

Northampton County Reporter

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VOL. LV

EASTON, PA November 6, 2008

NO. 45

Northampton County Reporter Digest—2008-11

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4. Miller Keystone Blood Center
Cream: 1. "How to Select a Civil Jury"
2. Quarterly Association Meeting
3. YLD Members—we need your help! Holiday Hope Chests
4. "Trial Support & Court Reporting in the 21st Century"

NOTICE TO THE BAR....

Quarterly Association Meeting—Thursday, November 13, 2008. Registration form inside.

**NORTHAMPTON COUNTY BAR ASSOCIATION
2008 BAR ASSOCIATION OFFICERS**

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Northampton County Reporter

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BAR ASSOCIATION STAFF

Mary Beth Leeson. Executive Director
Stephanie Pasquel Accounting
Heather Rizzotto-Stefanik. Legal Journal
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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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Robert C. Brown, Jr., Esquire

Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

Quarterly Association Meeting—November 13, 2008

Best Western Conference Center, Bethlehem, 5:30 p.m.

Program: “The Current Mortgage Foreclosure Crisis in America: What the Legal Community of the Lehigh Valley Can Do to Help”—registration form inside.

Lunch Lecture Programs—registration forms inside:

“How to Select a Civil Jury”—Wednesday, November 12, 2008—Part of the YLD Series of Introductory Level Seminars.

“Trial Support & Court Reporting in the 21st Century”—Wednesday, December 10, 2008

“QDROs in Divorce—Problems and Practical Tips”—Friday, December 12, 2008

N.C. Reporter Deadline Changes:

November 27th issue deadline is changed to Friday, November 21st (Thanksgiving issue)

December 25th issue deadline is changed to Friday, December 19th (Christmas issue)

January 1st issue deadline is changed to Monday, December 29th (New Year's issue)

Nobody will ever deprive the American people of the right to vote except the American people themselves and the only way they could do this is by not voting.—Franklin D. Roosevelt

ESTATE NOTICES

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

FIRST PUBLICATION**BUZAS, AUGUST J.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Jennie Buzas c/o Karl H. Kline, Esquire, Karl Kline P.C., 2025 William Penn Highway, Suite 301, Easton, PA 18045-5283

Attorneys: Karl H. Kline, Esquire, Karl Kline P.C., 2025 William Penn Highway, Suite 301, Easton, PA 18045-5283

COLLINS, NATHAN, dec'd.

Late of Upper Mt. Bethel Township, Northampton County, PA
Co-Executrices: Cathy Mullen, 157 Persimmon Lane, Bangor, PA 18013 and Donna Cortez, 20 East Chestnut Street, Nazareth, PA 18064

DiMARCANTONIO, RICHARD, dec'd.

Late of the Township of Palmer, Northampton County, PA
Executor: Alfred Capecci, Box 159, Martins Creek, PA 18063
Attorney: Paul J. Harak, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

GODSHALK, ERNEST F., JR.
a/k/a ERNEST FRANKLIN
GODSHALK, JR. a/k/a ER-
NEST F. GODSHALK a/k/a
ERNE GODSHALK, dec'd.

Late of Bath, Northampton County, PA

Executrix: Wendy Ann Godshalk c/o Lori Gardiner Kreglow, Esquire, 18 East Market Street, P.O. Box 1961, Bethlehem, PA 18016-1961

Attorney: Lori Gardiner Kreglow, Esquire, 18 East Market Street, P.O. Box 1961, Bethlehem, PA 18016-1961

LECHKI, JOHN, dec'd.

Late of Hanover Township, Northampton County, PA

Executrix: Sharron A. Sandmaier, 4489 Sarah-Marie Court, Nazareth, PA 18064

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

LUCENTE, CATHERINE E., dec'd.

Late of the Township of Lehigh, Northampton County, PA

Co-Executors: Robert J. Lucente and Theodore F. Lucente c/o Nicholas M. Zanakos, Esquire, 742 Main Street, Bethlehem, PA 18018

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

MELCHOR, JOHN E. a/k/a JOHN
MELCHOR, dec'd.

Late of the Township of Williams, Northampton County, PA

Executor: James Melchor c/o Joel M. Scheer, Esquire, Fishbone and Scheer, 940 West Lafayette Street, Easton, PA 18042

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

MILLER, ELEANOR S., dec'd.

Late of Pen Argyl, Northampton County, PA

Administrator: John Smolenak, Jr., Trevoise, PA 19053

Attorneys: James G. Murphy, Esquire, Murphy & Murphy, P.C., 106 N. Franklin St., Suite 2, P.O. Box 97, Pen Argyl, PA 18072

MILLER, RICHARD R. a/k/a RICHARD MILLER, dec'd.

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

Executor: Robert H. Miller c/o Alfred S. Pierce, Esquire, 124 Belvidere Street, Nazareth, PA 18064

Attorney: Alfred S. Pierce, Esquire, 124 Belvidere Street, Nazareth, PA 18064

NICEFORO, PHILIP, dec'd.

Late of the Borough of Bangor, Northampton County, PA

Co-Executors: Philip N. Niceforo, 80 S. Harding Avenue, Pen Argyl, PA 18072 and Roxanne Riotto, 638 Pennsylvania Avenue, Bangor, PA 18013

Attorney: William P. Coffin, Esquire, 100 North Fourth Street, Easton, PA 18042

PACIULLI, JUNE, dec'd.

Late of the Township of Forks, Northampton County, PA

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

Attorneys: Thomas L. Walters, Esquire, Lewis and Walters, 46

S. 4th Street, P.O. Box A, Easton, PA 18044-2099

REINERT, LAWRENCE S., dec'd.

Late of Lehigh Township, Northampton County, PA

Executrix: Enid E. Hower, 2436 Yost Road, Bath, PA 18014

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

RILEY, ARLENE S., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Co-Executrices: Susan L. McLasky and Kathleen R. Wolff c/o Frank J. Danyi, Jr., Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18016-1279

Attorneys: Frank J. Danyi, Jr., Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18016-1279

SMITH, DOROTHY G., dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: JanEddi Mack c/o Dolores A. Laputka, Esquire, Tallman, Hudders & Sorrentino, P.C., 1611 Pond Road, Suite 300, Allentown, PA 18104

Attorneys: Dolores A. Laputka, Esquire, Tallman, Hudders & Sorrentino, P.C., 1611 Pond Road, Suite 300, Allentown, PA 18104

SNYDER, CARL R., III, dec'd.

Late of Nazareth, Northampton County, PA

Executor: Alan D. Williams, III, 1007 West Broad Street, Quakertown, PA 18951

Attorneys: Alan D. Williams, III, Esquire, Williams and Schildt,

1007 West Broad Street, Quakertown, PA 18951

WHITE, GRACE M., dec'd.

Late of the Township of Palmer, Northampton County, PA

Administrator C.T.A.: Joseph D. Procita, 1 Kennedy Drive, Budd Lake, NJ 07828

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

SECOND PUBLICATION

BASSO, JOSEPH P. a/k/a JOSEPH P. BASSO, JR., dec'd.

Late of the Borough of Roseto, Northampton County, PA

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

BIRKEL, IRENE, dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executor: Joseph E. Birkel c/o Pedro L. Boone, Esquire, 2128 Fifth Street, Bethlehem, PA 18020

Attorney: Pedro L. Boone, Esquire, 2128 Fifth Street, Bethlehem, PA 18020

DEUTSCH, MARCELLA E., dec'd.

Late of North Catasauqua, Northampton County, PA

Executor: Dennis J. Deutsch 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

DOTO, LEONARD a/k/a LEONARD P. DOTO, dec'd.

Late of Nazareth, Northampton County, PA

Executrix: Hattie H. Doto c/o Harry Newman, Esquire, Harry Newman & Associates, P.C., 3897 Adler Place, Suite 180C, Bethlehem, PA 18017

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

FRANKENFIELD, MARY R., dec'd.

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

Executrix: Kay Long, 5800 Kessler'sville Road, Nazareth, PA 18064

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

GERARDO, LORETTA L., dec'd.

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

Co-Executors: Martin M. Gerardo and Lillian D. Heisler c/o Joel M. Scheer, Esquire, Fishbone & Scheer, 940 West Lafayette Street, Easton, PA 18042

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

HENDRICKS, CHERYL a/k/a CHERYL ANN HENDRICKS, dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Janice Boychak, 10 North Third Street, Frackville, PA 17931

Attorneys: Michael J. O'Connor, Esquire, Michael J. O'Connor & Associates, 608 W. Oak St., P.O. Box 201, Frackville, PA 17931

HIDALGO-GOMEZ, ROSA, dec'd.

Late of 1421 7th Street, Bethlehem, Northampton County, PA
Executrix: Rosa Gomez c/o Torres Law Offices, P.C., 432 N. 7th Street, Allentown, PA 18102
Attorneys: Torres Law Offices, P.C., 432 N. 7th Street, Allentown, PA 18102

JAKOB, DORIS E., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Co-Executrices: Mary Lynn Jakob Shuttlesworth a/k/a Mary Lynn Person, Laurie Ann Jakob Granville a/k/a Laurie Ann Granville and Clare Louise Jakob Smith a/k/a Clare Louise Jakob c/o Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064
Attorneys: Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

MATOS, MARIA, dec'd.

Late of Bethlehem Township, Northampton County, PA
Administratrix: Carmen Haytko, 117 Quaker Dr., Bethlehem, PA 18020
Attorneys: Bridget M. Whitley, Esquire, Skarlatos & Zonarich LLP, 17 S. 2nd St., 6th Fl., Harrisburg, PA 17101-2039

SYWENSKY, GRACE A., dec'd.

Late of Northampton, Northampton County, PA
Administratrix: Dorothy L. Beers c/o Robert B. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102
Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102

THIRD PUBLICATION**BISTRITZ, JOSEPH T.**, dec'd.

Late of Bethlehem Township, Northampton County, PA
Executrix: Martha E. Lowe 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

BYRNE, JAMES E., dec'd.

Late of the Township of Moore, Northampton County, PA
Executrix: Judith L. Rodwin c/o John A. Zapf, II, Esquire, 628 W. Broad Street, Bethlehem, PA 18018
Attorney: John A. Zapf, II, Esquire, 628 W. Broad Street, Bethlehem, PA 18018

BYRNE, SARAH M., dec'd.

Late of the Township of Bethlehem, Northampton County, PA
Executrix: Barbara A. Schindler c/o William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426
Attorneys: William P. Leeson, Esquire, Leeson, Leeson & Leeson, 70 E. Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

CHRISTMAN, JENNIE a/k/a JENNIE M. CHRISTMAN, dec'd.

Late of the City of Easton, Northampton County, PA
Executor: Mr. Harold J. Pritchard, Sr., 5200 Freemansburg Avenue, Lot 64, Easton, PA 18045
Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

CHUMAS, MARY A., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Co-Executors: Charles P. Chumas, 240 East Prospect Street, Nazareth, PA 18064-2928 and Edward L. Karch, 100 North Fairview Street, Nazareth, PA 18064-1619

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

COSTA, CASIMIRO, dec'd.

Late of Bangor, Northampton County, PA
Executor: Joao A. Costa, 8 Charles Street, Bridgewater, NJ 08807

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

FOWLER, CLARA A., dec'd.

Late of Bethlehem, Northampton County, PA
Executrix: Toni C. Adams, 2583 Black River Road, Bethlehem, PA 18015

Attorney: Robert M. Maskrey, Jr., Esquire, 27 North Sixth Street, Stroudsburg, PA 18360

HARTRANFT, DAVID LYNN, dec'd.

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

Executor: David Lyn Hartranft c/o Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

Attorneys: Daniel E. Cohen, Attorney, Seidel, Cohen, Hof & Reid, L.L.C., 3101 Emrick Blvd.,

Suite 205, Bethlehem, PA 18020

HOLVA, ROBERT G., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: John J. Holva, Jr. c/o Edward L. Redding, Esquire, 548 N. New Street, Bethlehem, PA 18018

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

KLINE, BEATRICE M., dec'd.

Late of the Township of Upper Nazareth, Northampton County, PA
Co-Executors: David C. Kline and Arlean K. Lilly c/o Alfred S. Pierce, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Alfred S. Pierce, Esquire, I.D. No. 21445, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

LAUBACH, ISABELL A. a/k/a ISABEL A. LAUBACH, dec'd.

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

Executor: Thomas Laubach c/o Mary Ann Snell, Esquire, Suite 311, 3400 Bath Pike, Bethlehem, PA 18017

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

MASTERS, THOMAS C., dec'd.

Late of the Township of Washington, Northampton County, PA

Co-Executrices: Debra Jo Oman and Lauren A. Lebkuecher c/o Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Craig A. Dally, Esquire, Pierce & Dally, LLP, 124 Belvidere Street, Nazareth, PA 18064

MILLER, TED SETON a/k/a TED S. MILLER, dec'd.

Late of the Township of Lehigh, Northampton County, PA
Executrix: Mrs. Colleen E. Miller 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

SCHENCK, CATHERINE K., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executrix: Patricia S. Grannatt, 10 Tomlyn Drive, Princeton, NJ 08540

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

SCHRAMKO, BERNADETTE, dec'd.

Late of Bethlehem, Northampton County, PA
Administrator: Francis Schramko c/o Nicholas E. Englesson, Esquire, 740 Main Street, Bethlehem, PA 18018
Attorney: Nicholas E. Englesson, Esquire, 740 Main Street, Bethlehem, PA 18018

STRAUCH, HERMAN C., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Administratrix C.T.A.: Mary Anne Haney 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

TUROSCY, GEORGE M., dec'd.

Late of Lehigh Township, Northampton County, PA
Executrix: Vanessa Edgar, 129 Greentree Court, Bath, PA 18014

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

UEBERROTH, RAY J., dec'd.

Late of Lower Saucon Township, Northampton County, PA
Administratrix: Mildred F. Guerrero 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

WUCHTER, THERESA J., dec'd.

Late of Walnutport, Northampton County, PA
Administrator: Travis Mark Wuchter, 4018 Ettornia Drive Walnutport, PA 18088
Attorney: Richard L. Campbell, Esquire, 628 West Broad Street, Bethlehem, PA 18018

YANDRISOVITZ, JOHN, SR. A/K/A JOHN YANDRISOVITZ, dec'd.

Late of the Township of Hanover, Northampton County, PA
Executor: John Yandrisovitz, Jr. c/o Steven N. Goudsouzian, Esquire, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283
Attorney: Steven N. Goudsouzian, Esquire, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283

TRUST NOTICE

NOTICE IS HEREBY GIVEN of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said trusts are requested to make known the same, and all persons indebted to said trusts are requested to make payment, without delay, to the trustees or to their attorneys named below.

GATES, BETTY S., dec'd.

Late of Hanover Township,
Northampton County, PA

Co-Trustees: Elmer D. Gates,
Patti G. Smith and Jodi A. Key
c/o Fitzpatrick Lentz & Bubba,
PC, 4001 Schoolhouse Lane,
P.O. Box 219, Center Valley, PA
18034-0219

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

Nov. 6, 13, 20

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, approved December 21, 1988, P.L. 1444, as amended, by the following corporation:

The name of the corporation is:

RAINMAN PRODUCTIONS, INC.

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

Nov. 6

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

The name of the incorporation is:

VICKI'S TRAVEL

The Certificate of Incorporation was filed on October 10, 2008.

PETERS, MORITZ, PEISCHL,
ZULICK, LANDES & BRIENZA, LLP
One South Main Street
Nazareth, PA 18064

Nov. 6

LIMITED LIABILITY COMPANY NOTICES

NOTICE IS HEREBY GIVEN that the Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization of a proposed Limited Liability Company to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the Limited Liability Company is:

BEEWICK, LLC

The Certificate of Organization has been filed on October 20, 2008.

DAVID R. GORDON, ESQUIRE
1883 Jory Road
Pen Argyl, PA 18072

Nov. 6

NOTICE IS HEREBY GIVEN that the Certificate of Organization has been filed with the Department of State of the Commonwealth of Penn-

sylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization of a proposed Limited Liability Company to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988. P.L. 1444, No. 177, as amended. The name of the Limited Liability Company is:

DEEVILLE PROPERTY, LLC

The Certificate of Organization has been filed on October 20, 2008.

DAVID R. GORDON, ESQUIRE
1883 Jory Road
Pen Argyl, PA 18072

Nov. 6

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, pursuant to the provisions of the Limited Liability Company Law of the Commonwealth of Pennsylvania, Act of December 7, 1994 (P.L. 703, No. 106), by the following company:

TWISTED TWINS SALSA CO.

The Certificate of Organization was filed on October 27, 2008.

JEFFREY F. HUSSAR, ESQUIRE
946 Third Street
Whitehall, PA 18052

Nov. 6

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, P.L. 1444, as

amended, by the following corporation:

The name of the corporation is:
WEST END ALLIANCE, INC.

The purpose of the corporation is to advance the promotion of social welfare and neighborhood and community development.

The Articles of Incorporation were filed on October 30, 2008.

FITZPATRICK LENTZ
& BUBBA, P.C.
4001 Schoolhouse Lane
P.O. Box 219
Center Valley, PA 18034-0219

Nov. 6

NOTICE OF AMENDMENT TO ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that an Amendment to the Articles of Incorporation of the Northampton County Industrial Development Authority shall be filed with the Department of State of the Commonwealth of Pennsylvania under the provisions of the Industrial and Commercial Development Authority Law.

The Northampton County Industrial Development Authority has a registered office at 669 Washington Street, Easton, Pennsylvania 18042.

The purpose of the Amendment is to extend the term of existence for the Northampton County Industrial Development Authority to a date fifty years from the date of approval of the Articles of Amendment.

The Amendment shall be filed on November 12, 2008.

Nov. 6

LEGAL NOTICE

COUNTY OF NORTHAMPTON,
Plaintiff

v.

ADVANCED VOTING
SOLUTIONS, INC.

Defendant

No. CV2007-10131

NAMES OF THE PARTIES:

County of Northampton, Plaintiff;
Advanced Voting Solutions, Inc.,
Defendant

NATURE OF THE ACTION:

Complaint filed by Plaintiff, County of Northampton against Defendant, Advanced Voting Solutions, Inc., for damages as sustained by the County of Northampton upon Count I—Breach of Contract; Count II—Breach of Express Warranty (13 Pa. C.S.A. §2313(a)); Count III—Breach of Implied Warranty of Merchantability (13 Pa. C.S.A. §2314); Count IV—Breach of Implied Warranty of Fitness for a Particular Purpose (13 Pa. C.S.A. §2315); Count V—Pennsylvania’s Unfair Trade Practices and Consumer Protection Law (73 P.S. §201-1 et seq.).

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Notice by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Plaintiff’s Complaint or for any other claim or 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT

WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
155 South 9th Street
Easton, PA 18042
Telephone: (610) 258-6333
CHRISTOPHER T. SPADONI,
ESQUIRE
Pa. I.D. No. 24817

215 West Broad Street
P.O. Box 522
Bethlehem, PA 18018
(610) 867-3938
FAX (610) 625-4788

Nov. 6, 13

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

JURY TRIAL DEMANDED

Sharon D. Frable,

Plaintiff

vs.

Sharbel Koorie, Lena Koorie and
Robert Raisner,

Defendants

NO. C0048-CV-2008-8141

Nature of Action: The above action arises out of slip and fall resulting from Defendant owner’s and Defendant’s contractor’s negligence, which accident occurred on August 15, 2006 at 43 S. 9th Street in Easton, Northampton County, Pennsylvania, wherein the Plaintiff sustained severe personal injuries for which she makes claims for money damages for both economic losses and non-economic losses.

NOTICE TO ROBERT RAISNER

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court

without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

LAWYER REFERRAL SERVICE
Northampton County Bar Association
155 S. Ninth Street
Easton, PA 18042
Telephone (610) 258-6333

MICHAEL A. SNOVER, ESQUIRE
Attorney for Plaintiff

2571 Baglyos Circle
Suite B25
Bethlehem, PA 18020
(484) 821-1005

Nov. 6

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

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

In Re: J.D.T. and E.M.S. minor children of C.M.T. and S.R.S. III

NO. 2008-0070

TO: Any, natural putative and/or presumptive father of J.D.T., a child born to Corinne Melissa Tate on March 29, 2000

NOTICE

A Petition has been filed asking the Court to put an end to all rights

you have to your child: J.D.T. The Court has set a hearing to consider ending your rights to your child. The hearing will be held in Courtroom No. 1, Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania, on December 8, 2008 at 9:00 O'Clock A.M. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have the right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you cannot afford a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

Lehigh Valley Legal Services:
North Penn Legal Services
65 E. Elizabeth Ave.
Suite 903
Bethlehem, PA 18018
(610) 317-8757

If you can afford to hire a lawyer but do not have a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

Lawyer Referral Service
155 South Ninth Street
Easton, PA 18042
(610) 258-6333

Nov. 6

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PA CIVIL DIVISION—LAW

Erie Insurance Exchange as Subrogee for Kline's Auto Repair vs.

Eric Moore and Dianna Duffy
No. C48CV2007-8793

NOTICE TO ERIC MOORE and DIANNA DUFFY

NOTICE IS HEREBY GIVEN that a Complaint has been filed against

you in the Office of the Prothonotary of Northampton County, Pennsylvania alleging property damage to Kline's Auto Repair, located at 460 S. First Street, Bangor, Northampton County, Pennsylvania 18013, on December 21, 2005. Plaintiff is requesting that the Court enter judgment in Plaintiff's favor against Eric Moore and Dianna Duffy in the amount of \$21,372.75 together with interest, costs and delay damages.

NOTICE

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

YOU SHOULD TAKE THIS 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.

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Lawyer Referral Service
Northampton County Bar Association
155 South Ninth Street
Easton, PA 18042
(610) 258-6333

CHARLES B. STOKES, ESQUIRE
Attorney ID No. 32259
Attorney for Plaintiff
Nov. 6

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA ORPHANS' COURT

IN RE: TERMINATION OF PARENTAL RIGHTS OF N.J.G., A MINOR

NO. 2008-0074

NOTICE TO NATURAL MOTHER JENNIFER GINDER

NOTICE TO DEFENDANT:

A petition to Terminate the Parental Rights of Jennifer Ginder by Consent has been filed asking the Court to put an end to all rights you Jennifer Ginder have to your child, Nicolas James Ginder, born July 6, 2008. Natural Mother is Jennifer T. Ginder. The Court has set a hearing to consider the Petition to Terminate your parental rights on November 25, 2008 at 10:00 a.m., in Courtroom #4 of the Northampton County Government Center, Seventh and Washington Streets, Easton, PA. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to the child may be ended by the court without you being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Northampton County Bar Association
Lawyer Referral Service
155 South Ninth Street
Easton, PA 18042
Telephone: (610) 258-6333

A copy of the petition to Terminate the Parental Rights of Jennifer Ginder by Consent may be obtained from the Northampton County Orphans' Court at Case No.: 2008-0074 located at

669 Washington Street in Easton, Pennsylvania at a charge not greater than the cost of copying said Petition and/or at no charge by contacting Attorney Michael F. Corriere at the below stated address and telephone number.

MICHAEL F. CORRIERE, ESQUIRE
I.D. No. 62255
Attorney for Plaintiff

433 East Broad Street
P.O. Box 1217
Bethlehem, PA 18016-1217
(610) 865-5566

Nov. 6

**IN THE COURT OF COMMON
PLEAS OF NORTHAMPTON
COUNTY, PENNSYLVANIA
ORPHANS' COURT**

IN RE: TERMINATION OF
PARENTAL RIGHTS OF
N.J.G., A MINOR
NO. 2008-0074

NOTICE TO NATURAL FATHER
NICOLAS JAMES GINDER

NOTICE TO DEFENDANT:

A petition to Terminate the Parental Rights of Jennifer Ginder by Consent has been filed asking the Court to put an end to all rights Jennifer Ginder has to your child, Nicolas James Ginder, born July 6, 2008. Natural Mother is Jennifer T. Ginder. The Court has set a hearing to consider the Petition to Terminate your parental rights on November 25, 2008 at 10:00 a.m., in Courtroom #4 of the Northampton County Government Center, Seventh and Washington Streets, Easton, PA. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and natural mothers rights to the child may be ended by the court without you being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer

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

Northampton County Bar
Association
Lawyer Referral Service
155 South Ninth Street
Easton, PA 18042
Telephone: (610) 258-6333

A copy of the petition to Terminate the Parental Rights of Jennifer Ginder by Consent may be obtained from the Northampton County Orphans' Court at Case No.: 2008-0074 located at 669 Washington Street in Easton, Pennsylvania at a charge not greater than the cost of copying said Petition and/or at no charge by contacting Attorney Michael F. Corriere at the below stated address and telephone number.

MICHAEL F. CORRIERE, ESQUIRE
I.D. No. 62255
Attorney for Plaintiff

433 East Broad Street
P.O. Box 1217
Bethlehem, PA 18016-1217
(610) 865-5566

Nov. 6

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

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

ESTATE; Accountant
HAZEL M. BONNEY; Harry Newman, Administrator D.B.N.C.T.A
ALFRED A. CAPOBIANCO; Ann C. Dally, Executrix
JOANNE N. CASILIO; Maria Medei, Executrix
JOANNE N. CASILIO IRREVOCABLE TRUST DATED 04/30/1993; Maria Medei, Trustee

DONALD W. DIEHL; Ned A. Diehl,
Executor

County Government Center, Easton,
PA on: WEDNESDAY, NOVEMBER
26, 2008 AT 9:00 A.M. IN COURT-
ROOM #1.

AUDIT NOTICE

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

Dorothy L. Cole
Clerk of Orphans' Court
Nov. 6, 13



SLIFER, VOICE & SHADE

Announces the expansion and relocation
of their office to better serve its clients.
Three conference rooms
Largest room accommodates 25 people
Complimentary catering and office services

New Address Effective 11/23/2008

4949 Liberty Lane, Suite 200, Allentown, PA 18106
610-434-8588 610-434-1350 (fax)

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web-based repository and scheduling system - VIP21!
Unparalleled by our competition!



Front Row: Christine Pelanne, Lynn Pleban, Sally Slifer, Jackie Grube, Liebe Franges
Back Row: Christine Cooperman, Missy Snerr, Deb Marshall, Mei Bartman,
Suzanne Toto, Meg Davis, Linda Beyerle, Gina Clements
Not Pictured: Lauren Moore, Judi Olsen, Trish Simms and Florita Hobaugh

NORTHAMPTON COUNTY REPORTER DIGEST—2008-11
RECENT DECISIONS OF THE COURTS OF COMMON PLEAS
OF NORTHAMPTON COUNTY

TABITHA L. RICICKI F/K/A TABITHA L. ROCKAFELLOW,
PLAINTIFF v. BRETT A. CROWN, DEFENDANT

Preliminary Objections—Demurrer—Custody—Res Judicata—Collateral Estoppel—Failure to Prosecute

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2005-2178.

Preliminary objections denied.

Robert J. Brasko, Esquire for Plaintiff.

Ellen S. Kingsley, Esquire for Defendant.

Order of Court entered March 10, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Defendant filed a Petition for Modification of Custody and Contempt of Court, seeking a transfer of primary physical custody from Plaintiff to Defendant. Plaintiff filed a Preliminary Objection, in the nature of a Demurrer. Mother contends that Father's petition is legally insufficient and barred by res judicata, collateral estoppel and/or a failure to prosecute.

Mother contends that Father's Petition should be barred by the doctrine of res judicata because the instant Petition is identical to his previous Petition. This court disagreed, stating that the two petitions raise different factual allegations and different issues, specifically in that the issue of the child's medical care was not raised in the original Petition. Additionally, the procedural posture of the petitions is different, as Father has since been able to obtain a home study evaluation.

Mother also contends that Father's Petition should be barred by the doctrine of collateral estoppel because the parties fully litigated the issue of custody in May of 2001. The child's best interests may have changed in the intervening seven years. Moreover, Pennsylvania case and statutory law do not require proof of a change of circumstances before a petition for modification of custody is filed.

Mother contends that Father's Petition should be dismissed for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). However, the rule is inapplicable in the instant matter because this Court is not a federal forum. Additionally, Father's conduct does not appear to be dilatory or in bad faith.

LVNV FUNDING, LLC, PLAINTIFF v. EMILY L. RANIERI, DEFENDANT

Preliminary Objection—Demurrer—Pa. R.C.P. 1019(h)

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2008-2477.

Preliminary Objections granted.

Bohdan J. Zelechiwsky, Esquire for Plaintiff.

David J. Apothaker, Esquire for Defendant.

Order of Court entered June 6, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint alleging that Defendant defaulted on a credit account. Defendant filed Preliminary Objections to Plaintiff's Complaint in the nature of a demurrer. Plaintiff's Complaint does not state specifically whether the agreement between the parties was oral or written and therefore fails to conform to Pa. R.C.P. 1019(h).

Defendant also asserts that the allegations set forth in the Complaint are vague and unsupported by allegations of material fact. The Complaint merely sets forth the debtor's name, account number and alleged balance due. Plaintiff has not adequately pled the facts supporting its claims such that Defendant could adequately prepare a response.

Defendant also argues that Plaintiff failed to set forth a cause of action for breach of an agreement. In order to establish a cause of action for breach of contract, the plaintiff must allege the existence of a contract, a breach of a duty imposed by the contract, and resultant damages. Plaintiff's Complaint and Exhibit A thereto both fail to describe or identify the goods and/or services that Plaintiff allegedly sold and delivered to Defendant. The Complaint also fails to disclose the relationship between the creditor and the Plaintiff and fails to establish any authority for Plaintiff to bring suit on behalf of the creditor. Consequently, Plaintiff's Complaint failed to allege the "essential terms" of the agreement between the parties and, therefore, Defendant's Preliminary Objection in the nature of a Demurrer is granted.

RENO MARCANTE, PLAINTIFF v. STEPHEN MOWREY, DEFENDANT*Motion in Limine—Legal Malpractice—Expert Testimony*

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2005-8524.

Motion in Limine granted.

Paul C. Troy, Esquire for Plaintiff.

Brian D. Hartshown, Esquire for Defendant.

Order of Court entered June 6, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint alleging legal malpractice against Defendant. Plaintiff retained Defendant to represent him as a result of a slip and fall incident. Defendant admittedly failed to file a Complaint or Writ of Summons before the expiration of the statute of limitations, thereby extinguishing Plaintiff's legal right to recover arising out of the slip and fall incident.

Defendant filed the instant Motion in Limine to preclude the testimony of Plaintiff's expert. Expert testimony is not required in legal malpractice actions where the issues are not "beyond the knowledge of the average person." *Rizzo v. Haines*, 555 A.2d 58, 66 (Pa. 1989). "Where the issue is simple, and the lack of skill obvious, the ordinary experience and comprehension of lay persons can establish the standard of care." *Id.*

In the instant case, Defendant's negligence is admitted and therefore, no expert testimony is needed on the issue of professional negligence. The only open issue is the amount of Plaintiff's damages, if any, as a result of Defendant's negligence. Actual losses in a legal malpractice action are measured by the judgment the plaintiff lost in the underlying action and the attorney who negligently handled the underlying action is the party held responsible for the lost judgment. *Kituskie v. Corbman*, 714 A.2d 1027, 1030 (Pa. 1998). In a legal malpractice action, a Plaintiff must prove a "case within a case," including the element of damages in the underlying action. Because expert testimony

regarding verdict value would not have been admissible during an original trial of the underlying claim, it should also not be permitted during Plaintiff's presentation of his "case within a case." Moreover, any testimony by Plaintiff's expert as to the verdict value a jury could have returned is speculative. Consequently, Defendant's Motion in Limine to preclude the testimony of Plaintiff's expert is granted.

CITIBANK (SOUTH DAKOTA) N.A. v. LEO M. PIETROUCHIE

Preliminary Objections—Failure to Conform—Pa. R.C.P. 1019(i)—Insufficient Specificity—Account Stated

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2008-0821.

Preliminary Objections denied.

Derek C. Blasker, Esquire for Plaintiff.

Michael C. Deschler, Esquire for Defendant.

Order of Court entered March 26, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff, Citibank, filed a Complaint alleging that Defendant owed it a balance on a credit card account. Defendant filed Preliminary Objections to the Complaint, in the nature of failure to conform to law or rule of Court and insufficient specificity of pleading.

When an action is based upon an account stated, a copy of the account must be attached to the Complaint. *Ryon v. Andershonis*, 42 D. & C. 2d 86 (Schuylkill Co. 1967). Exhibit "A" to Plaintiff's Complaint is an account statement for Defendant's credit account with Plaintiff, including the total balance due amount, and because Exhibit "A" was properly attached to the Complaint, the Complaint conforms with Pa. R.C.P. 1019(i). Therefore, Defendant's Preliminary Objection in the nature of Failure to Conform to Pa. R.C.P. 1019(i) is denied.

Defendant may aver a defense to the alleged amount due and/or may request copies of all monthly billing statements through discovery. The final statement of account, attached to Plaintiff's Complaint as Exhibit "A," reflects the lawsuit balance and is sufficiently specific to maintain the account stated cause of action. Therefore, Defendant's Preliminary Objection in the nature of Insufficient Specificity of a Pleading is denied.

CHASE BANK USA, N.A., PLAINTIFF v. DIANE BONAVITA, DEFENDANT

Preliminary Objections—Insufficient Specificity—Lack of Capacity to Sue—Credit—Pa. R.C.P. 1019(i)

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2008-2561.

Preliminary Objections denied.

Michael J. Dougherty, Esquire for Plaintiff.

Diane Bonavita, Pro Se.

Order of Court entered May 5, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint alleging that Defendant defaulted on a credit account.

Defendant filed Preliminary Objections to Plaintiff's Complaint asserting that Plaintiff failed to attach a signed contract to the Complaint and therefore the Complaint did not conform to Pa. R.C.P. 1019(i). Pennsylvania Rule of Civil Procedure 1019(i)

provides that “[w]hen any claim or defense is based upon a writing, the pleader shall attach a copy of the writing....” Plaintiff attached a copy of the Cardmember Agreement to the Complaint. Plaintiff has sufficiently pled all elements of the instant cause of action. The account statement reflects the lawsuit balance and is sufficiently specific to maintain the cause of action. Defendant may aver a defense to the alleged amount due and/or may request copies of all monthly billing statements through discovery. Defendant asserted that Plaintiff lacked capacity to sue because Plaintiff failed to attach to the Complaint an assignment or transfer of the alleged credit card account to Plaintiff. No assignment is necessary because the entity with which Defendant allegedly opened a credit card account is the same entity bringing suit to collect the balance due on the credit card account.

MARIA ALVAREZ, PLAINTIFF v. HERNAN PORRAS, LANDIS LEASING, INC., INDIAN VALLEY TRUCKING, INC., PHILLIP SCHMITT, LAURA PEPPER, AND PIERCE FORREST, DEFENDANTS

Non-jury Trial—Statute of Limitations—Personal Injury

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2006-6482.

Complaint dismissed for untimely filing.

Chad R. Williams, Esquire for Plaintiff.

John Thome, Jr., Esquire for Defendants.

Order of Court entered April 1, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint with the Superior Court of New Jersey as a result of a motor vehicle accident that occurred in Lower Saucon Township, Pennsylvania. The Superior Court of New Jersey, Hudson County granted Defendants’ Motion for Summary Judgment for lack of jurisdiction. Subsequently, Plaintiff filed a Complaint against Defendants in the Northampton County Court of Common Pleas arising out of the same motor vehicle accident that was the basis of Plaintiff’s New Jersey Complaint.

In Pennsylvania, an action to recover damages for personal injury is governed by a two-year statute of limitations. The Complaint filed in this Court was filed after the expiration of the applicable statute of limitations. The Complaint filed in New Jersey did not operate to toll the Pennsylvania statute of limitations. There is insufficient evidence of record to support Plaintiff’s counsel’s contention that there was an agreement with Defendants’ counsel to waive the statute of limitations defense.

ESTHER JANE EICK, PLAINTIFF v. CLARK EICK, III, DEFENDANT

Motion for Summary Judgment—Mortgage Foreclosure—Admissions—Pa. R.C.P. 1029—Oral Modification—Pa. R.C.P. 1148—Parol Evidence—Statute of Frauds

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2007-4970.

Motion for Summary Judgment denied.

Mark F. Himsworth, Esquire for Plaintiff.

Samuel P. Murray, Esquire for Defendant.

Order of Court entered February 27, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint asserting a cause of action in mortgage foreclosure against her son. Plaintiff filed a Motion for Summary Judgment.

Plaintiff asserted that Defendant made express and deemed admissions and failed to set forth a legitimate new matter or counterclaim. Pennsylvania Rule of Civil Procedure 1029 provides that averments in a pleading to which a responsive pleading is required are admitted when not denied specifically or by necessary implication. A general denial shall have the effect of an admission. In determining whether a party has admitted the material factual allegations of a complaint, the reviewing court should examine the pleadings as a whole. Consequently, while Defendant's general denials are deemed admitted, Defendant's remaining responses could not be considered general denials in light of the entire pleadings.

Plaintiff also contended that Defendant failed to set forth a valid defense to the instant mortgage foreclosure action and any allegation of oral modification is inadmissible. Pennsylvania Rule of Civil Procedure 1148 provides that a defendant may plead a counterclaim which arises from the same transaction or occurrence or series of transactions or occurrences from which the plaintiff's cause of action arose. Defendant raises in his New Matter and Counterclaim his defense that he did not default on the mortgage and that the mortgage has been satisfied. This claim is appropriately pled. Whether Defendant actually paid the mortgage or how much he paid must be litigated at the same time as the underlying foreclosure action. Whether the Defendant is in default on the mortgage that Plaintiff seeks to foreclose is a material issue of fact.

Additionally, evidence of subsequent oral modification of the written mortgage is not barred by the parol evidence rule or the statute of frauds. Defendant contends that signed receipts showing Plaintiff directly collected rent from Defendant's tenants over a period of years prove Plaintiff's partial performance in support of the modification.

Motion for Reconsideration denied.

MICHAEL BRISTOL, JR., PLAINTIFF v. ERIC LEINBACH, DEFENDANT

Preliminary Objections—Professional Negligence—Standing—Bankruptcy—Motion to Strike—Arbitration Clause

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—Law, No. C0048CV2007-9794.

Preliminary Objections denied; Motion to Strike granted.

G. Christopher Parrish, Esquire for Plaintiff.

Edwin P. Smith, Esquire for Defendant.

Order of Court entered February 27, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint alleging causes of action for professional negligence and breach of contract arising out of Defendant's representation of Plaintiff in a bankruptcy action. Defendant filed Preliminary Objections to Plaintiff's Complaint contending that Plaintiff lacks the standing to bring the instant action because any cause of action against Defendant must be brought by the bankruptcy estate. Plaintiff argues that the malpractice claim is not the property of the bankruptcy estate because the harm to Plaintiff accrued after the filing of the bankruptcy petition. Upon filing a petition for bankruptcy, a debtor loses standing to pursue any claims that have accrued as of that time. Only if a bankruptcy trustee formally abandons a claim does that claim revert

in the debtor such that the debtor may bring suit in his own name. Because Plaintiff's bankruptcy estate is closed and the trustee refuses to administer the professional negligence claim, Plaintiff has standing to maintain the action.

Defendant contends that Plaintiff has failed to state a claim for professional negligence. In order to state a professional negligence claim against an attorney, a plaintiff must allege facts to establish the employment of the attorney or other basis for duty, the failure of the attorney to exercise ordinary skill and knowledge, and that such failure was the proximate cause of damage to the plaintiff. Plaintiff alleges that he retained the services of Defendant, that Defendant entered an incorrect fair market value of Plaintiff's real estate upon the bankruptcy petition, and that Defendant failed to attempt to negotiate a reduction of Plaintiff's debt, which Plaintiff alleges could have been reduced to 25% of the principal amount.

Defendant contends that Count Two of Plaintiff's Complaint requesting repayment of attorney's fees should be stricken because the agreement for legal services between the parties contained an arbitration clause relating to financial disputes. Because Plaintiff's suit was commenced in Pennsylvania, the fee dispute must be submitted to the Attorney Fee Dispute Committee of the Pennsylvania Bar Association or the Northampton County Bar Association pursuant to the binding agreement for legal services between the parties.

**FIA CARD SERVICES A/K/A BANK OF AMERICA, PLAINTIFF
v. KAREN M. MATIKA, DEFENDANT**

Motion for Summary Judgment—Credit Card—Debt Settlement

In the Court of Common Pleas of Northampton County, Pennsylvania, Civil Division—
Law, No. C0048CV2007-7813.

Motion for Summary Judgment granted.

Kimberly F. Scian, Esquire for Plaintiff.

Karen M. Matika, Pro Se.

Order of Court entered February 29, 2008 by F.P. Kimberly McFadden, Judge.

DESCRIPTION OF DECISION

Plaintiff filed a Complaint arising out of a default on a credit card account. Defendant filed an answer to Plaintiff's Complaint acknowledging that she owes a debt to Plaintiff and asserting that she was seeking the assistance of a debt settlement company due to financial hardship. Defendant has admitted that she owes a debt to Plaintiff and has not set forth any facts contradicting the elements of Plaintiff's claim. Although Defendant asserts that she is affiliated with a debt settlement company, she does not deny that she is in default and does not allege that the debt settlement company has been making payments on her behalf. No issues of material fact remain.

PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, November 10, 2008**

