

Northampton County Reporter

(USPS 395-280)

VOL. LV

EASTON, PA October 22, 2009

NO. 95

**LSGH, LLC and Ben Franklin Technology Partners of Northeast Pennsylvania,
Individually and as Shareholders of Glucolight Corp., Plaintiffs v. Ray N. Krauss
and Christophe Douat, Individually and as Directors of Glucolight Corp., Matthew
G. Schurman, and Glucolight Corp., as a Nominal Defendant, Defendants**

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INSERT: Blue: 1. "Time Management for Solo & Small Firm Attorneys"

2. 2009 Calendar

3. "How Speech Got to be Free Speech—World War I, The Red Scare, Two Justices, Two Dissents and a Whole New Concept for the Speech Clause in the First Amendment"

4. Philadelphia Flyers vs. New York Islanders

Yellow: 1. Bridge the Gap Program

2. Elder Law Forum

3. Quarterly Association Meeting

4. "SmartPhones for Smart Lawyers and Other Ways to be Productive from the Ski Slopes"

NOTICE TO THE BAR....

N.C. Reporter Deadline Change:

Due to the Thanksgiving holiday, the deadline to submit legal ads for the November 26th edition of the Reporter has been changed to Friday, November 20 at Noon.

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Northampton County Reporter

Attorney Referral & Information Service

155 South Ninth Street, Easton, PA 18042-4399

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

E-mail: ncba@norcobar.org

PBA (800) 932-0311—PBI (800) 932-4637

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

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Edward P. Shaughnessy, Esquire
Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

WiFi Access in the Courthouse Law Library for NCBA Members

Members interested in registering for the WiFi access in the law library should contact the librarian, Carol Devlin, for the registration information. Access begins October 1, 2009.

Memorial Service for Honorable Richard D. Grifo—Tuesday, December 8, 2009

A Memorial Service will be held for Judge Richard D. Grifo on December 8, 2009, in Courtroom #1, Northampton County Courthouse beginning at 9:00 a.m. Please plan to join us for this memorial.

Philadelphia Flyers vs. New York Islanders Bus Trip

Saturday, January 30, 2010

Look for the registration form inside.

We are inclined to think that if we watch a football game or a baseball game, we have taken part in it. ~ John F. Kennedy

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**BAUDER, LARRY P.,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA
 Executrix: Dolores J. Del Re c/o Vaughn A. Terrinoni, Esquire, 3976 Township Line Road, Bethlehem, PA 18020

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

DECH, LILLIAN E., dec'd.

Late of the Township of East Allen, Northampton County, PA
 Executor: Ralph H. Dech, 1438 Main Street, Bath, PA 18014
 Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064-2083

FILASETA, ROSE M., dec'd.

Late of the City of Bethlehem, Northampton County, PA
 Executor: Leonard J. Filaseta c/o Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020
 Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis & Associates, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

HAHL, BRIAN MAIRE a/k/a BRIAN M. HAHL, dec'd.

Late of the Borough of Stockertown, Northampton County, PA
 Executrix: Jacky A. McCurdy, 745 Old Farm Road, Bridgewater, NJ 08807

Attorney: Beth A. Knickerbocker, Esquire, Third Floor, 101 South Third Street, Suite 203, Easton, PA 18042

KELLY, HELEN W. a/k/a HELEN W. BETTY KELLY a/k/a HELEN ELIZABETH KELLY, dec'd.

Late of Hellertown, Northampton County, PA

Executor: William H. Kelly, Jr. c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

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

LERCH, SHIRLEYANN M. a/k/a SHIRLEY ANN M. LERCH, dec'd.

Late of Allen Township, Northampton County, PA
 Executor: Barrie M. Lerch c/o Frank M. Skrapits, Esquire, Affiliated with Steckel and Stopp, 2152 Main Street, Northampton, PA 18067-1211

POMPONIO, JOSEPH G., dec'd.

Late of the City of Bethlehem, Northampton County, PA
 Executrix: Agnes J. Pomponio, 2830 Linden Street, Apt. 9A, Bethlehem, PA 18017
 Attorney: James J. Holzinger, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

REED, MARY B., dec'd.

Late of the Borough of Northampton, Northampton County, PA

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

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

RUSCHE, CAROL POWERS a/k/a C. POWERS RUSCHE, dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Lisa Landman 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

SEBIO, DOMINICK, dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executor: Joseph G. Sebio, 206 Paine Street, Riverside, NJ 08075

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

WINKLER, ALFRED P., dec'd.

Late of 1400 Main Street, Apartment 205, Catasauqua, Northampton County, PA

Executor: Frederick A. Winkler c/o Robert B. Roth, Esquire, The Roth Law Firm, 123 North 5th Street, Allentown, PA 18102

Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, 123 North 5th Street, Allentown, PA 18102

SECOND PUBLICATION

ABEL, ARLENE E., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executor: Michael S. Abel c/o Theodore R. Lewis, Esquire,

Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

Attorneys: Theodore R. Lewis, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

AHART, KEITH D., SR., dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Shirley M. Beam c/o Joseph A. Corpora, III, Esquire, Sovereign Bank Building, 100 North Third Street, Suite 502, Easton, PA 18042

Attorney: Joseph A. Corpora, III, Esquire, Sovereign Bank Building, 100 North Third Street, Suite 502, Easton, PA 18042

BAZIUK, IRENE, dec'd.

Late of the Township of Hanover, Northampton County, PA

Executrix: Evamarie Anderson c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

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

CSENCISITS, LARRY L., dec'd.

Late of the Township of Lehigh, Northampton County, PA

Executrix: Lisa M. Csencsits c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

Attorneys: Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., P.O. Box 20770, Lehigh Valley, PA 18002-0770

DEREMER, CALOGERA I. a/k/a LUCY DEREMER, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executrices: Lena I. Nyffenegger and Grace M. Ealer c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorneys: Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

FONDL, JEFFREY J., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administratrix: Lorraine R. Fondl, 2024 Vista Drive, Bethlehem, PA 18018

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

HESS, JEAN L., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Debra J. Weisbach c/o Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorneys: Karl H. Kline, Esquire, Karl Kline P.C., 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

KOHLER, BETTY M. a/k/a BETTY MARIE KOHLER a/k/a BETTY G. KOHLER, dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Mr. Clifford Patrick Kohler, 35 S. 13th Street, Easton, PA 18042

Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

LAKEY, RUSSELL G., dec'd.

Late of the Township of Plainfield, Northampton County, PA

Exeutor: Robert M. Lakey, 707 East Laurel Avenue, Pen Argyl, PA 18072

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

LIEBERMAN, EDNA E., dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Cathy A. Rommal c/o Peter J. Druckenmiller, Jr., Esquire, Gross McGinley, LLP, 717 Washington Street, Easton PA 18042-4386

Attorneys: Peter J. Druckenmiller, Jr., Esquire, Gross McGinley, LLP, 717 Washington Street, Easton, PA 18042-4386

SALVADOR, LAWRENCE, dec'd.

Late of Northampton County, PA

Executor: Victor Salvador, Jr., 600 E. Mountain Avenue, Pen Argyl, PA 18072

Attorney: Deborah Jean Denardo, Esquire, 1809 Washington Blvd., Easton, PA 18042

SCARANO, ANTHONY a/k/a ANTHONY J. SCARANO, dec'd.

Late of Easton, Northampton County, PA

Executrix: Mary C. Scarano c/o Joel H. Ziev, Esquire, 700 Washington Street, Easton, PA 18042

Attorney: Joel H. Ziev, Esquire, 700 Washington Street, Easton, PA 18042

WEISEL, ELMIRA A., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Robert J. Weisel, 306 Old Farms Road, Simsbury, CT 06070

THIRD PUBLICATION

ADAMS, WILLIAM K., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Doris T. Adams c/o Littner, Deschler & Littner, 512

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

BARTOLACCI, GUIDO J., dec'd.

Late of the Township of Palmer,
Northampton County, PA
Executrix: Margaret Bartolacci
c/o Judith A. Harris, Esquire,
Tallman, Hudders & Sorrentino,
P.C., The Paragon Centre, 1611
Pond Road, Suite 300, Allen-
town, PA 18104

Attorneys: Judith A. Harris, Es-
quire, Tallman, Hudders & Sor-
rentino, P.C., The Paragon Cen-
tre, 1611 Pond Road, Suite 300,
Allentown, PA 18104

**BERGER, ELIZABETH J. a/k/a
BETTIE J. BERGER,** dec'd.

Late of the Borough of Tatamy,
Northampton County, PA
Executrix: Bonnie A. Shaffer c/o
Alfred S. Pierce, Esquire, Pierce
& Dally, LLP, 124 Belvidere
Street, Nazareth, PA 18064
Attorneys: Alfred S. Pierce, Es-
quire, I.D. No. 21445, Pierce &
Dally, LLP, 124 Belvidere Street,
Nazareth, PA 18064

BERNECKER, MARY S., dec'd.

Late of the Township of Bushkill,
Northampton County, PA
Executrix: Christine Gyulai, 206
Lucas Lane, Nazareth, PA
18064
Attorney: Michael A. Filingo, 116
South Broadway, Wind Gap, PA
18091

BRAUN, MARTIN A., dec'd.

Late of the Township of Forks,
Northampton County, PA
Executrix: Yolanda Braun c/o
Ellen M. Kraft, Esquire, 3400
Bath Pike, Suite 311, Bethlehem,
PA 18017-2485

Attorney: Ellen M. Kraft, Esquire,
3400 Bath Pike, Suite 311, Beth-
lehem, PA 18017-2485

**FAHRINGER, MADALYN H. a/k/a
MADALYN C. FAHRINGER,**
dec'd.

Late of the Borough of Bath,
Northampton County, PA
Co-Executors: Bruce A. Fahringer,
2850 Valley View Drive, Bath,
PA 18014-9455 and Marlene F.
Schreck, 8074 Kimberly Avenue,
Spring Hill, FL 34606-6564
Attorney: Daniel G. Spengler,
Esquire, 110 East Main Street,
Bath, PA 18014

FRAGASSI, HELEN MARIE,
dec'd.

Late of Easton, Northampton
County, PA
Executrix: Christina Patriarca,
2512 W. South Street, Allen-
town, PA 18104

**GARGANTA, ANGELINA A. a/k/a
ANGELINE A. GARGANTA,**
dec'd.

Late of Hellertown, Northampton
County, PA
Executrix: Josephine Doster c/o
Thomas J. Maloney, Esquire,
Maloney, Danyi, McKarski &
O'Donnell, 901 West Lehigh
Street, P.O. Box 1279, Bethle-
hem, PA 18016-1279
Attorneys: Thomas J. Maloney,
Esquire, Maloney, Danyi, Mc-
Karski & O'Donnell, 901 West
Lehigh Street, P.O. Box 1279,
Bethlehem, PA 18016-1279

GROMAN, LORRAINE J., dec'd.

Late of Bethlehem, Northampton
County, PA
Co-Executrices: Terri A. Lund-
berg and Sandra L. Groman c/o
Sally L. Schoffstall, Esquire,
Schoffstall & Focht, P.C., 2987
Corporate Court, Suite 200,
Orefield, PA 18069

Attorneys: Sally L. Schoffstall, Esquire, Schoffstall & Focht, P.C., 2987 Corporate Court, Suite 200, Orefield, PA 18069

GUZZO, ESTHER MARIE a/k/a ESTHER M. GUZZO, dec'd.

Late of the City of Easton, Northampton County, PA
Administrator: Mr. Clifford Patrick Kohler, 35 S. 13th Street, Easton, PA 18042

Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

HELMS, PEARL C., dec'd.

Late of Hellertown, Northampton County, PA

Executor: Thomas J. Maloney c/o Daniel M. O'Donnell, Esquire, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

Attorney: Daniel M. O'Donnell, Esquire, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

HORVATH, ADAM, dec'd.

Late of Hellertown, Northampton County, PA

Executrix: Donna L. Horvath c/o Thomas J. Maloney, Esquire, Maloney, Danyi, McKarski & O'Donnell, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

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

IOBST, GRACE MARIE a/k/a GRACE M. IOBST, dec'd.

Late of Nazareth, Northampton County, PA

Co-Executors: Donna G. Horvath and John W. Iobst c/o Michael

A. Henry, Esquire, Gross McGinley, LLP, P.O. Box 4060, Allentown, PA 18105-4060

Attorneys: Michael A. Henry, Esquire, Gross McGinley, LLP, P.O. Box 4060, Allentown, PA 18105-4060

LEIBENGUTH, CLARENCE HENRY a/k/a CLARENCE H. LEIBENGUTH, JR. a/k/a CLARENCE H. LEIBENGUTH, dec'd.

Late of the Township of Hanover, Northampton County, PA

Executrix: Margaret Leibenguth c/o Littner, Deschler & Littner, 512 N. New Street, P.O. Box 1407, Bethlehem, PA 18016-1407

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

MARCINKOWSKI, PAUL WILLIAM, dec'd.

Late of Northampton, Northampton County, PA

Administratrix: Catherine M. McMullen c/o Daniel G. Dougherty, Esquire, Daniel G. Dougherty, P.C., 881 3rd St., Suite B-3, Whitehall, PA 18052

Attorneys: Daniel G. Dougherty, Esquire, Daniel G. Dougherty, P.C., 881 3rd St., Suite B-3, Whitehall, PA 18052

NITOWSKI, MADELINE M., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Patricia Sawitz, c/o Richard S. Luse, Esquire, Reybitz and Luse, 316 West Broad Street, Bethlehem, PA 18018

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

REINERT, GWENDOLYN L.,
dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Co-Executors: Marilyn J. Reinert and Dale E. Reinert c/o Beth A. Dobis Beers, Esquire, 315 E. Main Street, Bath, PA 18014
Attorney: Beth A. Dobis Beers, Esquire, 315 E. Main Street, Bath, PA 18014

SEGALINE, FRED G. JR. a/k/a FRED G. SEGALINE, dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executor: Frederick G. Segaline 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

SZVETECZ, ELIZABETH M.,
dec'd.

Late of Bethlehem, Northampton County, PA
Executor: Michael S. Alan c/o Thomas J. Maloney, Esquire, Maloney, Danyi, McKarski & O'Donnell, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279
Attorneys: Thomas J. Maloney, Esquire, Maloney, Danyi, McKarski & O'Donnell, 901 West Lehigh Street, P.O. Box 1279, Bethlehem, PA 18016-1279

TITLOW, JACK E., SR., dec'd.

Late of Northampton Township, Northampton County, PA
Executor: Jack E. Titlow, Jr. c/o Peter L. Reiss, Esquire, Clemons Richter Walsh & Reiss, P.C., 107 E. Oakland Avenue, Doylestown, PA 18901
Attorneys: Peter L. Reiss, Esquire, Clemons Richter Walsh &

Reiss, P.C., 107 E. Oakland Avenue, Doylestown, PA 18901

WAMBOLD, JEANE F. a/k/a JEANE FAE WAMBOLD,
dec'd.

Late of the Township of Hanover, Northampton County, PA
Executrix: Cynthia A. Wambold c/o Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446
Attorneys: Michael E. Riskin, Esquire, Riskin and Riskin, 18 E. Market St., P.O. Box 1446, Bethlehem, PA 18016-1446

**NOTICE OF INCORPORATION
KULA HEART YOGA, INC.**

has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

JEFFREY M. MEDAGLIO,
ESQUIRE

4032 Diane Way
Doylestown, PA 18902

Oct. 22

**FICTITIOUS NAME
REGISTRATION NOTICES**

An application for registration of the fictitious name:

CHASE REAL ESTATE HOLDINGS
933 Lower S. Main St., Bangor, PA 18013, was filed in the Department of State at Harrisburg, PA, October 9, 2009, pursuant to the Fictitious Name Act, Act 1982-295. The name and address of the person who is a party to the registration is: Shane Kocher, 933 Lower S. Main St., Bangor, PA 18013.

Oct. 22

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982, as amended, of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Penn-

sylvania, a certificate for the conduct of a business in Pennsylvania under the assumed or fictitious name, style or designation of:

J T SQUARED LAWN CARE

with its principal place of business at: 1403 Linden Street, Bethlehem, PA 18018.

The name of the person owning or interested in said business is: James R. Pagats.

The certificate was filed on or about: September 30, 2009.

GLENN D. MCGOGNEY, ESQUIRE
2239 PA Route 309
First Floor
Orefield, PA 18069
(610) 398-5398

Oct. 22

NOTICE OF NONPROFIT 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 provisions of the Pennsylvania Nonprofit Corporation Law of 1988, approved December 21, 1988, as amended:

Name:

PENN ATLANTIC DEVELOPMENT

The purpose for which it has been organized: To provide housing, economic development, and community development services and products.

The Articles of Incorporation have been filed on October 7, 2009.

WILLIAM G. MALKAMES, ESQUIRE
509 Linden Street
Allentown, PA 18101-1415

Oct. 22

CORPORATE FICTITIOUS NAME REGISTRATION NOTICE

NOTICE IS HEREBY GIVEN that an application for registration of Fic-

titious Name was filed in the Commonwealth of Pennsylvania on September 28, 2009 for:

THE VILLAGE AT PENBROOK

with a principal office located at: 3251 Butler Street, Harrisburg, Pennsylvania 17103. The name and address of the entity interested in the business is: Northampton Village, Inc., 2222 Sullivan Trail, Easton, Pennsylvania 18040. This was filed in accordance with 54 Pa.C.S. 311(g).

DENNIS A. DeESCH, ESQUIRE
PFEIFFER, BRUNO, MINOTTI & DeESCH

P.O. Box 468
Easton, PA 18044-0468

Oct. 22

LIMITED LIABILITY COMPANY NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about September 21, 2009 for the purpose of creating a Limited Liability Company under the Limited Liability Company Law of 1994, P.L. 703, No. 106.

The name of the limited liability company is:

TIDD & COOK, LLC, ATTORNEYS AT LAW

John Everett Cook, Esquire
Tidd & Cook LLC,
Attorneys at Law
1406 Main Street
Hellertown, PA 18055

Oct. 22

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on October 9, 2009, the Petition of Isabell C. Tamayo was filed in Northampton County Courthouse, File No. C-48CV2009-8485, seeking to change the name of Petitioner from

Isabell C. Tamayo to Isabella Tamayo. The Court has fixed December 4, 2009, at 9:00 a.m. in Courtroom 4 at the Northampton County Courthouse as the date and time for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any, why the Prayer of the Petitioner should not be granted.

Oct. 22

**COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY
COMMONWEALTH OF**

**PENNSYLVANIA
CIVIL DIVISION**

FIRST NATIONAL
BANK OF PALMERTON,
Plaintiff

-vs-

KEVIN J. KANTOR and
KERA L. KANTOR,
Defendants

NO. C-48-CV-2009 – 6400

MORTGAGE FORECLOSURE

TO: Kera L. Kantor, 278 Oak Street,
Wind Gap, PA 18091

Take notice a suit for mortgage foreclosure has been commenced against you in Northampton County, Pennsylvania at No. C-48-CV-2009—6400.

NOTICE

YOU have been sued in court. 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 must take action within twenty (20) days after this complaint and notice are served. 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, and any money claimed in the complaint or for any other claim or any other relief requested by the Plaintiff.

You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER 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, PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

NORTHAMPTON COUNTY
BAR ASSOCIATION
LAWYER REFERRAL SERVICES
155 South 9th Street
Easton, PA 18042
(610) 258-6333
PENNSYLVANIA LAWYER
REFERRAL SERVICE
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

FRANK S. CHECHO, ESQUIRE
Attorney Identification No. 204855
Attorney for Plaintiff, First National
Bank of Palmerton

P.O. Box 217
Fourth Street & Lafayette Avenue
Palmerton, PA 18071
(610) 824-2348

Oct. 22

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on NOVEMBER 6, 2009 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 delin-

quent taxes certified to the Sheriff's Office. Any current taxes are the responsibility of the purchaser.

No. 3

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-01975**

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

BEGINNING at a spike in the middle of Township Road No. 750, said spike being 247.70 feet (measured along the center line of said Route 750) southerly of the public road known as Meixell Road; THENCE along the center line of said Route 750, South 6 degrees 45 minutes 0 seconds West 260 feet to a spike; THENCE along land of James Evans, of which this tract was a part, North 83 degrees 15 minutes 0 seconds West 160 feet to an iron pin; THENCE along same North 6 degrees 45 minutes 0 seconds East 260 feet to an iron pin; THENCE along same South 83 degrees 15 minutes 0 seconds East 160 feet to the place of beginning. ALSO being known as 1209 Seifert Road, Township of Bushkill, Nazareth, PA, 18064.

BEING THE SAME premises which David Ferri, by Deed dated November 22, 2005 and recorded December 5, 2005 in and for Northampton County, Pennsylvania, in Deed Book Volume 2005-1, Page 489191, granted and conveyed unto Tyler J. Giamoni and Amanda L. Johnson, as joint tenants with right of survivorship.

ALSO KNOWN AS Northampton County Uniform Parcel Identifier: G6-17-13B 0406 for purposes of compli-

ance with Northampton County Ordinance No. 159-L989.

BEING KNOWN AS 1209 Seifert Road, Nazareth, Pennsylvania.

THEREON BEING ERRECTED a two story single dwelling with aluminum siding exterior and slate roof; barn.

SEIZED AND TAKEN into execution of the writ as the property of Tyler J. Giamoni and Amanda L. Johnson.

SCOTT A. DIETTERICK, ESQUIRE

No. 4

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-01869**

ALL THAT CERTAIN message, tenement and lot of ground with the westerly one-half double frame house situate thereon, known as 333 High Street, in the City of Easton, County of Northampton, Commonwealth of Pennsylvania, and bounded and described as follows:

BEGINNING at a point, said point being the intersection of the easterly right-of-way line of Porter Street and the northerly right-of-way line of High Street; thence (1) along the northerly right-of-way line of High Street North 78 degrees 00 minutes East a distance of 13.5 feet to a point; thence (2) along a line passing through the center of a double frame dwelling and along lands remaining North 12 degrees 00 minutes West a distance of 89.50 feet to a stake; thence (3) South 78 degrees 00 minutes West 13.5 feet to the easterly building line of Porter Street; thence (4) along the easterly building line of Porter Street South 12 degrees 00 minutes East 89.50 feet, more or less to a point, the place of beginning.

TAX PIN: L9NE2C-10-11.

BEING KNOWN AS: 333 High Street, Easton, PA 18042.

PROPERTY ID NO.: L9NE2C-10-11.

TITLE TO SAID PREMISES IS VESTED IN Jessie A. Farrell, an unmarried woman by Deed from Karen L. Bolcar, single woman dated 1/18/2006 recorded 1/20/2006 in Deed Book 2006-1, Page 29226.

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

SEIZED AND TAKEN into execution of the writ as the property of Jessie A. Farrell.

ALAN M. MINATO, ESQUIRE

No. 5

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04794**

ALL THAT CERTAIN lot, tract or piece of ground situated in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, known and designated as No. 191 Lachenour Avenue, bounded and described as follows, to wit:

BEGINNING at a point in the southeast side of Lachenour Avenue (50 feet wide) at the distance of 215.14 feet northeast from the East side of James Street (45 feet wide); thence South on a line parallel with Charles Street and passing through a party wall 131.04 feet to a point; thence East at right angles to Charles Street 21 feet to a point; thence North on a line parallel with Charles Street and 70 feet West of same 147.58 feet to a point in the southeast side of Lachenour Avenue; thence Southwest along the Southeast side of Lachenour Avenue 26.74 feet to the place of BEGINNING.

BOUNDED on the Northwest by Lachenour Avenue; on the West by property of George M. Krinic; on the South by other lands of the prior

grantors and on the East by land now or late of Palmer S. Vandoren the same being 21 feet of Lot No. 57 as shown on plan of Lachenour Heights as recorded in Plan Book No. 2 Page 68.

Parcel No. L9SEC2C-10-7.

Property Address: 191 Lachenour Avenue, Easton, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Alfred Jenkins and Darrell Outlaw.

MICHAEL T. MCKEEVER, ESQUIRE

No. 7

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05529**

ALL THAT CERTAIN parcel of land situate in Williams Township, Northampton County, Pennsylvania, and being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the eastern right-of-way line of a new road and being the northwest corner of lot 7; thence (1) northerly along the eastern right-of-way line of said road on a curve to the right, said curve having a radius of 131.95 feet and an arc length of 33.63 feet to a point; thence (2) northerly along the same, north 11 degrees, 37 minutes, 46 seconds east 130.10 feet to a point and southwest corner of lot 5; thence (3) easterly along lot 5, south 78 degrees, 22 minutes, 16 seconds east 50.00 feet to a point; thence (4) easterly along the same, north 81 degrees, 55 minutes 24 seconds east 409.77 feet to a point in line of lands now or formerly of Mary Yankoo; thence (5) southerly along lands now or formerly of said Mary Yankoo, south 02 degrees 30 minutes 00 seconds east 170.00 feet to a point and corner of lands now

or formerly of Mable Ehmer; thence (6) westerly along lands now or formerly of said Mabel Ehmer, south 84 degrees, 30 minutes 38 seconds west 296.29 feet to a point and northeast corner of lot 7; thence (7) westerly along said lot 7, south 87 degrees, 01 minutes, 29 seconds west 196.19 feet to a point, the place of beginning.

Being all of lot 6 as shown on Tumble Creek Subdivision Plan and subject to drainage and utility easements as shown.

BEING THE SAME lands and premises conveyed by Michael D. Moss and John Cappellano, Jr., as tenants in co-partnership, known as Tumble Creek Associates, by their deed dated July 22, 1988, and recorded in the Northampton County Recorder of Deeds Office in Deed Book Volume 752 on Page 000070 to David L. Herkalo and Loretta Herkalo, the Grantors herein.

DESIGNATED as Northampton County Uniform Parcel Identifier No. N8-13-16.

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

BEING KNOWN AS: 15 Spring Water Court, Easton, PA 18042.

PROPERTY ID NO.: N8-13-16.

TITLE TO SAID PREMISES IS VESTED IN Rudy J. Maes and Bar-

bara J. Maes, husband and wife by Deed from David L. Herkalo and Loretta Herkalo, husband and wife dated 7/27/01 recorded 8/07/01 in Deed Book 2001-1, Page 155947.

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

SEIZED AND TAKEN into execution of the writ as the property of Rudy J. Maes and Barbara J. Maes and the United States of America.

ALAN M. MINATO, ESQUIRE

No. 12
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-13550

ALL THAT CERTAIN messuage, tenement and lot or piece or ground, situate on the East side of Third Street, in the Borough of North Catawauqua, Northampton County, Pennsylvania, bounded and described as follows, to-wit:

COMMENCING at the intersection of Third Street and land now or late of Nathan Bartholomew, thence along said Third Street in a Northerly direction twenty-six (26) feet to land now or late of Rosa A. Young, thence along said last mentioned land in an Easterly direction one hundred and Ninety-four (194) feet, more or less, to a Twenty (20) feet wide alley, known as Church Alley, thence along said Church Alley in a southerly direction twenty-six (26) feet to lands now or formerly of Nathan Bartholomew, thence along same in a Westerly direction one hundred and Ninety four (194) feet more or less to the place of beginning.

PARCEL # M4SE4D.24-4.

BEING the same premises which Gladys M. Hammer, single, by deed dated 8/29/95 and recorded on September 14, 1995 in the Northampton County Recorder of Deeds in BK

1995-1 at Page 86065, granted and conveyed unto Bruce W. Bush, Sr. and Samantha M. Bush, husband and wife.

BEING KNOWN AS 1021 Third Street, North Catasauqua, Pennsylvania.

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

SEIZED AND TAKEN into execution of the writ as the property of Samantha M. Bush and Bruce W. Bush, Sr.

CHRISTOPHER A. DeNARDO,
ESQUIRE

No. 13

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-00994**

ALL THAT CERTAIN lot of land, together with the improvements thereon, situate on the South side of Fairview Avenue in the Borough of Wilson, County of Northampton, and State of Pennsylvania, in what is known as the Fairview Park Tract, adjoining the City of Easton, as designated upon a certain map of the Fairview Park Association, Western addition to the City of Easton, entered for record by Jacob Hay, deceased, in the Office of Recorder of Deeds at Easton, in and for said County of Northampton in Map Book No. 1 Page 30, being designated as Lot No. 292 on said Map, bounded and described as follows:

CONTAINING in front on the South side of Fairview Avenue, 20 feet and extending of that width in depth between parallel lines 130 feet to Linden Street.

BOUNDED on the North by Fairview Avenue; on the East by Lot No. 291 according to said Plan; on the

South by Linden Street and on the West by Lot No. 293.

BEING KNOWN as 1908 Fairview Avenue, Easton, PA.

PARCEL ID: L9SW2D-16-16.

BEING the same premises with Kenneth F. Golden, Jr. as Executor of the Estate of Ethel Gertrude Golden aka Ethel G. Golden, Deceased, by Indenture dated April 19, 2000 and recorded in the Office of the Recorder of Deeds in and for the County of Northampton in Record Book 2000-1 Page 049405, granted and conveyed unto Karen D. Coffey.

BEING the same premises which Karen D. Coffey by Deed dated February 25, 2004, and recorded March 1, 2004, in Book 2004-1, Page 75357, granted and conveyed unto Philip Monaco, in fee.

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

SEIZED AND TAKEN into execution of the writ as the property of Phillip Monaco a/k/a Phillip Monaco, Jr.

CHRISTOPHER A. DeNARDO,
ESQUIRE

No. 15

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-00345**

ALL THOSE THREE lots or pieces of land lying and being in the Township of Lower Mt. Bethel, County of Northampton and Commonwealth of Pennsylvania, known on plan of lots of Hutchison Heights, Martins Creek, Pennsylvania, as lots numbers 381, 382 and 383, said Plan being duly entered of record in the Office of the Recorder of Deeds of Northampton County in Book of Maps No. 5, Page 14, and being more fully bounded and described as follows, to-wit:

BEGINNING at the Southwest corner of Poplar Street and proposed

extension of Guzzetto Avenue; thence in a Southeasterly direction along Westerly side of Guzzetto Avenue a distance of one hundred twenty five (125) feet to a point in Fifth Avenue; thence in a Southwesterly direction along Fifth Avenue, seventy five (75) feet to a point in line dividing Lots Nos. 381 and 380; thence in a Northwest-erly direction along said line one hundred twenty five (125) feet to a point in Poplar Street; thence in a Northeasterly direction along South-erly side of Poplar Street seventy five (75) feet to a point of intersection on Poplar and proposed extension of Guzzetto Avenue, the place of BEGIN-NING.

HAVING ERECTED THEREON a Detached, Bi-level Single Family Residential Dwelling.

BEING THE SAME PREMISES AS George C. Weiss and Doris D. Weiss, by Deed Dated December 12, 2000, and Recorded on December 29, 2000, in the Office of the Recorder of Deeds of Northampton County in Record Book Volume 2000-1, Page 175010, granted and conveyed unto George C. Weiss, an Individual.

BEING KNOWN AND NUMBERED AS 5th and Guzzetto Avenues, Martins Creek, PA 18063.

TAX PARCEL #H10NW3-12-1.

THEREON BEING ERECTED a bi-level dwelling w/one-car garage, vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execu-tion of the writ as the property of George C. Weiss.

BARBARA A. FEIN, ESQUIRE

No. 17

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-06390**

ALL THAT CERTAIN tract of land situate in the Borough of Northamp-

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

BEGINNING at a point on the Northeasterly side line of Canal Street (33 feet wide); said point being lo-cated North 12 degrees 17 minutes West 170.00 feet from the intersection of said sideline with the Northwest-erly side line of Stark Street (40 feet wide); thence extending along said sideline of Canal Street North 12 degrees 17 minutes West 30.00 feet to a point; thence extending North 77 degrees 43 minutes East 120.00 feet to a point on the southwest-erly side line of a Paper Alley (20 feet wide); thence extending along said side line South 12 degrees 17 minutes East 30.00 feet to a point in line of Lot #2; thence extending along said lot South 77 degrees 43 minutes West 120.00 feet to the point and place of begin-ning.

CONTAINING 3,600 square feet of land more or less.

Northampton County Tax Parcel M4NW1B-4-5D-0522.

PROPERTY ADDRESS: 1649 D CANAL STREET, NORTHAMPTON, PA 18067.

BEING THE SAME premises by Deed from Harold J. Gooch and Rose-marie Gooch, husband and wife dated 05/31/01 and recorded 06/01/01 in Book 2001-1, Page 97277 granted and conveyed unto Steven C. Bear and Laura B. Bear, husband and wife.

THEREON BEING ERECTED a two story brick row dwelling with shingle roof.

SEIZED AND TAKEN into execu-tion of the writ as the property of Laura B. Bear and Steven C. Bear.

MICHAEL T. MCKEEVER, ESQUIRE

No. 18
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04152

ALL THAT CERTAIN lot or piece of land situate, lying and being in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, being part of Lots 135, 136, 137 and 138 according to a revised plan of Park Side dated June 21, 1907 and recorded in the Office for Recording of Deeds in and for said County of Northampton in Map Book 2, Page 135, bounded and described as follows, to wit:

BEGINNING at a point, being the intersection of the northwest side of Maple Street with the southwest side of Woodlawn Avenue, thence extending northwestwardly along the southwesterly side of Woodlawn Avenue a distance of 60 feet to a point; thence extending southwestwardly of that same width along the northwestern line of Maple Street between parallel lines at right angles to Woodlawn Avenue a distance of 100 feet to land now or late of Aaron B. Levers.

BEING known as 420 WOODLAWN AVENUE, BETHLEHEM, PA 18018.

PARCEL #N6SE3A-9-2 0204.

BEING THE SAME PREMISES which Robert James Prosser and Linda Anne Prosser, husband and wife, by Deed dated September 20, 1993 and recorded September 29, 1993 in the Office of the Recorder of Deeds in and for Northampton County in Deed Book Volume 910, Page 573, granted and conveyed unto DARLENE E. LEE.

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

SEIZED AND TAKEN into execution of the writ as the property of Darlene Elaine Lee a/k/a Darlene E. Lee a/k/a Darlene E. Mink-Lee.

GREGORY JAVARDIAN, ESQUIRE

No. 19
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-07048

ALL THAT CERTAIN messuage, tenement and lot or piece or ground, situate on the south side of East Garrison Street in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, being the eastern portion of lot 36 Garrison Street on Map of Bethlehem published by W. T. Roepper 1855, and known as 132 East Garrison Street according to present city numbering, bounded and described as follows:

BEGINNING at the northwest corner of Lot 38 Garrison Street, thence westwardly along the south side of East Garrison Street to corner of lot formerly belonging to E. Mack twenty (20) feet more or less, and of that same width extending southwardly one hundred two (102) feet.

BOUNDED on the west by lot now or late of E. Mack, on the east by lot now or late of W.L.B. Transue, on the north by said Garrison Street, and on the south by lot 35 North Street.

TAX PARCEL NO.: P6NE1B-27-5-0204.

BEING KNOWN AS 132 EAST GARRISON STREET, BETHLEHEM, PA 18018.

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

SEIZED AND TAKEN into execution of the writ as the property of the Unknown Heirs of William S. Yearwood (deceased), and Bernadette Yearwood, Solely in her capacity as

Heir of William S Yearwood (deceased).

MICHAEL T. MCKEEVER, ESQUIRE

No. 21

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-09882**

ALL THAT CERTAIN message or one-half of the twin dwelling and lot or piece of ground situate in the Fifth Ward of the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows to wit:

BEGINNING at the Southeast intersection of Ridge and Sullivan Streets; thence along the Southerly side of Sullivan Street South seventy-nine degrees eighteen minutes seventeen seconds East (S 79 degrees 18 minutes 17 seconds E) a distance of ninety-three and fifty-eight one-hundredths (93.58) feet to a drill hole in cement driveway; thence through land now or late of Thomas Ofchus and center of a brick garage South ten degrees thirty minutes West (S 10 degrees 30 minutes W) a distance of forty (40) feet to a point in the dividing line of Nos. 617 and 619 Ridge Street; thence by the said dividing line North seventy-nine degrees eighteen minutes seventeen seconds West (N 79 degrees 18 minutes 17 seconds W) a distance of twelve and twenty-seven one-hundredths (12.27 feet) feet to an iron pipe marker; thence through land now or late of Thomas Ofchus North ten degrees thirty minutes East (N 10 degrees 30 minutes E) a distance of twenty-two and five one-hundredths (22.05) feet to a drill hole in cement walk; thence through land now or late of Thomas Ofchus and in and through the party wall dividing Nos. 615 and 617 Ridge Street North seventy-nine degrees eighteen minutes seventeen seconds West (N 79

degrees 18 minutes 17 seconds W) a distance of eighty-one and thirty-one one-hundredths (81.31) feet to the Easterly side of Ridge Street; thence along the Easterly side of Ridge Street North ten degrees thirty minutes East (N 10 degrees 30 minutes E) a distance of seventeen and ninety-five one-hundredths (17.95) feet to the place of Beginning.

TITLE TO SAID PREMISES IS VESTED IN Vivian Maldonado and Luis A. Santiago, tenants in common, by Deed from Mary Ann Welsh, nka, Mary Ann Brunovsky and Patricia Pavelko and Frances O'Malia, dated 02/05/2007, recorded 02/09/2007, in Deed Brook 2007-1, page 55847.

Premises being: 615 RIDGE STREET, BETHLEHEM, PA 18015.

Tax Parcel No. P6SE2D-18-27.

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

SEIZED AND TAKEN into execution of the writ as the property of Vivian Maldonado and Luis A. Santiago.

DANIEL G. SCHMIEG, ESQUIRE

No. 22

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-08360**

ALL THAT CERTAIN tract of land situate in the Borough of Portland, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the westerly side of Washington Avenue, said point being the northeast corner of land heretofore conveyed to Paul Snyder, his wife; THENCE along said side of Washington Avenue parallel to and 253 feet from the westerly curb line of Delaware Avenue, North 22 degrees 30 minutes West 50 feet to a

point; THENCE along land of the grantors hereof, South 67 degrees 30 minutes West 100 feet to a point; THENCE along land of the grantors, South 22 degrees 30 minutes East 50 feet to a point; THENCE along land now or late of the said Paul Snyder and Anna Snyder, his wife, North 67 degrees 30 minutes East 100 feet to the place of beginning.

Title to said premises is vested in Kristen Olsen, by deed from Sandra K. O'Brien dated June 27, 2007 and recorded July 11, 2007 in Deed Book 2007-1, Page 253324.

TAX I.D. #: B11SE301-3-0127.

BEING KNOWN AS: 619 WASHINGTON AVENUE, PORTLAND, PENNSYLVANIA 18351.

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

SEIZED AND TAKEN into execution of the writ as the property of Kristen Olsen.

TERRENCE J. McCABE, ESQUIRE

No. 23
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-02600

ALL THAT CERTAIN lot, piece or tract of land situate on the West side of West Boulevard, also known as Lot No. 2 on the Plan of Jones Subdivision as recorded in Plan Book Volume 90, Page 38, in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe along the western property line of West Boulevard, located two hundred twenty-two and no hundredths feet (222.00) south of the intersection formed by the extended southern property line of Lansdale Avenue with the extended western property line of

West Boulevard; thence along the western property line of West Boulevard, South two degrees zero minutes zero seconds East (S. 02 degrees -00'-00" E.) a distance of fifty-six and twenty hundredths feet (56.20) to an iron pin found; thence along the northerly property line of lot being known and designated as 1221 North Boulevard and partly by lot being known and designated as 1205 North Boulevard, South eighty-eight degrees zero minutes zero seconds West (S. 88 Degrees-00'-00" W.) a distance one hundred eighty-two and eighty-two hundredths feet (182.82) to an iron pipe; thence along the easterly property line of lot being known and designated as 2586 Lynnhurst Drive, North three degrees thirty-nine minutes, thirty seconds East (N. 03 degrees-39'-30" E.) a distance of fifty-six and forty-eight hundredths feet (56.48) to an iron pipe; thence along the southerly property line of lot being known and designated as 2525 West Boulevard, which this lot was once part of, North eighty-eight degrees zero seconds East (N 88 degrees- 00' 00" E.) a distance of one hundred seventy-seven and twenty-five hundredths feet (177.25) to the place of Beginning.

BEING known and designated as 2521 West Boulevard, City of Bethlehem, County of Northampton, Pennsylvania.

CONTAINING 10,118.90 square feet of land, more or less.

UNDER AND SUBJECT to the ten (10) foot easement to maintain the sewer lateral as set forth and shown on the plan above-mentioned, as granted unto the owners, their heirs, Executors, Administrators, and assigns of Lot #1, being known and designated as 2521 West Boulevard.

Title to said premises is vested in Allen W. Petros and Rochelle M. Petros, husband and wife, by deed From Edward J. Jones and Debra L. Jones, husband and wife dated June 30, 1999 and recorded July 7, 1999 in Deed Book 199-1, Page 101286.

TAX I.D. #: N7NW1D-3-4A.

BEING KNOWN AS: 2521 WEST BOULEVARD, BETHLEHEM, PENNSYLVANIA 18107.

THEREON BEING ERECTED a two story single dwelling, brick and vinyl siding exterior and shingle Roof.

SEIZED AND TAKEN into execution of the writ as the property of Allen W. Petros and Rochelle M. Petros.

TERRENCE J. McCABE, ESQUIRE

No. 24

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-00757**

ALL THAT CERTAIN parcel of land known as Lot No. 2-20 located in Palmer Township, Northampton County, Commonwealth of Pennsylvania, as shown on a plan entitled "The Villages at Mill Race Record Plan Phase II" prepared by Harte Engineering, Inc., recorded September 22, 2003, in Northampton County Map Book Volume 2003-5, Pages 334-337, bounded and described as follows:

BEGINNING at a point on the easterly right-of-way line of Grist Mill Lane, said point being in line with the lands known as Lot 2-21 of The Villages at Mill Race—Phase Two; THENCE,

Along said easterly right-of-way line, on a curve to the left having a radius of 175.00 feet, a chord bearing of North 67 17' 27" West a chord length of 7.86 feet and an arc length of 7.86 feet to a point; THENCE,

Along the same, North 68 34' 39" West 37.84 feet to a point; THENCE,

Along the same, on a curve to the right having a radius of 25.00 feet, a chord bearing of North 16 20' 19" West, a chord length of 39.53 feet and an arc length of 45.59 feet a point; THENCE,

Along the southerly right-of-way line of Country Side Court, on a curve to the right having a radius of 225.00 feet, a chord bearing of North 43 46' 42" East, a chord length of 61.68 feet and an arc length of 61.87 feet to a point; THENCE,

Along the same, North 51 39' 23" East 73.01 feet to a point; THENCE,

Along the lands known as Lot 2-55 of The Villages at Mill Race—Phase Two, South 38 20' 37" East 73.06 feet to a point; THENCE,

Along the lands known as Lot 2-21 of The Villages at Mill Race—Phase Two, South 51 39' 23" West 103.92 feet to a point; THENCE,

Along the same, South 23 59' 44" West 25.00 feet to the point of beginning.

Title to said premises is vested in Kristofer Spevak a/k/a Kristofer J. Spevak and Tamara Gates-Spevak, husband and wife, by deed from Cmc Development Corporation, a Pennsylvania Corporation dated May 26, 2005 and recorded June 6, 2005 in Deed Book 2005-1, Page 208773.

TAX I.D. #: K9-1-2-20-0324.

BEING KNOWN AS: 53 COUNTRY SIDE COURT, EASTON, PENNSYLVANIA 18045.

THEREON BEING ERECTED a two story single dwelling w/attached two-car garage, brick and vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Kristofer Spevak a/k/a Kristofer J. Spevak and Tamara Gates-Spevak.

TERRENCE J. McCABE, ESQUIRE

No. 26
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05465

ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate in the City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, known as 24 West Garrison Street, according to the present city numbering, bounded and described as follows, to wit:

BEGINNING at a point in the northern line of West Garrison, said point being forty feet east of where the northern line of West Garrison Street intersects with the eastern line of Radley Street; THENCE extending eastwardly along the northern line of West Garrison Street a distance of twenty (20) feet to a point, said point being in the extended middle of a party or partition wall separating properties known as 22 and 24 West Garrison Street; THENCE extending northwardly between parallel lines of that said width of twenty (20) feet at right angles to West Garrison Street a distance of one hundred two (102) feet, the eastern line passing through said party or partition wall.

BOUNDED on the north by property now or late of Peter Kleckner and Valentine Boyerlip; on the east by property of George W. Heller; on the south by West Garrison Street; and on the west by property now or late of William Luckenbach.

Title to said premises is vested in Sarah Dewire, by deed from Gregory Rampertab, unmarried dated June 29, 2007 and recorded July 3, 2007 in Deed Book 2007-1, Page 244380.

TAX I.D. #: P6NE1A-20-15-0204.

BEING KNOWN AS: 24 WEST GARRISON STREET, BETHLEHEM, PENNSYLVANIA 18018.

THEREON BEING ERECTED a two and one-half story one-half of a double brick dwelling with slate roof.

SEIZED AND TAKEN into execution of the writ as the property of Sarah DeWire.

TERRENCE J. McCABE, ESQUIRE

No. 27
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05808

TRACT NO. 1—ALL THAT CERTAIN messuage, tenement or tract of land situate in the Borough of Hellertown, County of Northampton and State of Pennsylvania, and consisting of the northern ninety (90') feet of lots #563, 564, 565 and 566 on plan of lots of the Wagner Terrace Land Co., which said plan is duly entered of record at Easton, in the County of Northampton and State of Pennsylvania in the Office of the Recorder of Deeds, in and for said County of Northampton in Book of Maps No. 4, Page 16, bounded and described as follows:

BEGINNING at a point which said point is forty (40') feet north of the northwesterly corner of the intersection of Clauser Street and Hess Avenue and being also the southeasterly corner of Lot #563, THENCE northwardly along the westerly line of said Clauser Street a distance of ninety (90') feet to the southeasterly corner of Lot #562, THENCE westerly along the southerly line of Lot #562 a distance of one hundred fifteen (115') feet more or less to a point in the line of property of Philadelphia and Reading Railroad, THENCE along the same in a southerly direction ninety (90') feet to a point parallel to the point of beginning, which said point is forty (40') feet north of the southwest corner of Lot #566, THENCE in an easterly

direction, one hundred twenty-five (125) feet more or less to the place of beginning.

BOUNDED on the north by Lot #562; on the west by land of the Pennsylvania and Reading Railroad; on the south by the northern portion of Lots No. 563, 564, 565 and 566; and on the east by said Clauser Street.

TRACT NO. 2—ALL THAT CERTAIN message, tenement or tract of land situate in the Borough of Hellertown, County of Northampton and State of Pennsylvania, and consisting of the southern one-half fifteen (15) feet of Lot #562, on plan of lots of the Wagner Terrace Land Co., which said plan is duly entered of record at Easton, in the County of Northampton and State of Pennsylvania in the Office of the Recorder of Deeds, in and for said County of Northampton in Book of Maps No. 4, Page 16, bounded and described as follows:

BEGINNING at the southeasterly corner of Lot No. 562 being also the northeasterly corner of Lot #563, THENCE in a southerly direction along Clauser Street, a distance of fifteen (15) feet, THENCE extending of that width in depth, between parallel lines, a distance of one hundred fifteen (115) feet more or less to property of the Philadelphia and Reading Railroad.

BOUNDED on the north by the northern one-half of Lot #562; on the west by land of the Pennsylvania & Reading Railroad; on the south by Lots, #563, 564, 565 and 566; on the east by Clauser Street.

TRACT NO. 3—ALL THAT CERTAIN tract of land situate in the Borough of Hellertown, County of Northampton, State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point marking the northwesterly corner of the intersection of Clauser Street and Hess Avenue, said point being also the southeasterly corner of Lot No. 563; THENCE extending northwardly along the westerly line of said Clauser Street a distance of forty (40) feet to a point in the west line of Clauser Street; THENCE extending in a westerly direction of this same width between parallel lines at right angles to Clauser Street a distance of one hundred twenty-five (125) feet, more

Title to said premises is vested in Donna J. Lovelace by deed from Robert J. Sandt and Jessie G. Sandt, husband and wife dated October 26, 2000 and recorded October 30, 2000 in Deed Book 2000-1, Page 143142.

TAX I.D. #: Q7NW2D-1-6-0715.

BEING KNOWN AS: 1604 CLAUSER STREET, HELLERTOWN, PENNSYLVANIA 18055.

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

SEIZED AND TAKEN into execution of the writ as the property of Donna J. Lovelace.

TERRENCE J. McCABE, ESQUIRE

No. 28
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-03762

ALL THAT CERTAIN lot, parcel or piece of land, situate in the Borough of Wind Gap, County of Northampton and State of Pennsylvania, designated on the plan of lots known as Parkside, entered of record in the Recorder's Office at Easton, Pennsylvanian in and for the County of Northampton in Map Book No. 3, Page 37, etc., as Lot No. 451, and bounded and described as follows, to wit:

BEGINNING at a corner of Lot No. 450, and Parkview Avenue; thence in a Southerly direction along Parkview Avenue, a distance of forty (40') feet to a corner on said Fairview Avenue; thence in a Westerly direction along the dividing line between Lots Nos. 451 and 452, a distance of one hundred twenty (120') feet to a corner on a 20' wide alley known as Oak Alley; thence along said Oak Alley in a Northerly direction, a distance of forty (40') feet to a corner on said Oak Alley and the dividing line between Lots Nos. 450 and 451; thence in an Easterly direction a distance of one hundred twenty (120') feet along said dividing line a corner of Fairview Avenue, the place of beginning. It constituting the said Lot No. 451, in size 40' X 120'.

Being known as: 238 Fairview Avenue, Wind Gap, Pennsylvania 18091.

Title to said premises is vested in Kurt Findon and Carol Findon husband and wife, by deed dated April 15, 2004 and recorded May 7, 2004 in Deed Book 2004-1, Page 171809.

TAX I.D. #: 38-E8SW4B 10 1D.

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 Kurt Findon and Carol Findon.

TERRENCE J. McCABE, ESQUIRE

No. 29

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05561**

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate on the northerly side of Old Philadelphia Pike, known as 877 Old Philadelphia Pike, in the City of Easton, County of Northampton, Commonwealth of Pennsylvania as shown on a plan prepared by Kenneth R.

Hahn R.S. Drawing No. 82.58, dated April 26, 1982, bounded and described as follows, to wit:

BEGINNING at a point on the northerly side of Old Philadelphia Pike, said point being located 13.86 feet northeasterly of the extended east property line of Sampson Street; thence extending along the easterly property line of House No. 879 Philadelphia Pike, passing partly in and through the party wall separating 879 and 877 Old Philadelphia Pike, North 0 degrees 51 minutes West 129.96 feet to a point on the southerly side of Rock Street; thence extending along the southerly side of Rock Street, North 89 degrees 09 minutes East, 12.00 feet to a point; thence extending along the westerly property line of House No. 875 Old Philadelphia Pike, passing partly in and through the party wall separating 875 from 877 Old Philadelphia Pike, South 0 degrees 51 minutes East, 123.00 feet to a point on the northerly side of Old Philadelphia Pike; thence extending along the northerly side of Old Philadelphia Pike South 59 degrees 07 minutes West 13.86 feet to the place of beginning.

CONTAINING 1,517.99 square feet.

Title to said premises is vested in Patricio Orellana, by deed from Linda S. Perin, dated March 22, 2005 and recorded March 24, 2005, in Deed Book 2005-1, Page 104972, Instrument #2005015811.

TAX I.D. #: M9NE2A-25-6.

Being known as: 877 Philadelphia Road, Easton, Pennsylvania 18042.

THEREON BEING ERECTED a two story brick row dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Patricio Orellana.

TERRENCE J. McCABE, ESQUIRE

No. 30
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04926

ALL THAT CERTAIN lot or piece of ground with the improvements thereon situate on the North side of Wilkes-Barre Street in the 12th Ward of the City of Easton, formerly the Borough of South Easton, County of Northampton and State of Pennsylvania bounded and described as follows, to wit:

BEING Lot No. 15 on the Plan of Packer Farms:

BEGINNING at a point on the North side of Wilkes Barre Street two hundred and eighty (280) feet West of McKean Street running Westwardly along said Wilkes Barre Street twenty (20) feet and extending Northwardly of that width through the center of the partition wall dividing this house from the one on the West, one hundred and forty (140) feet in depth to Coopers Alley. Bounded on the north by said Coopers Alley, on the East by property or now or late James Thomas, on the South by said Wilkes Barre Street and on the West by lands now or late of Wilson Bibleheimer and George M. Weller, said house being 1039 Wilkes Barre Street and the western line to be the center of the above-mentioned partition wall.

TITLE TO SAID PREMISES IS VESTED IN Don Eckloff, single man, by Deed from Gatz, LLC., DBA R & J Partners dated 07/17/2006, recorded 07/17/2006 in Book 2006-1, Page 290107.

Premises being: 1039 WEST WILKES BARRE STREET, EASTON, PA 18042-6381.

Tax Parcel No. L9SE4D 13 14.

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

SEIZED AND TAKEN into execution of the writ as the property of Don Eckloff.

DANIEL G. SCHMIEG, ESQUIRE

No. 31
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05171

ALL THAT CERTAIN lot or piece of ground situate on the north side of Blenheim Drive, known as #21 Blenheim Drive, Palmer Township, Northampton County, Pennsylvania, known as #461 and being the westernmost 72.05 front foot portion of Lot #461, plus the easternmost 27.95 front foot portion of Lot #462, of a total frontage on Blenheim Drive of 100 feet, as shown on Plan of Old Orchard, Section 'G', dated July 23, 1967 prepared by T & T Associates, Civil Engineers, and entered in Plan Book 23, Page 48, Northampton County Records, bounded and described as follows, to wit:

BEGINNING at a point on the north side of Blenheim Drive, said point being South 65 degrees 24 minutes West a distance of 227.95 feet from a point, which said point is North 24 degrees 36 minutes West a distance of 25 feet from the center point of a cul-de-sac at the east end of Blenheim Drive; thence along the north side of Blenheim Drive North 65 degrees 24 minutes East a distance of 100 feet to a point; thence through Lot #461 North 24 degrees 36 minutes West a distance of 140 feet to a point in the boundary line between Lot #461 and lots lying in Section 'D', Old Orchard; thence by the said line and between Lot #462 and the said lots of Section 'D' South 65 degrees 24 minutes West a distance of 100 feet to a point; thence through Lot #462 South 24 degrees 36 minutes East a distance of 140 feet

to a point on the north side of Blenheim Drive, the place of beginning.

ALSO KNOWN AS NORTHAMPTON COUNTY UNIFORM PARCEL IDENTIFIER NO.: Map M8SE3, Block 17, Lot 19.

TITLE TO SAID PREMISES IS VESTED IN John M. Tota and Laura Tota, h/w, by Deed from Charles E. Cooley and Annie J. Cooley, h/w, dated 10/29/1999, recorded 11/05/1999 in Book 199-1, Page 166601.

Premises being: 21 BLENHEIM DRIVE, EASTON, PA 18045-5718.

Tax Parcel No. M8SE3 17 19 0324.

THEREON BEING ERECTED a split-level dwelling w/attached one-car garage, vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of John M. Tota and Laura Tota.

DANIEL G. SCHMIEG, ESQUIRE

No. 33

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05349**

ALL THAT CERTAIN condominium unit known as Unit #3A of Turnberry Mews Condominiums, a Luxury Townhome Community, located in the City of Bethlehem, Northampton County, Pennsylvania, as designated in a certain Declaration of Covenants, Conditions and Restrictions for Turnberry Mews, dated November 30, 2005 and recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Record Book 2005-1, Page 530841, as amended by a First Amendment to Declaration of Covenants, Conditions and Restrictions for Turnberry Mews, dated May 30, 2006 and recorded in the Office of the Recorder of Deeds in and for Northampton

County, Pennsylvania in Record Book 2006-1, Page 223266, and amended by a Second Amendment to Declaration of Covenants, Conditions and Restrictions for Turnberry Mews Condominiums, A Luxury Townhome Community dated August 17, 2006 and recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania in Record Book 2006-1, Page 343477, and amended by a Third Amendment to Declaration of Covenants, Conditions and Restrictions for Turnberry Mews Condominiums, A Luxury Townhome Community dated January 3, 2007 and recorded in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania in Record Book 2007-1, Page 34688, and as identified on the plan entitled 'Turnberry Mews A Luxury Townhome Community' dated May 20, 2005, last revised October 24, 2005, prepared by Keystone Consulting Engineers, Inc., being recorded on November 2, 2005 in the Office of the Recorder of Deeds in and for Northampton County, Pennsylvania, in Record Book 2005-5, Pages 646-648 ('Plan').

TOGETHER with a 2.94% undivided interest of, in and to the Common Areas as set forth in the aforesaid Declaration of Covenants, Conditions and Restrictions, as amended, and as shown on the Plan.

TITLE TO SAID PREMISES IS VESTED IN Albert A. Gattullo, an adult individual, by Deed from Turnberry Mews, LLC, a Pennsylvania Limited Liability Company, dated 02/05/2008, recorded 02/14/2008 in Book 2008-1, Page 40335.

Premises being: 922 GREENHOUSE DRIVE, BETHLEHEM, PA 18017-1117.

Tax Parcel No. N6NE2 2 3-3A 0204.

THEREON BEING ERECTED a three story townhouse w/two-car garage, stucco and brick exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Albert A. Gattullo.

DANIEL G. SCHMIEG, ESQUIRE

No. 34

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-06204**

ALL THAT CERTAIN tract of land located in Upper Nazareth Township, County of Northampton, Commonwealth of Pennsylvania, as shown on the plan titled 'Penn-Dixie Manor', Project No. 209002 dated June 04, 2002, last revised May 17, 2005, prepared by Benchmark Civil Engineering Services, Inc., as recorded in the office of Recorder of Deeds in the Northampton County Courthouse, Map Book Volume 2005-5, Page 452, on July 28, 2005, being more particularly described as follows to wit:

BEGINNING at an iron pin to be set on the right-of-way of Westminster Way being the northwestern corner of Lot 46, also being a corner of Lot 47;

THENCE, along said Westminster Way, N 78 degrees 21 minutes 06 seconds E a distance of 41.00 feet to an iron pin to be set at a common corner of Lot 45;

THENCE, along said Lot 45, S 11 degrees 38 minutes 54 seconds E a distance of 94.03 feet to an iron pin to be set on the future right-of-way of S.R. 248 being a point on an arc of a curve;

THENCE, along said S.R. 248 along a curve to the right having a radius of 1044.32 feet, an arc length of 41.00 feet, an internal angle of 02 degrees 14 minutes 59 seconds, and

a chord bearing and distance of S 78 degrees 35 minutes 04 seconds W 41.00 feet to an iron pin to be set at a common corner of Lot 47;

THENCE, along said Lot 47, N 11 degrees 38 minutes 54 seconds W a distance of 93.87 feet to the PLACE OF BEGINNING.

CONTAINING 3,857.5 sq. ft. or 0.09 acres.

UNDER AND SUBJECT to the easements and conditions set forth on the foregoing subdivision plan affecting the premises.

ALSO, UNDER AND SUBJECT to all conditions and restrictions of record:

TITLE TO SAID PREMISES IS VESTED IN Verne M. Hahn and Carol A. Hahn, h/w, in common with and Donald A. Croll and Ann L. Croll, h/w, by Deed from DeLuca Enterprises, Inc., a Pennsylvania corporation, dated 12/27/2007, recorded 01/14/2008 in Book 2008-1, Page 11521.

Premises being: 3436 WESTMINSTER WAY, NAZARETH, PA 18064-8008.

Tax Parcel No. K6 5 5C-46 0432.

THEREON BEING ERECTED a two story townhouse w/one-car garage, fieldstone and vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Donald A. Croll, Ann L. Croll, Carol A. Hahn and Verne M. Hahn.

DANIEL G. SCHMIEG, ESQUIRE

No. 35

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-08315**

ALL THAT CERTAIN messuage or tenement and lot of land situate in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, being Lot 2 according to Plan

of 'Decatur Park' recorded in Northampton County Map Book 13, Page 61, and known as No. 2243 Jennings Street, bounded and described as follows:

BEGINNING at a point in the western line of Jennings Street (60 feet wide) and also at the eastern end of a division or lot line between Lot No. 1 lying north of said division and Lot No. 2 herein described lying south of said lot line; said beginning point being also located northwardly a distance of one hundred and no tenths feet measured along the western line of Jennings Street from the point of intersection of the northern line of Decatur Street with the western line of Jennings Street; thence (1) South 2 degrees 19 minutes East along the western line of Jennings Street a frontage distance of eighty-five and no tenths (85.0) feet to the beginning point of a curve rounding off the said northwest corner of said intersection, and having a radius of fifteen (15) feet; thence (2) along the said corner curve to the right a distance or arc length of twenty-three and fifty-six hundredths (23.56) feet to the end point of said curve at an iron pipe lying in the northern line of Decatur Street; thence (3) South 87 degrees 41 minutes West along the northern line of Decatur Street a distance of fifty and seventy-seven hundredths (50.77) feet to an iron pipe marking the tangent or end point of a street curve having a radius of two hundred and twenty feet, thence (4) further along the northern line of Decatur Street and along said curve to the right a distance or arc length of thirty-four and twenty-three hundredths (34.23) feet to the southeastern corner of Lot No. 3; thence (5) North 5 degrees 15 minutes east along the eastern line of Lot No. 3 a distance of ninety-eight

and two-tenths (98.2) feet to a point at the intersection of the southern lines of Lot No. 1; thence (6) North 87 degrees 41 minutes East along a southern line of Lot No. 1 a distance of eighty-six and ninety-five hundredths (86.95) feet to a point in the western line of Jennings Street at the place of Beginning.

Containing a calculated area of 9300 square feet of land.

TITLE TO SAID PREMISES IS VESTED IN James M. Stone and Brenda Stone, his wife, as tenants by the entireties, by Deed from Duane F. Kerr, single, dated 08/09/2004, recorded 08/12/2004 in Book 2004-1, Page 316891.

Premises being: 2243 JENNINGS STREET, BETHLEHEM, PA 18017-4823.

Tax Parcel No. N6NE3B-1A-4.

THEREON BEING ERECTED a ranch style brick dwelling w/attached two-car garage and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of James M. Stone and Brenda Stone.

DANIEL G. SCHMIEG, ESQUIRE

No. 36

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-01375**

Tact No. 1:

All that certain lot or piece of ground with improvements thereon erected situate in the Borough of Tatamy, County of Northampton and State of Pennsylvania, being more particularly bounded and described as follows, to wit:

Beginning at a point in the southerly side of High Street; thence along land of the grantees South 5 degrees 01 minute West a distance of 150.98 feet to an iron pipe; thence along other lands of the grantors hereof in a north-northwesterly direction a

distance of 152 feet, more or less, to a point on the southerly side of High Street aforesaid; thence along the southerly side of High Street in an easterly direction a distance of 16 feet to the point, the place of beginning. Being a triangular lot of land bounded on the east by other land of the grantees, on the west by other land of the grantors, and on the north by High Street.

Tract No. 2:

All that certain lot or piece of ground with improvements thereon erected situate in the Borough of Tatamy, County of Northampton and State of Pennsylvania, being more particularly bounded and described as follows:

Beginning at an iron pipe at the southwesterly corner of Second and High Streets; thence by the westerly side of Second Street, South 5 degrees 01 minute West, 150.98 feet to an iron pipe; thence by other land now or late of Frank Sours, South 88 degrees 30 minutes West, 75.0 feet to an iron pipe; thence by the same, North 5 degrees 01 minute East 150.98 feet to an iron pipe on the southerly side of High Street; thence by the said side of High Street, North 88 degrees 30 minutes East, 75.0 feet to a point, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Brian M. McCormick, by Deed from Brian M. McCormick and Amy S. McCormick, formerly husband and wife, dated 12/22/2006, recorded 01/08/2007 in Book 2007-1, Page 9957.

NOTE: DEED COVERS BOTH TRACT 1 & TRACT 2.

Premises being: 206 HIGH STREET, TATAMY, PA 18085-7028.

Tax Parcel No. J9SW4A-8-3-0430.

THEREON BEING ERECTED a ranch style dwelling w/attached one-car garage, aluminum siding exterior and shingle.

SEIZED AND TAKEN into execution of the writ as the property of Brian M. McCormick.

DANIEL G. SCHMIEG, ESQUIRE

No. 37

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05239**

ALL THAT CERTAIN condominium unit, designated as Unit 36, being a Unit in The Village at Upstream Farm Condominium, located in the Township of Forks, County of Northampton and Commonwealth of Pennsylvania, and as designated in the Declaration of Condominium of The Village at Upstream Farm Condominium dated July 10, 2001 and recorded July 17, 2001, in Northampton County Record Book Volume 2001-1, page 137279 et seq.; and as amended by Amendment to Declaration of Condominium of The Village at Upstream Farm Condominium dated June 24, 2002 and recorded August 2, 2002 in Northampton County Record Book 2002-1, page 207346 et seq.; and further amended by Amendment to Declaration of Condominium of The Village at Upstream Farm Condominium dated June 11, 2003 and recorded July 1, 2003 in Northampton County Record Book 2003-1, page 247012 et seq. (collectively, the 'Declaration of Condominium').

TOGETHER with a 1/124 interest of, in and to the common elements and limited common elements attributed to such Unit as set forth in the aforesaid Declaration of Condominium, unless increased by the withdrawal of withdrawable real estate pursuant to the reservation set

forth in the Declaration of Condominium.

BEING PART OF THE SAME PREMISES which Upstream Farm Corporation, Inc. by it Deed dated July 10, 2001 and recorded on July 17, 2001 in the Recorder of Deeds Office of Northampton County, Pennsylvania, in Record Book Volume 2001-1, page 137190, granted and conveyed unto Pinewoods Associates, LLC, a Pennsylvania limited liability company, the Grantor herein.

UNDER AND SUBJECT TO RESTRICTIONS as more fully set forth in the Plan of the Village at Upstream Farm recorded in the Recorder of Deeds Office of Northampton County at Plan Book 2001-5, page 188 and 189, binding upon the Grantees, and their assigns, and shall be covenants running with the land.

UNDER AND SUBJECT to the terms and provisions of the Declaration of Condominium and the Ground Lease between Pinewoods Associates, LLC and The Village at Upstream Farm Condominium Association, Inc. (the 'Lease') recorded in the Recorder of Deeds Office of Northampton County at Record Book 2001-1, page 137248 and Addendum recorded in Record Book 2002-1, page 207339.

TITLE TO SAID PREMISES IS VESTED IN William Ewaskiew, a single individual, by Deed from Pinewoods Associates, LLC., a Pennsylvania limited liability company, dated 12/17/2004, recorded 01/25/2005 in Book 2005-1, Page 30609.

Premises being: 1339 HARVEST DRIVE SOUTH, EASTON, PA 18040.

Tax Parcel No. K9 10 5C-36 0311.

THEREON BEING ERECTED a condominium w/one-car garage, stucco exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of William Ewaskiew.

DANIEL G. SCHMIEG, ESQUIRE

No. 38

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-03578**

ALL THAT CERTAIN lot or piece of ground and dwelling in a row thereon erected, located on the southerly side of Amplex Street, known as 1134 Amplex Street, Ward 5, City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, according to the survey of August Merkel, dated September 17, 1947, bounded and described as follows, to wit:

BEGINNING at a point on the southerly side of Amplex Street, North eighty-four degrees, forty-four minutes West (N 84 degrees 44 minutes W) distant sixty-five and thirty-six one-hundredths feet (65.36 feet) from the southwest corner of intersection of Amplex and Trone Streets; THENCE through land now or late of Anna Soltis in and through the party wall dividing No. 1134 Amplex Street herein described and No. 1136 Amplex Street immediately adjacent to the East, South ten degrees no minutes West (S 10 degrees 00 minutes W) a distance of fifty and forty-eight one-hundredths feet (50.48 feet) to a point; THENCE through land now or late of Anna Soltis North eighty degrees no minutes West (N 80 degrees 00 minutes W) a distance of fifteen and twenty-four one-hundredths feet (15.24 feet) to a point; THENCE along the dividing line between No. 1134 Amplex Street herein described and No. 1132 Amplex Street immediately adjacent to the West, in and through the party wall North ten degrees no minutes East (N 10 degrees 00 min-

utes E) a distance of forty-nine and twenty-two one-hundredths feet (49.22 feet) to a point; THENCE along the Southerly side of Amplex Street and along the Northerly side of dwelling No. 1134 Amplex Street herein described South eighty-four degrees forty-four minutes East (S 84 degrees 44 minutes E) a distance of fifteen and twenty-nine one-hundredths feet (15.29 feet) to the place of beginning.

HAVING ERECTED THEREON a dwelling known and number as 1134 Amplex Street, Bethlehem, Northampton County, Pennsylvania, according to the present system of City numbering.

TITLE TO SAID PREMISES IS VESTED IN Michael F. Vicchiarelli, married, by Deed from Craig M. Wasser, as sole owner, dated 12/29/2006, recorded 01/05/2007 in Book 2007-1, Page 8282.

Premises being: 1134 AMPLEX STREET, BETHLEHEM, PA 18015-2012.

Tax Parcel No. P6NE3C 4 8A 0204.

THEREON BEING ERECTED a two story brick row dwelling with flat roof.

SEIZED AND TAKEN into execution of the writ as the property of Michael F. Vicchiarelli.

DANIEL G. SCHMIEG, ESQUIRE

No. 39
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2006-05599

ALL THAT CERTAIN messuage, tenement and lot or piece of land situate in the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, known as Lots Nos. 231 and 232, Block K, according to a map entitled 'Larkhurst Plan of Building lots situate at Butz-town, Bethlehem Township, North-

ampton County, Pennsylvania, property of N.M. Ritter and Charles F. Miller, June 7, 1916', said map being recorded in the Office for the Recording of Deeds of Northampton County in Map Book 6, page 38, bounded and described as follows, to wit:

BEGINNING at a point in the easterly line of Mosselle Avenue distant 120 feet North of the northeast corner of Christine and Mosselle Avenue, thence extending northwardly along said eastern line of Mosselle Avenue a distance of 50 feet to a point in line of Lot No. 230, thence extending eastwardly of that same width between parallel lines at right angles to Mosselle Avenue a distance of 150 feet to the westerly line of Lots Nos. 217 and 218 according to said plan.

BOUNDED on the West by Mosselle Avenue; on the North by Lot No. 230; on the East by Lots 218 and 217; and on the South by Lots Nos. 205 and 210 inclusive.

Being Tax Pared No. N7NW2 17 4 0205.

TITLE TO SAID PREMISES IS VESTED IN Robert H. Parker, Jr., by Deed from Robert F. Conrad, Jr. and Tina Conrad, dated 2-13-04, recorded 2-26-04, in Deed Book 2004-1, page 70854.

Premises being: 2118 MOSSELLE AVENUE, BETHLEHEM, PA 18020.

THEREON BEING ERECTED a bi-level dwelling w/attached one-car garage, brick, stucco, and aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Robert L. Parker, Jr.

DANIEL G. SCHMIEG, ESQUIRE

No. 40
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04929

ALL THAT CERTAIN lot or parcel of land situate in Palmer Township,

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

BEGINNING at a point on the North side of Columbia Street, said point being North 89 degrees 0 minutes 0 seconds West 45 feet from the Northern property line of Columbia Street and the Western property line of Craigie Street (both lines extended to intersection); thence along the line between Lot No. 1 and Lot No. 2 North 1 degree 0 minutes 0 seconds East 90 feet to a point; thence South 89 degrees 0 minutes 0 seconds East 45 feet to a point; thence along the West side of Craigie Street South 1 degree 0 minutes 0 seconds 80 feet to a point; thence around a curve to the right with a radius of 10 feet and a central angle of 90 degrees an arc length of 15.71 feet to a point; thence along the North side of Columbia Street North 89 degrees 0 minutes 0 seconds West 35 feet to the place of beginning.

CONTAINING 4029 square feet of land more or less.

TITLE TO SAID PREMISES IS VESTED IN Omar Luquin, by Deed from Anayeli G. Jimenez and Juan Ramon Luquin, h/w, by their attorney in fact, Manuel Luquin, dated 03/30/2007, recorded 04/24/2007 in Book 2007-1, Page 150283.

Premises being: 2733 COLUMBIA STREET, EASTON, PA 18045-5285.

Tax Parcel No. L9SW4D 3 7B 0324.

THEREON BEING ERECTED a bi-level dwelling with vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Omar Luquin.

DANIEL G. SCHMIEG, ESQUIRE

**No. 41
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-02140**

ALL THAT CERTAIN brick dwelling and lot of land situated on the North side of Borrowes Street in the Township of Palmer, County of Northampton, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point one hundred and eighty-three and seventy-two one-hundredths (183.72) feet West of the West building line of Glendon Road, on the North side of said Burrowes Street, fifty (50) feet in width to the division line between Lots Nos. Ten (10) and Eleven (11), thence extending Northerly of that width in depth one hundred and twenty-five (125) feet to property now or late of Samuel W. Navin.

BOUNDED on the North by property now or late of Samuel W. Navin, East by Lot No. Eight (8), South by Burrowes Street, and West by Lot No. Eleven (11), being known and numbered as 2515 Burrowes Street.

TAX PARCEL #M9NW1 14-8 0324.

BEING KNOWN AS: 2515 Burrows Street, Easton, PA 18045.

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

SEIZED AND TAKEN into execution of the writ as the property of the Unknown Heirs of the Estate of Faye L. Henninger, deceased, and Carl Henninger, Solely in his capacity as Heir of the Estate of Faye L. Henninger, deceased.

MICHAEL T. MCKEEVER, ESQUIRE

**No. 42
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04930**

ALL THAT CERTAIN messuage or tenement and piece of land situate in

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

BEGINNING at an iron pipe located on the northerly edge of the right-of-way of State Highway Route 48012, sixteen and five-tenths (16.5) feet from the center line, this distance measured at right angles to the center line, said pipe being a corner also this date, of the property now or late of Charles Zeiner; thence along the northerly edge of the right-of-way of State Highway Route 48012 South 54 degrees 09 minutes West seventy (70) feet to an iron pipe; thence along other property now or late of John Lengyel North 35 degrees 51 minutes West fifty-three (53) feet to an iron pipe; thence along the same North 35 degrees 51 minutes West eighty-six and twelve one-hundredths (86.12) feet to an iron pipe; thence along the same North 35 degrees 51 minutes West twelve (12) feet, more or less, to a point in the middle of a small creek called Nancy Run; thence up Nancy Run Creek a distance of fifty (50) feet, more or less, to a point in line of land now or late of Charles Zeiner; thence along the same South 50 degrees 54 minutes East twenty-seven (27) feet, more or less, to an iron pipe set in concrete; thence along the same South 50 degrees 54 minutes East ninety-five and sixty-seven one-hundredths (95.67) feet to an iron pipe located on the northerly edge of the right-of-way of State Highway Route 48012, the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Kalman Illyes and Debra Illyes, h/w, by Deed from Gregory M. Latsko, married, dated 10/14/2005, recorded 11/09/2005 in Book 2005-1, Page 449343.

Premises being: 1671 WILLOW PARK ROAD, BETHLEHEM, PA 18020-6305.

Tax Parcel No. N7SW2 1 3 0205.

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

SEIZED AND TAKEN into execution of the writ as the property of Kalman G. Illyes a/k/a Kalman Illyes and Debra L. Illyes a/k/a Debra Illyes.

DANIEL G. SCHMIEG, ESQUIRE

No. 43

BY VIRTUE OF A CERTAIN WRIT OF EXECUTION

CV-2009-02431

ALL THAT CERTAIN message and tract or parcel of land situate on the westerly side of Center Street, in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, according to a subdivision plan prepared by The Martinson Group, Inc., dated April 4, 2004, last revised July 15, 2004 and recorded May 20, 2005 in Plan Book 2005-5, Page 284 bounded and described as follows:

BEGINNING at an iron pin on the westerly right of way line of Center Street, said iron pin being the northernmost corner of the herein described lot and also a point in common with land now or formerly of Paul E & Benlidy Mann; thence along the westerly right-of-way line of Center Street South two degrees, fourteen minutes, fifty seconds East (S 02° 14' 50" E) a distance of thirty-six and eight hundredths feet (36.08') to an iron pin; thence along Lot 2 of the aforementioned subdivision South eighty-seven degrees, forty-five minutes, ten seconds West (S 87° 45' 10" W) a distance of seventy-nine and ninety-nine hundredths feet (79.99')

to an iron pin; thence along land now or formerly of Dennis P & Charlotte Fennell North two degrees, fourteen minutes, fifty seconds West (N 02° 14' 50" W) a distance of thirty-seven and twenty-two hundredths feet (37.22') to an iron pin; thence along land now or formerly of Paul E & Benlidy Mann North eighty-eight degrees, thirty-four minutes, zero seconds East (N 88° 34' 00" E) a distance of eighty and zero hundredths feet (80.00') to the POINT OF BEGINNING.

CONTAINING 2,932 SQUARE FEET OF LAND.

BEING THE SAME PREMISES which Penn Pro Builders, Inc., by Deed dated November 7, 2005 and recorded in the Office of the Recorder of Northampton County on November 7, 2005 at Deed Book Volume 2005-1, Page 444197, granted and conveyed unto Rafael Estevez and Melissa Rodriguez.

BEING KNOWN AS 933 Center Street, Easton, Pennsylvania.

TAX PARCEL NUMBER: M9NE1C-1-7A-1.

THEREON BEING ERECTED a two story townhouse w/one-car garage, vinyl siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Rafael Estevez and Melissa Rodriguez.

KRISTINE M. ANTHOU, ESQUIRE

No. 44

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-07981**

ALL THAT CERTAIN messuage or tenement and lot or piece of ground situate in the City of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, known and designated as No. 628 Broadway,

bounded and described as follows, to wit:

BEGINNING at a point in the eastern line of Broadway, said point being one hundred eighty-one and twenty-seven one-hundredths (181.27) feet north of the northeast corner of Alaska Street and Broadway; thence by a line passing through the middle of the partition wall of dwelling known as no. 626 1/2-628 Broadway, South thirty-five degrees fifteen minutes East a distance of one hundred twenty (120) feet to a point in the western line of Canning Alley; thence along the same South fifty-four degrees forty-five minutes West fifteen and six one-hundredths (15.06) feet to a point; thence by a line passing through the middle of the partition wall of dwellings known as No. 628-630 Broadway North thirty-five degrees fifteen minutes West a distance of one hundred twenty (120) feet to a point in the eastern line of Broadway; thence along the same North fifty-four degrees forty-five minutes East fifteen and six one-hundredths (15.06) feet to the place of Beginning.

TITLE TO SAID PREMISES IS VESTED IN Fortunata Garcia, by Deed from Carmen Ocasio, n/k/a Carmen Castro, dated 12/18/2001, recorded 01/14/2002, in Deed Book 2002-1, page 12836.

Premises being: 628 BROADWAY STREET A/K/A 628 BROADWAY BETHLEHEM, PA 18015-2814.

Tax Parcel No. P6SW2C 17 10A 0204.

THEREON BEING ERECTED a three story brick row dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Fortunata Garcia.

DANIEL G. SCHMIEG, ESQUIRE

No. 48
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04927

ALL THAT CERTAIN message, tenement and lot or piece of ground situate in the Borough of Hellertown, formerly the Township of Lower Saucon, County of Northampton, Commonwealth of Pennsylvania known as premises No. 1314 Detweiler Avenue according to present borough numbering, being Lots Numbered 666 and 667 according to the plan of lots known as Woodlawn laid out by John Danner and recorded in the Office for the Recording of Deeds in and for Northampton County at Easton, Pennsylvania, in Map Book Volume 6, Page 46, more particularly bounded and described as follows, to wit:

Bounded on the North by Lot No. 668, on the East by Detweiler Avenue, on the South by Lot No. 665, and on the West by Hanover Street. Containing in front on Detweiler Avenue, 50 feet and extending in depth of that width Westerly 110 feet to Hanover Street. Together with the building erected thereon.

TITLE TO SAID PREMISES IS VESTED IN Oswalinda Rios, by Deed from John F. O'Donnell, by his Agent, Eileen Chuss appointed by letter of Attorney dated April 10, 2001 and intended to be forthwith recorded, dated 08/08/2006, recorded 09/13/2006 in Book 2006-1, Page 377087.

Dorothy M. O'Donnell departed this life on October 1, 2002, vesting title in John F. O'Donnell.

Premises being: 1314 DETWEILER AVENUE, HELLERTOWN, PA 18055-1416.

Tax Parcel No. Q7NW3C 7 2 0715.

THEREON BEING ERECTED a ranch style dwelling w/ attached one-

car garage, aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Oswalinda Rios.

DANIEL G. SCHMIEG, ESQUIRE

No. 51
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-01175

ALL THAT CERTAIN tract of land situate in the Township of Lower Mt. Bethel, County of Orthampton, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a corner in the middle of the road leading up the Little Creek; THENCE by land now or lately and reputedly of Hiram McIlhane, South eighty-five degrees East fourteen perches to a chestnut tree; THENCE by land now or lately and reputedly of Alfred O. Connelly, South seven degrees East fifty-six perches to a post; THENCE by land now or lately and reputedly of Samuel Mack South thirty-three degrees West twenty-two perches to a post, near a hickory tree on the bank of the Martins Creek; THENCE up said creek along the edge of the stream, North five degrees West twentyfour perches to a rock on the bank of said creek; THENCE North fifty-three degrees West thirty-seven perches and seventenths to a corner in said road near the bridge; THENCE along the middle of said road, North fifty-eight degrees East twenty-two rods and eigh tenths to a point in said road; THENCE leaving the said road to the right North twenty-three degrees East fifteen perches and eight-tenths to the place of beginning.

EXCEPTING THEREFROM and thereout all that certain parcel of land conveyed by the Grantors herein to Jack D. Frace and his wife, Geraldine

M. Frace, by Deed dated January 3, 1949, and recorded in the said Office for the Recording of Deeds in Deed Book G, Volume 84, at Page 129, described as follows: BEGINNING at a point in the center line of the public road, known as the Little Martins Creek Road; THENCE in the center of said road, North 45 45' East 50 feet to a point; THENCE in the same North 32 37' East 50 feet to a point in same; THENCE in same and in the south side of the road, North 31 32' East 108.9 feet to the end of the wing wall of the county bridge over Little Martins Creek; THENCE along land of Grantors, South 31 45' East 54 feet to a point 12 feet from the center line of said Little Martins Creek; THENCE along land of the Grantors, parallel with and 12 feet from the center line of said creek 323 feet more or less to a stake; THENCE along land of the Grantors, North 31 43' West 226 feet to the place of beginning.

ALSO EXCEPTING thereout and therefrom a small parcel along the Martins Creek Road acquired by the County of Northampton under its powers of eminent domain for the purpose of rebuilding the adjacent county bridge.

Title to said premises is vested in Richard J. Belon, a single man by deed from Timothy R. Belon, a single man dated February 6, 2001 and recorded February 16, 2001 in Deed Book 2001-1, Page 23243.

TAX I.D. #: H10-16-1-0317 and H10-16-2-0317.

BEING KNOWN AS: 6917 LITTLE CREEK ROAD, BANGOR, PENNSYLVANIA 18013.

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

SEIZED AND TAKEN into execution of the writ as the property of Richard J. Belon.

TERRENCE J. McCABE, ESQUIRE

No. 52

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-01432**

ALL THAT CERTAIN tract, parcel or piece or land situate in the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING on a street at a corner of lands formerly of the Security Building and Savings Union thence North seventy degrees (70) West ninety and six tenths feet (90 6/10 feet) to an alley in rear of said lot; thence South fourteen and three fourth degrees 14 3/4) East a long said alley forty feet (40 feet) to a corner of land of Charles Hayes; thence along Charles Hayes land South seventy degrees (70) East ninety-nine fee (99 feet) more or less to street; thence along said street forty feet (40 feet) to place of beginning. Being the southerly portion of Lot Number Eight (8) on plan of lots of Edward F. Roberts and Elizabeth Roberts, his wife.

TITLE TO SAID PREMISES IS VESTED IN John Kirkhum and Margaret Kirkhum, by Deed from Williard A. Raisner and Mary A. Raisner, his wife, dated 06/07/2005, recorded 07/19/2005, in Deed Book 2005-1, page 267454.

Premises being: 314 NORTH 6TH STREET, BANGOR, PA 18013.

Tax Parcel No. D9SE4C-11-3.

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 John Kirkhum a/k/a John W. Michael

a/k/a John W. Kirkhum and Margaret Kirkhum a/k/a Margaret M. Kirkhum a/k/a Peggy Kirkhum.

DANIEL G. SCHMIEG ESQUIRE

No. 54

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-10883**

ALL THAT CERTAIN tract of land situate on the West side of Crosswinds Drive (50 feet wide) in the Township of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, as shown on the Final Plan of Lake View Estates, plan no. 2K085-02 Rev. 8, prepared by BASE Engineering, Inc. being known as Lot #46 and being more fully hounded and described as follows to wit:

BEGINNING at a point on the Northern right of way line of Crosswinds Drive a corner of Lot 47 of the above referenced plan; thence along Lot 47 North 06 degrees 50 minutes 38 seconds West 165.00 feet to a point a corner of Lot 49; thence along Lot 49 North 83 degrees 09 minutes 22 seconds East 125.00 feet to a point, a corner of Lot 45; thence along Lot 45 South 06 degrees 50 minutes 38 seconds East 165.00 feet to a point on the Northern right of way line of Crosswinds Drive; thence along said line South 83 degrees 09 minutes 22 seconds West 125.00 feet to the place of beginning.

CONTAINING 20,626.00 square feet or 0.4735 acres.

TITLE TO SAID PREMISES, IS VESTED IN Lavinia Savage, by Deed from Lake View Estates Associates, L.P., dated 06/08/2005, recorded 06/16/2005 in Book 2005-1, Page 223816.

Premises being: 4375 CROSSWINDS DRIVE, EASTON, PA 18045-2369.

Tax Parcel No. L8-11A-14-46-0205.

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

SEIZED AND TAKEN into execution of the writ as the property of Lavinia Savage.

DANIEL G. SCHMIEG, ESQUIRE

No. 55

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-04333**

ALL THAT CERTAIN TRACT OR PARCEL of land situated on the West side of Community Drive (Pennsylvania Route 946) in Moore Township, County of Northampton, Commonwealth of Pennsylvania, being known as Lot 13 according to a plan entitled 'Windswept Farms' prepared by Robert L. Ference, Registered Surveyor, Bethlehem, Pennsylvania, and recorded in the Office of Recorder of Deeds in Easton, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a concrete monument on the West side of Community Drive, said monument marking the Northeast corner of the lot herein described and the Southeast corner of land now or late of Donald R. Sobers, said monument marking the true point or place of beginning; thence along Community Drive South 40 degrees 50 minutes 23 seconds West 205.00 feet to a concrete monument on the West side of Community Drive; thence along Ranger Drive on a curve to the right with a radius of 20.00 feet to a distance of 31.42 feet to a concrete monument on the North side of Ranger Drive; thence along Ranger Drive North 49 degrees 09 minutes 37 seconds West 175.00 feet

to an iron pipe on the North side of Ranger Drive; thence along Lot No. 12 North 40 degrees 50 minutes 23 seconds East 225.15 feet to an iron pipe; thence along Lot No. 6 and land now or late of Donald R. Sobers South 49 degrees 07 minutes 04 seconds East 195.00 feet to a concrete monument on the West side of Community Drive, said monument being the true point or place of beginning.

The improvements thereon being known as 662 Ranger Drive.

TITLE TO SAID PREMISES IS VESTED IN Erik F. Garces and Yvette M. Garces, h/w, by Deed from Erik F. Garces, dated 04/24/2007, recorded 05/07/2007 in Book 2007-1, Page 168996.

Premises being: 662 RANGER DRIVE, BATH, PA 18014-9259.

Tax Parcel No. H5-19-6G-0520.

THEREON BEING ERECTED a bi-level dwelling w/two-car garage, brick and aluminum siding exterior and shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Eric F. Garces a/k/a Erik E. Garces and Yvette M. Garces.

DANIEL G. SCHMIEG, ESQUIRE

No. 56

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05241**

ALL THAT CERTAIN lot or piece of ground, together with the dwelling and garage erected thereon, situate on the East side of McCartney Street in the City of Easton, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on McCartney Street, which said point is 88.20 feet North of the Northeast corner of McCartney and Burke Streets; thence North 77 degrees 30 minutes East 94

feet to a point; thence North 12 degrees 30 minutes West 13 feet to a point; thence North 77 degrees 30 minutes East 51.16 feet to a point in land of Annie Massey and Frank H. Raub; thence South 00 degrees 35 minutes East 24.99 feet to a point; thence in a Westwardly direction to a point in the West line of a 20 feet wide private alley; thence North 87 degrees 30 minutes West 2.46 feet to a point; thence South 02 degrees 30 minutes West 33.70 feet to a point; thence South 77 degrees 30 minutes West 108.90 feet to a point in McCartney Street; thence North 12 degrees 30 minutes West 40 feet to the place of Beginning.

BOUNDED on the West by McCartney Street; on the North by other property now or late of Lehman Socks and Carrie Socks, his wife; on the East by property now or late of Sarah P. Allis, Annie Massey and Frank H. Raub; and on the South by property of L. I. Meyer.

TOGETHER WITH the right and privilege to the use and enjoyment of a 14 feet wide private alley running East from McCartney Street along property formerly of Lehman Socks and Carrie Socks, his wife, in common with the other owners and occupiers of said alley.

ALSO, THE RIGHT OF INGRESS AND EGRESS over a private alley 20 feet in width located 120 feet East of McCartney Street and parallel therewith, for the use and enjoyment of the owners and occupiers of the three lots laid out by Lehman Socks according to Plan of property drawn September 5, 1925 and revised November 3, 1925 by Walter P. Auch, Registered Engineer. This right is reserved for the benefit of the property hereindescribed and its use for pleasure vehicles only.

TITLE TO SAID PREMISES IS VESTED IN William Drolet and Jerry Grover, by Deed from Michael J. Yozzi and Tammy L. Yozzi, h/w, dated 05/23/2003, recorded 06/10/2003 in Book 2003-1, Page 212078.

Premises being: 703 McCARTNEY STREET, EASTON, PA 18042-1542.

Tax Parcel No. L9NE2A 22 6 310.

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

SEIZED AND TAKEN into execution of the writ as the property of William R. Drolet a/k/a William Drolet and Jerry A. Grover.

DANIEL G. SCHMIEG, ESQUIRE

No. 57

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-02138**

ALL THAT CERTAIN message, tenement and lot or piece of ground situate on the south side of Ferry Street, in the City of Easton, County of Northampton and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the south side of Ferry Street at a distance of ninety-six (96) feet west from the southwest corner of Ferry Street and Eighth Street; thence extending in front or width along Ferry Street westwardly twenty-four (24) feet and extending in depth southwardly preserving the same width one hundred and thirty (130) feet to other land now or late of Douglas Hamm, et. ux.

BOUNDED on the north by Ferry Street; on the east property now or late of John Shimer; on the west by property now or late of Robert Lerch and on the south by lands now or late of J. Douglas Hamm, et. ux. Being known as No. 814 Ferry Street.

TITLE TO SAID PREMISES IS VESTED IN Mark A. Goldman, indi-

vidually, by Deed from Major Dev, LLC, dated 09/21/2007, recorded 10/15/2007 in Book 2007-1, Page 378468.

Premises being: 814 FERRY STREET, EASTON, PA 18042-4305.

Tax Parcel No. L9SE1C 3 2 0310.

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 Mark A. Goldman.

DANIEL G. SCHMIEG, ESQUIRE

No. 58

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-11150**

ALL THAT CERTAIN lot or piece of ground situate on the east side of Jonathan Drive, designated as No. 186 Jonathan Drive, Palmer Township, Northampton County, Pennsylvania, and being all of Lot No. 204 on Plan of Lots of Old Orchard, Section "D-1" Extension, Old Orchard Development Corp., Palmer Township, Northampton County, Pennsylvania, prepared by E. T. and T.D. Sales, Registered Professional Engineers, dated March 20, 1958, which Plan has been duly recorded in the Office for the Recording of Deeds in and for Northampton County, at Easton, Pennsylvania, in Map Book 14, Page 20; bounded and described as follows, to wit:

BEGINNING AT A POINT on the east side of Jonathan Drive, said point being north two degrees thirty-one and four-tenths minutes east (N 2° 31.4 E), a distance of one hundred ninety-nine and two one-hundredths (199.02') feet from a concrete monument located at the northeast intersection of Jonathan and Baldwin Drives; thence along Jonathan Drive

north two degrees thirty-one and four-tenths minutes east (N 2° 31.4' E), a distance of ninety (90') feet to a point; thence between Lots Nos. 204 and 202 south eighty-seven degrees twenty-eight and six-tenths minutes East (S 87° 28.6' E), a distance of one hundred seventy (170') feet to a point; thence between Lots Nos. 204 and 214 south two degrees thirty-one and four-tenths minutes west (S 2° 31.4' W) a distance of ninety (90') feet to a point; thence between Lots Nos. 204 and 206 north eighty-seven degrees twenty-eight and six-tenths minutes west (N 87° 28.6' W) a distance of one hundred seventy (170') feet to the point of beginning, containing in all 15,300 square feet, more or less.

Title to said premises is vested in Robert D. Weiss by deed from Preston H. Hindmarch, Executor under the Last Will and Testament of Dorthy G. Hindmarch, deceased dated October 19, 2006 and recorded October 31, 2006 in Deed Book 2006-1, Page 451196, Instrument #2006063646.

TAX I.D. #: M8SE2-24-10.

BEING KNOWN AS: 186 JONATHAN DRIVE, EASTON, PENNSYLVANIA 18045.

THEREON BEING ERECTED a ranch style dwelling with shingle roof.

SEIZED AND TAKEN into execution of the writ as the property of Robert D. Weiss.

TERRENCE J. McCABE, ESQUIRE

No. 59
BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-02468

PARCEL NO. 1:

ALL THAT CERTAIN tract or piece of land situate in the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner in the center of North Seventh Street; thence along the center of said street North eight and one-half degrees West, fifty-two and one-half feet to corner of land of Wm. J. Williams; thence along same South eight-one and one-half degrees East one hundred and seventy-nine feet (more or less) to the center of a twelve feet wide alley; thence in the center of said alley South fourteen and one-half degrees East, fifty-two and one-half feet to a corner of land of William Frutchey; thence along same North eighty-one and one-half degrees West, one hundred and eighty-seven and one-half feet to the place of Beginning.

ALSO BEING KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER NO. E9NE1B-2-20.

PARCEL NO. 2:

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

BEGINNING at a point distant 108.33 feet from the northeast corner of North Seventh Street and a 12.0 foot wide alley; thence along land of the grantor, North 81 degrees East 168.0 feet to an iron pin on the west side of another 12.0 feet wide alley; thence along the west side of said alley North 15 degrees West 80.0 feet to an iron pin and lot of Lawrence Monsu; thence along said lot, South 81 degrees 30 minutes West 156.5 feet to a point in the East building line of North Seventh Street; thence along said East building line of North Seventh Street, South 8 1/2 degrees East 80.0 feet to the place of Beginning.

The place of beginning above stated is quoted from earlier deeds in the chain of title. According to the map in the office of the Northampton

County Assessor, the beginning point actually is 108.33 feet distant from the intersection of North Seventh Street and the alley. The property hereby conveyed is designated on said Assessors Map as E9NE1B—Block 2, Property 19.

TITLE TO SAID PREMISES IS VESTED IN: Nelson Trias and Christopher J. Sousie, by Deed from Rossella Murgia, married, dated 12/19/2005, recorded 01/05/2006 in Book 2006-1, Page 5871.

NOTE: DEED COVERS BOTH PARCELS E9NE1B-2-20 & E9NE1B-2-19.

Premises being: 207-209 NORTH 7TH STREET, BANGOR, PA 18013-1734.

Tax Parcel No. E9NE1B 2 20 0102, E9NE1B 2 19 0102.

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

SEIZED AND TAKEN into execution of the writ as the property of Nelson Trias and Christopher J. Sousie.

DANIEL G. SCHMIEG, ESQUIRE

No. 60

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2007-10350**

ALL THOSE CERTAIN lots, tracts of pieces of land situate in the Township of Palmer, County of Northampton and Commonwealth of Pennsylvania, designated on the Plan or Draft of "Palmer Heights" building lots recorded in the Office for the Recording of Deeds at Easton in and for the County of Northampton in Map Book 6, Page 37, and also Map Book 7, Page 36, as Lots Nos. 722, 723 and 724, bounded and described as follows, to wit:

BEGINNING at a point in the Southerly side of John Street 40 feet Southeastwardly from the Southeast corner of the intersection of Jewel and John Street; thence extending Southeastwardly along John Street 60 feet and extending Southwestwardly of that same width 135 feet.

BOUNDED on the Northwestwardly side by Lot No. 725; Northeastwardly by John Street; Southeastwardly by Lot No. 721; Southwestwardly by Lots Nos. 766, 767 and 768.

IT BEING THE SAME PREMISES which Frank J. Schaffer and Joan M. Schaffer, his wife, by Deed dated August 14, 1986 and recorded in the Office for the Recording of Deeds in and for the County of Northampton at Easton, Pennsylvania in Deed Book Volume 707, Page 615, did grant and convey unto F. Wayne Young and Deana J. Durar.

The said F. Wayne Young and Deana J. Durar were joined in holy matrimony on September 21, 1986.

The said F. Wayne Young, having died on October 11, 1996, whereby title to the above described premises became vested in his surviving spouse Deana D. Young, by the laws of the Commonwealth of Pennsylvania relating to tenancy by the entireties.

ALSO BEING KNOWN AS NORTHAMPTON COUNTY PARCEL IDENTIFIER NO. L8SE2-15-2.

SUBJECT TO covenant, restrictions, easements of record and taxes for the current year.

Title to said premises is vested in Deana D. Young, by deed from Deana J. Durar n/k/a Deana D. Young dated November 17, 2000 and recorded November 28, 2000 in Deed Book 2000-1, Page 158239.

TAX I.D. #: L8SE2-15-2.

Being known as: 2750 John Street, Easton, Pennsylvania 18045.

THEREON BEING ERECTED a cape style dwelling with shingle roof; detached garage.

SEIZED AND TAKEN into execution of the writ as the property of Deana D. Young.

TERRENCE J. McCABE, ESQUIRE

No. 61

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2008-09828**

ALL THAT CERTAIN lot or piece of land Situate on the North side of Bushkill Street, between Eleventh and Elder Streets, in the City or Easton, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follow, to wit:

BEGINNING at a point 21 feet East of the Northeast corner of Bushkill and Elder Streets; thence extending East along said Bushkill Street 20 feet to a point; thence extending Northward 140 feet to a Vine Street; thence West along said Vine Street, 20 feet to land of Charles Conine; thence South along said land 140 feet to Bushkill Street, the place of beginning.

TAX PARCEL NO: L9NE4D-17- 10-0310.

BEING KNOWN AS 1119 BUSHKILL STREET, EASTON, PA 18042.

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

SEIZED AND TAKEN into execution of the writ as the property of Orlando Ross.

MICHAEL T. McKEEVER, ESQUIRE

No. 62

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-03087**

ALL THAT CERTAIN lot or tract of land situated on the east side of Wabasso Avenue in the Township of

Moore, County of Northampton and Commonwealth of Pennsylvania, being Lot 20 as shown on the Subdivision Plan of Lake Tupeek, said plan being recorded in the Northampton County Recorder of Deeds Office in Map Book Volume 89, page 230-230A, bounded and described as follows, to wit:

BEGINNING at as point on the easterly right-of-way line of Wabasso Avenue in line with the northerly property line of land now or former of Robert L. and Janet R. Richmond, Deed Book Volume 542, page 162; thence along the said easterly right-of-way line of Wabasso Avenue North 20 degrees 28 minutes 00 second West 860.00 feet to a point on the southerly property line of Lot 19, Lake Tupeek; thence along the said southerly property line of Lot 19, North 69 degrees 32 minutes 00 second East 122.91 feet to a point on the westerly property line of land now or former of Charles Umstead; thence along the said westerly property line of land now or former Charles Umstead South 21 degrees 12 minutes 00 second East 860.07 feet to a point on the northerly property line of land now or former of Robert L. and Janet R. Richmond, Deed Book Volume 542, page 162; thence along said northerly property line of land now or former of Robert L. and Janet R. Richmond South 69 degrees 32 minutes 00 second West 133.92 feet to a point, the place of Beginning.

TITLE TO SAID PREMISES IS VESTED IN Robin A. Sturdik, Married and Maribeth Sturdik, by Deed from Robin A. Sturdik, married, dated 01/25/2002, recorded 02/05/2002 in Book 2002-1, Page 033152.

Premises being: 1170 WABASSO AVENUE, DANIELSVILLE, PA 18038.

Tax Parcel No. G5-1-29-24-0520.
THEREON BEING ERECTED a two story single dwelling w/attached two-car garage, vinyl siding exterior and shingle roof; detached three-car garage.

SEIZED AND TAKEN into execution of the writ as the property of Robin A. Sturdik and Maribeth Sturdik.

DANIEL G. SCHMIEG, ESQUIRE

No. 63

**BY VIRTUE OF A CERTAIN
WRIT OF EXECUTION
CV-2009-05240**

ALL THAT CERTAIN premises, messuage, lot and piece of ground situated on the East side of Buchanan Street, in the City of Bethlehem, County of Northampton, and State of Pennsylvania, known and designated as #419 Buchanan Street, and bounded and described as follows, to wit:

BEGINNING at a point in the east property line of Buchanan Street and in line of Lot #417 Buchanan Street, said point being distant 136.03 south from the intersection of the east property line of Buchanan Street with the south property line of East Fourth Street; thence along Lot #417 Buchanan Street and passing through a party wall, South 85 degrees 00 minute East 80.00 feet to a point in line of Lot #709 East North Street (formerly Church Street); thence along #709 East Morton Street, South 5 degrees 00 minute West 15.75 feet to a point in line of Lot #421 Buchanan Street; thence along Lot #421 Buchanan Street and passing partly through a three feet wide private alleyway, North 85 degrees 00 minute West 80.00 feet to a point in the east property line of Buchanan Street;

thence along the east property line of Buchanan Street, North 5 degrees 00 minute East 15.75 feet to the point or place of beginning.

HAVING ERECTED THEREON a dwelling known and numbered as 419 Buchanan Street, Bethlehem, Northampton County, Pennsylvania, according to the present system of City numbering.

BEING KNOWN as Parcel No. P6SE2A-20-39.

TITLE TO SAID PREMISES IS VESTED IN Mary A. Bello, an adult individual, by Deed from Elmer Torres, a widower, by his Attorney-in-Fact, Elmer B. Torres, dated 11/06/2007, recorded 11/15/2007 in Book 2007-1, Page 414494.

Premises being: 419 BUCHANAN STREET, BETHLEHEM, PA 18015-1811.

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

SEIZED AND TAKEN into execution of the writ as the property of Mary A. Bello.

DANIEL G. SCHMIEG, 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.

JEFFREY K. HAWBECKER

Sheriff

Northampton County,

Pennsylvania

CHRISTOPHER T. SPADONI
ESQUIRE

Solicitor to the Sheriff

Oct. 15, 22, 29

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Babette B. Bach, Esq., Elder Law Board Certified

Fredric C. Jacobs, Esq., Tax Law Board Certified

Sarasota, Florida

**LSGH, LLC and BEN FRANKLIN TECHNOLOGY PARTNERS
OF NORTHEAST PENNSYLVANIA, Individually and as
Shareholders of GLUCOLIGHT CORP., Plaintiffs v. RAY N.
KRAUSS and CHRISTOPHE DOUAT, Individually and as
Directors of GLUCOLIGHT CORP., MATTHEW G. SCHURMAN,
and GLUCOLIGHT CORP., as a Nominal Defendant, Defendants**

Preliminary Injunction—Delaware General Corporation Law—Business Judgment Rule—Fiduciary Duty.

Plaintiffs sought a preliminary injunction against directors and former director of Delaware corporation, alleging a breach of fiduciary duty with regard to efforts to secure funding and ensure the continued viability of company. The Court denied injunctive relief for failure of Plaintiffs to establish the requisite elements for a grant of preliminary injunction.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—Equity, No. C-0048-CV-2009-4870.

STEPHEN HOFFMAN, ESQUIRE, for Plaintiffs.

MALCOLM GROSS, ESQUIRE and KELLY SULLIVAN, ESQUIRE, for
Defendants.

PHILIP HOF, ESQUIRE and JILL KELLY MCCOMSEY, ESQUIRE, for
Nominal Defendant.

Order of Court entered June 9, 2009 by MORAN, J.

STATEMENT OF REASONS

Statement of Facts

Presently before the Court is Plaintiffs' motion for a Preliminary Injunction against Defendants. The Court notes that given the time frame for issuance of this opinion, it has been prepared without the benefit of an official transcript. The recitation of facts has been gleaned from the briefs of the parties and the Court's own notes of hearing testimony, and therefore contains no citation to the record. In 2003, individual Defendants Ray Krauss and Dr. Matthew Schurman came together to create corporate Defendant Glucolight. Glucolight was incorporated in the state of Delaware on April 15, 2003, with the mission of the development and eventual marketing of non-invasive blood glucose monitoring for diabetic patients in hospital settings and on the consumer market.

Upon the inception of the company, Defendants Schurman and Krauss executed Proprietary Information and Inventions Agreements in favor of Defendant Glucolight, inclusive of covenants not to compete, effective during the term of their employment for one year thereafter. The Court

notes that as part of the present preliminary injunction, Plaintiffs allege their violation of those Agreements. Turning back to the organization of the company, the record indicates that initially, Defendant Krauss took a management position as Chief Executive Officer of Glucolight, and a seat as chairman of the corporation's Board of Directors. Defendant Schurman assumed the role of the corporation's Chief Technology Officer, held the positions of Secretary and Treasurer of the corporation, and held a seat on the Board of Directors. The remaining seats on the Board were filled by Ronald Hahn, Ivan Ruzic and Christophe Douat. Also attendant at all Glucolight Board meetings were Kevin Harter, Senior Vice President of Plaintiff Life Sciences Greenhouse ("Greenhouse"), and Wayne Barz, a technology ventures manager for Plaintiff Ben Franklin Technology Partners of Northeastern Pennsylvania ("Ben Franklin"). Plaintiffs are Pennsylvania charitable organizations organized under I.R.S. 501(c)(3) funded by the Commonwealth to develop new businesses in the technology sector. Both entities are shareholders in Glucolight and they have observers who actively participate in meetings of the Board of Directors but have no vote with respect to Board business.

From its inception to the present, Glucolight has been in the development stages of its technology. The company has obtained certain patents relative to their work, it has conducted clinical trials of its products in development, but it has yet to achieve a market-ready product, or generate sales revenue. As such, for the entire life of the company, it has remained fully dependent on capital raised from cycles of investment, and from loans. There have been four rounds of funding from shareholder investment; four rounds of preferred stock, Series A, Series A-1, Series B and Series C; and round of common stock.

As per Plaintiffs' Hearing Exhibit 3, the Court notes that Defendants Krauss and Schurman each own Four Hundred Fifteen Thousand (415,000) shares of common stock, with an additional One Hundred Sixteen Thousand Nine Hundred Fifty-One (116,951) shares of common stock held by other investors. Defendants Krauss and Sherman each have an ownership interest of between Twelve (12) and Thirteen (13) percent in Defendant Glucolight. Plaintiff Greenhouse is the single largest holder of the Series A preferred stock, with One Hundred Fifty-Six Thousand Nine Hundred Four (156,904) out of the Three Hundred Sixty-One Thousand Nine Hundred Four (361,904) shares, and just under an Eleven percent (11%) interest in the company; while Plaintiff Ben Franklin holds just over a Four percent (4%) interest. The company's single largest shareholder is Matignon Investment, a division of Matignon Technologies, a French company involved in technology development and investment, with just over Sixteen percent (16%) interest in Defendant Glucolight. As the largest holder of Series B preferred stock, Matignon elected its then-employee, Christophe Douat, to represent Class B on the Board of Directors.

Per the hearing testimony, it became increasingly difficult to raise capital to fund the corporation during the course of 2008. During that calendar year, the company's cash reserves were dwindling, and by the latter part of the year, it became apparent that without a significant infusion of new capital, the company would not be able to sustain its activities. By November 2008, Glucolight had approximately Five Hundred Thousand Dollars (\$500,000.00) in the bank, roughly enough to cover two months of expenses. Ray Krauss testified that around this time, he had been in talks with two European medical technology firms, Roche in Germany and Masimo in the Netherlands, neither of which expressed interest in investing in Glucolight. Roche had been approached about buying Glucolight's intellectual property, but had declined. Krauss also testified that Glucolight had no collateral of any significant value and therefore could not obtain a bank loan. According to his testimony, it was given those circumstances, that the company sought to issue a C-1 Series round of stock. As part of that planned round of investment, Defendants Krauss and Schurman focused considerable efforts during the late part of 2008, into the early part of 2009, to secure capital through Robert E. Houghton, a potential individual investor who demonstrated interest in making a significant investment in the company. As per Krauss' testimony, Krauss expressed an intention to commit Twelve Million (\$12,000,000.00) of capital to the company. According to Krauss' testimony, during the relevant time period, Houghton's interest reached the level of a clear commitment to making some investment in the company. Despite weeks of assurances communicated to the Board of Directors and observers through Defendant Krauss, on January 20, 2009, Mr. Houghton indicated that on the advice of counsel, he no longer wished to make the investment.

On January 20, 2009, with no new investment, the company laid off their work force and closed their doors. On January 29, 2009, Hahn resigned from the Board of Directors. No effort was made to fill the vacancy. On January 30, 2009, Plaintiff Greenhouse came forward with a proposal to salvage the company. The plan featured a pledged investment of Five Hundred Thousand Dollars (\$500,000.00) by Greenhouse, efforts to generate a capital influx of One Million Five Hundred Dollars (\$1,500,000.00) from outside investment, the addition of a supplemental management team and the replacement of Krauss as Chief Executive Officer of the company. Neither Krauss nor Schurman supported the proposal, deeming it insufficient to salvage the company as a viable entity, and they made their views known during a Board meeting. Ultimately, Greenhouse withdrew the proposal.

During that same time period, Plaintiff Ben Franklin reached out to Krauss to provide him with a list of potential venture capital investors, and to set up a meeting to discuss the recapitalization of the company. After considerable "back-and-forth," a meeting was set for February 23rd, 2009.

That meeting never occurred. The meeting was rescheduled for March 12, 2009, but again no meeting occurred.

At hearing, Greenhouse representative Kevin Harter testified that during this time frame, it had been made known to him that Schurman and Krauss were working on their own proposal. In March 2009, Dr. Schurman resigned from the Board of Directors, but retained his offices as Treasurer and Secretary of the corporation. Around the same time, Krauss expressed his intention of resigning from the Board, but did not follow through.

During the latter part of March, it was also announced to the Board that Douat would be leaving his employ at Matignon on March 31, 2009 and leaving his seat on the Board. Testimony revealed that Krauss and Schurman had been made aware of Douat's departure as early as January. Notwithstanding his imminent departure, Douat spent his last week with Matignon in the United States, attempting to induce Houghton to invest in Glucolight. As of April 1, 2009, with the departure of Douat, the Board consisted of only Krauss and Ruzic.

On April 8, 2009, Plaintiff Greenhouse submitted a second proposal to Defendant Glucolight in the form of an asset purchase agreement. The plan called for the creation of a new corporation to acquire Glucolight's assets. Pursuant to the plan, Greenhouse intended to provide an initial investment of Two Hundred Fifty Thousand (\$250,000.00) Dollars to fund the corporation in "hibernation" status, paying essential expenses such as patent fees, so that the company could be brought back to the market under better economic circumstances. At the inception of the new company, current Glucolight shareholders would hold their proportional interests, but they would risk dilution of that interest by their non-participation in future rounds of capitalization.

Subsequent to the admission of the proposal, Krauss set up a meeting with Houghton for April 11, 2009. On April 12, 2009, Krauss called a Board meeting for 3:00 p.m. on April 13, 2009. At that time, the Board consisted only of Krauss and Ruzic. Minutes before the meeting, Krauss rescheduled the meeting for 4:30 p.m. Minutes before the later meeting time, Krauss sent an email to the Board and observers indicating the receipt of a proposal from Houghton at 3:30 p.m. that afternoon. The 4:30 p.m. Board meeting was held, and both the Greenhouse and the Houghton proposals were discussed generally.

The Houghton proposal took the form of an asset purchase agreement for One Million Dollars (\$1,000,000.00) and the assumption of certain corporate debts totaling Three Hundred Thousand Dollars (\$300,000.00). The proposal also provided for employment of the "Glucolight management team," and their participation in the future profits of the new company. It was established at hearing that the "Glucolight management team" referred to Krauss and Schurman, who under the terms of the proposal, were to enter into three-year employment agreements with the new company. Pur-

suant to the proposed employment agreements, Krauss and Schurman would receive annual salaries of Two Hundred Ten Thousand Dollars (\$210,000.00), equal to their current salaries at Glucolight, and a Nine percent (9%) share of profits to each in the event of the new corporation's liquidation. Faced with the two proposals, the Board decided to consider and evaluate the offer for a brief period of time and to reconvene two days later, on April 15, 2009.

It is the events of April 15, 2009, and the events subsequent thereto, that are the subject of Plaintiffs' petition for a preliminary injunction. On that date, Krauss and Schurman, as majority common stock shareholders, announced the election of Christophe Douat back to the Board as one of the two representatives of the common stockholders¹ as provided for under the corporate Bylaws. Later that day, a Board meeting was held. Douat, Ruzic and Krauss were present, as was Pierre Dhamelincourt, an employee of Matignon, who, Krauss announced, was in the process of being elected to the Board to replace Douat as the representative of the Series B shareholders. At that meeting, without any discussion as to the process for evaluating the proposals before it, the Board opted not to act on the Greenhouse proposal, and held a vote on a term sheet setting forth the Houghton proposal. The vote was 3:1, with Krauss, as a disclosed interested investor, Dhamelincourt and Douat voting in favor of the proposal, and Ruzic voting against it. In casting his vote against the proposal, Ruzic lodged his objection to the Board's procedural meeting process. Ruzic suggested that the Board refrain from signing the proposal until April 17, 2009, in order to give Greenhouse time to clarify their current proposal or offer a counter-proposal. Ruzic volunteered to make contact with Greenhouse as to the same.

The testimony of Greenhouse representative Kevin Harter indicated that shortly thereafter, Ruzic did speak to him about submitting a revised proposal to the Board, and that he had declined to do so on behalf of Greenhouse. Ruzic tendered his resignation from the Board on April 16, 2009. The Board, now constituted by Krauss, Douat and Dhamelincourt, reconvened on April 17, 2009 and voted unanimously to proceed with the Houghton proposal and authorize Krauss' signature on the term sheet. Timely notice of the same, as required under the corporate Bylaws, was not given to the shareholders until over a month later, during hearing on the present petition.

¹ Krauss and Schurman are the majority shareholders in the common stock series, each controlling Four Hundred Fifteen Thousand (415,000) shares of common stock, with the remaining common stock shareholders controlling One Hundred Sixteen Thousand Nine Hundred Fifty-One (116,951) common shares.

Schurman resigned his positions as Secretary, Treasurer and Chief Technology Officer of Glucolight on April 27, 2009. At the end of April, Houghton made an unsecured loan to Glucolight in the amount of Fifteen Thousand Dollars (\$15,000.00). The current litigation commenced on May 15, 2009. Subsequently, on May 26, 2009, the Board held a meeting at which it approved an additional Eighty-Five Thousand Dollar (\$85,000.00) loan from Houghton to cover the costs of the current litigation. Under the terms of the second loan, the total amount of the two loans, One Hundred Thousand Dollars (\$100,000.00) is due and payable on June 30, 2009 and secured by Glucolight's assets. In light of these post-litigation events, Plaintiffs made a motion to amend their petition during hearing, which was granted by the Court. The current prayer for relief seeks that the Court (1) enjoin the sale of Glucolight's assets pursuant to the terms of the Houghton proposal, and generally; (2) enjoin Krauss and Schurman from further violating the terms of their respective Proprietary Information and Inventions ("PII") Agreements with Glucolight. The Court notes Plaintiffs' contention that Defendants Krauss and Schurman are already in violation of such agreements by virtue of having negotiated for the sale of Glucolight's assets for their own benefit.

Standard of Law

As an initial matter, the Court notes that Glucolight is a Delaware Corporation. Accordingly, Delaware substantive law applies in this case. 15 Pa. C.S.A. §4145(a). However, Pennsylvania's laws apply as to procedural matters. *Larrison v. Larrison*, 750 A.2d 895, 898 (Pa. Super. 2000). Thus we turn to Pennsylvania law for the standard of proof with respect to preliminary injunctions.

A preliminary injunction is an "extraordinary remedy" and as such, it should only be granted where the movant clearly establishes a right to such relief. *Soja v. Factoryville Sportsmen's Club*, 361 Pa. Super. 473, 477, 522 A.2d 1129, 1131 (1987). In order to establish the necessary foundation upon which the court may grant a preliminary injunction, the moving party must demonstrate that: (1) an injunction is necessary to prevent the movant from experiencing immediate and irreparable harm and that such harm cannot be adequately redressed by damages; (2) greater injury would result from the denial of an injunction than from it being granted; (3) an injunction would restore the parties as nearly as practicable to the same status they enjoyed prior to the alleged wrongdoing; (4) the wrong is actionable and the movant is likely to prevail on the merits of the case; (5) an injunction is reasonably suited to terminating the activity of which the movant complains; and (6) that the granting of a preliminary injunction would not be adverse to the public interest. *Greenmoor, Inc. v. Burchick Construction Co.*, 908 A.2d 310, 313 (Pa. Super. 2006) citing *Summit Towne Center v. Shoe Show of Rocky Mt., Inc.*, 573 Pa. 637, 646-47, 828 A.2d 995, 1001 (2003).

Discussion

Before moving to the merits of the case, the Court notes that as shareholders in Defendant Glucolight, Plaintiffs have a substantial and direct interest in the business of the corporation, and therefore have standing to bring the present suit. However, Defendants challenge the timeliness of the action, and urge the Court to dismiss it as premature. In support of that position, Defendants argue that at this stage, the Board having given the CEO approval to sign the Houghton proposal term sheet, it is too soon for Plaintiffs to seek injunctive relief. However, it is the view of the Court that the request for injunctive relief is indeed timely. The purpose of an injunction being the prevention of harm, it is only logical that the request be made before the alleged harm is done and Plaintiffs and the Court are faced with a *fait accompli*. Thus, to wait until consummation of the transaction would be untimely.

As to the standard of law applicable to our analysis of the subject business transaction, should Plaintiffs first establish a right to relief under the preliminary injunction standard, we shall apply Delaware law to evaluate the transaction. Under Delaware's General Corporation Law ("DGCL"), the business affairs of a corporation are managed by the directors of the corporate entity. 8 Del. Code §141(a) (2007). The directors of a corporation have the fiduciary duties of good faith, due care and loyalty to corporate shareholders. *Solomon v. Armstrong*, 747 A.2d 1098 (Del. Ch. 1999). On the basis of those fiduciary duties, the courts presume, under a legal concept referred to as the "Business Judgment Rule," that the actions of a board of directors have been made in accordance with their duties of due care, good faith and loyalty to the shareholders. *Gagliardi v. TriFoods Int'l, Inc.*, 683 A.2d 1049 (Del. Ch. 1996).

Under both the law of Delaware and the law of this Commonwealth, the burden of disproving the presumption is borne by the party challenging a decision of the Board, to prove that it was not made in accordance with the Business Judgment Rule. *Solomon* at 1113. In cases where, as alleged here and conceded to some extent by Defendants, an interested director stands on both sides of a challenged transaction, the burden shifts back to the defendant to prove the "entire fairness" of the challenged transaction. *Id.* The doctrine is equally applicable to transactions involving the sale of a corporation's assets resulting in a shift of corporate control, such that the corporation's current shareholders are left with no leverage after the sale. *Revlon v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). In the latter instance, the board of directors must ensure the best possible value for shareholders in effectuating the transaction. *Id.*

The "entire fairness" doctrine is comprised of two components. To establish entire fairness, one must demonstrate both fair dealing, as to the timing, initiation, structure, negotiation and disclosure of the transaction;

and fair price of the transaction, taking into account the assets to be sold, their market value, the companies' earnings and potential future profits, and any other considerations bearing on the value of the corporation's stock. *Id.* The inquiry requires an evaluation of these considerations *in toto*. *Id.*

In the present case, Defendants argue that the doctrine of entire fairness is inapplicable given that two disinterested directors voted in favor of the proposal. However, given not only Defendants' concession that Krauss is an interested director relative to the transaction, but the fact that current shareholders are divested of their current interests under the Houghton proposal, the Court finds that upon Plaintiffs' demonstration of a violation of the Business Judgment Rule, the burden shall shift to Defendants to prove the "entire fairness" of the subject transaction. *See Solomon v. Armstrong*, 747 A.2d 1098, 1113 (Del. Ch. 1999).

However, Plaintiffs must first establish a right to injunctive relief. As a threshold issue, Plaintiffs allege that the requested injunctive relief is necessary because by the actions taken in favor of the Houghton transaction, the Board of Directors, and Defendant Schurman in his capacity as an officer of the corporation during the relevant time period, breached their fiduciary duties to the shareholders, and usurped corporate opportunity.² Plaintiffs are claiming irreparable harm from the latter, noting that money damages are generally regarded as inadequate redress for such a harm. *Hollinger Int'l, Inc. v. Black*, 844 A.2d 1022, 1090 & n.160 (Del. Ch. 2004); *In re Ben Franklin Hotel Assocs.*, 186 F.3d 301, 307 (3d Cir. 1999).

By their brief in support of the present petition, Plaintiffs allege that "Defendants universally failed to adhere to the duties they owed. They obtained better value for some shareholders (themselves) than for others. They also failed to disclose material information concerning their participation in the new corporation and their negotiation of a better deal for themselves, thereby failing their duties of independence and candor." Plaintiffs' Brief at 16.

As a matter of proof at hearing, Plaintiffs put on the hearing testimony of Plaintiff Greenhouse representative and board observer Kevin Harter, Plaintiff Ben Franklin representative and board observer Wayne Barz, and Defendants Krauss and Schurman, as-of-cross. The testimony

² Usurpation of a corporate opportunity occurs when a director takes a business opportunity for his own in a situation where (1) the corporation has the financial resources to take advantage of the opportunity; (2) the opportunity is within the corporation's line of business; (3) the corporation has an interest in or an expectancy regarding the opportunity; and (4) by taking the opportunity for his own, the director or other fiduciary is acting in contravention to the interests of the corporation, in violation of his or her fiduciary duties. Pennsylvania also recognizes the cause of action. *Lutherland, Inc. v. Dahlen*, 357 Pa. 143, 151, 53 A.2d 143, 147 (1947). *See also, CST, Inc. v. Mark*, 360 Pa. Super. 303, 308-309, 520 A.2d 469, 471 (1987).

established that during the relevant time period, which Plaintiffs identify as the week of April 13, 2009, Defendant Glucolight had been in a state of suspended operations for nearly three months, and it had very little cash on hand. As noted earlier, Plaintiff Greenhouse had presented with a bridge funding proposal on April 6, 2009. A Board meeting was called for April 13, 2009 to discuss Greenhouse and the subject proposal from Robert Houghton, which testimony established, had been negotiated in the intervening period, by Defendant Krauss, with some assistance from Defendants Douat and Schurman. At the time of the April 13, 2009 meeting, the Board consisted of Defendant Krauss and Ivan Ruzic. At that meeting, the Board members, with observers present, opted to reconvene for another meeting two days later on April 15 and table discussion of the proposals until that time.

Turning to an analysis of the events that form the basis for the requested relief, we note that two Board vacancies were filled at the April 15, 2009 Board meeting. Christophe Douat was elected by the common stock shareholders, Defendants Krauss and Schurman, to fill the vacancy left by Schurman. Pierre Dhamelin court, with written consents approving his election pending by the Series B shareholders, was, in the interim, appointed to the Board. This, Plaintiffs contend, amounted to improper procedure and the “stacking” of the Board for purposes of gaining approval of the Houghton proposal. However, Plaintiffs’ position is not borne out by the evidence. Defendant Glucolight’s corporate Bylaws, submitted to the Court as Plaintiffs’ Exhibit 32, provides that Board vacancies may be filled by one of two methods. Article III-Directors, §3.2-Vacancies, states that:

Unless otherwise provided in the corporation’s certificate of incorporation, as it may be amended, vacancies . . . may be filled by a majority of the directors then in office, though less than a quorum, or by a sole remaining director, and the directors so chosen shall hold office until the next annual election.

Thus, based upon the record, the Court finds no merit to Plaintiffs’ complaints of improper process with respect to the manner in which two of the seats of the Board were filled on April 15, 2009.

Once constituted as a four-member Board, the Board discussed the two proposals generally. The Board found the Greenhouse proposal lacking in specificity, and inadequate to provide for the needs of the company. Thus, a vote was held to authorize Defendant Krauss to sign the term sheet for the Houghton proposal. Upon advice of corporate counsel present at the meeting by phone, Defendant Krauss, having disclosed his interest in the transaction, voted along with Dhamelin court and Douat, in favor of the proposal. Ruzic voted against it. On Ruzic’s request, the Board decided to postpone the signing of the Houghton proposal so as to enable him time to reach out to Plaintiff Greenhouse to further discuss the terms of their proposal and allow them to further elaborate on the same.

It was the testimony of Kevin Harter from Plaintiff Greenhouse, that Ruzic did reach out, but that Greenhouse had declined to either further elaborate on their proposal, or to “sweeten the pot.” Testimony further establishes that on April 16, 2009, Ruzic resigned from the Board of Directors and on April 17, 2009, with nothing further from Plaintiff Greenhouse, the remaining Board members reconvened to discuss how to proceed with the Houghton proposal and allow for the signing of the terms sheet.

While Plaintiffs have alleged the impropriety of these events, they have failed to offer proof of the same. Allegations that the Board was “stacked” and that Dhamelincourt and Douat acted either with self-interest or alternatively, without independence, have no evidentiary support in the record. Neither Defendant Douat nor Defendant Dhamelincourt testified, and none of the evidence presented was sufficient to establish that either Douat or Dhamelincourt were either interested or dependent directors. While testimony was elicited at hearing that Defendant Krauss considers Defendant Douat a friend, and that Douat participated in efforts to engage Houghton’s participation in the company, those facts are insufficient to establish a lack of independence on the part of Douat.³

From the evidence, the Court finds that Defendants Krauss, Schurman and Douat expended considerable efforts courting the financial backing of Mr. Houghton. It is also true that Defendants Krauss and Schurman stand to benefit from the proposed Houghton transaction, given that the asset sale to Houghton is conditioned upon Krauss and Schurman’s entry into three-year employment agreements and each is to receive salaries commensurate with those previously received from Defendant Glucolight. While the current draft agreements make no provision for either Krauss or Schurman to receive any equity interest in the new company, there are provisions for each of them to receive a Nine percent (9%) interest in the profits incurred from any future liquidation sale. In light of those circumstances, Krauss disclosed his interest to the Board before the vote, and the evidence shows that the Houghton proposal was accepted by a majority of the disinterested shareholders at a meeting where the attendance constituted a quorum, consistent with Defendant Glucolight’s Bylaws and the applicable sections of the DGCL.

Turning to the issue of Plaintiffs’ amendment to their pleading, wherein it came to light that subsequent to the events that served as the basis for Plaintiffs’ initial petition, Krauss signed a Fifteen Thousand Dollar (\$15,000.00) unsecured note in favor of Houghton and after the com-

³ “The primary basis upon which a director’s independence must be measured is whether the director’s decision is based on the corporate merits of the subject before the board, rather than extraneous considerations or influences.” *Beam ex rel. Martha Stewart Living Omnimedia, Inc. v. Stewart*, 845 A.2d 1040, 1049 (Del. Super. Ct. 2004). An independence inquiry requires a determination as to existence of any reasonable doubt that a given director is capable of making an independent business decision. *Id.*

mencement of the current litigation, Krauss signed an Eighty-Five Thousand Dollar (\$85,000.00) note in favor of Houghton, for purposes of paying counsel fees, despite having filed a claim with Glucolight's provider of Directors and Officers Insurance, Plaintiffs propose the posting of a special bond for the payment of the loan, so as to preclude the possibility that Houghton might acquire the company in the event of default on the loans. While the Court is troubled by this course of events and considers Krauss' choice to so bind the company at best unwise and perhaps suspect, we cannot reach that matter pursuant to the current request for injunctive relief.

What the Court has before it is a request to enjoin a Board of Directors from proceeding on a transaction in which one of its directors (Krauss), and an officer (Schurman) have a disclosed interest. At the time the Board voted in favor of proceeding with the transaction, it had shut its doors, ceased operations, and been unable to raise capital from other sources. Testimony established, to the satisfaction of the Court, that in late 2008 and early 2009, Defendants Krauss and Schurman focused a great deal of effort on the pursuit of a deal with Mr. Houghton, perhaps to the exclusion of other efforts. Testimony also establishes that once a deal came about with Houghton, Krauss and Schurman had a stake in it. However, the testimony also establishes that throughout the relevant time period, Defendant Glucolight was a company in financial dire straits. That Defendants put the bulk of their efforts into pursuit of Mr. Houghton, perhaps to the exclusion of other efforts might bear the suggestion of impropriety, but from an evidentiary standpoint, Plaintiffs fail to establish the same as a matter of law for purposes of the present petition. Just as with the testimony regarding the signing of the notes, the Court finds troubling, the testimony that Defendant Krauss stonewalled the efforts of Andy Agrawal of Kirchner and Company, Inc., hired by Plaintiff Greenhouse to research and prepare a report outlining the options available to Defendant Glucolight. It also finds the testimony of Wayne Barz, from Plaintiff Ben Franklin, regarding the unresponsiveness of Defendant Krauss regarding his efforts to discuss and facilitate recapitalization efforts to be troubling. However troubling these actions may be, these actions are not sufficient for a grant of the current request for a preliminary injunction.

The only action that we might reach with injunctive relief is the consummation of the Houghton transaction, and Krauss and Schurman's future violation of their PII Agreements with Glucolight. Yet, pursuant to the terms of Glucolight Bylaws and Delaware law, there is nothing for this Court to enjoin. Despite Plaintiffs' protestations, the evidence fails to establish any clear and convincing proof of defect in process as to this transaction, or any interest or dependence on the part of Directors Dhamelin court or Douat in voting in its favor. If we cannot enjoin the transaction, there is nothing to enjoin with respect to the PII Agreements, as the consummation

of the proposed transaction will result in the end of Glucolight. As such, Plaintiffs have failed to establish a right to relief.

Plaintiffs, as shareholders in Glucolight and experienced investors in the technology sector, were familiar with the high-risk nature of their investments from their initial involvement with Glucolight. The fact that they stand to obtain a poor return on their investment under the Houghton proposal is unfortunate, but it does not rise to the level of immediate or irreparable harm under the preliminary injunction standard. By their brief, Plaintiffs contend that “the impending loss of a business opportunity or market advantage may aptly be characterized as an ‘irreparable’ injury for ... the purpose of a preliminary injunction.” *The York Group, Inc. v. Yorktowne Caskets, Inc.*, 924 A.2d 1234, 1243 (Pa. Super. 2007).

While Plaintiff’s statement of the law is correct, the Court finds that Plaintiffs have failed to prove loss through the usurpation of business opportunity. Plaintiffs seek to enjoin the company from engaging in corporate opportunity, albeit a potentially lucrative opportunity for Defendants Krauss and Schurman, and one of little financial value to the disinterested shareholders. On these facts, Plaintiffs fail to establish the threshold element of usurpation, namely that Defendants have seized a corporate opportunity for themselves to the detriment of the company. Unable to show a threshold right to relief, Plaintiffs are also unable to show the likelihood of immediate and irreparable harm, or that greater injury would result from refusing to grant the injunction than from granting it.

The Court notes that Defendant Glucolight is presently in an untenable position, and the evidence proves that at least in part, the actions or inactions of the directors put the corporation in that position. However, Plaintiffs have failed to satisfy their evidentiary burden with respect to their request preliminary injunction. Therefore, there is no need for the Court to analyze the subject transaction through the lens of Defendants’ burden of establishing entire fairness.

WHEREFORE, we enter the following:

ORDER

AND NOW, this 9th day of June 2009, after hearing and consideration on the merits, and for the reasons set forth in the foregoing Statement of Reasons, Plaintiffs’ request for a Preliminary Injunction in the above-captioned case is hereby DENIED.



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, October 26, 2009**