

Northampton County Reporter

(USPS 395-280)

VOL. LXII

EASTON, PA February 16, 2023

NO. 59

In Re: Fifty Thousand and 00/100 (\$50,000) Dollars v. Com. of PA

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INSERT: Yellow: 1. 2023 Calendar
2. Quarterly Association Meeting
3. NCBA welcomes five new members
4: PA Legal Ads

NOTICE TO THE BAR...

Quarterly Association Meeting

Thursday, March 9, 2023

Registration inside.

**NORTHAMPTON COUNTY BAR ASSOCIATION
2023 BAR ASSOCIATION OFFICERS**

Steven B. Molder President
Jeremy F. Clark President-Elect
Rebecca Kulik Vice President
Michael A. Santanasto Treasurer
Richard Eugene Santee Secretary
Paul J. Harak Past President

BOARD OF GOVERNORS

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Gary A. Brienza
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Mark B. Stanziola
Dennis W. Winegar

ZONE II DELEGATES

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Keri A. Schantz
Joel M. Scheer
Michael P. Shay
Frank W. Yandrisevits

Northampton County Reporter

Attorney Referral & Information Service

**155 South Ninth Street, P.O. Box 4733
Easton, PA 18042**

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E-mail: ncba@nrcobar.org

PBA (800) 932-0311—PBI (800) 932-4637

BAR ASSOCIATION STAFF

Mary Beth Leeson Executive Director
Rose Wedde Accounting
..... Legal Journal
Deborah J. Flanagan Attorney Referral
Jessica M. Bosco Attorney Referral

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

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Ralph J. Bellafatto, Esquire

Editor

NOTICE TO NCBA MEMBERS – BAR NEWS**PA Supreme Court Committees and Boards – One Opening**

There is an opening on the Continuing Legal Education Board. Applicants must be active members of the PA bar with their primary residence in PA. Applicants should be knowledgeable about legal practice and procedures in PA state or federal courts.

If you are interested in applying, visit the website for the Unified Judicial System of PA. Applications are due by Tues., February 28, 2023.

Legally Bound Book Club—Meeting March 13, 2023

Our book club has selected their new book. The book is The Overstory by Richard Powers. All members are welcome to attend. The next meeting will be at Easton Wine Project beginning at 5:00 p.m. on March 13th.

Save the Dates

March 9, 2023 Quarterly Association Meeting
March 24, 2023 Annual Reception for the Court

2023 Committee Preference Forms

If you want to be part of any NCBA Committees, return your Committee Preference Form now. The form needs to be completed each year so the committees are up to date.

Committee Chairs are starting to schedule the meetings. You don't want to miss this one!

The philosophy of the school room in one generation will be the philosophy of government in the next. ~ Abraham Lincoln

ESTATE AND TRUST NOTICES

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

FIRST PUBLICATION**AVALOS, ANA MARIA, dec'd.**

Late of the City of Bethlehem, Northampton County, PA
Executrix: Anna Maria Cortez c/o George K. Keenan, Esquire, 44 East Broad Street, Suite 210, Bethlehem, PA 18018
Attorney: George K. Keenan, Esquire, 44 East Broad Street, Suite 210, Bethlehem, PA 18018

COLABELLA, ROSALINE M., dec'd.

Late of Bethlehem, Northampton County, PA
Executor: Fulton Bank, N.A. c/o Dolores A. Laputka, Esquire, Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101
Attorneys: Dolores A. Laputka, Esquire, Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101

FRANCO, JOSEPH ANTHONY, SR., dec'd.

Late of the City of Easton, Northampton County, PA

Administrator c.t.a.: Stephen Michael Franco c/o Charles Bruno, Esquire, Bruno Law, P.O. Box 468, Easton, PA 18044-0468

Attorneys: Charles Bruno, Esquire, Bruno Law, P.O. Box 468, Easton, PA 18044-0468

GABRYLUK, EDWARD A., dec'd.

Late of the Borough of Northampton, Northampton County, PA

Administratrix: Catherine G. Morey c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

GILADI, TOVA, dec'd.

Late of the Township of Williams, Northampton County, PA

Executor: Alex S. Rosenblum c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

KILPATRICK, MAMIE IDA, dec'd.

Late of Palmer Township, Northampton County, PA

Executrix: Suzanne Zito Moschini 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

KUKER, CATHERINE ANN, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Administrator: Max Allen Hauze c/o Alfred S. Pierce, Esquire,

Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Alfred S. Pierce, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

LAUBACH, ELIZABETH R., dec'd.

Late of Northampton Borough, Northampton County, PA

Executrix: Constance Louise Nagy c/o Joshua D. Shulman, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067

Attorneys: Joshua D. Shulman, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067

MIRENNA, SUSAN A., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executor: William Walter Skinner c/o Timothy B. Fisher, II, Esquire, Fisher & Fisher Law Offices, P.O. Box 396, Gouldsboro, PA 18424

Attorneys: Timothy B. Fisher, II, Esquire, Fisher & Fisher Law Offices, P.O. Box 396, Gouldsboro, PA 18424

O'BRIEN, ARDAN LIAM, dec'd.

Late of the Township of Bushkill, Northampton County, PA

Administratrix: Tara J. O'Brien c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

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

REID, LENOX L., dec'd.

Late of Forks Township, Northampton County, PA

Executor: Todd Stephen Reid

Attorney: April L. Cordts, Esquire, 391 Nazareth Pike, Bethlehem, PA 18020

REPSHER, MARIE F. YACONE, dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Thomas Paul Yacone c/o George K. Keenan, Esquire, 44 East Broad Street, Suite 210, Bethlehem, PA 18018

Attorney: George K. Keenan, Esquire, 44 East Broad Street, Suite 210, Bethlehem, PA 18018

TEMCEL, THERESA J., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Stephanie E. Judd c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

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

WILLIAMS, DONELDA R., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executrix: Barbara A. Stopp c/o Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

SECOND PUBLICATION

BARANOWSKI, FRED MICHAEL, SR., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executor: Fred M. Baranowski, Jr. c/o Kristin M. Harvey, Esquire, Knafo Law Offices, LLC, 2740 Nazareth Rd., Easton, PA 18045

Attorneys: Kristin M. Harvey,
Esquire, Knafo Law Offices, LLC,
2740 Nazareth Rd., Easton, PA
18045

BEAHM, SLYVANUS H., dec'd.

Late of Bethlehem, Northampton
County, PA

Executors: Sandra J. Beahm
and Wayne W. Beahm c/o
William W. Matz, Jr., Esquire,
211 W. Broad Street, Bethlehem,
PA 18018-5517

Attorney: William W. Matz, Jr.,
Esquire, 211 W. Broad Street,
Bethlehem, PA 18018-5517

BRINGENBERG, THERESA C.,
dec'd.

Late of Bethlehem, Northampton
County, PA

Executrix: Ms. Kathleen Misunas
Attorneys: John D. Lychak,
Esquire, Law Offices of John D.
Lychak, P.C., 60 W. Broad Street,
Suite 98, Bethlehem, PA 18018

BUTKOWSKI, BERTHA H., dec'd.

Late of Hanover Township,
Northampton County, PA

Executrix: Catherine A. Graf c/o
Timothy J. Duckworth, Esquire,
Mosebach, Funt, Dayton &
Duckworth, P.C., 2045 Westgate
Drive, Suite 404, Bethlehem, PA
18017

Attorneys: Timothy J.
Duckworth, Esquire, Mosebach,
Funt, Dayton & Duckworth,
P.C., 2045 Westgate Drive, Suite
404, Bethlehem, PA 18017

CANNAVO, ROSE, dec'd.

Late of the Borough of Roseto,
Northampton County, PA

Executor: Biagio John Cannavo
c/o David J. Ceraul, Esquire, 22
Market Street, P.O. Box 19,
Bangor, PA 18013-0019

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

CASKEY, GLADYS WINIFRED,
dec'd.

Late of Forks Township, North-
ampton County, PA

Executors: Beth L. Caskey and
Paul F. Caskey c/o Douglas J.
Tkacik, Esquire, 18 East Market
Street, Bethlehem, PA 18018

Attorney: Douglas J. Tkacik,
Esquire, 18 East Market Street,
Bethlehem, PA 18018

GILLETTE, ANTHONY M., dec'd.

Late of Northampton County, PA
Executor: Phillip John Gillette,
1974 Sun Valley Drive, Blakeslee,
PA 18610

Attorney: Abigail Gross, Esquire,
7619 Tilghman Street, Allentown,
PA 18106

GOODE, CHESTER J., JR., dec'd.

Late of the Borough of Glendon,
Northampton County, PA

Administrator: Chester Joseph
Goode c/o Goudsouzian &
Associates, 2940 William Penn
Highway, Easton, PA 18045

Attorneys: Goudsouzian &
Associates, 2940 William Penn
Highway, Easton, PA 18045

GUTH, DOLLARD S., dec'd.

Late of Walnutport, Northampton
County, PA

Executrix: Kelly R. Schriener c/o
Keith W. Strohl, Esquire, Steckel
and Stopp, LLC, 125 S. Walnut
Street, Suite 210, Slatington, PA
18080

Attorneys: Keith W. Strohl,
Esquire, Steckel and Stopp, LLC,
125 S. Walnut Street, Suite 210,
Slatington, PA 18080

INDERELST, DOLORES ANN,
dec'd.

Late of the Township of Palmer,
Northampton County, PA

Executrix: Deborah Ann Dungan
c/o Theresa Hogan, Esquire,

Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042
Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

LUTZ, DAVID L., dec'd.

Late of Bethlehem, Northampton County, PA
Executor: Thomas Gerard Lutz c/o Sally L. Schoffstall, Esquire, Schoffstall Elder Law, 2987 Corporate Court, Suite 200, Orefield, PA 18069
Attorneys: Sally L. Schoffstall, Esquire, Schoffstall Elder Law, 2987 Corporate Court, Suite 200, Orefield, PA 18069

PETITO, PATRICIA A., dec'd.

Late of Northampton, Northampton County, PA
Executrix: Anita M. Petito c/o Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080
Attorneys: Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

SELKO, MARY JOAN, dec'd.

Late of the Township of Hanover, Northampton County, PA
Executor: John Joseph Selko, Jr. c/o Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018
Attorneys: Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018

SMITH, SHERRIE A., dec'd.

Late of Walnutport, Northampton County, PA
Executor: Eric M. Bauer c/o Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut

Street, Suite 210, Slatington, PA 18080

Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

YOCHUM, BETTY L., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executrix: Jayleen Yochum Solt, 130 Honeysuckle Drive, Jim Thorpe, PA 18229
Attorney: Paul J. Harak, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

ZALUTSKY, MARY ANN LOUISE, dec'd.

Late of Bethlehem, Northampton County, PA
Executor: Eugene Melvin Zalutsky, 509 Wild Mint Ln., Allentown, PA 18104
Attorneys: Curtis C. Creveling, Esquire, Creveling, Creveling & Cappellini, 123 North Fifth Street, Allentown, PA 18102

ZIOLKOWSKI, YETTA GOLDSTEIN, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Eric Josef Ziolkowski c/o Theodore R. Lewis, Esquire, Lewis and Walters, 46 South Fourth Street, Easton, PA 18042
Attorneys: Theodore R. Lewis, Esquire, Lewis and Walters, 46 South Fourth Street, Easton, PA 18042

THIRD PUBLICATION

AMATO, ANTHONY D., JR., dec'd.

Late of the City of Easton, Northampton County, PA
Administrator: Ryan P. Amato c/o Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101

Attorneys: Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101

BERHEL, ROBERT R., dec'd.

Late of the Township of Plainfield, Northampton County, PA
Executor: Carl Guy Berhel c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

BURNARD, ELIZABETH JANE, dec'd.

Late of the Township of Upper Mt. Bethel, Northampton County, PA
Executor: Kurt B. Burnard c/o Alan B. McFall, Esquire, McFall Law, LLC, 31 West First Street, Suite J, Wind Gap, PA 18091
Attorneys: Alan B. McFall, Esquire, McFall Law, LLC, 31 West First Street, Suite J, Wind Gap, PA 18091

CESTONE, THOMAS G., dec'd.

Late of Easton, Northampton County, PA
Executrix: Mary Cestone Bulger c/o Law Office of Michael Prokup, 7736 Main Street, Fogelsville, PA 18051
Attorneys: Law Office of Michael Prokup, 7736 Main Street, Fogelsville, PA 18051

CONTRINO, KATHRYN, dec'd.

Late of the Borough of Northampton, Northampton County, PA
Executor: Dominic F. Contrino, Jr. c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 2045 Westgate Drive, Suite 404, Bethlehem, PA 18017

Attorneys: Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 2045 Westgate Drive, Suite 404, Bethlehem, PA 18017

EBERLY, HARRY H., JR., dec'd.

Late of the Township of Allen, Northampton County, PA
Executor: Christopher M. Eberly c/o John E. Kotsatos, Esquire, 717 Washington Street, Easton, PA 18042
Attorney: John E. Kotsatos, Esquire, 717 Washington Street, Easton, PA 18042

EFFTING, DIANE R., dec'd.

Late of East Allen Township, Northampton County, PA
Administrator: Joseph S. Effting c/o Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101
Attorneys: Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101

FRITTS, JEAN MARIE, dec'd.

Late of the Township of Palmer, Northampton County, PA
Executrix: Janice Marie Fritts c/o Beth A. Knickerbocker, Esquire, 601 Stones Crossing, Suite A5, Easton, PA 18045
Attorney: Beth A. Knickerbocker, Esquire, 601 Stones Crossing, Suite A5, Easton, PA 18045

GALLAGHER, VIRGINIA M., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Executor: James Patrick O'Donohue c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019
Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

GROFF, MARLENE K., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Denise M. Green c/o Douglas J. Tkacik, Esquire, 18 East Market Street, Bethlehem, PA 18018

Attorney: Douglas J. Tkacik, Esquire, 18 East Market Street, Bethlehem, PA 18018

HALABURA, STEPHEN J., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Walter Haag c/o Joseph J. Velitsky, Esquire, Velitsky & Frycklund, 49 East Ludlow Street, Summit Hill, PA 18250

Attorneys: Joseph J. Velitsky, Esquire, Velitsky & Frycklund, 49 East Ludlow Street, Summit Hill, PA 18250

HEFFELFINGER, SHARON L., dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executor: Chad M. Heffelfinger, 385 South Hokendauqua Drive, Northampton, PA 18067

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

HOPPE, PATRICIA F., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Co-Executors: Bruce E. Hoppe & Margat H. Werner c/o Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101

Attorneys: Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101

JONES, MARIE F. a/k/a MARIE FRANCES JONES, dec'd.

Late of Nazareth, Northampton County, PA

Executor: Paul Jones, 550 Thomas St., Alburtis, PA 18011
Attorneys: Edward J. Coyle, Esquire, Buzgon Davis Law Offices, 525 South Eighth Street, P.O. Box 49, Lebanon, PA 17042

KECK, LUTHER W., JR., dec'd.

Late of the Township of Hanover, Northampton County, PA

Executor: David Anthony Keck c/o Michael C. Deschler, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 East Broad Street, Suite 210, Bethlehem, PA 18018

Attorneys: Michael C. Deschler, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 East Broad Street, Suite 210, Bethlehem, PA 18018

ROSENBERGER, HENRY STEPHEN, dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Barry Jon Pell c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

SCHAFER, MARGUERITE F., dec'd.

Late of the Township of Moore, Northampton County, PA

Co-Executrices: Christine Faye Kleintop and Charisse Faean Keefer c/o Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091
Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091

TANZELLA, JOAN M., dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Anthony James
Tanzella c/o John E. Kotsatos,
Esquire, 717 Washington Street,
Easton, PA 18042

Attorney: John E. Kotsatos,
Esquire, 717 Washington Street,
Easton, PA 18042

NOTICE OF ANNUAL MEETING

NOTICE IS HEREBY GIVEN that the Annual Meeting of the members of Nazareth Mutual Insurance Company will be held at the office of the company, 114 South Main Street, Nazareth, Pennsylvania, on Saturday, March 11, 2023 at ten o'clock a.m., local time, for:

1. Election of three directors, each to serve for a three-year term; and
2. The transaction of such other business as may properly come before the meeting.
3. Proxy ballots are available and may be obtained from the company by policyholder request and submitted prior to the above date.
4. Financial Statements are available from the company by policyholder request.

Thomas A. Giovanni
Chairman

Attest: Kathleen Wapinski
Corporate Secretary
Feb. 2, 9, 16

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that articles of incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for:

SNYDER TECH USA, INC.

formed pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988.

CLIFTON R. GUISE, ESQUIRE
HALBRUNER, HATCH &
GUISE, LLP

2109 Market Street
Camp Hill, PA 17011

Feb. 16

**CERTIFICATE OF AUTHORITY
NOTICE**

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on November 1, 2022, for a foreign corporation by the name of and with a registered address in the Commonwealth of Pennsylvania as follows: **GROWTH WARRIOR LTD**, 1598 Price Lane, Mt. Bethel, PA 18343.

This corporation is incorporated under the laws of New York.

The address of its principal office is 40 Ocean Parkway #2A, Brooklyn, NY 11218.

The corporation has been registered in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

VAUGHN A. TERRINONI, ESQUIRE
3976 Township Line Road
Bethlehem, PA 18020

Feb. 16

ARTICLES OF AMENDMENT

NOTICE IS HEREBY GIVEN that Amendments to the Articles of Amendment to the Articles of Incorporation of Portland Borough Authority is intended to be filed with the Department of State of the Commonwealth of Pennsylvania, for the purpose of obtaining a Certificate of Amendment to the Articles pursuant to the provisions of the Pennsylvania Municipal Authorities Act, 53 Pa C.S.A. Sec. 5605.

The name of the corporation is: PORTLAND BOROUGH AUTHORITY Whose address and registered office is: 206 Division Street, Portland, PA 18351, Northampton County, Pennsylvania. The purpose of the Amendment is to extend the term of existence of the Portland Borough Authority, to a date fifty (50) years from the date of approval of this Reso-

lution and Amendment and the Amendment reads as follows:

"The Articles of Incorporation filed March 6, 1973, with the Pennsylvania Department of State's Corporation Bureau creating the Portland Borough Authority are hereby amended to increase the term of Existence of the Portland Borough Authority to a date 50 years from the date of approval of the amendment by the Secretary of the Commonwealth."

The proposed Amendment will be submitted to the Secretary of the Commonwealth for filing and approval on or after February 20, 2023.

PETER C. LAYMAN, ESQUIRE
Attorney ID #34772
LAYMAN LAW, LLC

Solicitor, Portland
Borough Authority
366 Blue Valley Dr.
Bangor, PA 18013

Feb. 16

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on December 29, 2022, the Petition of Anna Maria Carire was filed in Northampton County Court of Common Pleas at No. C-48-CV-2022-9411, seeking to change the name of Petitioner from Anna Maria Carire to Ana Maria Carire. The Court has fixed Tuesday, March 28, 2023 at 9:00 a.m. in a Courtroom to be determined at the Northampton County Courthouse as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Feb. 16

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on February 3, 2023, the Petition of Yelizaveta Goldenberg was filed in Northampton County Court of

Common Pleas at No. C-48-CV-2023-000715 seeking to change the name of Petitioner from Yelizaveta Goldenberg to Leeza Dougher. The Court has fixed Tuesday, April 4 at 9:00 a.m., in Motions Court at the Northampton County Courthouse as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Feb. 16

SHERIFF'S SALE OF VALUABLE REAL ESTATE

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on MARCH 10, 2023, 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.

PLEASE TAKE NOTICE that the sale price will include only the outstanding taxes certified to the Sheriff's Office. Any taxes not reported to the Sheriff are the responsibility of the purchaser.

No. C-48-CV-2006-07599

WILSON AREA SCHOOL DISTRICT
vs.

DONALD H. KERBAUGH, III,
JILL KERBAUGH

Property Address:

108 South 20th Street, Wilson, PA
18042

UPI/Tax Parcel Number:

L9SW1C/12/1A/0837

ALL THAT CERTAIN messuage, tenement, tract or piece of land, together with all improvements thereon, situate, lying and being in Wilson Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Donald H. Kerbaugh, III, and Jill Kerbaugh by deed from Donald H. Kerbaugh, Jr., said deed being recorded on May 4, 2007, in the Northampton County Recorder of Deeds Office in Book 2007-1 at page 166153.

THEREON BEING ERECTED a two-story single commercial structure with wood and brick exterior, shingle roof and attached one-car garage.

No. C-48-CV-2019-12410

NATIONSTAR MORTGAGE,

LLC ET AL.

vs.

MARGARET A. BROWN

Property Address:

103 East Saucon Street, Hellertown, PA 18055

UPI/Tax Parcel Number:

Q7SW3B/2/8/0715

ALL THAT CERTAIN message or one-half of a twin dwelling and lot or piece of ground situate in Hellertown Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Margaret A. Brown by deed from Georgine A. Lawrence, said deed recorded on December 1, 2000, in the Northampton County Recorder of Deeds Office in Book 2000-1 at page 160440.

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

No. C-48-CV-2021-02240

BANGOR BOROUGH AUTHORITY

vs.

PHILIP SMITH

Property Address:

329 South Second Street, Bangor, PA 18013

UPI/Tax Parcel Number:

E9NE3A/2/17/0102

ALL THAT CERTAIN lot or parcel of land located in Bangor Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Philip Smith by deed from Philip A. Smith and Brenda F. Smith, said deed recorded on March 10, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 49903.

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

No. C-48-CV-2022-01659

WELLS FARGO BANK, N.A.

vs.

DALE LUTZ

a/k/a DALE W. LUTZ

Property Address:

207 High Street, Glendon, PA 18042

UPI/Tax Parcel Number:

M9NE4A/1/2/0813

ALL THAT CERTAIN lot or piece of land, together with the improvements thereon erected, situated in Glendon Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Dale Lutz by deed from Elaine B. Adriance, said deed recorded on August 14, 2014, in the Northampton County Recorder of Deeds Office in Book 2014-1 at page 139182.

THEREON BEING ERECTED a Colonial-style half-double residential dwelling with brick exterior and vinyl siding and shingle roof.

No. C-48-CV-2022-01943

AJAX MORTGAGE LOAN TRUST

2020-C ET AL.

vs.

RIGOBERTO SOTO

Property Address:

1432 Pine Street, Easton, PA 18042

UPI/Tax Parcel Number:

L9SW2C/3/2/0310

ALL THAT CERTAIN lot or piece of ground, with the improvements thereon erected, situated in the Eighth Ward of Easton City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Rigoberto Soto by deed from John F. Marchi, Jr., and Terry A. Marchi, said deed recorded on October 28, 2008, in the Northampton County Recorder of Deeds Office in Book 2008-1 at page 291537.

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

No. C-48-CV-2022-02069

WELLS FARGO BANK, N.A. s/b/m
TO WACHOVIA BANK,
NATIONAL ASSOCIATION

vs.

ALBERTO MACIEL,
WALESKA MALAVE-VELEZ
a/k/a WALESKA MACIEL

Property Address:

10322 Gravel Hill Road, Bangor,
PA 18013

UPI/Tax Parcel Number:

F11/8/5A-7/0117

ALL THAT CERTAIN lot, parcel or piece of land situate in Lower Mount Bethel Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Alberto Maciel and Waleska Maciel by deed from Alberto Maciel and Waleska Maciel, said deed recorded on August 30, 1999, in the Northampton County Recorder of Deeds Office in Book 1999-1 at page 133153.

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

No. C-48-CV-2022-02233

WELLS FARGO BANK, N.A.

vs.

UNKNOWN HEIRS AND/OR
ADMINISTRATORS TO THE
ESTATE OF MARY ANN SOFFERA

Property Address:

123 South 10th Street, Easton,
PA 18042

UPI/Tax Parcel Number:

L9SE1D/9/14/0310

ALL THAT CERTAIN messuage, tract or parcel of land and premises situate, lying and being in Easton City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Mary Ann Soffera by deed from Helen M. Joffino, widow, said deed recorded on May 25, 1982, in the Northampton County Recorder of Deeds Office in Book 637 at page 1085.

THEREON BEING ERECTED a two-story residential row home with vinyl siding and shingle roof.

No. C-48-CV-2022-05831

U.S. BANK TRUST NATIONAL
ASSOCIATION ET AL.

vs.

JOHN L. KOSKOVICH

Property Address:

1855 Waldheim Road, Bethlehem,
PA 18015

UPI/Tax Parcel Number:

R7/22/40/0719

ALL THAT CERTAIN messuage or tenement and lot or parcel of land situate along the easterly side of the road leading south from Bingen Road to Camp Helena in Lower Saucon Township, Northampton County, Pennsylvania, described according to a survey thereof made August 3, 1953, by Leonard M. Fraivillig Company Engineers.

TITLE TO SAID PREMISES is vested in John L. Koskovich by deed from Rozann M. Pearson, Executrix of the Estate of Mary M. Hock, deceased, and Kenneth R. Hock, individually, said deed recorded on August 4, 2005, in the Northampton County Recorder of Deeds Office in Book 2005-1 at page 294645.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior and vinyl siding and shingle roof.

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.

RICHARD H. JOHNSTON
Sheriff

Northampton County,
Pennsylvania

DAVID J. CERAUL, ESQUIRE
Solicitor to the Sheriff

Feb. 16, 23; Mar. 2

LEGAL SERVICES FOR LEHIGH CAREER & TECHNICAL INSTITUTE (LCTI)

LCTI is requesting proposals from law firms or individual attorneys for legal services as solicitor or special counsel. The appointment is available on a date to be mutually agreed upon beginning no earlier than April 1, 2023, and no later than June 30, 2023. Interested candidates shall request a copy of the LCTI Request for Proposal by contacting Holly Custodio, Assistant to Executive Director, by email at custodioh@lcti.org or by telephone at 610-799-1322. The deadline date for submittal of proposals is February 24, 2023. Firms and individuals will be selected for interviews to begin in early March 2023.

Feb. 9, 16

**In Re: FIFTY THOUSAND and 00/100 (\$50,000) DOLLARS,
Plaintiff v. COMMONWEALTH of PENNSYLVANIA, Defendant**

*Forfeiture—Motion for Return of Property—Suppression of Evidence—
Unlawful Detention.*

A Pennsylvania State Trooper observed a vehicle traveling in the left lane and impeding the flow of traffic. The trooper pulled out behind the vehicle and followed it for five miles, at which point the vehicle exited over a solid white line and the trooper commenced a traffic stop.

The trooper explained the reason he pulled the driver over, requested the driver's documents, and asked the driver to accompany him back to the patrol car. Before the pair reached the car, the trooper began peering into the back of the vehicle and inquiring as to the contents of the boxes therein. This was one of many questions posed by the trooper which were unrelated to the purpose of the stop. The driver's answers established that the boxes contained bikes which he planned to give as gifts to friends who supported his restaurant. They further established that the driver was headed to New York City from Kentucky to deliver the bikes and sign immigration paperwork and that he intended to return to Kentucky the following day.

After continued questioning, the trooper asked the driver if there were any drugs or money in the car, to which the driver answered no. The trooper then asked for consent to search the vehicle, which the driver declined as his nineteen-month child was asleep in the backseat. The trooper exited his vehicle and informed the driver that he would run a canine around the van. Having done so, the canine handler asserted that the dog alerted, and the trooper again requested consent to a search. The driver again declined. The trooper explained that he would then request a search warrant.

After several more requests for consent and the driver's subsequent denials, the driver consented to a search of the vehicle save for his companion's bag and the baby bag. Before beginning the process to apply for a full search warrant, the trooper then placed the driver in handcuffs, requested that the passenger move the child to the police car, and searched the accompanying baby bag for his safety prior to placing it in the patrol car. That search yielded \$20,000.00 in cash. The driver then consented to a full search of the vehicle which yielded an additional \$30,000.00 in cash.

The matter reached the court as a pretrial suppression motion joined with a motion for return of property. A motion for return of property is resolved using a burden shifting framework where, if the moving party establishes lawful entitlement to the res, the burden shifts to the Commonwealth to establish a specific nexus between the property and criminal activity. The suppression motion, if successful, functions as to prevent unlawful evidence from being used to establish that criminal nexus.

Here, the evidence procured after the driver's initial decline of consent to search his vehicle was suppressed as having violated *Rodriguez v. United States*. *Rodriguez* holds that to prolong a traffic stop beyond what is reasonably required to effectuate the purpose of the stop, an officer must have reasonable suspicion the defendant may be engaged in criminal activity independent of the purposes of the initial detention.

In the instant case, the trooper abandoned the purpose of the initial detention by running a canine around the driver's vehicle. At that time, the trooper lacked reasonable suspicion of criminal wrongdoing for the reasons enumerated in the opinion.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Criminal—No. CP-48-MD-295-2022.

ROBERT EYER, ESQUIRE, for the Movant.

ADRIAN SHCHUKA, ESQUIRE, for the Commonwealth.

Order of the Court entered on January 24, 2023 by BELTRAMI, J.

OPINION

This case is before the court on Fan Jiang's "Pretrial Motion," filed on October 3, 2022. A hearing on the motion was held on October 12, 2022.

FINDINGS OF FACT

1. On July 26, 2021, Trooper Brian Konopka ("Trooper Konopka") was on duty and assigned to an unmarked Ford Explorer. (N.T., 10/12/2022, at 21:19-22:11.)

2. Trooper Konopka is assigned to the Safe Highway Initiative through Effective Law Enforcement and Detention unit, otherwise referred to as SHIELD. (*Id.* at 15:20-25.)

3. At approximately 8:05 a.m., Trooper Konopka was stationed in the center median of Interstate 78 observing eastbound traffic. (*Id.* at 22:16-23:2.)

4. At that time, Trooper Konopka observed a van driven by Mr. Fan Jiang ("Mr. Jiang") traveling in the left eastbound lane. (*Id.* at 23:14-24:11.)

5. There were no vehicles in the lane to the right of Mr. Jiang's van. (*Id.* at 24:11-12.)

6. As the van passed, Trooper Konopka observed Mr. Jiang to be "tucked back behind the B[-]pillar" of the van and reducing its speed. (*Id.* at 24:13-17.)

7. Trooper Konopka did not observe Mr. Jiang tuck back in response to seeing the unmarked police vehicle but, rather, observed that he was positioned behind the pillar for the entire time Trooper Konopka could observe the van passing on the interstate. (*Id.* at 26:24-27:14.)

8. After the van passed, Trooper Konopka proceeded onto I-78 and began following the van. (*Id.* at 27:16-25.)

9. Shortly after Trooper Konopka began following the van, it moved into the right lane. (*Id.*)

10. Trooper Konopka followed the van for approximately five miles. (*Id.* at 61:17-21.)

11. As the van approached Exit 67, it exited the highway over the single white line after it had passed the exit lane. (*Id.* at 28:3-20.)

12. At this time, Trooper Konopka activated his lights and initiated a motor vehicle stop. (*Id.* at 29:16-20.)

13. Upon approach, Trooper Konopka observed Mr. Jiang as the driver and two rear passengers, a female and a young child in a car seat. (*Id.* at 30:21-31:6.)

14. Trooper Konopka told Mr. Jiang that he was being pulled over for crossing the white line while exiting the interstate. (*Id.* at 31:6-9.)

15. Trooper Konopka then requested Mr. Jiang's license, registration and insurance and asked him to get out of the van and move to the passenger side window of the unmarked police vehicle. (*Id.* at 31:17-20.)

16. Before they reached the patrol car, Trooper Konopka looked inside Mr. Jiang's van, saw several boxes, and asked Mr. Jiang about their contents. (Commw.'s Ex. 2, Trooper Konopka Dash Cam Footage, Stream 1 at 3:18-3:30.)

17. Mr. Jiang explained that the boxes contained bicycles that he planned to give to his friends as gifts. (*Id.* at 3:20-3:45.)

18. Trooper Konopka asked Mr. Jiang to produce receipts for the bikes, but Mr. Jiang was unable to do so. (*Id.* at 4:06-4:29.)

19. At the patrol car, Mr. Jiang expressed concern that his English was poor and asked if he could retrieve his phone to translate, but Trooper Konopka denied the request. (*Id.* at 4:40-4:55.)

20. Trooper Konopka then began asking questions about Mr. Jiang's trip and destination. (*Id.* at 4:55-5:15.)

21. Mr. Jiang explained that he operates a restaurant in Kentucky that his friends in New York helped him establish and that he planned to give his friends bicycles to thank them. (*Id.* at 5:15-5:40.)

22. Trooper Konopka continued to ask Mr. Jiang questions about the bikes including the cost, the type of bikes, and whether they needed to be assembled. (*Id.* at 5:40-6:00.)

23. Mr. Jiang answered each of Trooper Konopka's questions and then expressed confusion as to the purpose of the traffic stop. (*Id.* at 5:58-6:23.)

24. Trooper Konopka reiterated the purpose of the stop. (*Id.* at 6:23-7:29.)

25. Afterward, Trooper Konopka resumed his questions about Mr. Jiang's restaurant and bicycles, asking how long he had the restaurant and from which Costco the bikes were purchased. (*Id.* at 7:45-8:05.)

26. Mr. Jiang answered each question and then asked if Trooper Konopka needed that information for anything. (*Id.*)

27. Trooper Konopka declined to answer. (*Id.*)

28. Trooper Konopka then asked Mr. Jiang how old his son was and whether he had any more children. (*Id.* at 8:17-8:25.)

29. Mr. Jiang told Trooper Konopka that his son was nineteen-months old, that he was his third child, and that he was also going to New York City to sign immigration paperwork so that his other children could come to the United States. (*Id.* at 8:15-8:45.)

30. Mr. Jiang further explained that he had been driving for nearly twelve hours and that he planned to deliver the bicycles, sign the papers, and return home the following day. (*Id.* at 8:58-9:21.)

31. Mr. Jiang also explained that he planned to stay with family that night but would possibly stay at a hotel if COVID would make the situation unsafe. (*Id.* at 9:22-10:00.)

32. Trooper Konopka asked if there were any illegal drugs or money in the van, to which Mr. Jiang responded no. (*Id.* at 10:02-10:25.)

33. Trooper Konopka then asked for permission to search the van, but Mr. Jiang declined because his child was sleeping. (*Id.* at 10:25-10:32.)

34. At this point, Trooper Konopka left his vehicle and told Mr. Jiang he would run a canine around the van and that Mr. Jiang's companion and child would have to wait in the back of the police vehicle while that happens. (*Id.* at 10:32-11:18.)

35. Trooper Konopka used a Chinese translation device to order Mr. Jiang's companion and child out of the van. (*Id.* at 12:50-16:00.)

36. With Mr. Jiang, his companion, and his child standing beside the police vehicle, the canine unit was run around the van by Trooper Peter Burkhardt. (Commw.'s Ex. 2, Trooper Konopka Dash Cam Footage, Stream 2 at 17:57-19:26.)

37. Having walked the canine around the van, Trooper Burkhardt claimed the dog alerted.¹ *Id.*

38. With that information, Trooper Konopka told Mr. Jiang that he was not free to leave, explained that he believed he had probable cause to apply for a search warrant, and once again asked Mr. Jiang for consent to search the van. (*Id.* at 19:30-21:33.)

39. Mr. Jiang declined consent, and Trooper Konopka then explained that because he did not have consent, he would be towing the van away and applying for a search warrant. (*Id.* at 21:40-22:30.)

40. Trooper Konopka once again asked for consent, and Mr. Jiang agreed to the search. (*Id.* at 23:10-23:56.)

41. Trooper Konopka then asked for consent to search the bag of Mr. Jiang's companion, which Mr. Jiang declined. (*Id.* at 24:26-24:35.)

42. Trooper Konopka then placed Mr. Jiang in handcuffs and told him he was being detained while Trooper Konopka applied for a search warrant. (*Id.* at 24:35-24:55.)

43. With Mr. Jiang in handcuffs, Trooper Konopka moved the child's car seat to his police vehicle and began a search of the child's diaper bag, which revealed a large amount of cash in a black plastic bag. (*Id.* at 26:30-30:30.)

¹ Trooper Burkhardt testified that a trained canine may respond to a scent by either alerting or indicating. (N.T., 10/12/2022, at 115:22-116:6.) An indication is where the canine sits or points to a source of the odor he is trained to find. (*Id.* at 116:11-15.) An alert is "a change in body posture and an increase in respiration." (*Id.* at 115:22-25.) An alert is a lesser signal. (*Id.* at 116:9-11.) Mr. Jiang contests whether the canine actually alerted. The dash cam footage provided offers a limited vantage point of the canine activity. Nevertheless, for reasons explained infra, the court need not determine whether the canine actually alerted to Mr. Jiang's van.

44. Trooper Konopka testified that he searched the bag for his own safety because he was going to place it in his police vehicle. (N.T., 10/12/2022, at 48:17-49:2.)

45. Mr. Jiang told Trooper Konopka that it was approximately \$20,000.00. (*Id.* at 49:11-12.)

46. Mr. Jiang explained that the money was to buy restaurant supplies in New York at a cash discount. (Commw.'s Ex. 2, Trooper Konopka Dash Cam Footage, Stream 2, at 30:30-31:20.)

47. Still handcuffed, Mr. Jiang explained that he had an additional \$30,000.00 dollars in cash in the van and then provided Trooper Konopka consent to search the entire van. (*Id.* at 31:20-32:53.)

48. The handcuffs were removed from Mr. Jiang before a full search of the van was conducted. (*Id.* at 32:55-33:03.)

49. No evidence of criminal activity was found in the van or on its occupants. (N.T., 10/12/2022, at 54:23-55:1.)

50. Nevertheless, Trooper Konopka seized the \$50,000.00. (*Id.* at 57:12-16.)

51. However, no criminal charges or petition for forfeiture have been filed by the Commonwealth. (*Id.* at 4:19-22.)

52. On March 2, 2022, Mr. Jiang filed a Motion for Return of Property.

53. On October 3, 2022, Mr. Jiang filed the instant Pretrial Motion, which contains a Motion to Suppress.

54. In his Pretrial Motion, Mr. Jiang argues that his constitutional rights were violated, requiring the seized cash to be returned to him.

DISCUSSION

42 Pa. C.S.A. §5806(a)(1) allows an individual to file a motion for return of property seized by the police, as Mr. Jiang has done here. Pennsylvania Rule of Criminal Procedure 588 requires that the judge hearing the motion “receive evidence on any issue of fact necessary to the decision thereon.” Pa. R.Crim.P. 588(B). Within that hearing, the motion is resolved using a burden-shifting framework, which the Commonwealth Court outlined as follows:

[T]he moving party must establish by a preponderance of the evidence entitlement to lawful possession. Once that is established, unless there is countervailing evidence to defeat the claim, the moving party is entitled to the return of the identified property. A claim for return of property can be defeated in two ways: an opposing party can establish that it, not the moving party, is entitled to lawful possession to the property or the Commonwealth can seek forfeiture claiming that property for which return is sought is derivative contraband. To meet its burden to defeat the motion for return of property,

the Commonwealth must make out more than simply demonstrating that the property was in the possession of someone who has engaged in criminal conduct. It must establish a specific nexus between the property and the criminal activity. When the Commonwealth sustains that burden, the burden of proof shifts to the property owner to disprove the Commonwealth's evidence or establish statutory defenses to avoid forfeiture.

Singleton v. Johnson, 929 A.2d 1224, 1227 (Pa. Commw. 2007) (citations omitted).

Subsection (C) of Rule 588 adds an additional wrinkle to the analysis because it allows a motion to suppress evidence to be joined with a motion for return of property. Pa. R.Crim.P. 588(C). Recently, the Commonwealth Court held that “a motion to suppress may be brought in a Rule 588 return of property action, regardless of whether the Commonwealth has filed criminal charges or a forfeiture action.” *In Re \$300,000 in U.S. Currency*, 259 A.3d 1051, 1063 (Pa. Commw. 2021).

It has long been held that the exclusionary rule applies in forfeiture actions. *See One 1958 Plymouth Sedan v. Commw. of PA*, 380 U.S. 693, 702 (1965). The import of the rule reflects the “civil in form, but quasi-criminal ... character” of forfeiture proceedings. *Commonwealth v. Landy*, 362 A.2d 999, 1005 (Pa. Super. 1976). Nevertheless, that import is not exact. In the context of a forfeiture proceeding, “the res is the actual defendant and its existence itself cannot be suppressed.”² *Commonwealth v. \$26,556.00 Seized From Polidoro*, 672 A.2d 389, 392 (Pa. Commw. 1996). Thus, the res is “admissible, not into evidence, but only to establish its existence and the court’s jurisdiction over it.” *Id.* And so the effect of the exclusionary rule in a proceeding such as the instant one is to require that the government produce “independent, unsuppressed evidence that the res is contraband.” *See id.*

The parties have agreed that the instant Pretrial Motion is dispositive in that a resolution in favor of Mr. Jiang will necessitate a return of the money. In his motion, Mr. Jiang argues that: the motor vehicle stop was not supported by reasonable suspicion or probable cause; the police subjected him to an investigatory detention that was not supported by reasonable suspicion and was unlawfully prolonged; the request for consent to search the van was unlawful; any consent to search the van was involuntarily given; the canine search was not based upon reasonable suspicion; and any statements made by Mr. Jiang during the vehicle stop were the product of an unlawful custodial interrogation. The court finds that any evidence

² While the instant case concerns a Motion for Return of Property brought pursuant to 42 Pa. C.S.A. §5806 and not a forfeiture proceeding brought by the Commonwealth pursuant to 42 Pa. C.S.A. §5805, given the holding in *In Re \$300,000 in U.S. Currency*, the court finds no reason to make a distinction.

procured after Mr. Jiang declined consent to a search should be suppressed as having violated the Fourth Amendment under *Rodriguez v. United States*, 575 U.S. 348 (2015).

In *Rodriguez*, a police officer witnessed a motor vehicle infraction and conducted a stop. *Id.* at 351. During the stop, the officer took the defendant's information, completed a records check, and issued a written warning. *Id.* at 351-52. After handing the defendant the warning and his driver's documents, the officer requested permission to walk his canine around the defendant's vehicle, but the defendant said no. *Id.* at 352. The defendant and his passenger were then ordered out of the vehicle and told to wait in front of the officer's patrol car until a second officer arrived. *Id.* At that point, the canine was led around the defendant's vehicle and alerted to the presence of drugs. *Id.*

In *Rodriguez*, the Court held that the officer could not prolong the traffic stop beyond what was reasonably required to effectuate the purpose of the stop and to "attend to related safety concerns." *Id.* at 354. This includes "checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance." *Id.* at 355. Thus, the officer unlawfully prolonged the traffic stop where his use of the canine was not attendant to issuing the traffic warning or related safety concerns but rather was "a measure aimed at 'detect[ing] evidence of ordinary criminal wrongdoing.'" *Id.* at 355 (quoting *Indianapolis v. Edmond*, 531 U.S. 32, 40-41 (2000)).

To extend a traffic stop beyond the initial window, there must exist "an articulable, reasonable suspicion that [the defendant] may have been engaged in criminal activity independent of that supporting h[is] initial lawful detention." *Commonwealth v. Green*, 168 A.3d 180, 184 (Pa. Super. 2017) (quoting *Commonwealth v. Freeman*, 757 A.2d 903, 908 (Pa. 2000)). For example, in *Commonwealth v. Prizzia*, 260 A.3d 263 (Pa. Super. 2021), a trooper conducted a traffic stop based upon his observation of an illegal window tint. *Id.* at 265. Upon reaching the defendant, the trooper immediately observed nervous behavior and signs of intoxication, including incoherent and slurred speech as well as constricted pupils. *Id.* at 271-72. These circumstances supplied the reasonable suspicion for a continued detention to investigate a DUI. *Id.* at 272.

In summary, the holding in *Rodriguez* requires a court to make two determinations: 1) how long the traffic stop should reasonably have taken; and 2) whether the officer possessed reasonable suspicion of criminal activity to prolong the stop beyond that initial window. To be certain, the first determination involves a degree of speculation. Nevertheless, the facts in the instant case offer a logical point at which the initial traffic stop should have ended.

Here, Trooper Konopka offered two violations of the Vehicle Code as the basis for his initial stop. The first, Section 3313(d)(1), requires that on “limited access highways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lanes when available,” save for noted exceptions. 75 Pa. C.S.A. §3313(d)(1). In support, Trooper Konopka testified that the van driven by Mr. Jiang was traveling in the left lane despite no vehicles to its right and was doing so at a reduced rate of speed so as to impede traffic. The second basis, Section 3309, states that “[a] vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety.” *Id.* §3309(1). Here, Trooper Konopka testified that the van driven by Mr. Jiang made a late lane change across a single white line to exit the highway.

Having witnessed these alleged Vehicle Code infractions,³ Trooper Konopka pulled Mr. Jiang’s van over and commenced the initial detention. Trooper Konopka explained the reason for the stop, requested Mr. Jiang’s license, registration, and insurance information, and asked that he accompany him to the patrol car while he checked Mr. Jiang’s information. Prior to reaching the patrol car, Trooper Konopka asked Mr. Jiang what the boxes were in his trunk. Mr. Jiang explained that they were bicycles purchased from Costco that he intended to give as gifts to family members who supported him when he opened his restaurant in Kentucky. Mr. Jiang further explained that these relatives were in Brooklyn and that he was planning to spend the night with them or in a hotel, depending on their COVID status. At the further prompting of Trooper Konopka, Mr. Jiang explained that he was also headed to New York to fill out immigration papers so that his children in China could join him in the United States. Finally, Mr. Jiang explained that he had been driving for twelve hours and planned to return to Kentucky the next day.

Trooper Konopka then asked Mr. Jiang if there were any illegal drugs or money in the van, and Mr. Jiang said no. Trooper Konopka then asked to search the van, and Mr. Jiang refused to consent because his child was asleep in the van. Rather than write a ticket or warning for the alleged traffic violations, an undeterred Trooper Konopka exited his vehicle and informed Mr. Jiang that he was going to have a canine walk around the van. This was neither reasonably attendant to the purpose for the original traffic stop nor did it “serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly.” *Rodriguez*, 575 U.S. at 355. Much like the officer in *Rodriguez*, Trooper Konopka altogether abandoned the purpose of the traffic stop to pursue a

³ Mr. Jiang was not cited or warned for the alleged violations.

criminal investigation.⁴ Thus, this juncture is the moment at which the court must address *Rodriguez*'s second step: whether Trooper Konopka's extension of the vehicle stop was supported by reasonable suspicion. It was not.

To determine whether the officer had reasonable suspicion, the totality of the circumstances must be considered. *Commonwealth v. Kemp*, 961 A.2d 1247, 1255 (Pa. Super. 2008). When examining these circumstances, the court must give "due weight ... to the specific reasonable inferences [the police officer] is entitled to draw from the facts in light of his experience." *Commonwealth v. Cook*, 735 A.2d 673, 676 (Pa. 1999) (quoting *Terry v. Ohio*, 392 U.S. 1, 27 (1968)). The totality of the circumstances test does not limit the court's "inquiry to an examination of only those facts that clearly indicate criminal conduct." *Kemp*, 961 A.2d at 1255. Instead, "even a combination of innocent facts, when taken together, may warrant further investigation by the police officer." *Cook*, 735 A.2d at 676.

In his general offense report, Trooper Konopka offered the following circumstances as the basis for his belief that Mr. Jiang was involved in criminal activity: Mr. Jiang's suspected reaction to police presence where he was seated behind the B-pillar and where he exited the highway after Trooper Konopka followed him for five miles; Mr. Jiang's nervous behavior; Mr. Jiang's deflection in conversation back to the purpose of the stop; that at 8:00 a.m., Mr. Jiang was unsure where he would be sleeping that evening; the length of Mr. Jiang's travel being inconsistent with the duration of his stay; and that Mr. Jiang was delivering the bicycle gifts despite Costco's free shipping. (Commw.'s Ex. 3.)

The court finds that the totality of these circumstances do not support a reasonable suspicion of criminal wrongdoing so as to justify the prolonged detention. As an initial matter, the court's review of the dash cam footage does not reveal nervous behavior on the part of Mr. Jiang. Rather, a review of the footage reveals Mr. Jiang's confusion as to why Trooper Konopka was asking him about the bicycles and his restaurant ownership when he was told that he was pulled over for traffic violations—hence, Mr. Jiang's attempts to bring the conversation back to the purpose of the stop. This discrepancy materially detracts from the validity of Trooper Konopka's stated suspicions about Mr. Jiang.⁵

⁴ Unlike *Rodriguez*, Trooper Konopka did not complete the purpose of the initial stop by writing a ticket or warning before continuing with a second detention. See *Rodriguez*, 575 U.S. at 352. However, the relevant inquiry is not whether the officer accomplished what he set out to do. Rather, it is whether the stop was prolonged beyond what was reasonably required for the initial stop.

⁵ "It is within the suppression court's sole province as factfinder to pass on the credibility of witnesses and the weight to be given to their testimony. The suppression court is free to believe all, some or none of the evidence presented at the suppression hearing." *Commonwealth v. Carmenates*, 266 A.3d 1117, 1123 (Pa. Super. 2021) (quoting *Commonwealth v. Elmobdy*, 823 A.2d 180, 183 (Pa. Super. 2003)).

By Trooper Konopka's own testimony, Mr. Jiang was seated behind the B-pillar for the entire time he was in the trooper's view, rather than in response to spotting the unmarked police vehicle. Further, that Mr. Jiang did not have firm sleeping arrangements for that evening does not supply reasonable suspicion for criminal activity. This incident occurred during the pandemic, and Mr. Jiang was understandably concerned about exposure given his young child. Moreover, Mr. Jiang was stopped at eight in the morning and approximately two hours from his destination, giving him plenty of time to make sleeping arrangements that night. Finally, Trooper Konopka's suspicion about the delivery of bicycles disregards gift-giving customs and Mr. Jiang's second stated purpose for his travel, the signing of immigration paperwork. While as noted above, reasonable suspicion may rest on a combination of innocent facts, taken together, these facts did not warrant further detention by Trooper Konopka.

For all of the above reasons, the court finds that any evidence procured after Mr. Jiang initially denied consent to the search must be suppressed in any subsequent proceeding. Although it is difficult to see just what that evidence is. It appears that the only evidence claimed to have come out of this stop is a subsequent ion scan of the cash which "showed that it contained residue from cocaine and methamphetamine that exceeded that found on currency in general circulation." (Commw.'s Answer at ¶ 9.) And rather than argue a criminal nexus in a formal forfeiture proceeding on the merit of that evidence, the Commonwealth has withheld \$50,000.00 from Mr. Jiang for over fifteen months. Regardless, whatever evidence was gathered for whatever crime the Commonwealth suspects must be suppressed.

Because the court finds that the traffic stop was impermissibly extended in contravention of *Rodriguez* and that any evidence gathered after Mr. Jiang initially refused consent to search his van must be suppressed, it need not reach Mr. Jiang's arguments regarding the validity of the canine search and his subsequent consent to the search, or the suppression of any statements he made.

WHEREFORE, the court enters the following:

ORDER

AND NOW, this 25th day of January, 2023, Fan Jiang's Pretrial Motion, filed on October 3, 2022, is hereby GRANTED. In further proceedings, the Commonwealth may not use any evidence gathered after Fan Jiang's initial refusal to grant consent to search his van on July 26, 2021.

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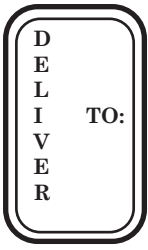
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