMIEG, ESQUIRE

No. 36
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-10780

ALL THAT CERTAIN messuage, lot or piece of ground situate #2111 Birch Street in the Borough of Wilson, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point 84 feet from the Northwest corner of Birch and 21st Streets, at right angles with said Birch Street, thence Northwardly through the middle partition wall of a double frame dwelling known as #2109-2111 Birch Street, 106 feet, more or less, to a ten feet wide private alley, thence Westwardly along the South side of said alley 15 feet, more or less, to property now or late of Frances M. Rudlin, thence Southwardly along line of land now or late of Frances M. Rudlin 106 feet, more

or less, to said Birch Street, thence Eastwardly along the North side of said Birch Street 15 feet to a point, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Matthew Mondoro and Julie Mondoro, h/w, by Deed from Groff Real Estate Investments, a Pennsylvania partnership and Alaa M. Abdalla and Ahmed Ragab, dated 06/29/2007, recorded 07/06/2007 in Book 2007-1, Page 249083.

Premises being: 2111 BIRCH STREET, EASTON, PA 18042-5448.

Tax Parcel No. L9SW4C 5 32 0837.

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

SEIZED AND TAKEN into execution of the writ as the property of Matthew Mondoro and Julie Mondoro.

DANIEL G. SCHMIEG, ESQUIRE

No. 37

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-12424**

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

SITUATE in the 15th Ward of the City of Bethlehem, Northampton County, State of Pennsylvania.

BEING KNOWN AS Lot 9, Block A, on plan of Section 2 Bayard Park, made by Charles D. Remaly, Registered Surveyor, Bethlehem, Pennsylvania, dated February 14, 1955, recorded April 25, 1955 in Map Book 13, page 43, more fully described according to a plan made by the said Charles D. Remaly, dated November 23, 1957, as follows, to wit:

BEGINNING at a point on the Easterly side of Livingston Street Fifty-six feet wide at the distance of Three Hundred Sixty-eight and eleven

one-hundredths feet measured Northwardly by various courses and distances along the Easterly side of Livingston Street from the Northwest-most terminus of a radius round corner connecting the Easterly side of Livingston Street with the Northwesterly side of Jill Street Fifty-six feet wide;

CONTAINING in front or breadth on the said Livingston Street Thirty-nine feet and extending of that width in length or depth Eastwardly between parallel lines at right angles with the said Livingston Street and crossing a Ten foot wide Traffic Control Easement, the Southerly line thereof being partly through a wall, One Hundred Fifteen feet to the Westerly side of a Sixty foot wide right of way.

TITLE TO SAID PREMISES IS VESTED IN Ingeborg Miller, by Deed from Edward C. Miller and Ingeborg Miller, his wife, dated 08/24/2005, recorded 09/12/2005 in Book 2005-1, Page 351670.

Premises being: 1820 LIVINGSTON STREET, BETHLEHEM, PA 18017-6221.

Tax Parcel No. N7SW1B-5-10.

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

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

DANIEL G. SCHMIEG, ESQUIRE

No. 38

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-13475**

ALL THAT CERTAIN Lot or parcel of land situate in the Township of Lehigh, County of Northampton and Commonwealth of Pennsylvania, known and designated as Parcel ID#

H3 7 13-32 0516, Lot No. 20 according to Plan of Blue Mountain Estates, Section 1, Phase 2, as recorded in Plan Book 31, at Page 34, in the Office of the Recorder of Deeds in and for Northampton County in Easton, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin located along the easterly right-of-way (25.00' from the centerline) of Mary Drive; said pin also located along the common boundary line of Lot 19 and the lands herein described; thence N 67° - 57' - 48" - E., 175.00' along Lot 19 to an iron pin; thence S 22° - 02' - 12" - E, 160.00' along Lot 22 to an iron pin; thence S - 67° - 57' - 48" - W, 175.00' along Lot 21 to an iron pin located along the Easterly right-of-way of Mary Drive; thence N-22° - 02' - 12" W. 160.00' along the Easterly right-of-way of Mary Drive to the aforementioned place of Beginning.

Being the same premises conveyed to James R. Golden from James R. Golden and Patricia A. Golden, husband and wife, by an Indenture dated 3/6/2002 and recorded 3/25/2002 in Book 2002-1, Page 77664 in the Northampton County Clerk's Office.

TITLE TO SAID PREMISES IS VESTED IN James R. Golden by Deed from James R. Golden and Patricia A. Golden, Husband and Wife dated 3/6/02 Recorded 3/25/02 in Deed Book 2002-1 Page 077664.

BEING KNOWN AS 1234 Mary Drive, Danielsville, PA 18038.

TAX PARCEL NUMBER: H3 7 13-32 0516.

THEREON BEING ERECTED a two-story single bi-level style 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 James R. Golden.

STUART WINNEG, ESQUIRE

No. 39

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-01983**

ALL THAT CERTAIN messuage, tenement and lot of land with improvements thereon erected, known as No. 819 Berwick Street in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, containing in front on said Berwick Street 20 feet and extending Northwardly of that width in depth 140 feet to a 20 feet wide alley.

BOUNDED on the North by said 20 feet wide alley; on the East by property of Mary C. Gier and Lena A. Vogel known as 817 Berwick Street; on the South by said Berwick Street; and on the West by property of Clarence L. and Elizabeth Magee known as 823 Berwick Street.

IT BEING THE SAME PREMISES which John Nee, Jr. and Mildred Nee, his wife, by Deed dated March 5, 1953 and recorded in the Office for the Recording of Deeds in and for the County of Northampton at Easton, Pennsylvania in Deed Book Volume C93, Page 309, did grant and convey unto John Nee, Jr. and Mildred Nee, his wife, Grantors herein.

ALSO BEING KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER NO. M9NE1A-4-8.

TITLE TO SAID PREMISES IS VESTED IN Marion Byrd by Deed from John Nee, Jr. and Mildred Nee, Husband and Wife dated 05/31/1996 Recorded 06/04/1996 in Deed Book 1996-1 Page 55590.

BEING KNOWN AS 819 West Berwick Street, Easton, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Marion Jones f/k/a Marion Byrd.

STUART WINNEG, ESQUIRE

No. 40
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-08775

ALL THAT CERTAIN lot, parcel, or piece of land situate in the Township of Forks, County of Northampton, and Commonwealth of Pennsylvania, known as Lot 65, of the Estates at Steeplechase North Subdivision as shown on a certain subdivision map or plan entitled "Estates at Steeplechase North Subdivision," dated August 8, 2002, last revised July 14, 2003, prepared by Environmental Design & Engineering, filed in the Northampton County Recorder of Deeds Office in Plan Book Volume 2003-5, Pages 363 to 367, as amended by the Amendment to Recorded Plan, filed in the Northampton County Recorder of Deeds Office in Record Book Volume 2004-1, Page 422537.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NO.: Map J9, Block 1, Lot 6-65.

BEING PART OF THE SAME PREMISES which Nic Zawarski and Sons Developers, Inc., a Pennsylvania Corporation, by Deed dated August 28, 2008 and recorded in the office of the Recorder of Deeds in and for Northampton County, Pennsylvania, on September 2, 2008, in Record Book Volume 2008-1, Page 249091, did grant and convey unto Jose M. Figueroa and Ofelia B. Figueroa, h/w.

BEING KNOWN AS 1617 Dartmoor Drive, Easton, PA.

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

SEIZED AND TAKEN into execution of the writ as the property of Jose M. Figueroa and Ofelia B. Figueroa.

RICHARD B. SOMACH, ESQUIRE

No. 41
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-09869

ALL THAT CERTAIN lot or piece of ground with the messuage or tenement No. 1103 Stefko Boulevard, formerly known as No. 1103 Newton Avenue, thereon erected, situate lying and being in the Fifteenth Ward, City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania being designated as Lot No. 35 in Block No. 2400 on a certain map or plan of lots entitled "Unites States Housing Corporation of Pennsylvania, Project No. 24 Pembroke Village, Bethlehem, PA, Section 1, May 1, 1920" recorded in the Office of the Recorder of Deeds at Easton, in and for the County of Northampton aforesaid, in Map Book No. 9, Page 1 and more particularly shown by subdivision Map of said Block No. 2400 recorded in said office for the Recording of Deeds in Map Book No. 9, Page 6 and more particularly bounded and described as follows, to wit:

BEGINNING at a point on the northerly line of Pembroke Road distant one hundred forty-four and eighty-five hundredths (144.85) feet east of the intersection of said northerly line of Pembroke Road with the easterly line of Arcadia Street, said point being on the division line of Lot No. 35 hereby conveyed and Lot No. 36 adjoining it on the west thence extending eastwardly along said

northerly line of Pembroke Road forty (40) feet to a stone monument at the intersection of said northerly line of Pembroke Road with the northwesterly line of Newton Avenue thence extending northeastwardly along the said northwesterly line of Newton Avenue forty-one and seventy-nine hundredths (41.79) feet to a point on the extension southeastwardly of a line passing through the middle of the party or partition wall dividing the dwelling on the premises hereby conveyed and the one adjoining it immediately on the northeast, said point being along the division line of Lot No. 35 hereby conveyed and Lot No. 34 adjoining it on the northeast thence at right angles to said Newton Avenue northwestwardly and through the party or partition wall aforesaid ninety-two and five tenths (92.5) feet to the southeasterly line of an alley fifteen (15) feet wide thence southwestwardly along the southeasterly line of said alley seventeen and ninety-two hundredths (17.92) feet more or less to a point on the said division line of Lots Nos. 35 and 36 and thence along said division line southwardly eighty-eight (88) feet more or less to the place of beginning.

UNIFORM PARCEL IDENTIFIER NO.: N6SE3C-10-5.

Being the same premises that Julio Sobrado, by his agent Rebecca Rivera Sobrado conveyed to Jose Ortega by deed dated 12/8/06 and recorded 12/12/06 in Book 2006-1 page 510483.

BEING KNOWN AS 1103 Stefkou Boulevard, Bethlehem, PA.

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

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

THOMAS M. FEDERMAN,
ESQUIRE

No. 42
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-14360

ALL THAT CERTAIN tract of land, Hereditaments and Appurtenances, located in the Township of Lower Saucon, County of Northampton, Commonwealth of Pennsylvania, being designated as Lot 1 on Map entitled "Apple Mill Estates" prepared by Jim Strecansky and Rich Zaveta, Jr., dated 02-26-99 and recorded the Office of the Recorder of Deeds, Northampton County, Pennsylvania, in Volume 1999-5, Page 103 (erroneously stated in a prior deed as Lot 1A "Major Subdivision and Land Development Plan", sheet LD-1, project No. 085001, recorded in Deed Book Volume 1995-5 page 102 and 103 in a prior deed).

BEGINNING at a point concrete monument to be set being the Southwest corner of Lot 1 of said Apple Mill Estates major Subdivision, and being on the easterly property line of lands N/F of Eugene R. and Anne R. Kline, (TMP R6-3-2); thence along the Easterly property line of lands N/F of Eugene R. and Anne R. Kline (TMP R6-3-2) North 01 degrees 55 minutes 36 seconds West at a distance of 188.98 feet to an iron pin to be set; thence along the Southerly property line of Lot 2 the following two (2) courses and distances: (1) North 85 degrees 32 minutes 56 seconds East a distance of 502.01 feet to an iron pin to be set; thence along the Westerly right-of-way line of Wyndham Terrace (50 feet wide) the following

three (3) courses and distances: (1) along the arc of a curve to the left having a radius of 175.00 feet, a central angle of 38 degrees 02 minutes 07 seconds East a distance of 116.75 feet to a concrete monument to be set; (2) South 04 degrees 27 minutes 04 seconds East a distance of 22.82 feet to an iron pin to be set; (3) Along an arc of a circle to the right having a radius of 25.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 39.27 feet, a chord bearing South 40 degrees 32 minutes 56 seconds West a distance of 35.36 feet to an iron pin to be set; thence along the Northerly right-of-way line of Old Mill Road (T-371) (60 feet wide) South 85 degrees 32 minutes 56 seconds West a distance of 485.26 feet to a concrete monument to be set, the place of beginning.

CONTAINING 2.24 acres, more or less, or 97,385.3 square feet, more or less.

BEING the same premises which Michael Cobb and Caren Cobb by her Attorney in Fact, Michael Cobb by Indenture dated 07/07/02005, and recorded in the Office for the Recording of Deeds, in and for the County of Northampton, aforesaid, in Deed Book and Page 2005-1/313344, granted and conveyed unto Richard S. Zaveta, Jr., Inc., in fee.

BEING Parcel #R6-3- 1a.

BEING KNOWN AS Wyndham Terrace, Lot 1 Apple Mill Estates, Bethlehem, PA.

THEREON BEING vacant land.

SEIZED AND TAKEN into execution of the writ as the property of Louis P. Pektor, III.

HILLEARY D. NGUYEN, ESQUIRE

No. 43
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2010-11737

ALL THAT CERTAIN messuage and lot of ground situate in the Town-

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

BEGINNING at a point in the westerly line of Carrington Circle, 50' wide, where the same is intersected by Lot 3B to the North and 4B to the South, as shown on a map entitled "Record Plan Final Subdivision for Southampton Estates & Somerset Village, Bethlehem/Palmer Townships, Northampton County, PA", dated November 19, 2002 and revised through September 3, 2003, prepared by RETTEW Associates, Inc., Bethlehem, PA and runs thence:

1) Easterly and southerly on a curve to the left with a radius of 175.00 feet along said westerly line, an arc length of 230.51 feet (the chord of which bears South 47 degrees 38 minutes 57 seconds East, distant 214.20 feet) to point of tangency in said line; thence

2) South 85 degrees 23 minutes 02 second East, still along said line, distant 11.08 feet to a point; thence

3) South 04 degrees 36 minutes 58 seconds West, leaving said line, distant 226.01 feet to a point; thence

4) North 85 degrees 27 minutes 09 seconds West, distant 221.33 feet to a point; thence

5) North 03 degrees 56 minutes 21 seconds East, distant 44.40 feet to a point; thence

6) North 87 degrees 58 minutes 35 seconds West, distant 143.97 feet to a point in the easterly side of Bethman Road; thence

7) North 05 degrees 07 minutes 23 seconds East, along said easterly line, distant 140.84 feet to a point; thence

8) North 04 degrees 42 minutes 19 seconds East, still along said line, distant 131.02 feet to a point; thence

9) North 80 degrees 05 minutes 08 seconds East, leaving said line, distant 189.81 feet to a point and place of BEGINNING.

CONTAINING 2.344 acres of land (gross); be the same, more or less.

SUBJECT to all easements and rights of way as depicted on the aforementioned Final Subdivision for Southampton Estates and Somerset Village.

TAX PARCEL I.D. NO. M8-5-1A-4B.

BEING THE SAME PREMISES which Selvaggio Enterprises, Inc., by Deed dated September 6, 2006 and recorded on September 11, 2006 in the Office for the Recording of Deeds in and for the County of Northampton, Easton, Pennsylvania at Deed Book Volume 2006-1, Page 373352, granted and conveyed unto Stephen F. Selvaggio and Teresa Selvaggio, Husband and Wife, their heirs and assigns.

BEING KNOWN AS 3713 Carington Circle, Easton, PA.

THEREON BEING ERECTED a two-story single dwelling with attached three-car garage with brick exterior and shingle roof; in-ground pool, two-story guest house with attached three-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Stephen F. Selvaggio and Teresa A. Selvaggio a/k/a Teresa Selvaggio.

THOMAS A. CAPEHART, ESQUIRE

No. 44

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2011-01714**

ALL THOSE CERTAIN lots or tracts of land with the messuage or tenement thereon erected situate in Lower Saucon Township, Northampton County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1:

ALL THOSE CERTAIN lots or pieces of ground situate in the Township of Lower Saucon, County of Northampton and State of Pennsylvania, known as Lots Nos. 37 and 48 inclusive on Plan of "Bright Acres," Subdivision II and adjoining parcel of land as recorded in Plan Book 14, page 20, and 20A as prepared by Kenneth J. Heller, Registered Surveyor, Third and Oxford Streets, Coopersburg, Pennsylvania, October 11, 1957, bounded and described as follows, to wit:

BEGINNING at a point on the easterly line of Hillside Drive in line of land now or late of A. Carl Guttman, said point being approximately one hundred seventy-five (175) feet North of the intersection of Pleasant View Road and Hillside Drive; thence North forty-seven degrees seven minutes East (N.47°07'E.) a distance of ninety-six and thirty-nine hundredths (96.39) feet to an iron pipe; thence along land now or late of Ella Stephens Heil North forty-two degrees forty-three minutes forty seconds East (N. 42°43'40"E.) a distance of six hundred fifty-five and twenty-five hundredths (655.25') feet to an iron pipe in line of land now or late of Edward Yob; thence along the same North forty-three degrees forty-three minutes thirty-six seconds West (N.43°43'36" W.) a distance of three hundred ninety-five and seventeen hundredths (395.17') feet to an iron pipe in line of land now or late of Jane H. Shelly; thence along the same South eighty-eight degrees thirty-two minutes forty-six seconds West (S.88°32'46"W.) two hundred eighty-three and fifty-two hundredths (283.52') feet to an iron pipe; thence continuing along the same North fifty-five degrees twelve minutes twenty-

eight seconds West (N.55°12'28"W.) a distance of seventy-one and twenty-two hundredths (71.22') feet to an iron pipe; thence along land now or late of Paul Dimmig South fifty degrees thirty-eight minutes ten seconds West (S.50°38'10"W.) a distance approximately five hundred twenty-five (525') feet more or less to a point in line of the same; thence through Mountain View Drive and along line of Lots Nos. 30 to 36 inclusive and through Hillside Drive South forty-two degrees thirty-six minutes East (S.42°36'E.) a distance of seven hundred thirty-four and twenty-six hundredths (734.26') feet more or less to the point, the place of Beginning.

BEING all of Lots 37 to 48 inclusive, according to Plan of "Bright Acres," aforesaid.

PARCEL NO. 2:

THAT CERTAIN tract, parcel, or strip of land located along the easterly side of Pleasantview Road, situate in the Township of Lower Saucon, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point along the easterly right-of-way line of Pleasantview Road (50.00 feet wide), said point being the northwesterly property corner of lands now or late of Lester A. And Doris Vazquies; thence from the said point of beginning along the said right-of-way of Pleasantview Road extended and crossing Mountainview Drive (unopened). North 42° 36' 00" West 50.08 feet to a point; thence partly along the southerly property line of lands now or later of Ben and Margaret Serrecchia, and partly along the southerly property line of lands now or late of Joseph Jr. and Jeanne Schrader, North 50° 38' 10" East 175.28 feet to a point; thence along lands now or late of William A.

and Judith A. Danko, South 42° 36' 00" East 50.08 feet to a point; thence along the northerly property line of lands now or late of Lester A. and Doris Vazquies, South 50° 38' 10" West 175.28 feet to the point or place of BEGINNING.

CONTAINING in are—8,763.96 square feet, 0.20 acre.

IT BEING that tract known as Mountainview Drive Extension lying adjacent to lands more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 119, Page 300, and appearing on Plan of Bright Acres, Subdivision No. 2, as recorded in Plan Book Volume 14, Page 20 and 20A, and being the subject of a certain Court Order entered in the Court of Common Pleas of Northampton County captioned William A. Danko and Judith A. Danko vs. Doris Vazquies, Wilmer E. Hough, Beverly J. Hough, and Lower Saucon Township. No. C0048CV2000002627, said Court Order entered August 18, 2001. The interest of Grantors conveyed herein is that which she may have been entitled to pursuant to the Act of May 9, 1889, P.L. 173, §1, 36 P.S. §1961.

UNIFORM PARCEL IDENTIFIER NO.: R7NW4-6-1.

Grantors also convey such right-of-way and easement for access, ingress and egress, and such other rights as are contained in a certain Order of Court entered by the Court of Common Pleas of Northampton County at No. C0048CV2000002627 and as recorded in the Office for the Recording of Deeds in and for Northampton County on September 25, 2001, in Volume 2001-1, Page 196677.

IT BEING THE SAME PREMISES which William A. Danko and Judith

A Danko, his wife, by their Indenture dated December 4, 2002, and recorded in the Office for the Recording of Deeds in and for Northampton County in Volume 2002-1, Page 351667, did grant and convey unto Judith A. Danko, individually.

THE FOREGOING TRACTS OF LAND are now described as one tract in accordance with a survey plan titled "COTTAGES AT SAUCON VALLEY", prepared by Rettew, Inc., which tract is described and hereby conveyed to the within Grantee as follows, to wit:

BEGINNING at an iron pipe found driven in the ground in the westerly line Mountain View Drive (Township Road #436), 50 feet wide, where the same is intersected by the prolongation of the northerly line of Pleasant View Road (Township Road #437), 50 feet wide and runs THENCE;

(1) North 45 degrees 45 minutes 38 seconds East, distant 694.84 feet to an iron pipe found driven in the ground; thence

(2) South 58 degrees 08 minutes 15 seconds East, distant 71.41 feet to an iron pipe found driven in the ground; thence

(3) North 83 degrees 36 minutes 25 seconds East, distant 284.74 feet to a point; thence

(4) South 48 degrees 25 minutes 09 seconds East, distant 395.17 feet to an iron pipe found driven in the ground; thence

(5) South 38 degrees 02 minutes 07 seconds West, distant 658.14 feet to an iron pipe found driven in the ground; thence

(6) South 42 degrees 10 minutes 15 seconds West, distant 96.39 feet to an iron pipe found driven in the ground; thence

(7) North 47 degrees 29 minutes 51 seconds West, distant 683.75 feet to an iron pipe found driven in the ground; thence

(8) South 45 degrees 45 minutes 38 seconds West, distant 175.57 feet to an iron pipe found driven in the ground in the aforementioned northerly line of Pleasant View Road; thence

(9) North 47 degrees 29 minutes 51 seconds West, a distant 50.08 feet to the point and place of BEGINNING.

Containing 11.266 acres of land, be the same, more or less.

Uniform Parcel Identifier No.: R7NW4-6-1.

BEING KNOWN AS 1694, 1696, 1697, 1699, 1700, Mountain View Drive, Bethlehem, PA.

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

SEIZED AND TAKEN into execution of the writ as the property of Lehigh Village Homes, LP.

ROBERT J. HOELSCHER,
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

May 19, 26; June 2

**PRIVATE COUNSEL DEBT COLLECTION—
PENNSYLVANIA EASTERN DISTRICT
INFORMATION AVAILABLE ONLINE**

Department of Justice **“Pre-Solicitation”** Announcement for Private Counsel interested in entering into contracts with the Department to collect delinquent Federal debts in the Eastern District of Pennsylvania.

[https://www.fbo.gov/spg/DOJ/JMD/PSS/DJJB-11-RFP-0726/
listing.html](https://www.fbo.gov/spg/DOJ/JMD/PSS/DJJB-11-RFP-0726/listing.html)

If you have any questions regarding the RFP please call Melissa Kerns, Contracting Officer, at (202) 514-1957. If you should encounter any problems with linking to the site, please contact L'Tanjua McGinnis at (202) 532-4367.

May 19

Northampton County Bar Association Notification of Change Form

To assist the NCBA Staff in maintaining up-to-date information on all attorneys and subscribers of the *Reporter*, would you please complete the form below and return it to the NCBA Office whenever you have a change and/or addition to your address, telephone number, fax number or e-mail address. *Return to:* Northampton County Bar Association, 155 South Ninth Street, Easton, PA 18042-4399, FAX: (610) 258-8715.

Please change the following:

NAME _____

ADDRESS _____

TELEPHONE _____ FAX _____

E-MAIL _____

**CITIBANK (SOUTH DAKOTA), N.A., Plaintiff v.
DENNIS L. KLEMMER, Defendant**

Motion for Judgment on the Pleadings—Failure To Respond—Deemed Admission.

Court granted Plaintiff's motion for judgment on the pleadings. Defendant did not properly answer Plaintiff's complaint, and Defendant informed this Court that he would not file a response to Plaintiff's motion for judgment on the pleadings.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—Law, No. C-48-CV-2010-5002.

DEREK C. BLASKER, ESQUIRE, for Plaintiff.

Dennis L. Klemmer, Pro Se.

Order of the Court entered on December 6, 2010 by BARATTA, J.

ORDER

AND NOW, this 6th day of December, 2010, upon due consideration of the Motion for Judgment on the Pleadings of Plaintiff, Citibank (South Dakota), N.A., IT IS HEREBY ORDERED that said motion is GRANTED.

It is further ORDERED that judgment be entered on behalf of Plaintiff and against Defendant, Dennis L. Klemmer, in the sum of \$10,267.33 plus the costs of this action.

STATEMENT OF REASONS

Defendant failed to adequately answer any of the allegations in Plaintiff's Complaint. Further, Defendant informed this Court in the attached letter dated December 2, 2010, that he would not file a brief opposing Plaintiff's Motion for Judgment on the Pleadings. As a result of his failure to adequately answer Plaintiff's Complaint or respond to Plaintiff's motion, Defendant is deemed to admit all allegations in the Complaint and waive any objections he may have had to the Complaint. *See* Pa. R.C.P. No. 1029(b). Therefore, we grant Plaintiff's motion and enter the above order.

**COMMONWEALTH OF PENNSYLVANIA v.
ANGEL ORTIZ, Defendant**

Post Conviction Relief Act—Ineffective Assistance of Counsel—Guilty Plea—Voluntariness.

Court dismissed Defendant's PCRA petition. Defendant alleged his trial counsel was ineffective for failing to heed Defendant's request to withdraw his guilty plea during sentencing. After a hearing at which trial counsel and Defendant testified, this Court found Defendant's testimony that he tried to withdraw his guilty plea during sentencing not credible. The PCRA petition was dismissed.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Criminal Division—Nos. 60-2007, 3401-2007, 3402-2007.

PATRICIA C. BROSCIUS, ESQUIRE, Assistant District Attorney.

VICTOR SCOMILLIO, ESQUIRE, for Defendant.

Order of the Court entered on November 18, 2010 by BARATTA, J.

ORDER

AND NOW, this 18th day of November, 2010, the P.C.R.A. petition filed on July 27, 2010, on behalf of Defendant, Angel Ortiz, is hereby DISMISSED.

STATEMENT OF REASONS

I. Factual and Procedural History

On September 20, 2006, Angel Ortiz was charged with unlawful restraint, false imprisonment, indecent assault and attempted indecent assault for an incident occurring on September 16, 2006. He was represented at the time by Edward Andres, Esquire. The trial for these charges was scheduled for March 2, 2007, but the trial was continued several times by the Defendant. On July 23, 2007, Mr. Ortiz was charged with corruption of minors in another incident that occurred on July 15, 2007. Police obtained an arrest warrant and executed it on July 24, 2010. When police arrived at Mr. Ortiz' residence to serve the arrest warrant, Mr. Ortiz attempted to evade capture. As a result of Mr. Ortiz' actions, he was charged with escape and disorderly conduct on July 24, 2007. Mr. Ortiz posted bond and was released until his scheduled trial of January 8, 2008.

After Mr. Ortiz failed to appear at his January trial, a bench warrant was issued and he was re-arrested on August 27, 2008. Mr. Andres represented Mr. Ortiz on all charges filed against him, and they were consolidated into one case. Mr. Ortiz, rather than going to trial, reached a plea agreement with the district attorney and pleaded guilty on March 27, 2009, to attempted indecent assault, resisting arrest, and corruption of minors.

The escape, disorderly conduct, indecent assault, unlawful restraint and false imprisonment charges were withdrawn. A Sexually Violent Predator Evaluation was ordered. After the entry of his guilty plea, the Defendant requested a reduction of bail pending sentencing. The Defendant was released on unsecured bail with the agreement of the Assistant District Attorney. Mr. Ortiz was scheduled to be sentenced on June 29, 2009. In the interim, he failed to appear for his SVP Evaluation.

The Defendant failed to appear for sentencing on June 29, 2009. A second bench warrant was issued. After his arrest on July 24, 2009, Mr. Ortiz was sentenced on July 31, 2009, to 4 to 24 months for resisting arrest, 16 to 60 months for corruption of minors and 16 to 60 months for attempted indecent assault. The sentences were within the standard range, but run consecutively so that the Defendant's aggregate sentence totaled 3 to 12 years.

After sentencing, Mr. Andres filed a motion for reconsideration of the sentence in order to have an independent sexually violent predator analysis performed on Defendant. The motion was subsequently denied by this court, and Mr. Andres assisted Defendant in filing an appeal of his sentence to the Superior Court in forma pauperis. On March 24, 2010, on motion by the Chief Public Defender, Mr. Andres was removed as Defendant's counsel because of allegations of ineffective assistance. Victor Scmillio, Esquire was appointed to represent Defendant in this matter. Mr. Scmillio discontinued and withdrew Defendant's Superior Court appeal on June 16, 2010. On July 27, 2010, Mr. Scmillio filed the instant PCRA petition with this court.

At a hearing on August 19, 2010, Mr. Scmillio withdrew two of the three claims in the PCRA petition alleging ineffective assistance of counsel for failure to investigate. Mr. Scmillio indicated he would only be pursuing the claim that trial counsel failed to withdraw Defendant's guilty plea prior to sentencing. The record was held open until transcripts of the sentencing and guilty plea colloquy could be made and so a letter purportedly written by Defendant to Mr. Andres could be filed with the court.

At the PCRA hearing, Defendant testified that he asked his attorney [Mr. Andres] to withdraw his guilty plea in a telephone conversation some time after June 29, 2009. Defendant also testified he told Mr. Andres at the July 31, 2009, sentencing hearing that he wanted to withdraw his guilty plea, but that Mr. Andres "shushed" him because "he wanted to listen to the judge." The defendant acknowledged that he did not send any letters to Mr. Andres between June 28 and July 31, 2009 expressing his desire to withdraw his guilty plea. The Defendant now maintains that he is innocent on all charges.

Mr. Andres also testified at the PCRA hearing. He testified that he had several conversations about pleading guilty and about withdrawing the plea before the June 2009 hearing. Defendant continued to express his

desire to plead guilty during these conversations. Mr. Andres further testified that Mr. Ortiz did not ask to withdraw his guilty plea during the July 2009 hearing, nor does Mr. Andres have any notes in his file that Defendant wanted to withdraw his plea.

Defendant testified he wrote a letter to Mr. Andres dated February 23, 2010, which was provided to the court by Defendant's counsel after the PCRA hearing. The letter asked Mr. Andres to continue his appeal after the motion for reconsideration of his sentence was denied. Defendant also alleged in the letter that he told Mr. Andres he wanted to withdraw his guilty plea during the July 2009 hearing, but Mr. Andres told him "hold on."

Mr. Andres testified that he did not have the letter purportedly sent to him by the Defendant in his file.

II. Legal Standard

In requesting post-conviction relief based on grounds that counsel was ineffective, the petitioner must plead and prove that the conviction or sentence resulted from "[i]neffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place." 42 Pa. C.S.A. §9543(a)(2)(ii) (West 2010); *Commonwealth v. Thomas*, 396 Pa. Super. 92, 98, 578 A.2d 422, 425 (1990). The constitutional ineffectiveness of counsel standard requires that a petitioner specifically demonstrate that: "(1) his underlying claims are of arguable merit; (2) the particular course of conduct pursued by counsel did not have some reasonable basis designed to effectuate his interests; and (3) but for counsel's ineffectiveness, there is a reasonable probability that the outcome of the challenged proceeding would have been different." *Commonwealth v. Jones*, 571 Pa. 112, 811 A.2d 994, 1002 (2002). A failure to satisfy any prong of the test will require rejection of the claim. *Id.*

In reviewing a claim of ineffective counsel it is presumed that counsel is effective and the burden is placed upon the petitioner to prove otherwise. *Commonwealth v. Van Horn*, 797 A.2d 983 (Pa. Super. 2002). Furthermore, it is not only necessary that the petitioner prove that counsel was ineffective, but he must also show that the ineffectiveness was prejudicial to petitioner's interests. *Commonwealth v. Pierce*, 515 Pa. 153, 158-59, 527 A.2d 973, 975-76 (1987). For the petitioner to have been prejudiced he must demonstrate that counsel's actions or inactions made the result of the trial inherently unreliable. *Commonwealth v. Weinder*, 395 Pa. Super. 608, 577 A.2d 1364 (1990).

III. Discussion

We find that the record made by the Defendant by itself is not sufficient to grant PCRA relief for two reasons.

It is well-settled that a defendant who pleads guilty may seek post-conviction relief under very limited circumstances. Ultimately, such a de-

fendant has to allege that the plea was unlawfully induced and that the defendant is “innocent.” See 42 Pa. C.S.A. §9543 (a)(2)(iii); *Commonwealth v. Woodrow*, 743 A.2d 458 (Pa. Super. 1999). Finally, to withdraw the guilty plea on the grounds that the plea was unlawfully induced, the defendant must also prove that the plea was the result of manifest injustice. *Commonwealth v. Holbrook*, 427 Pa. Super. 387, 395, 629 A.2d 154, 158 (1993).

Here, the Defendant is not asserting that the plea was not knowing, voluntary or intelligent or that the plea was involuntary because of a breached plea agreement that is often the fodder for PCRA relief for an unlawfully induced guilty plea. Instead, the Defendant alleges he requested that his attorney announce to the Court, during the sentencing proceeding, that he had changed his mind and did not want his plea to stand. The Defendant argues his counsel was ineffective for not requesting that he be permitted to withdraw his guilty plea during the sentencing proceeding.

A defendant may seek post-conviction relief where guilty plea counsel is ineffective where errors by guilty plea counsel caused what is tantamount to an involuntary guilty plea. See *Commonwealth v. Hickman*, 799 A.2d 136 (Pa. Super. 2002); *Commonwealth v. Lynch*, 820 A.2d 728 (Pa. Super. 2003). The case law requires that a defendant must prove that it was counsel’s ineffectiveness to cause him or her to enter the guilty plea. See *Commonwealth v. Flood*, 426 Pa. Super. 555, 627 A.2d 1193 (1993). Further, there has to be a “causal nexus” between counsel’s ineffectiveness and the involuntary or unknowing plea. *Id.* at 567. In this matter, there was no testimony by the Defendant that his initial plea was unlawfully induced or that it was unknowing or involuntary. The Defendant’s only claim is that he had second thoughts during sentencing.

Perhaps most importantly, the Defendant’s testimony was not credible. We find that he has not met his burden of proof related to his claim that he decided to withdraw his guilty plea during sentencing. We have reached this conclusion based upon three separate factors.

First, the Defendant’s very participation during sentencing contradicts his PCRA claim. Although the Defendant made various representations to the Court during sentencing, he failed to request that his guilty plea be withdrawn. Second, the Defendant’s assertion that he requested that his attorney move to withdraw his guilty plea during sentencing was contradicted by the testimony of his attorney. Guilty plea counsel, Edward Andres, is a well-respected and well-seasoned public defender who is known to be a competent, confident and zealous defense attorney. Mr. Andres unequivocally stated that the Defendant did not ask him to withdraw his guilty plea prior to or during sentencing. We find the testimony of Mr. Andres to be credible. Third, the Defendant failed to appear for his first scheduled trial. He was subsequently picked up and committed to prison. Thereafter, he waived his right to trial and pleaded guilty. He was released on bail pending sentence. However, he failed to appear for sentencing. The Defendant’s

actions in failing to appear for trial and then, after his subsequent guilty plea, for sentencing, is circumstantial evidence of consciousness of guilt. *Commonwealth v. Martinez*, 413 Pa. Super. 454, 605 A.2d 811 (1992). The Defendant's actions contradict his claim that he ever wanted to go to trial or withdraw his guilty plea. Those actions also contradict his assertion that he believes he is innocent of the charges.

Therefore, based upon Mr. Andres' credible testimony, the guilty plea and sentencing transcripts, and the actions of flight and concealment by the Defendant, we find the Defendant's claim that he made a request to guilty plea counsel to withdraw his guilty plea prior to or during sentencing to be not credible.

**MARTIN D. COHEN, Individually and Successor in Interest to
SUSAN PARKER, Plaintiff v. WILLIAM FENSTERMACHER,
Individually and d/b/a FENSTERMACHER CONSTRUCTION
SERVICES, INC., DAVID DIETRICH, Individually and d/b/a
DIETRICH STONE MASONRY, INC., and WEISS
CONSTRUCTION, Defendants**

Motion for Judgment on the Pleadings—Statute of Limitations—Breach of Contract—Tolling—Continuing Contract—Deemed Admission—Construction.

Court denied Defendant's Motion for Judgment on the Pleadings. Plaintiff filed a complaint in 2010 alleging that Defendants failed to adequately construct a patio in May 2000. Defendant, Weiss Construction, filed a motion for judgment on the pleadings arguing the statute of limitations had run on Plaintiff's cause of action. The Court agreed with Defendant that the statute of limitations had run on the breach of contract action regarding the original 1999 contract. However, Plaintiff pleaded in his complaint the existence of a second contract with Defendant, allegedly made in 2006, which bound Defendant to repair the patio. Defendant denied the existence of that contract. A genuine issue of material fact exists as to whether or not the parties had entered into a second contract some time in 2006. Additionally, if a second contract is found to exist, a genuine issue of material fact exists as to the execution date of that contract. The date of execution must be found to allow the finder of fact to determine whether the statute of limitations has run on claims arising from the 2006 contract.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—Law, No. C-48-CV-2010-2205.

JONATHAN B. ACKLEN, ESQUIRE, for Plaintiff.

LEO V. DeVITO, JR., ESQUIRE and LOUIS J. MATTIOLI, III, ESQUIRE, for
Defendant Weiss Construction.

TIMOTHY JAMES DUCKWORTH, ESQUIRE and HAROLD J. FUNT, ESQUIRE,
for Defendants Fenstermacher and Dietrich.

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

OPINION

STATEMENT OF FACTS AND PROCEDURAL HISTORY

This action arises from an alleged 1999 oral contract to construct and/or renovate a patio and walkway at Plaintiff's residence at 1940 Birch Knoll Lane. Defendant Weiss Construction was bound by the contract to perform the construction. The construction was substantially completed around May 2000. Within one year the patio work began to deteriorate. Plaintiff, Martin Cohen, contacted Weiss Construction and advised it of the deterioration. According to Plaintiff's Third Amended Complaint, Weiss Construction did nothing to repair the patio after being advised by Plaintiff of the deterioration.

The next event alleged in the Third Amended Complaint occurred some time in 2006, when Weiss Construction allegedly directed a subcontractor, David Dietrich, to evaluate the patio deterioration and respond to Plaintiff's complaints. Additionally, Weiss Construction allegedly discussed performing repairs with Plaintiff between April 1, 2008, and the spring of 2009. In the spring of 2009, Plaintiff alleges Weiss Construction informed Plaintiff it would refuse to perform any repair work on the patio. As a result, Plaintiff alleges he had to hire another contractor to perform repair work and still requires further repair work on the patio that Weiss Construction should have performed.

On March 8, 2010, Plaintiff filed a Complaint alleging Defendant breached an oral contract with Plaintiff to perform the patio construction work.¹ After several sets of preliminary objections and subsequent amended complaints were filed, Plaintiff filed his Third Amended Complaint on July 2, 2010.

Defendant Weiss Construction filed an Answer and New Matter on September 13, 2010. It raised a statute of limitations defense in New Matter. Weiss Construction also averred the work was completed on the oral contract in May 2000 and that the purported breach of the contract occurred in May 2001. Defendant alleges the statute of limitations for this breach of contract action expired in May 2005. Plaintiff filed his Reply to Defendant's New Matter on September 30, 2010.

On November 15, 2010, Defendant filed a Motion for Judgment on the Pleadings. The matter was set for the December 9, 2010, Argument List. Defendants Fenstermacher and Dietrich jointly filed a motion for judgment on the pleadings raising similar issues, but their motion is scheduled to be heard at the January 4, 2011, Argument List. All subsequent references to Defendant in this opinion refer exclusively to Weiss Construction. Briefs were filed and counsel for Plaintiff and Defendant Weiss Construction presented oral argument.

LEGAL STANDARD

Pennsylvania Rule of Civil Procedure, Rule 1034 states as follows:

(a) After the relevant pleadings are closed, but within such time as not to unreasonably delay the trial, any party may move for judgment on the pleadings.

(b) The court shall enter such judgment or order as shall be proper on the pleadings.

Pa. R.C.P. No. 1034. The purpose of the Motion for Judgment on the Pleadings is to expedite justice. *Wark & Company v. Twelfth & Sansom Corpora-*

¹ Defendant averred in its Answer that Plaintiff was not a party to the alleged oral agreement or a successor in interest. For the purposes of deciding this motion, we assume Plaintiff may properly bring a lawsuit to enforce obligations imposed by the alleged oral contract.

tion, 378 Pa. 578, 107 A.2d 856 (1954). The Motion obviates the need for pursuing to trial cases where the pleadings demonstrate that no genuine issue of fact exists and that the moving party is entitled to judgment as a matter of law. *Parish v. Horn*, 768 A.2d 1214 (Pa. Commw. 2001), *aff'd*, 569 Pa. 46, 800 A.2d 294 (2002). The case must be free and clear from doubt such that a trial would clearly prove to be a fruitless exercise. *Otterson v. Jones*, 456 Pa. Super. 388, 690 A.2d 1166 (1997).

In conducting the inquiry on a motion for judgment on the pleadings, the Court may consider only the pleadings themselves. *Rice v. Rice*, 468 Pa. 1, 359 A.2d 782 (1976); *Booher v. Olczak*, 797 A.2d 342 (Pa. Super. 2002). The Court must accept as true all well-pleaded statements of fact, admissions, and any documents properly attached to the pleadings presented by the party against whom the motion is filed, considering only those facts that were specifically admitted. *Shirley by Shirley v. Javan*, 454 Pa. Super. 131, 684 A.2d 1088 (1996) (citations omitted).

In considering the motion for judgment on the pleadings, the trial court need not accept or admit the validity of conclusions of law pleaded by the parties. *Aughenbaugh v. North American Refractories Company*, 426 Pa. 211, 231 A.2d 173 (1967). Neither party can be deemed to have admitted either conclusions of law or unjustified inferences. *Kelly v. Nationwide Insurance Company*, 414 Pa. Super. 6, 606 A.2d 470 (1992); *Jones v. Travelers Insurance Company*, 356 Pa. Super. 213, 514 A.2d 576 (1986). The Court is not bound to accept the opposing party's allegations that are essentially conclusions of law. *Keystone Automated Equipment Co., Inc. v. Reliance Insurance Co.*, 369 Pa. Super. 472, 535 A.2d 648 (1988).

DISCUSSION

In considering Defendant's Motion for Judgment on the Pleadings, we are mindful of the high standard Defendant must overcome to prevail on its motion. Specifically, all of Plaintiff's averments in the pleadings are to be considered true for the purpose of determining whether Defendant's motion should be granted. *Pfister v. City of Philadelphia*, 963 A.2d 593, 597 (Pa. Commw. 2009).

We will first address Defendant's argument that Plaintiff is deemed to admit ¶¶1 and 2 of Defendant's New Matter for failing to adequately respond. Those paragraphs aver that Defendant completed the work contemplated by the oral contract in May 2000 and that the deterioration occurred within one year of May 2000. Plaintiffs are required to respond to factual averments in New Matter that support an affirmative defense. *Enoch v. Food Fair Stores, Inc.*, 232 Pa. Super. 1, 5, 331 A.2d 912, 914 (1974). However, a court will not grant judgment on the pleadings when the plaintiff does not reply or improperly responds to new matter when the allegations in new matter simply restate that which had already been placed into issue in the complaint and answer. *Watson et al. v. Green et al.*, 231 Pa. Super.

115, 119, 331 A.2d 790, 792 (1974). In this case, Plaintiff clearly averred facts in his Third Amended Complaint raising the issue of when the construction was completed and when the deterioration began. Based on *Watson*, supra, it would be improper for us to deem Plaintiff to have admitted those two averments in Defendant's New Matter. Therefore, we will not grant judgment on the pleadings in favor of Defendant on this ground.

Defendants did properly raise a statute of limitations defense in its New Matter and cited the correct statutory provision in its motion for judgment on the pleadings. Under 42 Pa. C.S.A. §5525(a)(3), an action upon an express contract not in writing must be brought within four years. Generally, the statute of limitations time period begins to run when the cause of action arises or accrues. *Leedom v. Spano*, 436 Pa. Super. 18, 28, 647 A.2d 221, 226 (1994). A cause of action accrues in a contract case when "there is an existing right to sue ... on the breach of contract." *Id.* In other words, the statute of limitations begins to run when the breach occurs. *McGaffic v. City of New Castle*, 973 A.2d 1047, 1052 (Pa. Commw. 2009). This court determines when a cause of action accrues by establishing "the time when the plaintiff could have first maintained the action to a successful conclusion." *Kapil v. Association of Pennsylvania State College and University Faculties*, 504 Pa. 92, 99, 470 A.2d 482, 485 (1983).

The start date of the statute of limitations time period can be delayed under certain circumstances. In construction cases where there is a latent defect, the statutory time period will not begin to run until the injured party becomes aware, or should have become aware through the exercise of reasonable diligence, of the defect. *A.J. Aberman, Inc. v. Funk Building Corporation*, 278 Pa. Super. 385, 396, 420 A.2d 594, 599 (1980). Pennsylvania also recognizes the repair doctrine, which allows a plaintiff to toll the statute of limitations time period if it provides evidence that repairs were attempted, representations were made that repairs could cure the defect, and the plaintiff relied on the representations. *Amodeo v. Ryan Homes, Inc.*, 407 Pa. Super. 448, 458, 595 A.2d 1232, 1237 (1991). Whether the repair doctrine tolls the statute of limitations is an issue of material fact for the fact-finder. *Keller v. Volkswagen of America, Inc.*, 733 A.2d 642, 646 (Pa. Super. 1999).

In a continuing contract, the statute of limitations only begins to run when the breach occurs or the contract is somehow terminated. *Miller v. Miller*, 983 A.2d 736, 743 (Pa. Super. 2009). A continuing contract exists when the services were performed under one continuous contract with no definite time fixed for payment or rendered under several separate contracts. *Thorpe v. Schoenbrun*, 202 Pa. Super. 375, 378, 195 A.2d 870, 872 (1963). Put another way, a continuing contract exists when services are rendered over a continuous period of time. *In re Koonce's Estate*, 105 Pa. Super. 298, 161 A. 578, 579 (1932). A contract is continuous if the agreement for services does not fix a certain time for payment or for the termination of the

services. *Wm. B. Tenny Builder and Developer v. Dauphin Deposit Bank & Trust Co.*, 302 Pa. Super. 342, 347, 448 A.2d 1073, 1075 (1982).

Plaintiff proffers two separate arguments to defeat Defendant's Motion for Judgment on the Pleadings. First, Plaintiff argues that the statute of limitations has been tolled for the original oral contract and, as a result, did not commence upon the date that the work was "substantially completed" in 2001. The second argument proffered by Plaintiff is that the parties actually entered into a second contract in 2006, in which the Defendant contracted to do additional work to address the patio defects.

With regard to the argument that the statute of limitations has been tolled, we note that the general rule is that the limitation to commence an action begins when the cause of action accrues. In a construction matter, there is a four-year statute of limitation. Plaintiff avers that the "construction was substantially completed in or around May 2000." (Third Amended Complaint Paragraph 15). Therefore, generally, the statute of limitation would toll in May 2004.

In this case, it is possible that the discovery rule would exclude from computation the time period in which Plaintiff was reasonably unaware that an actionable injury had been sustained. The discovery rule is a judicially created device that tolls the running of the applicable statute of limitations until the point in time when a plaintiff has been reasonably placed on notice of the existence of the injury. *Gustine Uniontown Associates, Ltd. v. Anthony Crane Rental, Inc.*, 577 Pa. 14, 842 A.2d 334, 344 n.8 (2004). In this matter, Plaintiff pleaded that he became aware of the injury "... within one year of said Completion" (Third Amended Complaint Paragraph 16.) Therefore, under any reasonable application of the discovery rule, the statute of limitations would have tolled in May 2005. Therefore, we agree with Defendant that the statute of limitations related to a breach of the original contract, even with the application of the discovery rule, expired at the latest in May 2005.

The second argument is the claim by Plaintiff that a contract was entered into in 2006 in which Weiss Construction agreed to address the patio deficits. Specifically, Plaintiff has pleaded that he had ongoing discussions with Weiss Construction in which Weiss acknowledged the responsibility to perform repair work on the patio, that Weiss dispatched David Dietrich to perform said work and that Weiss breached that second agreement with Plaintiff. (See Third Amended Complaint Paragraphs 23, 24, 25, 28, 29, and 30.)

The Defendant denies the existence of a second contract.

Upon review of Plaintiff's Third Amended Complaint, we note that the existence of separate contracts was not pleaded in separate breach of contract counts. We would also agree with an assertion that Plaintiff's pleading of a second, independent contract, is convoluted and awkwardly pleaded. Further, it does not spell out in a detailed manner the terms of the

contract other than the agreement of Weiss to undertake the repair of the patio, that David Dietrich was dispatched by Weiss to respond to Plaintiff's complaints and that there was a breach thereof. Still, it raises a factual question as to the existence of the second contract.

There is no requirement that different causes of action be separately pleaded so long as the actions are sufficiently pleaded to allow the opposing party to prepare a defense to each cause of action; the pleader is not even required to identify the legal theory underlying the complaint. *Weiss v. Equibank*, 313 Pa. Super. 446, 453, 460 A.2d 271, 274-75 (1983) (addressing Preliminary Objections). In this case, Plaintiff sufficiently placed facts into his complaint to allow Defendant to prepare a defense to both theories of breach of contract.

It is well-settled that when a court is presented with factual assertions that are in dispute, and that the determination of those facts impact upon the application of the statute of limitations, it is a question that must be submitted to the jury for determination. *See Fine v. Checcio*, 582 Pa. 253, 870 A.2d 850 (2005). *Fine* involved a claim that the statute of limitations was tolled by virtue of fraudulent concealment. The existence of fraud was denied by the defendant. The *Fine* court held that because the allegation raised genuine issues of material fact as to the computation of the statute of limitations, the issue must be submitted to the jury for determination of when the statute of limitations expired.

Here, we find that the Third Amended Complaint raises a genuine issue of material fact which must be resolved by the trier of fact—the alleged existence of a second contract—and if proven to have been entered into, the jury must also ascertain the date of the alleged breach thereof in order to calculate the statute of limitations.²

Therefore, we enter the following Order:

ORDER

AND NOW, this 18th day of January, 2011, upon consideration of Defendant's Motion for Judgment on the Pleadings, and Plaintiff's response thereto, it is hereby ORDERED that said Motion is DENIED.

² We note that although there was no attack by preliminary objection to the legal sufficiency of the cause of action for a second contract in that the complaint may not have detailed all of the factual elements necessary to support the claim, Defendant Weiss still has at its disposal the right to pursue a motion for summary judgment after the completion of discovery if the evidentiary record cannot support the existence of a second contract.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, May 23, 2011**