

Northampton County Reporter

(USPS 395-280)

VOL. LVI

EASTON, PA July 8, 2010

NO. 27

**In Re: Return of Upset Tax Sale of September 17, 2009 Northampton County Tax
Claim Bureau under 72 P.S. Section 5860.607**

CONTENTS

Bar News	3	Notice of Incorporation	8
Estate Notices	4	Legal Notices	8

INSERT: Yellow: 1. "Medicaid Planning Update: Reload Your Toolbox"

2. 2010 Calendar

3. Philadelphia Eagles vs. New York Giants

4. A Show of Faith 5K Run/Walk for Makaeya Wheeler

Green: 1. "A General Practitioner's Guide to Special Education Law"

2. 2010 Bench Bar Conference

3. "Everything You Need to Know About the New Support Guidelines"

4. "Conversion Roth IRA's—Planning Opportunities for 2010 and Beyond"

Cream: 1. 2010 Summer Outing

2. A Show of Faith Run/Walk for Makaeya Registration Form

3. 2010 Summer Outing Reservation Form

NOTICE TO THE BAR....

Register now for the Annual Summer Outing

Thursday, July 22 @ Louise Moore Park

Register now for "A Show of Faith for Makaeya 5K Run/Walk"

Sunday, September 19, 2010

Registration Forms inside.

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Northampton County Reporter

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

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Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Lunch Lectures - Registration forms inside.

“Medicaid Planning Update: Reload Your Toolbox”

Thursday, July 15 @ Noon. NCBA Office

“A General Practitioner’s Guide to Special Education Law”

Wednesday, August 18 @ Noon. NCBA Office

“Everything You Need to Know About the New Support Guidelines”

Monday, August 23 @ Noon, NCBA Office

“Conversion Roth IRAs: Planning Opportunities for 2010 and Beyond”

Wednesday, August 25 @ Noon, NCBA Office

Summer Outing – Thursday, July 22, 2010

Louise Moore Park, All day food, competitions and fun

New This Year: We have two captains for the softball game who are currently recruiting for their teams. If you want to play on the winning team contact your captain of choice: Kerry Freidl or Rick Yetter.

Registration form inside.

We Need Your Help!

Sunday, September 19 – “A Show of Faith 5K Run/Walk for Makaeya” sponsored by the Northampton County Bar Association.

We need sponsors, runners, walkers and volunteers. If you can help us out please call the NCBA Office to learn how you can help – (610) 258-6333.

What dreadful hot weather we have! It keeps me in a continual state of inelegance.
~ Jane Austen

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**BARTHA, JOSEPH a/k/a JOSEPH BARTHA, JR.,** dec'd.

Late of Washington Township, Northampton County, PA

Executor: Earl K. Bartha, c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

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

EGAN, JOSEPH M., SR., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Thomas J. Egan c/o Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

Attorneys: Michael E. Riskin, Esquire, Riskin and Riskin, 18 East Market Street, P.O. Box 1446, Bethlehem, PA 18016-1446

GAST, FAY K., dec'd.

Late of the Township of Williams, Northampton County, PA

Administratrix: Judith F. Walker c/o Joel M. Scheer, Esquire, Fishbone and Scheer, 940 West Lafayette Street, Easton, PA 18042

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

POPPO, ANTHONY J., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Linda L. Poppo c/o Mark S. Sigmon, Esquire, Sigmon & Sigmon, P.C., 146 E. Broad Street, P.O. Box 1365, Bethlehem, PA 18016-1365

Attorneys: Mark S. Sigmon, Esquire, Sigmon & Sigmon, P.C., 146 East Broad Street, P.O. Box 1365, Bethlehem, PA 18016-1365

STERN, LEO L., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executor: Richard A. Stern 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

WOYKOWSKI, CYNTHIA H., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Frances B. Bemelmans c/o Littner, Deschler & Littner, 512 N. New St., P.O. Box 1407, Bethlehem, PA 18016-1407

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

SECOND PUBLICATION**BANKOWSKI, RICHARD S.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Administratrix: Peggy L. Bankowski c/o Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

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

BLEIER, GUSTAVE P., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executrix: Dorothy M. Bleier c/o John Kotsatos, Esquire, Law Offices of Peter G. Angelos, P.C., 60 W. Broad St., Suite 200, Bethlehem, PA 18018

Attorneys: John Kotsatos, Esquire, Law Offices of Peter G. Angelos, P.C., 60 W. Broad St., Suite 200, Bethlehem, PA 18018

DeSENTIS, ROSE MARIE C. a/k/a ROSE MARIE DeSENTIS, dec'd.

Late of the Township of Hanover, Northampton County, PA
Executor: Ernest J. DeSantis, Jr. c/o Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018

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

FEHR, LUTHER F., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Co-Executrices: Cheryl Gregory, 515 Batts Switch Road, Nazareth, PA 18064 and Loraine Parsons, 2 Princeton Court, Easton, PA 18040

Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza,

LLP, 1 South Main Street, Nazareth, PA 18064

FOX, MARJORIE M., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Administrator: Douglas G. Fox, 19 Brookfield Drive, Fleetwood, PA 19522

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

KIEFER, HARRY E., dec'd.

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

KESSLER, SHERWOOD S., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Kathy K. Houck, 590 Horseshoe Drive, Easton, PA 18040

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

LANCNER, EDWARD J., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executrix: Sylvia M. Johnston, 8906 Eastbourne Lane, Laurel, MD 20708

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

LINK, TIMOTHY J., dec'd.

Late of Northampton, Northampton County, PA

Administrator: Mr. Matthew J. Link c/o John D. Lychak, Esquire, Law Offices of John D. Lychak, P.C., 35 East Elizabeth Avenue, Suite 21, Bethlehem, PA 18018

Attorneys: John D. Lychak, Esquire, Law Offices of John D. Lychak, P.C., 35 East Elizabeth Avenue, Suite 21, Bethlehem, PA 18018

ROOT, BARBARA LOU B., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: William L. Root, 328 Timothy Way, Richmond, KY 40475-2644

SCHAAP, CHRISTIAAN, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Shirley Ann Schaap a/k/a Shirley Anne Schaap, 2025 Hackett Avenue, Easton, PA 18045-2265

Attorney: Roseann B. Joseph, Esquire, Sovereign Bank Building, 100 N. Third Street, Suite 501, Easton, PA 18042

SPENGLER, BETTY E., dec'd.

Late of Northampton Borough, Northampton County, PA

Co-Administrators: Sandra A. Geist, 1784 Valley Road, Northampton, PA 18067 and Jay L. Spengler, 29 E. Eaton Street, Allentown, PA 18103

Attorney: Mark C. Van Horn, Esquire, 5930 Hamilton Blvd., Suite 104, Allentown, PA 18106

THOMAS, NORWOOD A., dec'd.

Late of the Borough of Walnutport, Northampton County, PA

Executrix: Arlene M. Kroboth, 229 Oak Street, Walnutport, PA 18088

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

TRINIDAD, AMADO, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Noel L. Trinidad c/o Kevin F. Danyi, JD, LLM, Danyi Law Offices, P.C., 133 East Broad Street, Bethlehem, PA 18018

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

THIRD PUBLICATION

BELAK, MARY THERESA, dec'd.

Late of the Township of Lower Mount Bethel, Northampton County, PA

Executors: Paul John Belak, Box 104, 6724 Fairview Avenue, Martins Creek, PA 18063 and Donna Marie Ann Belak, 2910 N. Delaware Drive, Easton, PA 18040

Attorney: Keene Jabbour, Esquire, 701 Washington Street, Easton, PA 18042

CAMAROTA, PAULINE a/k/a PAULINE C. CAMAROTA a/k/a PAULINE CHOUK CAMAROTA, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Nicole Maria Camarota a/k/a Nicole M. Schock c/o Jacob S. Kolb, Esquire, Kolb, Vasiliadis and Florenz, 74 West Broad Street, Ste. 170, Bethlehem, PA 18018-5738

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

DeLUCA, RONALD WARREN, JR. a/k/a RONALD W. DeLUCA, dec'd.

Late of the Township of Williams, Northampton County, PA

Administrator: Anne Marie DeLuca c/o Brian M. Monahan, Esquire, 701 Washington Street, Easton, PA 18042

Attorney: Brian M. Monahan, Esquire, 701 Washington Street, Easton, PA 18042

DiFELICE, FRANKLIN M., dec'd.

Late of the Township of Lower Mount Bethel, Northampton County, PA

Co-Executors: Franklin M. DiFelice, Jr., P.O. Box 171, Martins Creek, PA 18063 and Deborah Henritz, 4154 Ross Road, Bethlehem, PA 18020

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

FARKUS-KOCH, ROCHELLE K., dec'd.

Late of Bethlehem City, Northampton County, PA

Administrator: Chad E. Koch c/o Stuart A. Winegrad, Esquire, 1525 Locust St., Ste. 400, Philadelphia, PA 19102

Attorney: Stuart A. Winegrad, Esquire, 1525 Locust St., Ste. 400, Philadelphia, PA 19102

GOULD, STEVEN M. a/k/a STEPHEN M. GOULD, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Patricia A. Gould
Attorney: Richard J. Haber, Esquire, 150 W. Macada Road, Bethlehem, PA 18017-2409

HARI, FLORA R., dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executor: Ronald R. Hari 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

HICKS, ELEANOR M., dec'd.

Late of the Borough of Bangor, Northampton County, PA

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

KERBACHER, WILLIAM F., dec'd.

Late of the Township of Moore, Northampton County, PA

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

KERCHNER, HARRY J. a/k/a HARRY JOSEPH KERCHNER, dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Sharon Sayre, 484 Stoneridge Road, Emmaus, PA 18049

Attorney: John L. Dewitsky, Jr., Esquire, 41 North Seventh Street, Stroudsburg, PA 18360

MERTZ, HARRY E., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Co-Executrices: Rhonda L. Cortez and Kimberly D. Williams c/o Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

Attorneys: Herster, Newton & Murphy, 127 N. 4th St., P.O. Box 1087, Easton, PA 18044-1087

PAFF, RUTH E., dec'd.

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

Executor: Floyd N. Paff, Jr. c/o
Alfred S. Pierce, Esquire, Pierce
& Dally, LLP, 124 Belvidere
Street, Nazareth, PA 18064
Attorneys: Alfred S. Pierce, Es-
quire, Pierce & Dally, LLP, 124
Belvidere Street, Nazareth, PA
18064

ROMANO, GEORGIANA M.,
dec'd.

Late of Easton, Northampton
County, PA

Executrix: Mamie D. D'Aquila
Attorneys: Carla J. Thomas,
Esquire, Thomas & Thomas, 716
Washington Street, Easton, PA
18042

SCHLEGEL, JACK G. (who also
traded at times under the name
Butztown Garage), dec'd.

Late of the Township of Bethle-
hem, Northampton County, PA
Administrator: Linda S. Seng,
1765 Greenleaf Street, Bethle-
hem, PA 18017

SWITLISKIE, REGINA A., dec'd.

Late of the Borough of Hellen-
town, Northampton County, PA
Executrix: Jane A. Gilotti, 1859
Muscatine Avenue, Iowa City, IA
52240

Attorneys: Robert L. Dluge, Jr.,
Esquire, Dluge & Michetti, P.O.
Box 304, Elysburg, PA 17824

TOBIAS, MABEL S., dec'd.

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

Executor: Robert D. Tobias c/o
Alfred S. Pierce, Esquire, Pierce
& Dally, LLP, 124 Belvidere
Street, Nazareth, PA 18064

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

NOTICE OF INCORPORATION

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

The name of the corporation is:

ORANGITIS TRUCKING, INC.

P. Christopher Cotturo, Esquire
75 Bangor Junction Road
Bangor, PA 18013

July 8

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

GMAC Mortgage, LLC

Vs.

Unknown Heirs, Successors,
Assigns, and All Persons, Firms
Title or Interest From or Under

Wyanne C. Wright

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
NO. C-48-CV-2010-597

NOTICE

TO Unknown Heirs, Successors, As-
signs, and All Persons, Firms Title
or Interest From or Under Wyanne
C. Wright

You are hereby notified that on
January 21, 2010, Plaintiff, GMAC
Mortgage, LLC , filed a Mortgage
Foreclosure Complaint endorsed with
a Notice to Defend, against you in the
Court of Common Pleas of Northamp-
ton County Pennsylvania, docketed
to No. C-48-CV-2010-597. Wherein
Plaintiff seeks to foreclose on the
mortgage secured on your property
located at 403 Highland Boulevard,
Easton, PA 18042 whereupon your

property would be sold by the Sheriff of Northampton County.

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

NOTICE

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

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

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

Northampton County
 Lawyer Referral Service (ARIS)
 155 South 9th Street
 Easton, PA 18042
 610-258-6333

July 8

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW
 IN RE: CHANGE OF NAME
 OF E.J.W.
No. C-48CV2010-6483

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on June 23, 2010, the Petition of EMILY JEAN WUBBOLT was filed in the above-named court requesting an Order to change the name of EMILY JEAN WUBBOLT to EMILY JEAN ARIESE.

The Court has fixed the day of August 20, 2010, at 9 a.m., in Courtroom No. 1 of the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

MICHAEL F. CORRIERE, ESQUIRE
 I.D. No. 62255

CORRIERE AND ANDRES, LLC
 Attorneys for Petitioner
 433 East Broad Street
 P.O. Box 1217
 Bethlehem, PA 18016-1217
 (610) 865-5566

July 8

NORTHAMPTON COUNTY COURT OF COMMON PLEAS

Financial Freedom Acquisition LLC
 Plaintiff

v.

Joseph Mangino Jr., Known
 Surviving Heir of Joseph R.
 Mangino Sr., Deceased Mortgagor
 and Real Owner and Unknown
 Surviving Heirs of Joseph R.
 Mangino Sr., Deceased Mortgagor
 and Real Owner

Defendants

Number C-48-CV-2010-4035

TYPE OF ACTION: CIVIL ACTION/
 COMPLAINT IN MORTGAGE
 FORECLOSURE

TO: UNKNOWN SURVIVING HEIRS
 OF JOSEPH R. MANGINO SR.,
 DECEASED MORTGAGOR AND
 REAL OWNER

PREMISES SUBJECT TO FORECLOSURE: 576 KNAUSS ROAD, NAZARETH, PENNSYLVANIA 18064
NOTICE

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

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

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

Lawyer Referral Service
155 South Ninth Street
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TERRENCE J. McCABE, ESQUIRE
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July 8

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announces a great new member benefit:***



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**IN RE: RETURN OF UPSET TAX SALE OF
SEPTEMBER 17, 2009 NORTHAMPTON COUNTY
TAX CLAIM BUREAU UNDER 72 P.S. SECTION 5860.607**

Petition to Intervene—Appeal—Jurisdiction.

Petitioner Yi, record owner of subject parcel filed a petition to intervene in the above-captioned action to which pro se Petitioner Sovinski objected on the basis of jurisdiction by reason of the fact that Sovinski's petition to intervene, having been denied, is presently on appeal to the Commonwealth Court. Citing Pa.R.A.P. 1701, Sovinski argues that his pending appeal effected a stay in the matter and precluded the Court from ruling on Yi's petition to intervene. However, because the petition to intervene was ancillary to the pending appeal, the Court determined that it had jurisdiction to rule on the matter, and it further found that Yi's petition was appropriate for relief. Petition to intervene granted.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—Law, No. C-0048-CV-2009-7660.

CHRISTOPHER T. SPADONI, ESQUIRE, for Northampton County.

TONY SOVINSKI, Pro Se.

CHARLES PROCTOR, III, ESQUIRE for Petitioner Yi.

Order of the Court entered on May 25, 2010 by DALLY, J.

STATEMENT OF REASONS

This matter involves a property located at 11 W. 2nd Street, Bethlehem, Northampton County and bearing tax identification number P6-2-233-0204, one of several properties that was offered at a tax sale held September 17, 2009. On January 5, 2010 Respondent Tony Sovinski ("Mr. Sovinski") filed a Petition to Intervene; a Petition for Leave of Court to File "Exceptions/Objections" Under 72 P.S. Section 5860.607, and a "Notice Under Pa.R.C.P. No. 235 to PA Attorney General that Petitioner is Attacking 72 P.S. Section 5860.607 as Unconstitutional in Violation of Due Process and Equal Protections Clauses of 14 Amendment of U.S. Constitution." Simultaneously, he filed a Praecipe of Lis Pendens on the property, pursuant to 42 Pa. C.S.A. §4302(a) noticing the Tax Claim Bureau, and on January 14, 2010 he filed the same, noticing Petitioner Yanhua Yi ("Mr. Yi"), and Roosevelt Mortgage Acquisition Company.

On March 29, 2010 while Mr. Sovinski's petition to intervene was still pending, Mr. Yi filed a Petition to Intervene in this matter and the Court, the Honorable Paula A. Roscioli presiding, issued a Rule to Show Cause as to the same, returnable on April 9, 2010. Thereafter, on April 6, 2010, the Honorable Senior Judge Michael V. Franciosa issued an opinion denying Mr. Sovinski's Petition to Intervene. Mr. Sovinski filed an appeal from Judge Franciosa's ruling with the Commonwealth Court on April 23, 2010.

As indicated by the docket entries, the initial Petition to Intervene filed by Mr. Yi was never heard. Rather, a new petition was filed on May 10, 2010 at which time the Honorable Senior Judge Lawrence J. Brenner issued a Rule to Show Cause, returnable May 21, 2010. The matter came to the undersigned via the Miscellaneous Hearing List of that date.

The sole matter before the Court is Mr. Yi's Petition to Intervene in the above-captioned matter. Mr. Yi, through his counsel, asserts that as record owner of the subject property, he has an interest to protect and should therefore be granted permission to intervene. Whereas, Mr. Sovinski argues that because his petition for intervention is currently on appeal to the Commonwealth Court, this Court is without jurisdiction to rule on Mr. Yi's petition. In support of his position, Mr. Sovinski cites to the Pennsylvania Rule of Appellate Procedure 1701, which states in pertinent part:

(a) *General rule.* Except as otherwise prescribed by these rules, after an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may no longer proceed further in the matter.

(b) *Authority of a trial court or agency after appeal.* After an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may:

(1) Take such action as may be necessary to preserve the status quo, correct formal errors in papers relating to the matter, cause the record to be transcribed, approved, filed and transmitted, grant leave to appeal in forma pauperis, grant supersedeas, and take other action permitted or required by these rules or otherwise ancillary to the appeal or petition for review proceeding.

(2) Enforce any order entered in the matter, unless the effect of the order has been superseded as prescribed in this chapter.

(3) Grant reconsideration of the order which is the subject of the appeal or petition . . .

(4) Authorize the taking of depositions or the preservation of testimony where required in the interest of justice.

(5) Take any action directed or authorized on the application by the appellate court.

(6) Proceed further in any matter in which a non-appealable interlocutory order has been entered, notwithstanding the filing of a notice of appeal or a petition for review of the order.

(c) *Limited to matters in dispute.* Where only a particular item, claim, or assessment adjudged in the matter is involved in an appeal, or in a petition for review proceeding relating to a quasijudicial order, the appeal or petition for review proceeding shall operate to prevent the trial court or other government

unit from proceeding further only with such item, claim or assessment, unless otherwise ordered . . . as necessary to preserve the rights of the appellant.

Pa. R.A.P. 1701. As per the rule, and the case law interpreting it, a stay of proceedings at the trial court level effected by an appeal to a higher court is limited to issues relative to the dispute. *See Commonwealth v. Reading Group Two Properties, Inc.*, 922 A.2d 1029 (Pa. Commw. 2007) (A motion to withdraw as counsel remained within the jurisdiction of the trial court although the matter was on appeal, because the issue on appeal did not relate to the matter before the trial court.); *Commonwealth v. Moyer*, 421 Pa. Super. 102, 617 A.2d 744 (1992) (Defendant's appeal of a murder conviction did not preclude the trial court from imposing sentence on Defendant's remaining charges).

The only provision in the Rules of Appellate Procedure relative to intervention is Pa. R.A.P. 1531, relating to appeals from quasijudicial orders issued by government units. Thereunder, a party may file a notice of intervention directly to the Commonwealth Court. However, there is no such provision for matters on appeal from the Common Pleas Courts, which have their own power to grant intervention pursuant to Pa. R.C.P. 2329. *See also, Cohen v. Jenkintown Cab Company*, 300 Pa. Super. 528, 446 A.2d 1284 (1982) (Holding that lower court's grant of petition to intervene while matter was on appeal was within the court's jurisdiction under Pa. R.A.P. 1701 because the petition was outside the scope of the subject matter of the appeal). Upon review and consideration of the applicable Rules of Appellate and Civil Procedure, and the case law interpreting them, the Court is satisfied that Yi's petition to intervene is outside the scope of the present appeal and therefore soundly within the jurisdiction of this Court. Accordingly, we move to a review of the petition on the merits. As per the Rules of Civil Procedure:

the court, if the allegations of the petition have been established and are found to be sufficient, shall enter an order allowing intervention; but an application for intervention may be refused if: (1) the claim or defense of the petitioner is not in subordination to and in recognition of the propriety of the action; or (2) the interest of the petitioner is already adequately represented; or (3) the petitioner has unduly delayed in making application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties.

Pa. R.C.P. 2329.

While the present petition was filed on May 10, 2010, Mr. Yi initially sought to intervene in this matter on March 29, 2010, seventy-four days subsequent to Mr. Sovinski's petition to intervene, but prior to any other action being taken in this matter. Irrespective of whether the Court

analyzes the timeliness of the petition by the date of the first filing or the second, it is clear from the record that a grant of intervention would cause no undue delay, embarrassment or prejudice to the parties. It is further clear that Mr. Yi has grounds for intervention on the basis of his averments that he is the current record owner of the subject property, supported by a copy of a deed executed in his favor. Finally, it is apparent that Mr. Yi's interests are not represented by any other party hereto. In light of the foregoing, the Court finds that Mr. Yi's stated interest in the present matter is sufficient to warrant a grant of the present petition to intervene.

WHEREFORE, we enter the following:

ORDER

AND NOW, this 25 day of May 2010, the Petition to Intervene in the above-captioned matter, filed by Yanhua Yi is hereby GRANTED, as set forth more fully in the attached Statement of Reasons.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, July 12, 2010**