



Northampton County Reporter

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EASTON, PA March 23, 2023

NO. 64

Indradeep Ghosh, Plaintiff v. Nizia Viana, Defendant

CONTENTS

Bar News	3	Legal Notices	11
Estate and Trust Notices	4	Notice of Nonprofit Incorporation	11
Estate, Trust & Tax Paralegal Wanted	20	Sheriff's Sales	13

INSERT: Yellow: 1. 2023 Calendar
2. "Important New Developments in Personal Injury Law"
3. "Immigration Law's Intersection with Nearly Every Other Practice Area:
What You Need to Know"
4: PA Legal Ads

NOTICE TO THE BAR...

Quarterly Association Meeting
Thursday, May 18, 2023
Louise Moore Park, 5:00 p.m.

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

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Northampton County Reporter

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

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Ralph J. Bellafatto, Esquire
Editor

NOTICE TO NCBA MEMBERS – BAR NEWS

2023 Committees are meeting

Committees are meeting. Return your Committee Preference Form so you are included on the meeting notice distribution lists.

Save the Dates

March 24, 2023 Annual Reception for the Court

May 18, 2023 May Quarterly Association Meeting – Louise Moore Park

The best way to appreciate your job is to imagine yourself without one.
~ Oscar Wilde

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**BEAN, YVONNE DENISE**, dec'd.

Late of the Township of Williams, Northampton County, PA
Executor: John Adam Parr c/o Daniel E. Cohen, Attorney, Hof & Reid, LLC, 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020
Attorneys: Daniel E. Cohen, Attorney, Hof & Reid, LLC, 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

BENSON, CHARLES S., dec'd.

Late of the Borough of Northampton, Northampton County, PA
Administrator: Robert Charles Benson c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045
Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

BUSH, WARREN J., dec'd.

Late of Wind Gap, Northampton County, PA
Administratrix: Judith G. Bush 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

EASTERDAY, LLOYD G., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Doris Ruth Barclay c/o Theodore R. Lewis, Esquire, Lewis and Walters, 46 S. 4th Street, P.O. Box A, Easton, PA 18044-2099

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

FREY, HOWARD LEROY, dec'd.

Late of the Township of Williams, Northampton County, PA

Executrix: Linda Jeanette Frey c/o Brian M. Monahan, Esquire, 831 Lehigh Street, Easton, PA 18042

Attorney: Brian M. Monahan, Esquire, 831 Lehigh Street, Easton, PA 18042

GRABER, JOYCE A., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Jeffrey William Scheirer c/o Michael J. Fina, Esquire, 1271 Biafore Ave., Bethlehem, PA 18017

Attorney: Michael J. Fina, Esquire, 1271 Biafore Ave., Bethlehem, PA 18017

GUBISH, CHARLES LOUIS, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Susan Lynn Donchez 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

HARDIN, BARBARA J., dec'd.

Late of Bethlehem City, Northampton County, PA

Executor: Christopher Alexander Hardin c/o Vivian I. Zumas, Esquire, 742 Main St., Bethlehem, PA 18018

Attorney: Vivian I. Zumas, Esquire, 742 Main St., Bethlehem, PA 18018

LAI, STELLA H., dec'd.

Late of Palmer Township, Northampton County, PA

Executrix: Jennifer Lai Bromley, 2213 High Point Court, Easton, PA 18045

LONGLEY, VERNA MAE, dec'd.

Late of the Township of Moore, Northampton County, PA

Executor: Timothy Alan Teel 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

MASIADO, MARGARET CAROLINE, dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executrix: Karen Lou Masiado c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

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

MILLER, GRETE EDITH, dec'd.

Late of Easton, Northampton County, PA

Executrix: Monika V. Egberts c/o Taylor R.D. Briggs, Esquire, 210 E. Broad Street, Bethlehem, PA 18018

Attorney: Taylor R.D. Briggs, Esquire, 210 E. Broad Street, Bethlehem, PA 18018

MILLS, RICHARD W., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Roy R. Mills, Sr.

Attorneys: Brandon M. Benner, Esquire, Benner & Trovato, 2005 City Line Road, Suite 106, Bethlehem, PA 18017

MOULTON, ROY EDWARD, dec'd.

Late of Bethlehem Township, Northampton County, PA

Executor: Daniel Michael O'Donnell c/o Law Office of Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018

Attorneys: Law Office of Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018

PETERSEN, IRMA C., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Kay Lynn Parks, 3660 Magnolia Drive, Easton, PA 18045

POLANSKI, LOUIS A., dec'd.

Late of the Borough of Nazareth, Northampton County, PA

Executors: Thomas John Polanski, 207 N. New Street, Nazareth, PA 18064 and Daniel Anthony Polanski, 226 S. New Street, Nazareth, PA 18064

Attorneys: Daniel G. Spengler, Esquire, Spengler Brown Law Offices, 110 East Main Street, Bath, PA 18014

ZIMPFER, JUNE V., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Renee S. Gover 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

SECOND PUBLICATION

BLANAR, JOHN, JR., dec'd.

Late of the Township of Palmer,
Northampton County, PA
Executor: David John Blonar, Jr.
c/o John E. Kotsatos, Esquire,
717 Washington Street, Easton,
PA 18042

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

DALRYMPLE, THOMAS R., JR.,
dec'd.

Late of the Township of Williams,
Northampton County, PA
Co-Administrators: Katie Lynn
Dalrymple Derr and Thomas
Richard Dalrymple, III 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

DAWE, CHARLES WILLIAM, SR.,
dec'd.

Late of Easton, Northampton
County, PA

Administratrix: Brooke Mariah
Dillman c/o Hilleary D. Nguyen,
Esquire, 3415 Moore Lane,
Huntingdon Valley, PA 19006
Attorney: Hilleary D. Nguyen,
Esquire, 3415 Moore Lane,
Huntingdon Valley, PA 19006

GIANGIULIO, MARIAN, dec'd.

Late of Walnutport, Northampton
County, PA
Executor: William J. Giangliulio,
Jr., 664 Overlook Circle,
Walnutport, PA 18088

GONTAR, DENISE A., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Administratrix: Jenny Rebecca
Gontar 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

HUNT, LOIS M., dec'd.

Late of the Township of Hanover,
Northampton County, PA
Executor: Craig P. Hunt 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

JANUSZKIEWICZ, LYNNE S.,
dec'd.

Late of Bethlehem Township,
Northampton County, PA
Executrix: Amie Cathryn
Januszkiewicz 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

LA FLEUR, CATHERINE B., dec'd.
Late of Moore Township, North-
ampton County, PA

Executors: Paul Wheeler and
Andrew Wheeler, 230 Chincopce
Ave., Hopatcong, NJ 07843
Attorney: James M. Pierce,
Esquire, 688 Miles Rd., Gilberts-
ville, PA 19525

LESHER, MARION E., dec'd.

Late of Plainfield Township,
Northampton County, PA
Executrix: Sharon Elizabeth
Schmauder c/o Law Office of
David A. Martino, Esquire, 1854
PA Rte. 209, P.O. Box 420,
Brodheadsville, PA 18322

Attorneys: Law Office of David A. Martino, Esquire, 1854 PA Rte. 209, P.O. Box 420, Brodheads-ville, PA 18322

O'GRADY, DANIEL GEORGE,
dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Kathleen Jane Cassidy c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

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

PARR, ROBERT C., dec'd.

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

Administrator: Henry Newton, 127 N. 4th Street, Easton, PA 18042

REMENYI, MARIA, dec'd.

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

Executors: Stephen Leslie Remenyi and Marianne Yocum 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

SHIVE, RICHARD, dec'd.

Late of Bethlehem Township, Northampton County, PA

Executrix: Brittany Shive, 13811A Countryside Drive, Maugansville, MD 21767

Attorneys: Brad M. Russo, Esquire, Russo Law Offices, LLC, 633 Belvidere Road, Phillipsburg, NJ 08865

SPILMAN, HARRIET KENTON,
dec'd.

Late of Forks Township, Northampton County, PA

Co-Executrices: Sue S. Pappas, Kay S. Falcinelli and Ann S. Minnich 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

THIRD PUBLICATION

BOLIGITZ, LISA A., dec'd.

Late of 3635 Cottage Drive, Bethlehem, Northampton County, PA

Personal Representative: Nicole Hornak Medei c/o Constance K. Nelson, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060

Attorneys: Constance K. Nelson, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060

BUTTS, RAYMOND EARL, JR.,
dec'd.

Late of Accokeek, Prince George's County, MD

Administratrix: Ms. Briana Thomas

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

CALABRESE, SANTO GEORGE,
dec'd.

Late of the Township of Forks, Northampton County, PA

Executrix: Michelle Mary Calabrese-McBrearty c/o Daniel E. Cohen, Attorney, Hof & Reid, LLC, 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020

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

CIHYLIK, DAVID C., dec'd.

Late of Allen Township, North-
ampton County, PA

Executrix: Samantha Ann Krum
c/o Eric R. Strauss, Esquire,
Worth, Magee & Fisher, P.C.,
2610 Walbert Avenue, Allentown,
PA 18104

Attorneys: Eric R. Strauss,
Esquire, Worth, Magee & Fisher,
P.C., 2610 Walbert Avenue,
Allentown, PA 18104

EHRENBERG, JAMES E., dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA

Executor: Daniel E. Cohen, Hof
& Reid, LLC, 3101 Emrick Blvd.,
Suite 205, Bethlehem, PA 18020

FINK, GIUDITTA, dec'd.

Late of the Township of Palmer,
Northampton County, PA

Executor: Pasquale LiNuci, Jr.
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

GERSTNER, FREDERICK, dec'd.

Late of the Township of Hanover,
Northampton County, PA

Executrix: Sherri L. Fletcher c/o
Ellen M. Kraft, Esquire, 4510
Bath Pike, Suite 201, Bethlehem,
PA 18017-9265

Attorney: Ellen M. Kraft, Esquire,
4510 Bath Pike, Suite 201,
Bethlehem, PA 18017-9265

GILBERT, JIMMIE LEE, dec'd.

Late of Easton, Northampton
County, PA

Administratrix: Tesha M. Falwell
c/o Taylor R.D. Briggs, Esquire,
210 E. Broad St., Bethlehem, PA
18018

Attorney: Taylor R.D. Briggs,
Esquire, 210 E. Broad St.,
Bethlehem, PA 18018

HEATER, DALE R., SR., dec'd.

Late of Moore Township, North-
ampton County, PA

Administratrix: Brenda J.
LaBarre c/o Ralph J. Bellafatto,
Esquire, 4480 William Penn
Highway, Easton, PA 18045

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

KOZDEN, TILLIE E., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executrix: Sandra Kozden 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

LUTZ, KURT W., dec'd.

Late of Easton, Northampton
County, PA

Administratrix c.t.a.: Beverly L.
Cipriano 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

**LYCHAK, JOHN CHARLES a/k/a
DR. JOHN CHARLES LYCHAK
a/k/a DR. JOHN C. LYCHAK
a/k/a JOHN C. LYCHAK,** dec'd.

Late of Hanover Township,
Northampton County, PA

Executrix: Mrs. Elizabeth A.
Lychak

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

McGAUGHEY, JOHN ERNEST,
dec'd.

Late of Bethlehem, Northampton
County, PA

Executor: Erik J. McGaughey
c/o Taylor R.D. Briggs, Esquire,
210 E. Broad St., Bethlehem, PA
18018

Attorney: Taylor R.D. Briggs,
Esquire, 210 E. Broad St.,
Bethlehem, PA 18018

NELSON, KRISTINA J., dec'd.

Late of Northampton Borough,
Northampton County, PA

Executor: Lee W. Nelson, Sr. 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, North-
ampton, PA 18067

NITCHKEY, ROBERT A., SR.,
dec'd.

Late of the Township of Palmer,
Northampton County, PA

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

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

PALLA, SUSAN E., dec'd.

Late of Upper Mount Bethel
Township, Northampton County,
PA

Executor: Francisco Rojas c/o
William E. Hutcheson, III,
Esquire, 91 Larry Holmes Drive,
Suite 200, Easton, PA 18042

Attorney: William E. Hutcheson,
III, Esquire, 91 Larry Holmes
Drive, Suite 200, Easton, PA
18042

PAUKOVITCH, ALICE LORRAINE,
dec'd.

Late of Stockertown, North-
ampton County, PA

Executrices: Penny Jo Audenried
and Pamela Jane Davis, 220 E.
Chestnut Street, Nazareth, PA
18064

Attorney: Marla J. Melman,
Esquire, 1644 W. Walnut Street,
Allentown, PA 18102

PAUKOVITZ, ELIZABETH, dec'd.

Late of the Borough of North-
ampton, Northampton County,
PA

Executrix: Karen J. Murray c/o
Victor F. Cavacini, Esquire,
Gross McGinley, LLP, 33 South
7th Street, P.O. Box 4060,
Allentown, PA 18105-4060

Attorneys: Victor F. Cavacini,
Esquire, Gross McGinley, LLP,
33 South 7th Street, P.O. Box
4060, Allentown, PA 18105-
4060

PEREIRA, JANE A., dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA

Administrator: Charles Manuel
Pereira c/o Ellen M. Kraft,
Esquire, 4510 Bath Pike, Suite
201, Bethlehem, PA 18017-9265
Attorney: Ellen M. Kraft, Esquire,
4510 Bath Pike, Suite 201,
Bethlehem, PA 18017-9265

PLASCO, BONITA L., dec'd.

Late of Washington Township,
Northampton County, PA

Administrator: Michael D. Plasco
c/o Rebecca M. Young, Esquire
and Lia K. Snyder, Esquire,
Young & Young, 119 E. Main
Street, Macungie, PA 18062

Attorneys: Rebecca M. Young, Esquire and Lia K. Snyder, Esquire, Young & Young, 119 E. Main Street, Macungie, PA 18062

RUGGIERO, ANNA MARIE, dec'd.

Late of the Borough of Roseto, Northampton County, PA

Executor: Joel Anthony Ronco 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

SCHLUGER, BARBARA CONOVER, dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Bret Conover Garwood c/o Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 W. Lafayette Street, Suite 100, Easton, PA 18042

Attorneys: Robert C. Brown, Jr., Esquire, Fox, Oldt & Brown, 940 W. Lafayette Street, Suite 100, Easton, PA 18042

SHATON, ANNA MARIE, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executrix: Theresa C. Shaton, 710 E. 5th Street, Bethlehem, PA 18015

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

SZELAST, PATRICIA A., dec'd.

Late of the Township of Lehigh, Northampton County, PA

Administratrix D.B.N.C.T.A.: Lisa A. Spitale c/o Richard Brent Somach, Esquire, Norris McLaughlin, P.A., 515 West

Hamilton Street, Suite 502, Allentown, PA 18101

Attorneys: Richard Brent Somach, Esquire, Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101

TENNENBAUM, FLORENCE MARGARET, dec'd.

Late of the Township of Forks, Northampton County, PA

Executrix: Linda Susan Dalton c/o Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

VAN WHY, SHARON E., dec'd.

Late of Bethlehem, Northampton County, PA

Administratrix: Robin M. Gamble c/o Michael D. Recchiuti, Esquire, 60 W. Broad Street, Ste. 303, Bethlehem, PA 18018

Attorney: Michael D. Recchiuti, Esquire, 60 W. Broad Street, Ste. 303, Bethlehem, PA 18018

YEAGER, EARNEST F., dec'd.

Late of the Borough of Bath, Northampton County, PA

Executor: Michael Anthony Yeager c/o Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017-9265
Attorney: Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017-9265

YEAGER, MARIE C., dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executor: Michael Anthony Yeager c/o Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017-9265
Attorney: Ellen M. Kraft, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017-9265

ZAPPASODI, SAMUEL DOMINIC,
dec'd.

Late of East Allen Township,
Northampton County, PA
Co-Executors: David Zappasodi
and Debra Weber c/o Taylor R.D.
Briggs, Esquire, 210 E. Broad
St., Bethlehem, PA 18018
Attorney: Taylor R.D. Briggs,
Esquire, 210 E. Broad St.,
Bethlehem, PA 18018

**NOTICE OF NONPROFIT
INCORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA, for the purpose of incorporating a nonprofit corporation under the PA Nonprofit Corporation Law of 1988. The purpose for which it has been organized is to educate first responders, military veterans, and their families about the underlying origins for PTSD, drug addiction, and other mental health challenges, with the goal of preventing suicide, drug overdose, self-harm, and other mental health issues in the State of Pennsylvania. The name of the corporation is:

SAINT MICHAEL'S WARRIORS

Michael S. Horvath, II, Esquire
Gross McGinley, LLP
33 South 7th Street
P.O. Box 4060
Allentown, PA 18105-4060
(610) 820-5450

Mar. 23

**IN THE COURT OF COMMON
PLEAS OF NORTHAMPTON
COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NOTICE FOR INVOLUNTARY
TERMINATION OF PARENTAL
RIGHTS AND ADOPTION
IN RE: INVOLUNTARY
TERMINATION OF PARENTAL
RIGHTS and ADOPTION OF:
ANTONIO M. HAUBOIS
NO. 2022-0116**

SAMANTHA ALLEN, a Petition has been filed asking the Court to put an end to all rights you have to your child, ANTONIO M. HAUBOIS. A Hearing will be held in the week of April 24, 2023, for the Termination of Parental Rights and the Adoption in the Court of Common Pleas of Northampton County, Courthouse, 669 Washington Street, Easton, Pennsylvania 18042. You may contact Court Administration for the date and time of the hearing.

IF YOU DO NOT APPEAR AT THE HEARING, THE COURT MAY DECIDE THAT YOU ARE NOT INTERESTED IN RETAINING YOUR RIGHTS TO YOUR CHILD AND YOUR FAILURE TO APPEAR MAY AFFECT THE COURT'S DECISION ON WHETHER TO END YOUR RIGHTS TO YOUR CHILD. 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 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.

LAWYER REFERRAL SERVICE
Northampton County
Bar Association
P.O. Box 4733
Easton, PA 18043-4733
(610) 258-6333

FRANK J. TROVATO, ESQUIRE
2005 City Line Road
Suite 106
Bethlehem, PA 18017
(610) 867-3900

Mar. 23

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

PETITION FOR ADOPTION OF
DANIEL JOSE COLON and
NYLEVE LEDEE COLON

NO. A 2022-0010

NO. A 2022-0011

NOTICE

To: Danny Colon

NATURE OF THE ACTION:
Petition for Involuntary Termination
of Parental Rights.

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.

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

LAWYER REFERRAL SERVICE
Northampton County
Bar Association
P.O. Box 4733
Easton, PA 18043-4733
(610) 258-6333

NICHOLAS R.
SABATINE, III, ESQUIRE
I.D. No. 23771

NICHOLAS R. SABATINE, III, P.C.
Attorneys for Petitioner

16 S. Broadway
Wind Gap, PA 18091
(610) 863-9044

Mar. 23

**TERMINATION OF
RIGHTS NOTICE**

TERMINATION OF RIGHTS OF
MINOR CHILD,

NOAH GABRIEL TORRES

To: Steven Morales Perez, last known
address of 459 N. 22nd Street, 1st
floor, Allentown, PA 18104

Petition for Publication on said
Termination of Rights having been
granted to the undersigned, the
biological father thereto is requested
to present them without delay to:
Ligkija Ramos, 1107 Stefko Blvd.,
Bethlehem, PA 18017 or to her
attorney:

ALEXANDRIA J.
CROUTHAMEL, ESQUIRE
CROUTHAMEL LAW OFFICES, P.C.
1000 Postal Road
#91265
Allentown, PA 18109
(610) 428-3386
paralegal@crouthamellaw.com

Mar. 9, 16, 23

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on APRIL 6, 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-2016-03250
PARAMOUNT RESIDENTIAL
MORTGAGE GROUP, INC.

vs.

MONICA BORJA,
ROGER G. BORJA

Property Address:

913 Constitution Avenue, Pen
Argyl, PA 18072

UPI/Tax Parcel Number:

E8/1/5B/0626

ALL THAT CERTAIN piece or parcel of land situate in Plainfield Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Roger G. Borja and Monica Borja by deed from Howard Gordon and Monika Gordon, said deed recorded on May 19, 2015, in the Northampton County Recorder of Deeds Office in Book 2015-1 at page 86873.

THEREON BEING ERECTED a ranch-style single residential dwelling with stone exterior, shingle roof, attached one-car garage and in-ground swimming pool.

No. C-48-CV-2017-00129
THE BANK OF
NEW YORK MELLON ET AL.
vs.
KIM L. MALIA

Property Address:

202 Hamilton Avenue, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

N6SE1C/9/1/0204

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate in the 14th Ward of Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Frank C. Malia and Kim L. Malia by deed from James J. Frankenfield and Margaretta S. Frankenfield, said deed recorded on July 10, 1997, in the Northampton County Recorder of Deeds Office in Book 1997-1 at page 072524. The said Frank C. Malia departed this life on September 30, 2012, thereby vesting title solely to Kim L. Malia.

THEREON BEING ERECTED a two-story A-frame single residential dwelling with brick exterior, shingle roof and one-car garage.

No. C-48-CV-2017-10161

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

vs.

JAMES S. DeHART,
JUDY DeHART

Property Address:

2207 Whitehead Road, Nazareth,
PA 18064

UPI/Tax Parcel Number:

J6/13/1B/0520

ALL THAT CERTAIN tract, lot or piece of ground situate on the southerly side of Whitehead Road (TR 567) in Moore Township, Northampton County, Pennsylvania, and being Lot No. 2 on a subdivision plan titled Final Minor Subdivision Plan for Walter Sterner and John Serencsics, prepared by Kenneth R. Hahn, PLS, on drawing 94-14 dated and last revised on August 15, 1994.

TITLE TO SAID PREMISES is vested in James S. DeHart and Judy DeHart, husband and wife, by deed from Walter A. Sterner, married, and John Serencsics, married, said deed recorded on December 15, 1994, in the Northampton County Recorder of Deeds Office in Book 1994-6 at page 107222.

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

No. C-48-CV-2019-08111

US BANK, NATIONAL
ASSOCIATION

vs.

JUSTIN MYERS a/k/a
JUSTIN K. MYERS

Property Address:

844 Kossuth Street, Freemans-
burg, PA 18017

UPI/Tax Parcel Number:

N7SW4C/13/2/0212

ALL THAT CERTAIN lot or piece of ground situate in Freemansburg Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Justin K. Myers by deed from Ilaiza Rodriguez, said deed recorded on June 30, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 136856.

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

No. C-48-CV-2019-09279

PENNSYLVANIA HOUSING
FINANCE AGENCY

vs.

JASON P. ZIEGLER,
LAURA R. ZIEGLER

Property Address:

228 Northampton Street, Heller-
town, PA 18055

UPI/Tax Parcel Number:

Q7SW3B/11/6/0715

ALL THAT CERTAIN lot, piece or parcel of land and tenement situated on the west side of Northampton Street in Hellertown Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Laura R. Ziegler by deed from Jason P. Ziegler and Laura R. Ziegler, said deed recorded on June 26, 2015, in the Northampton County Recorder of Deeds Office in Book 2015-1 at page 116040.

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

No. C-48-CV-2022-00381

SPECIALIZED LOAN
SERVICING, LLC

vs.

GREGORY A. PAHOUNTIS,
JESSICA D. PAHOUNTIS

Property Address:

1219 Main Street, Northampton,
PA 18067

UPI/Tax Parcel Number:

M4NW2D/5/4/0522

ALL THAT CERTAIN lot or piece of ground, with improvements thereon, situate in the Fourth Ward of Northampton Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Gregory A. Pahountis and Jessica D. Pahountis, husband and wife, as tenants by the entirety, by deed from Loretta M. Kimak, widow, by her power-of-attorney Geraldine Skrapits, said deed recorded on June 7, 2007, in the Northampton County Recorder of Deeds Office in Book 2007-1 at page 209631.

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

No. C-48-CV-2022-01461

JP MORGAN CHASE BANK
NATIONAL ASSOCIATION
vs.

MANUEL JIMENEZ,
SUSAN JIMENEZ

Property Address:

617 Christian Street, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

P6SW3A/5/6/0204

ALL THAT CERTAIN lot or piece of ground situate on the east side of Christian Street in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Manuel Jimenez and Susan Jimenez by deed from Chester J. Petchonka and Christine M. E. Petchonka, husband and wife, said deed recorded on July 22, 1997, in the Northampton County Recorder of Deeds Office in Book 1997-1 at page 76614.

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

No. C-48-CV-2022-01497

MIDFIRST BANK
vs.

ALYSSA E. BENNETT

Property Address:

704 Main Street, Easton, PA
18040

UPI/Tax Parcel Number:

H8SE4/4/6/0429

ALL THAT CERTAIN message and tenement and lot or piece of land situate in Stockertown Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Alyssa E. Bennett by deed from Brian P. Jones and Kathleen J. McKelvey-Jones, husband and wife, said deed recorded on December 4, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 291894.

THEREON BEING ERECTED a two-story single residential dwelling with wood shake exterior, shingle roof and detached one-car garage.

No. C-48-CV-2022-02066

MORTGAGE ASSETS
MANAGEMENT, LLC
vs.

SCOTT HEFFELFINGER,
SOLELY IN HIS CAPACITY AS HEIR
OF ARTHUR T.

HEFFELFINGER, DECEASED

Property Address:

624 East 8th Street, Northampton, PA 18067

UPI/Tax Parcel Number:

M4/3/9A-15/0522

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

TITLE TO SAID PREMISES is vested in Sally Ann Heffelfinger, now deceased, and Arthur T. Heffelfinger, now deceased, husband and wife, by deed from Sally Ann Heffelfinger, married, said deed recorded on May 12, 1989, in the Northampton County Recorder of Deeds Office in Book 768 at page 559.

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

No. C-48-CV-2022-02548

NATIONSTAR MORTGAGE, LLC
d/b/a MR. COOPER
vs.

LOUIS E. LEGUIA
a/k/a LUIS E. LEGUIA

Property Address:

1341 Sullivan Trail, Easton, PA
18040

UPI/Tax Parcel Number:

K9SE4/15/7/0311

ALL THAT CERTAIN message, tenement, tract, piece or lot of land situated in Forks Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Luis E. Leguia by deed from Lloyd F. Best, Jr., Executor of the Estate of Virginia F. Hahn, deceased, said deed recorded on August 7, 2009, in the Northampton County Recorder of Deeds Office in Book 2009-1 at page 204283.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior, shingle roof and attached two-car garage.

No. C-48-CV-2022-02845

U.S. BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT
SOLELY AS OWNER TRUSTEE
FOR RCF-2

ACQUISITION TRUST

vs.

DAVID M. VITOVITCH,
TINA M. VITOVITCH

Property Address:

3331 Buckskin Lane, Danielsville,
PA 18038

UPI/Tax Parcel Number:

H4/22/4C-18/0520

ALL THAT CERTAIN tract, piece or parcel of land situated in Moore Township, Northampton County, Pennsylvania, being Lot 18 as shown on subdivision map of The Estates at Mink Hollow, said map recorded in Plat Book Volume 2006-5 at page 795.

TITLE TO SAID PREMISES is vested in David M. Vitovitch and Tina M. Vitovitch by deed from S and S Home Builders, Inc., said deed recorded on August 23, 2007, in the Northampton County Recorder of Deeds Office in Book 2007-1 at page 310872.

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

No. C-48-CV-2022-03914

LNV CORPORATION

vs.

HAROLD H. POWELL,
JEANNE S. POWELL

Property Address:

2505 9th Street, Bethlehem, PA
18020

UPI/Tax Parcel Number:

N7NE1/9/1A/0205

ALL THAT CERTAIN messuage or tenement and lot or piece of land situate in Bethlehem Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Harold H. Powell and Jeanne S. Powell, his wife, as tenants by the entirety, by deed from F. A. S. Builders, Inc., said deed recorded on September 16, 1974, in the Northampton County Recorder of Deeds Office in Book 497 at page 413.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior, shingle roof, attached two-car garage and in-ground swimming pool.

No. C-48-CV-2022-03965

CALIBER HOME LOANS, INC.

vs.

SAMUEL R. BROTZMAN a/k/a
SAM BROTZMAN

Property Address:

722 Market Street, Bangor, PA
18013

UPI/Tax Parcel Number:

E9NE1C/1/6/0102

ALL THAT CERTAIN messuage, tenement, tract, piece or parcel of land situated in the third ward of Bangor Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Samuel R. Brotzman by deed from Nicholas Kornafel, said deed recorded on July 3, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 138694.

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

No. C-48-CV-2022-04841
AMERICAN NEIGHBORHOOD
MORTGAGE ACCEPTANCE
COMPANY, LLC

vs.

DAVID P. GAREY

Property Address:

4470 Henry Street, Easton, PA
18045

UPI/Tax Parcel Number:

M8SE1/1E/4/0205

ALL THAT CERTAIN lot or piece of land, together with the improvements thereon erected, situate in Bethlehem Township, Northampton County, Pennsylvania, and shown on Plan of Portion No. 2, County Club Manor, drawn by Walter F. Auch on October 25, 1958, and filed in Map Book 14 at page 27.

TITLE TO SAID PREMISES is vested in David P. Garey, unmarried, as sole owner, by deed from Michael Armao, married, and Anthony Armao, unmarried, said deed recorded on June 5, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 114868.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior, shingle roof and attached one-car garage.

No. C-48-CV-2022-05596

No. C-48-CV-2022-05173

4WAY JUNCTION, LLC

vs.

NAZARETH PIKE, LLC,
ARMINDER SINGH

Property Address:

4063 Nazareth Pike, Bethlehem,
PA 18020

UPI/Tax Parcel Number:

M7/4/4A/0205

ALL THAT CERTAIN tract or piece of land situate on the western side of Route 191 in Bethlehem Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Nazareth Pike, LLC, by Sheriff's deed from Arminder Singh, said Sheriff's deed recorded on January 6, 2022, in the Northampton County Recorder of Deeds Office in Book 2022-1 at page 008953.

THEREON BEING ERECTED a commercial gas station with vinyl siding and brick exterior, flat roof and an attached three-car garage.

No. C-48-CV-2022-05915

FREEDOM MORTGAGE
CORPORATION

vs.

MARIA I. AGOSTO

Property Address:

145 South 12th Street, Easton, PA
18042

UPI/Tax Parcel Number:

L9SE1D/12/10/0310

ALL THAT CERTAIN message, tenement and lot or piece of land situated on the west side of 12th Street in Easton City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Maria I. Agosto by deed from Maged Mehanni and Eihab Riad, said deed recorded on May 15, 2019, in the Northampton County Recorder of Deeds Office in Book 2019-1 at page 90517.

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

No. C-48-CV-2022-05917

FREEDOM MORTGAGE
CORPORATION

vs.

ZANA NASSAR

Property Address:

502 East North Street, Bethlehem,
PA 18018

UPI/Tax Parcel Number:

P6NE2A/28/1/0204

ALL THAT CERTAIN lot or piece of ground, with the messuage or tenement thereon erected, located in Bethlehem City, Northampton County, Pennsylvania, and designated as Lot No. 65 on the plan of lots of Elmwood Park which is recorded in Map Book No.6 at page 27 and in Map Book No. 7 at page 8.

TITLE TO SAID PREMISES is vested in Zana Nassar by deed from Steven V. Splett, said deed recorded on April 2, 2019, in the Northampton County Recorder of Deeds Office in Book 2019-1 at page 56703.

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

No. C-48-CV-2022-06156

JIM THORPE

NEIGHBORHOOD BANK

vs.

77 W. BROAD ST., LLC,

SHANNA L. MARKS

Property Address:

77 West Broad Street, Unit 10C,
Bethlehem, PA 18018-3881

UPI/Tax Parcel Number:

P6NE1D/10/5-10A/0204

ALL THAT CERTAIN unit, designated as No. 10C, retail, of Payson House, a condominium located in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in 77 W. Broad St, LLC, by deed from Brian Kemmerer and Connie Kemmerer, a married couple, said deed recorded on October 11, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 221816.

THEREON BEING a one-story commercial storefront in a three-story shopping center/apartment building complex with brick exterior and shingle roof.

No. C-48-CV-2022-06295

WELLS FARGO BANK, N.A.

vs.

ETHAN M. MEDGIE

Property Address:

1723 Snyder Street, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

N7SW1D/1/1A/0204

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate on the southerly side of Chester and Snyder Streets, between Hunter and Fisher Streets, in the Fifteenth Ward of Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Ethan M. Medgie by deed from Alexander J. Fartel and Nancy A. Zdravetz, Executor and Executrix of the Estate of Rose E. Fartel, deceased, said deed recorded on July 6, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 154039.

THEREON BEING ERECTED a Cape Cod-style single residential dwelling with brick exterior, shingle roof and two-car garage.

No. C-48-CV-2022-06709

FREEDOM MORTGAGE

CORPORATION

vs.

JOHN JOSEPH McKERNAN,

ROBIN McKERNAN

Property Address:

502 Pennsylvania Avenue,
Portland, PA 18351

UPI/Tax Parcel Number:

C11NE2B/2/6/0127

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

TITLE TO SAID PREMISES is vested in John McKernan and Robin McKernan, husband and wife, by deed from Ronald L. Angle, said deed recorded on September 21, 2005, in the Northampton County Recorder of Deeds Office in Book 2005-1 at page 366850.

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

No. C-48-CV-2022-08090

WELLS FARGO BANK, N.A. ET AL.
vs.

MICHAEL SHANNON,
AS EXECUTOR AND DEVISEE
OF THE ESTATE OF
FREDERICK H. SHANNON

Property Address:

1216 Railroad Street, Bethlehem,
PA 18015

UPI/Tax Parcel Number:

P6NE3C/6/7/0204

ALL THAT CERTAIN piece or
parcel of land situate in Bethlehem
City, Northampton County, Pennsylv-
vania.

TITLE TO SAID PREMISES is vested in Frederick H. Shannon, unmarried, by deed from Carlos H. Garzon, Sr., and Teresa Garzon, husband and wife, said deed recorded on September 27, 1999, in the Northampton County Recorder of Deeds Office in Book 1999-1 at page 146559. The said Frederick H. Shannon departed this life on or about November 6, 2020.

THEREON BEING ERECTED a two-story single residential dwelling with aluminum 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

Mar. 16, 23, 30



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The cancer clinic gives her a death sentence

A lawyer says she has the right to live.

Her health plan rejects her claim.

A lawyer says they can't.

Her boss "lets her go."

A lawyer gets her job back.

Her landlord tries to evict her.

A lawyer won't let him.

The clinic gave her a death sentence

A lawyer gave her hope

You have rights. Lawyers protect them.
Pennsylvania Bar Association
Northampton County Bar Association

INDRADEEP GHOSH, Plaintiff v. NIZIA VIANA, Defendant*Lease—Resulting Trust—Unjust Enrichment—Constructive Trust—Title.*

Plaintiff's claim for damages for unpaid rent was dismissed where he failed to appear to prosecute the claim. Defendant's counterclaims for a constructive trust, a resulting trust, and unjust enrichment were denied where she failed to prove the elements of those claims. The Court found that the Defendant's claim that Plaintiff purchased the property to hold in trust for her was not credible, and that Defendant was instead a tenant at the property.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Division—No. C-48-CV-2021-06881.

Indradeep Ghosh, Pro Se.

ROBERT GLAZER, ESQUIRE, for the Defendant.

Order of the Court entered on October 25, 2022 by ROSCIOLI, J.

ORDER

AND NOW, this 25th day of October 2022, it is hereby ORDERED that Plaintiff's Complaint is DISMISSED for his failure to appear on October 11, 2022 for trial after notice thereof. It is further ORDERED that all claims in Defendant's Counterclaim are DENIED, for the reasons set forth below.

STATEMENT OF REASONS

This matter was first initiated in Magisterial District Court on August 12, 2021. In that filing, Plaintiff Indradeep Ghosh (Plaintiff) sought possession of the subject property at 2403 15th Street, Bethlehem, Pennsylvania, and judgment for unpaid rent. Judgment was entered against Defendant Nizia Viana (Defendant) in that matter, and she subsequently filed an appeal to this Court. On September 22, 2021, Plaintiff filed the within Complaint, again seeking possession of the property and judgment for unpaid rent. According to Plaintiff, Defendant has been residing in the property on a month-to-month basis under an oral lease and has refused to vacate the property after receiving a notice to quit in June 2021. Defendant denies that she has been a tenant in the property, and has asserted counterclaims contending that she is the equitable owner of the property. Defendant contends that Plaintiff purchased the property, taking title thereto and executing a mortgage therefor, as a personal favor to her because she was unable to herself qualify for a mortgage of sufficient amount to purchase the property. Defendant contends that she, not Plaintiff, has paid all expenses for the property, including the mortgage and all maintenance, and that the parties intended all along that she would be the equitable owner and eventually take title to the property.

On October 11, 2022, this matter was scheduled to be heard by the undersigned for disposition of Plaintiff's Complaint and Defendant's Counterclaims. Plaintiff had previously sought a continuance of the trial date due to his desire to obtain new counsel, but that request for a continuance was denied by President Judge Michael J. Koury, Jr. on October 4, 2022. Plaintiff failed to appear on October 11, 2022 for trial. Having determined that Plaintiff had actual notice of the proceeding, the Court concluded that Plaintiff's failure to appear constituted a waiver of the claims in his Complaint, and same are accordingly dismissed.

At trial, Defendant testified to the following set of facts: In late 2009, Defendant became romantically involved with Kendell Alexander. At the time, she had a child from a previous relationship. In or about April 2010, Defendant became pregnant by Mr. Alexander, and later gave birth to twins. During her pregnancy, Mr. Alexander was arrested on drug trafficking charges and was sentenced to four years in state prison. Plaintiff Indradeep Ghosh, then a professor of economics at Haverford College, was a close friend of the Alexander family via Mr. Alexander's brother. During Mr. Alexander's incarceration, Plaintiff and Defendant became friends as well, and he served as an emotional and financial support for Mr. Alexander and the Defendant. Plaintiff is the godfather to one of Defendant's children, and would at times visit with Defendant and the children in Easton from his home in Haverford.

Before Mr. Alexander was to be released from prison, Defendant sought to purchase a home in Bethlehem Township. She was preapproved for a mortgage, but the preapproval was not for a sufficient amount that would allow her to purchase a home that met her requirements. Defendant inquired of members of the Alexander family as to assisting with the purchase, but they denied her request. Defendant then approached Plaintiff for assistance. According to Defendant, she and Plaintiff discussed that he would apply for a mortgage and purchase the home, but that she would be responsible for all costs associated therewith, including mortgage payments, upkeep, and the down payment. Defendant contends that Plaintiff agreed to make the down payment initially on the understanding that she would reimburse him therefor. Defendant further contends that Plaintiff agreed that he would sign the house over to her once the mortgage was satisfied. Her testimony was inconsistent with respect to this issue of transfer. She could not articulate whether their agreement was that she would refinance the property in her name at some point or whether he would transfer the property to her at the conclusion of the mortgage payments on the original mortgage. Critically, none of the agreements alleged by Defendant were memorialized in writing.

Defendant testified that she was the individual who selected the home and communicated with the realtor and home inspectors, and that

Plaintiff essentially purchased the home sight unseen. While Defendant contended that the parties contemplated adding her name to the deed, and while some of her documentary evidence supports the conclusion that the parties discussed this possibility, in fact her name does not appear on the deed. Only Plaintiff holds title to the property.

Defendant moved into the home in August 2014, and has lived there with her children since. Mr. Alexander lived with her and the children after being released from prison, until approximately September 2019. During their relationship, Defendant and Mr. Alexander welcomed another child.

Defendant testified that she paid for pool maintenance after the home was purchased in 2014, and that she has paid for a home warranty, all maintenance, repairs, and utilities for the home since 2014. Defendant also testified that she eventually repaid Plaintiff in full for the \$28,000 down payment on the home, though the documentary evidence offered in support of that conclusion does not support same. Defendant testified that some of the payments were made to Plaintiff in cash. With respect to the mortgage, Defendant testified that she made check deposits directly into Plaintiff's account each month for the full amount of the mortgage, and that the payments were then made electronically from his account to the mortgage company. The documentary evidence supplied by Defendant demonstrates that checks were regularly written to Plaintiff by Defendant or her company, Super Green Cleaning, with the word "mortgage" appearing in the memo line. In addition, numerous checks with "mortgage" in the memo line were written out to "Cash" as the payee.

In early 2015, Plaintiff left Pennsylvania and returned to India, where he has resided since. Prior to leaving Pennsylvania, Plaintiff executed a durable power of attorney naming Defendant as the party with the authority to act as his agent for all real estate transactions.

In September 2019, Defendant and Mr. Alexander ended their relationship, and Mr. Alexander vacated the property. E-mail correspondence between Plaintiff and Defendant reveals that Plaintiff sought to have Defendant leave the property as well after Mr. Alexander was no longer living there. In June 2021, Plaintiff revoked the power of attorney and served upon Defendant a notice to quit the property.

While the Defendant's testimony at trial was uncontested, the Court found her testimony on the whole not to be credible, and the Court was left with a clear impression that there is more to the story surrounding the parties' relationship and the circumstances surrounding the purchase of the property. We note that, while we were unable to consider Plaintiff's claims or receive testimony from him because he failed to appear after his continuance request was denied by another judge of this Court, the record does reflect that Plaintiff presently resides in India, which may have accounted for his failure to appear.

In Count I of her counterclaim, Defendant contends that she is entitled to a finding that a resulting trust was created such that Plaintiff holds the subject property as trustee for her. Based upon the facts alleged by Defendant in her Counterclaim, it is clear that Defendant specifically contends that the trust is in the nature of a purchase-money resulting trust.

A purchase-money resulting trust arises in favor of the person who paid the purchase price, when the transfer of property is made to one person and the purchase price is paid by another. In order for a purchase-money resulting trust to arise, the following is required: (1) the transfer is made to one person and the purchase price is paid by another; (2) the payor does not have the intention that no resulting trust shall arise; and (3) the transferee is not the natural object of the transferor's bounty.

Fenderson v. Fenderson, 685 A.2d 600, 604-605 (Pa. Super. 1996) (internal citations omitted). "The law requires clear, direct, precise, and convincing evidence of a resulting trust before it will convert absolute ownership into an estate of lesser quality." *Id.* at 605. Critically, a "resulting trust must arise at the time title is transferred. Payment of the purchase price by the beneficiary subsequent to the transfer of title without a prior obligation on the part of the beneficiary to pay fails to raise a resulting trust." *Id.*

Having considered all of the testimony and exhibits offered by Defendant at the trial in this matter, we find that Defendant has failed to meet her burden of establishing by clear, direct, precise, and convincing evidence that a resulting trust was created for her benefit when Plaintiff took title to the property. Of significant importance to our decision on this issue is the fact that, by Defendant's own evidence, she did not pay any amount to Plaintiff prior to his purchase of the property. Rather, her contention is that he paid the down payment and she later reimbursed him over a number of years in addition to making monthly payments on the mortgage obligation. Such evidence, if believed by the Court, would be insufficient to create a resulting trust for Defendant's benefit under the law of Pennsylvania as described in *Fenderson*, *supra*. See also, *Masgai v. Masgait*, 333 A.2d 861 (Pa. 1975); *Arndt v. Matz*, 73 A.2d 392 (Pa. 1950).

In Counts II and III of her counterclaim, Defendant contends that she is entitled to a finding that a constructive trust was created such that Plaintiff holds the subject property as trustee for her. More specifically, Defendant contends that Plaintiff holds the property as trustee for her because the parties were in a confidential relationship and because failure to impose a constructive trust would result in Plaintiff's unjust enrichment.

It is settled that where property is conveyed to one in a confidential relationship to the transferor, subject to a promise to reconvey which is subsequently breached, equity will intervene by imposing a constructive trust to prevent the unjust

enrichment of one so abusing a confidential relationship. It is necessary that both a confidential relationship and reliance upon a promise to reconvey induced by that relationship be shown.

Silver v. Silver, 219 A.2d 659, 661-62 (Pa. 1966). “Although no precise formula has been devised to ascertain the existence of a confidential relationship, it has been said that such a relationship is not confined to a particular association of the parties but exists whenever one occupies toward another such a position of advisor or counselor as reasonably to inspire confidence that he will act in good faith for the other’s interest.” *Id.* at 662.

Having fully considered all of the evidence offered by the Defendant at trial, we do not find that there was a confidential relationship between the parties here. No evidence of record suggests that Plaintiff served as an advisor or counselor to Defendant. Furthermore, the evidence shows that it was Defendant who approached Plaintiff about purchasing a home for her to live in, not that Plaintiff acted in any manner to abuse the parties’ relationship. At best, the evidence supports a finding that Plaintiff had a friendly relationship with Defendant through her paramour, and that Plaintiff agreed to do a favor for Defendant in helping her to acquire a desirable place to live for the benefit of her and Mr. Alexander’s family. Defendant has not met her burden to establish that a constructive trust should be imposed as a result of a violation of a confidential relationship between the parties.

Finally, we consider whether a constructive trust should be imposed in order to prevent Plaintiff’s unjust enrichment.

The elements necessary to prove unjust enrichment are: (1) benefits conferred on [one party] by [the other]; (2) appreciation of such benefit by [the receiving party]; and acceptance and retention of such benefits under such circumstances that it would be inequitable for [the receiving party] to retain the benefit without payment of value. The application of the doctrine depends on the particular factual circumstances of the case at issue. In determining if the doctrine applies, our focus is not on the intention of the parties, but rather on whether the [receiving party] has been unjustly enriched.

Mitchell v. Moore, 729 A.2d 1200 (Pa. Super. 1999).

After consideration of the evidence presented at trial by the Defendant, we find that her claim for a constructive trust on the basis of unjust enrichment must fail because she has failed to prove that it would be inequitable for Plaintiff to retain ownership of the subject property.

While the record reflects that Defendant regularly made payments to Plaintiff’s account in an amount equal to the monthly mortgage cost, Defendant received the benefit of living in the property during that time. Just as any landlord would receive rent from a tenant—which may often be in an amount equal to or greater than the owner’s mortgage obligation

—Plaintiff here received monthly payments from Defendant during her occupancy of the premises. Furthermore, the fact that Defendant made all utility payments lends no support to her argument, as it is typically the case that tenants pay for their own utility use. While Defendant enjoyed the use of the property, it was Plaintiff who took all of the risk of loss in the purchase of the home.

On the basis of the record before us, we do not find that it would be unjust to permit Plaintiff to retain ownership of the property. He has had no use of it during his ownership—and in fact Defendant testified that she refused his request at one point to live there with her family—but has at all times borne the legal responsibility of satisfying the mortgage debt, as well as the risk of a downward market depreciating the value of the home.

For all of these reasons, we find that Defendant has failed to meet her burden to prove that a constructive trust should be imposed, and her claim therefor must be denied.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, March 27, 2023