



# Northampton County Reporter

(USPS 395-280)

VOL. LXII

EASTON, PA June 29, 2023

NO. 78

**In Re: Estate of Constance Barbara Kasten, Deceased**

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**INSERTS:** Blue: 1. Save the Date! NCBA Fall CLE Conference  
2. Jacksonville Jumbo Shrimp vs. Lehigh Valley Iron Pigs  
3. Christmas in July Happy Hour  
4. 2023 Calendar

### NOTICE TO THE BAR...

**Iron Pigs Game at Coca Cola Park**  
Tuesday, August 15, 2023  
Registration inside.

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

Steven B. Molder ..... President  
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*Northampton County Reporter*  
**Attorney Referral & Information Service**  
**155 South Ninth Street, P.O. Box 4733**  
**Easton, PA 18042**  
*Phone (610) 258-6333 Fax (610) 258-8715*  
*E-mail: [ncba@norcobar.org](mailto:ncba@norcobar.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

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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****Save the Dates**

August 15, 2023	Iron Pigs Game at Coca Cola Park Registration form inside.
September 6, 2023	Annual Memorial Service
September 14, 2023	Quarterly Association Meeting
October 9, 2023	NCBA Fall CLE Conference

**United States District Court for the Eastern District of Pennsylvania**

The USDC—ED recently completed a two-year process in which it updated and revised its Local Civil Rules. The newly issued rules are available on the Court's website, together with a summary of the changes enacted.

The revision updates the Rules to formalize many of the procedures surrounding electronic filing and makes permanent some pandemic-related protocols such as the option to conduct arbitrations by videoconference. Among other changes, the revised Rules establish a formal procedure for the consolidation of cases, and procedures for taxation of costs have been completely revised.

Happy Fourth of July!

America was built on courage, on imagination and an unbeatable determination. ~ Harry S. Truman

**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****BEIER, JOSEPH M.,** dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Administrator: Scott Keller, 312 Hillview Drive, Nazareth, PA 18064

Attorney: Victor E. Scomillio, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016

**BERES, MARY E.,** dec'd.

Late of Walnutport, Northampton County, PA

Executor: Robert Kendall Beres c/o Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018

Attorneys: Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018

**FOURNIER, DOROTHY ANN,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Cathi Ann Lehman c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

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

**FULOP, JOSEPH M.,** dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Carol Ann Haldaman 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

**GILES, PHILIP M., JR.,** dec'd.

Late of Bethlehem Township, Northampton County, PA

Executrix: Doris J. Giles 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

**HOUCHIN, TIMOTHY JACK,** dec'd.

Late of Bethlehem, Northampton County, PA

Administratrix: Tiffany L. Houchin c/o Carlo A. LaMonica, Esquire, LaMonica Law Firm LLC, 3218 Pittston Avenue, Scranton, PA 18505

Attorneys: Carlo A. LaMonica, Esquire, LaMonica Law Firm LLC, 3218 Pittston Avenue, Scranton, PA 18505

**HUNSINGER, ELAINE B.,** dec'd.

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

Executrix: Donna K. Nagy 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

**KOCHER, LESTER W.,** dec'd.

Late of Moore Township, Northampton County, PA

Executor: Jason W. Kocher, Sr.,  
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

**MacDONALD, LINDA M.,** dec'd.

Late of Wind Gap, Northampton  
County, PA

Executor: Patrick W. MacDonald  
c/o Michael A. Santanasto,  
Esquire, Santanasto Law, 210 E.  
Broad St., Bethlehem, PA 18018  
Attorneys: Michael A.  
Santanasto, Esquire,  
Santanasto Law, 210 E. Broad  
St., Bethlehem, PA 18018

**MARKS, JOAN P.,** dec'd.

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

Executrix: Michele C. Pearson  
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

**MESSINGER, CLYDE C.,** dec'd.

Late of the Township of Upper  
Mt. Bethel, Northampton  
County, PA

Executor: Dwight D. Jones 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

**MESSINGER, VERNON L.,** dec'd.

Late of the Township of Plainfield,  
Northampton County, PA

Messinger Family Trust

Settlor: Vernon L. Messinger

Trustee: Tim E. Messinger 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

**MULDOWNEY, KAREN SUE,** dec'd.

Late of Lehigh Township,  
Danielsville, Northampton  
County, PA

Executor: Francis Muldowney  
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

**PARISE, CHIARINA,** dec'd.

Late of Hellertown, Northampton  
County, PA

Louis & Chiarina Parise  
Irrevocable Trust under  
agreement date July 27, 2016

Trustee: Karen L. Parise, 5330  
Shimerville Road, Emmaus, PA  
18049

Attorneys: Jay C. Glickman,  
Esquire, Rubin, Glickman,  
Steinberg and Gifford, P.O. Box  
1277, Lansdale, PA 19446

**SCHAEFFER, SANDRA J.,** dec'd.

Late of the Township of Lehigh,  
Northampton County, PA

Executrices: Lori A. Keller, 151  
Main Street, Northampton, PA  
18067; and Rondra Marie Grim,  
310 St. Andrews Dr., Niceville,  
FL 32578-3555

Attorneys: Jenny Y.C. Cheng, Esquire, Cheng Law Offices, P.C., 430 Delaware Avenue, P.O. Box 195, Palmerton, PA 18071

**SCHLERT, ALFRED A., SR.,** dec'd.

Late of the Township of Palmer, Northampton County, PA  
Executor: Alfred A. Schlert, Jr. c/o Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

Attorney: Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

**SECOND PUBLICATION**

**BENNETT, ALYCE M.,** dec'd.

Late of Bethlehem Township, Northampton County, PA  
Executor: Keith Alan Bennett c/o Michael D. Recchiuti, Esquire, 60 West Broad Street, Suite 303, Bethlehem, PA 18018

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

**CRESSMAN, R. ALLEN,** dec'd.

Late of Northampton County, PA  
Administratrix: Jennifer Bertrand c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045  
Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

**DORNEY, CARRIE R.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA  
Executor: Phillip Russell Stark, 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

**LAMBERT, BEVERLY L.,** dec'd.

Late of Forks Township, Northampton County, PA

Executrix: Cheryl Ann Fleming c/o Thomas L. Walters, Esquire, Lewis and Walters, 46 S. 4th Street, Easton, PA 18042

Attorneys: Thomas L. Walters, Esquire, Lewis and Walters, 46 South Fourth Street, Easton, PA 18042

**NINNO, MICHAEL,** dec'd.

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

Executrix: Maria A. Ninno 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

**THIRD PUBLICATION**

**BISKO, MELBA M.,** dec'd.

Late of Walnupport Borough, Northampton County, PA

Executor: David C. Bisko 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

**CREITZ, EDWARD C.,** dec'd.

Late of Palmer Township, Northampton County, PA

Executrix: Regina K. Creitz c/o Lori Gardiner Kreglow, Esquire, 18 East Market Street, Bethlehem, PA 18016-1961

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

**DOTTER, CATHERINE ANITA,**  
dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrices: Tina Jo Gassler and Diann Lou Bittenbender

Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091

**DUNNIGAN, ROBERT A.,** dec'd.

Late of Hanover Twp., Northampton County, PA

Executor: Michael A. Dunnigan c/o Joseph J. Piperato, III, Esquire, Eastburn & Gray, PC, 412 W. Broad St., Bethlehem, PA 18018

Attorneys: Joseph J. Piperato, III, Esquire, Eastburn & Gray, PC, 412 W. Broad St., Bethlehem, PA 18018

**ELLIOTT, DOROTHY JANE,** dec'd.

Late of Williams Township, Northampton County, PA

Executor: Scott C. Derrington c/o Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

Attorney : Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

**GEE, LEE S.,** dec'd.

Late of Bethlehem Twp., Northampton County, PA

Executrix: Meredith M. Gee, 157 E. Mount Ave., Atlantic Heights, NJ 07716

Attorneys: Eugene Orlando, Jr., Esquire, Orlando Law Offices, P.C., 2901 Lawrence Ave., #101, Reading, PA 19606

**KISLOW, ROBERT J., III,** dec'd.

Late of the Township of Moore, Northampton County, PA

Administrator: Robert J. Kislow, Jr. c/o Joseph F. Leeson, III, Esquire, 70 East Broad Street,

P.O. Box 1426, Bethlehem, PA 18016-1426

Attorney: Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

**KULP, WILLARD W.,** dec'd.

Late of 1275 Stonewood Drive, Bethlehem, Northampton County, PA

Executrix: Donna J. Erney, 1960 Mark Twain Circle, Bethlehem, PA 18017

Attorney: William G. Malkames, Esquire, 509 W. Linden Street, Allentown, PA 18101

**KUTIANSKI, DOLORES M.,** dec'd.

Late of Walnutport, Northampton County, PA

Executrix: Stephanie K. Muschlitz 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

**MEASE, ROBERT JEFFERY,**  
dec'd.

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

Executor: Alfred Gabriele Vasta, Jr. 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

**MORGA, JOAN L.,** dec'd.

Late of Williams Twp., Northampton County, PA

Executor: Robert John Morga c/o Stephanie M. Shortall, Esquire, Drake, Hileman &



Davis, Bailiwick Office Campus,  
252 W. Swamp Rd., #15, P.O.  
Box 1306, Doylestown, PA 18901  
Attorneys: Stephanie M.  
Shortall, Esquire, Drake,  
Hileman & Davis, Bailiwick  
Office Campus, 252 W. Swamp  
Rd., #15, P.O. Box 1306,  
Doylestown, PA 18901

**NOTO, JANET H.,** dec'd.

Late of the Township of  
Bethlehem, Northampton  
County, PA  
Executor: Keith Nicusanti  
Attorney: David M. Backenstoe,  
Esquire, 148 Main Street,  
Hellertown, PA 18055

**POLICELLI, LOUIS A.,** dec'd.

Late of the Township of Upper  
Mt. Bethel, Northampton  
County, PA  
Co-Executors: Melissa Dawn  
Seas and L. Steven Policelli 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

**RANKIN-TICE, NANCY A.,** dec'd.

Late of the Township of Forks,  
Northampton County, PA  
Executor: Dennis Brooke Tice  
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

**SCHMITT, FREDERICK W., JR.,**  
dec'd.

Late of Bethlehem Twp.,  
Northampton County, PA  
Executrix: Carolyn Jane  
Chorones c/o Joseph J. Piperato,  
III, Esquire, Eastburn & Gray,  
PC, 412 W. Broad St., Bethlehem,  
PA 18018

Attorneys: Joseph J. Piperato, III,  
Esquire, Eastburn & Gray, PC,  
412 W. Broad St., Bethlehem, PA  
18018

**THOMPSON, PATRICIA G.,** dec'd.

Late of the Township of Forks,  
Northampton County, PA  
Executor: Michael John  
Thompson c/o Theresa Hogan,  
Esquire, 340 Spring Garden  
Street, Easton, PA 18042  
Attorney: Theresa Hogan,  
Esquire, 340 Spring Garden  
Street, Easton, PA 18042

**TOMSIC, JANET L.,** dec'd.

Late of Bushkill Township,  
Northampton County, PA  
Co-Executors: Dean Tomsic and  
Stacie Biechy 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

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**FOREIGN WITHDRAWAL NOTICE**

NOTICE to Withdraw Foreign  
Registration is hereby given that **A-B  
Tool and Manufacturing Inc.,** a New  
Jersey Corporation, having its regis-  
tered office located at 54 Old Hwy. 22,  
Ste. 235, Clinton, NJ 08809, and local  
office located at 1350 Balata Street,  
Easton, PA 18042 has filed a  
Statement of Withdrawal of Foreign  
Registration with the Department of  
State of the Commonwealth of Penn-  
sylvania, approved May 5, 1933 as  
amended, and that the said corpora-  
tion is winding up its affairs in the  
manner prescribed by said law, so  
that its corporate existence shall be  
ended upon the issuance of a Certi-  
ficate of Dissolution by the Depart-  
ment of State of the Commonwealth  
of Pennsylvania.

June 29



**CIVIL JUDGMENT  
INVENTORY SALE**

Claims Recovery Systems has been in business for 35 years. We purchased consumer debts on the secondary markets, consisting mostly of major bank credit card debts and consumer loans, and auto deficiencies. We are ceasing operations and selling off our inventory of uncollected CPC docketed judgments throughout PA.

There are 316 judgments with a balance due of \$1,085,042. There is a total of accumulated statutory interest at 6%/yr. in the amount of \$748,731, with a total due of \$1,608,984, including payments received. 40% of the judgments have a payment history. Notarized Assignment of Judgments for each judgment sold will be provided to purchaser at no charge upon completion of the sale. A Due Diligence spreadsheet with all account detail will be made available to prospective purchasers upon execution of a standard NDA. Price: 2.25%.

Direct your inquiries to [cbarrett@crsinconline.com](mailto:cbarrett@crsinconline.com), or call (412) 841-4495.

June 29

**NOTICE**

This public notice is to advertise to the public the filing of my NOTICE AND UNSWORN DECLARATION AFFIDAVIT OF ACCEPTANCE OF ALLODIAL TITLE BY THE UNDERSIGNED, filed by John F. Gallagher and Melissa M. Gallagher, and offer to any party with lawful standing who wishes to review the complete file on record to request an appointment with:

John F. Gallagher  
(484) 903-3286  
4050 Freemansburg Avenue  
Easton, Pennsylvania

Any party with standing to bring forward a lawful challenge to the aforesaid NOTICE AND UNSWORN DECLARATION shall properly and lawfully bring forth such claim of interest. Failure to make such a lawful claim of interest within sixty (60) calendar days from the date of this NOTICE shall result the barring of all challenges by any party or parties in law or equity forever, and such shall be considered as a final judgment in the proper court of law or equity, as appropriate.

June 29

**SUPERIOR COURT OF  
WASHINGTON  
COUNTY OF SPOKANE**

In re the Petition for Change of  
Name of ADALYNN JOY MARIE  
CARMICHAEL, A minor child

**NO. 23-2-01687-32**

SUMMONS SERVED BY  
PUBLICATION

To: ASHLEY MARIE MCCAIN

I have started a court case by filing a petition. The name of the Petition is: PETITION TO CHANGE OF NAME OF MINOR CHILD.

You must respond in writing if you want the court to consider your side.

Deadline! Your Response must be filed and served within 60 days of the date this Summons is published: June 22, 2023. If you do not file and serve your Response or a Notice of Appearance by the deadline:

No one has to notify you about other hearings in this case, and

The court may approve the requests in the Petition without hearing your side (called a default judgment).

Follow these steps:

1. Read the Petition and any other documents that were filed at court with this Summons. Those documents explain what the other party is asking for.

2. Fill out a Response on this form (check the Response that matches the Petition):

Other: Objection to Change of Name of Minor Child to attorney address below.

You can get the Response form and other forms you may need at

The Washington State Courts' website: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

Washington LawHelp: [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), or

The Superior Court Clerk's office or county law library (for a fee).

3. Serve (give) a copy of your Response to the person who filed this Summons at the address below, and to any other parties. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

4. File your original Response with the court clerk at this address:

Superior Court Clerk, Spokane County, 1116 W. Broadway Ave., Spokane, WA 99260.

5. Lawyer not required: It is a good idea to talk to a lawyer, but you may file and serve your Response without one.

MARY E. CARTER, ESQUIRE  
WSBA 56283

Attorney for Petitioners

I agree to accept legal papers for this case at:

1321 W. Broadway Ave.

Spokane, WA 99201

E-mail: [staff@hodgsonlawoffice.com](mailto:staff@hodgsonlawoffice.com)

June 22—July 27

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on JULY 7, 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-2014-06597**

BETHLEHEM AREA

SCHOOL DISTRICT

vs.

JUDITH E. CORREA

***Property Address:***

728 Wyandotte Street, Bethlehem, PA 18015-2943

***UPI/Tax Parcel Number:***

P6SW3B/8/8/0204

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

TITLE TO SAID PREMISES is vested in Judith E. Correa by deed from First Union National Bank, said deed recorded on June 10, 2002, in the Northampton County Recorder of Deeds Office in Book 2002-1 at page 150254.

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

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**No. C-48-CV-2018-02430**

WILMINGTON SAVINGS FUND

SOCIETY, FSB, AS OWNER

TRUSTEE ET AL.

vs.

SANDRA E. WUKITCH

***Property Address:***

1505 1st Street, Bethlehem, PA 18020

***UPI/Tax Parcel Number:***

N7SW2/9/1C/0205

ALL THAT CERTAIN lot or parcel of land situate in Bethlehem Township, Northampton County, Pennsylvania, consisting of Lots Nos.

21, 22, 23 and 24 of Block 24 as set forth on Plan of Freemansburg Heights, prepared by Charles W. Grossart, Civil Engineer and Surveyor, revised October, 1917, and recorded in Map Book 6 at page 42.

TITLE TO SAID PREMISES is vested in Sandra E. Wukitch by deed from Sandra E. Wukitch, individually, and Sandra E. Wukitch, as Executrix under the Will of Lydia M. Wukitch, deceased, said deed recorded on February 23, 1987, in the Northampton County Recorder of Deeds Office in Book 720 at page 616.

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

---

**No. C-48-CV-2018-04076**

LOANDEPOT.COM, LLC

vs.

BRIAN P. MARCOTTE

***Property Address:***

212 Oak Avenue a/k/a Oak Street, Pen Argyl, PA 18072

***UPI/Tax Parcel Number:***

D9SW1/3/8/0134

ALL THAT CERTAIN message, tenement, tract, parcel or piece of land situate in Washington Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Brian P. Marcotte by deed from Christian D. Fehrenbacher, said deed recorded on November 18, 2015, in the Northampton County Recorder of Deeds Office in Book 2015-1 at page 228998.

THEREON BEING ERECTED a one-and-one-half-story Cape Cod-style single residential dwelling with vinyl siding and slate roof.

---

**No. C-48-CV-2020-05584**

BETHLEHEM AREA  
SCHOOL DISTRICT

vs.

VALLEY TOROS, L.L.C.

***Property Address:***

310-312 Brodhead Avenue,  
Bethlehem, PA 18015

***UPI/Tax Parcel Number:***

P6SE1A/7/3/0204

ALL THAT CERTAIN message and lot or piece of land situate in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Valley Toros, LLC, by deed from Eugene R. Mish and Michael A. Mish, Jr., said deed recorded on December 21, 2018, in the Northampton County Recorder of Deeds Office in Book 2018-1 at page 269790.

THEREON BEING ERECTED a one-story commercial storefront in a three-story row building apartment complex with brick exterior and flat roof.

---

**No. C-48-CV-2020-07838**

CITY OF BETHLEHEM

vs.

JOHN J. WILLIAMS,  
ERIN E. WILLIAMS

***Property Address:***

3035 Keystone Street, Bethlehem,  
PA 18020

***UPI/Tax Parcel Number:***

N7NW3/25/11/0205

ALL THOSE CERTAIN lots or pieces of ground situate along the northerly side of Keystone Street in Bethlehem Township, Northampton County, Pennsylvania, being Lot Nos. 475, 476, 477 and 478 on a certain Map or Plan of "Bethlehem Annex" as recorded in Map Book 6 at page 49.

TITLE TO SAID PREMISES is vested in John J. Williams and Erin E. Williams by deed from Dennis C. Hartzell, Diane C. Hartzell, John J. Williams and Erin E. Hartzell n/k/a Erin E. Williams, said deed recorded on March 10, 2003, in the Northampton County Recorder of Deeds Office in Book 2003-1 at page 082392.

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

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**No. C-48-CV-2021-02050**

CITY OF BETHLEHEM

vs.

REBECCA E. MATTES

***Property Address:***

1854 7TH STREET, BETHLEHEM,  
PA 18020-5708

***UPI/Tax Parcel Number:***

N7NE4/42/16/0205

ALL THAT CERTAIN lot or piece of ground situate in Bethlehem Township, Northampton County, Pennsylvania, being all of Lot No. 4 and the southerly twenty-three (23.00) feet of Lot No. 3 in Block 8 according to the plan of lots of Prospect Heights, said plan being recorded in Map Book 3 at page 16.

TITLE TO SAID PREMISES is vested in Rebecca E. Mattes by deed from Alaric K. Mattes, said deed recorded on October 18, 2011, in the Northampton County Recorder of Deeds Office in Book 2011-1 at page 212238.

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

---

**No. C-48-CV-2021-02823**

CITIBANK, N.A. ET AL.

vs.

JOSEPHINE ANNAN,

KINGSLEY ANYAN

***Property Address:***

202 Lower Way Road, Easton, PA  
18045

***UPI/Tax Parcel Number:***

K8/15/2-25/0324

ALL THAT CERTAIN piece, parcel or tract of land situate in Palmer Township, Northampton County, Pennsylvania, being Lot. No. 25 as shown on Final Plan of Fox Run Estates in Map Book 2004-5 at page 483.

TITLE TO SAID PREMISES is vested in Josephine Annan by deed from Josephine Annan and Kingsley Anyan, husband and wife, said deed recorded on July 21, 2011, in the Northampton County Recorder of Deeds Office in Book 2011-1 at page 149899.

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

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**No. C-48-CV-2021-09153**

U.S. BANK TRUST NATIONAL  
ASSOCIATION ET AL.

vs.

NANCY ULICNY,

LAWRENCE J. ULICNY a/k/a

LAWRENCE ULICNY, UNITED

STATES OF AMERICA

***Property Address:***

823 Cibby Street, Easton, PA  
18045

***UPI/Tax Parcel Number:***

M8SE1/13/5/0205

ALL THAT CERTAIN property situated in Bethlehem Township, Northampton County, Pennsylvania, being more fully described in the deed recorded October 1, 1969, among the land records of the County and State set forth above, in Book 356 at page 120.

TITLE TO SAID PREMISES is vested in Lawrence J. Ulicny and Nancy Ulicny, husband and wife, by deed from Michael G. Gercie, single, said deed recorded on October 1, 1969, in the Northampton County Recorder of Deeds Office in Book 356 at page 120.

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

**No. C-48-CV-2022-01243**

MIDFIRST BANK

vs.

ROBERT THOMAS

**Property Address:**1 Concord Court, Easton, PA  
18040**UPI/Tax Parcel Number:**

L9NE1/1/2-12/0311

ALL THAT CERTAIN tract of land, and improvements erected thereon, situated in Forks Township, Northampton County, Pennsylvania, and designated at Lot No. 1 of Concord Court on the plan entitled final Plat of Independence, Section 1, being recorded in Map Book 59 at page 4.

TITLE TO SAID PREMISES is vested in Robert Thomas by deed from Joann K. Valletta, said deed recorded on May 16, 2018, in the Northampton County Recorder of Deeds Office in Book 2018-1 at page 096301.

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

**No. C-48-CV-2022-02633**

CARRINGTON MORTGAGE

SERVICES, LLC

vs.

VINCENT R. HITCHO,

ALICIA HITCHO n/k/a

ALICIA BOICE, UNITED STATES  
OF AMERICA**Property Address:**3429 Farmersville Road,  
Bethlehem, PA 18020**UPI/Tax Parcel Number:**

M7/11/10A-1/0205

ALL THAT CERTAIN lot or piece of land situate in Bethlehem Township, Northampton County, Pennsylvania, known as Lot No. 1 of the Minor Subdivision Plan of Richard D. and Mary E. Grube, said plan recorded in Map Book 8 at page 341.

TITLE TO SAID PREMISES is vested in Vincent R. Hitcho by deed from Vincent R. Hitcho and Alicia Hitcho, said deed recorded on November 19, 2021, in the Northampton County Recorder of Deeds Office in Book 2021-1 at page 418640.

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

**No. C-48-CV-2022-04259**

WELLS FARGO

USA HOLDINGS, INC.

vs.

RICK L. GERSTENBERG,

BELIEVED HEIR AND/OR

ADMINISTRATOR TO THE ESTATE

OF NANCY L. GERSTENBERG,

UNKNOWN HEIRS AND/OR

ADMINISTRATORS TO THE

ESTATE OF

NANCY L. GERSTENBERG

**Property Address:**2470 Apple Street, Hellertown, PA  
18055**UPI/Tax Parcel Number:**

P8/15/3A/0719

ALL THAT CERTAIN message or tenement and tract or parcel of land situate along the southerly side of Apple Street (Township Route No. 395) in Lower Saucon Township, Northampton County, Pennsylvania, bounded and described according to a survey thereof made July 26, 1965, by Leonard M. Fraivillig Company, Engineers.

TITLE TO SAID PREMISES is vested in David E. Gerstenberg and Nancy L. Gerstenberg, with rights of survivorship, by deed from David E. Gerstenberg and Nancy L. Gerstenberg, Trustees of the David E. Gerstenberg and Nancy L. Gerstenberg Revocable Living Trust dated January 16, 2006, said deed recorded on August 16, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page

191631. The said David E. Gerstenberg died on April 10, 2016, and, pursuant to the survivorship language in the above-mentioned deed, all his interests passed to Nancy L. Gerstenberg. The said Nancy L. Gerstenberg died on January 17, 2022.

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

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**No. C-48-CV-2022-04309**

PENNYMAC LOAN SERVICES, LLC

vs.

DAVID A. FEHR, JR.

**Property Address:**

60 Flafair Drive, Easton, PA 18042

**UPI/Tax Parcel Number:**

N10/4/13-21/0836

ALL THAT CERTAIN lot of ground situate in Williams Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in David A. Fehr, Jr., by deed from Scott M. McGowan and Colleen E. McGowan, co-executors of the last will and testament of Natalie M. McGowan, said deed recorded on December 6, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 294378.

THEREON BEING ERECTED a two-story Colonial-style single residential dwelling with aluminum siding, shingle roof, attached two-car garage, above-ground pool and detached shed.

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**No. C-48-CV-2022-04950**

WILMINGTON SAVINGS  
FUND SOCIETY, FSB, AS  
TRUSTEE ET AL.

vs.

MONICA C. PETTIT n/k/a MONICA  
PETTIT-BARNETT, UNITED  
STATES OF AMERICA

**Property Address:**

934 Detweiler Avenue, Hellertown,  
PA 18055

**UPI/Tax Parcel Number:**

Q7SW2B/12/2/0715

ALL THAT CERTAIN tract of land situate in Hellertown Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Michael D. Barnett and Monica C. Pettit by deed from Barry R. Botts, said deed recorded on November 3, 2006, in the Northampton County Recorder of Deeds Office in Book 2006-1 at page 457097. And the said Michael D. Barnett passed away on May 23, 2014, whereby title became vested solely in Monica C. Pettit by operation of law.

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

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**No. C-48-CV-2022-05115**

FINANCE OF AMERICA  
REVERSE, LLC

vs.

JOANNE EDNA SENICK a/k/a  
JOANNA E. KUHN, UNKNOWN  
HEIRS OF GRACE ALINA KUHN

**Property Address:**

4415 Hecktown Road, Bethlehem,  
PA 18020

**UPI/Tax Parcel Number:**

L7SW2/4/7/0418

ALL THOSE CERTAIN tracts of land situate, lying and being Lower Nazareth Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Grace Alina Kuhns and Wayne D. Kuhns, as joint tenants with right of survivorship and not as tenants in common, by deed from Grace Alina Kuhns, said deed recorded on September 24, 2013, in the Northampton County Recorder of Deeds Office in Book 2013-1 at page 254428. The said Wayne D. Kuhns died on October 23, 2015, whereby



title became vested solely in Grace Alina Kuhns. And the said Grace Alina Kuhns died on February 26, 2022, without a will or appointment of an administrator.

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

---

**No. C-48-CV-2022-05116**

TRUIST BANK

vs.

JOYCE KOCHIS

***Property Address:***

25 Rosemont Court, Easton, PA 18045

***UPI/Tax Parcel Number:***

M8NE2/11/15A/0324

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

TITLE TO SAID PREMISES is vested in Joyce V. Kochis by deed from Joyce Danko, now known as Joyce V. Kochis, said deed recorded on August 18, 2004, in the Northampton County Recorder of Deeds Office in Book 2004-1 at page 324613.

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

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**No. C-48-CV-2022-06151**

WILMINGTON SAVINGS FUND SOCIETY, FSB d/b/a CHRISTIANA TRUST ET AL.

vs.

ELETISE MALDONADO

***Property Address:***

2043 Huntington Lane, Easton, PA 18040

***UPI/Tax Parcel Number:***

K9/15/5A-28/0311

ALL THAT CERTAIN lot or tract or parcel of ground situate in Forks Township, Northampton County, Pennsylvania, being Lot 28 as shown on a certain subdivision map, plat or plan entitled "Towne Centre at

Sullivan Trail I" and recorded in Map Book 2005-5 at page 512.

TITLE TO SAID PREMISES is vested in Eletise Maldonado by deed from Nic Zawarski and Sons Builders, Inc., said deed recorded on February 1, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 024571.

THEREON BEING ERECTED a two-story residential townhouse with brick exterior, shingle roof and attached two-car garage.

---

**No. C-48-CV-2022-06468**

FULTON BANK, N.A.

vs.

JANE McWILLIAMS, KNOWN SURVIVING HEIR OF BRYAN R. JANKOWSKI, UNKNOWN SURVIVING HEIRS OF BRYAN R. JANKOWSKI

***Property Address:***

2044 Johnston Drive, Bethlehem, PA 18017

***UPI/Tax Parcel Number:***

M7SW3/5/29/0204

ALL THAT CERTAIN lot or piece of ground, together with the dwelling house erected thereon, situate in Bethlehem City, Northampton County, Pennsylvania, and being known as Lot No. 22 as shown on Plan of "East Hills", Section No. 7, said plan being recorded in Map Book 14 at page 7.

TITLE TO SAID PREMISES is vested in Bryan R. Jankowski by deed from Jane N. McWilliams and Bryan R. Jankowski, Executors of the Estate of Eva Marie Jankowski a/k/a Eva M. Jankowski, said deed recorded on December 31, 2009, in the Northampton County Recorder of Deeds Office in Book 2009-1 at page 323275. The said Bryan R. Jankowski died on October 19, 2019, without a will or appointment of an administrator.



THEREON BEING ERECTED a bi-level single residential dwelling with vinyl siding and brick exterior, shingle roof and attached one-car garage.

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**No. C-48-CV-2022-06551**

BANK OF AMERICA, N.A.

vs.

LUCINDA M. MYER

***Property Address:***

732 West Berwick Street, Easton,  
PA 18042

***UPI/Tax Parcel Number:***

M9NE1A/8/5/0310

ALL THAT CERTAIN message and tenement and lot or piece of ground situate on the south side of West Berwick Street in Easton City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Lucinda M. Myer, individually, by deed from Lucinda M. Myer, Executrix of the Estate of Richard J. Myer, deceased, said deed recorded on June 17, 2010, in the Northampton County Recorder of Deeds Office in Book 2010-1 at page 116863.

THEREON BEING ERECTED a two-story half-double residential dwelling with vinyl siding and stone exterior, shingle roof and detached shed.

---

**No. C-48-CV-2022-06837**

SANTANDER BANK, N.A.

vs.

EDDIE KAU, 1505 LEHIGH, LLC

***Property Address:***

1505 Lehigh Street, Wilson, PA  
18042

***UPI/Tax Parcel Number:***

L9SW2C/15/17/0837

ALL THAT CERTAIN lot or piece of ground, with the improvements thereon erected, situate on the north side of Lehigh Street in Wilson Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in 1505 Lehigh, LLC, by deed from Robert Harnett, said deed recorded on May 7, 2019, in the Northampton County Recorder of Deeds Office in Book 2019-1 at page 84030.

THEREON BEING ERECTED a three-story residential apartment building with aluminum siding.

---

**No. C-48-CV-2022-07139**

FIFTH THIRD BANK,  
NATIONAL ASSOCIATION

vs.

MELISSA L. KRAUSE

***Property Address:***

109 Cherry Street, Walnutport, PA  
18088

***UPI/Tax Parcel Number:***

J2NW4D/5/6/1033

ALL THAT CERTAIN tract of land located in Walnutport Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Melissa L. Krause, individually, by deed from Geraldine D. Williams, by John Heiney, Agent, said deed recorded on November 15, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 275019.

THEREON BEING ERECTED a Cape Cod-style single residential dwelling with aluminum siding, slate roof and detached one-car garage.

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**No. C-48-CV-2022-08222**

WELLS FARGO BANK, N.A. ET AL.

vs.

MARY ANN GALUCY

***Property Address:***

618 East 5th Street, Bethlehem,  
PA 18015

***UPI/Tax Parcel Number:***

P6SE2A/23/12/0204

ALL THAT CERTAIN message, tenement and lot or piece of ground situate on the north side of East 5th Street in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Anthony Galucy and Mary Ann Galucy, his wife, by deed from Helen Kardos Unger, Executrix of the Last Will and Testament of Trisza Kardos a/k/a Theresa Kardos, said deed recorded on January 4, 1978, in the Northampton County Recorder of Deeds Office in Book 576 at page 540. The said Anthony Galucy died on January 16, 2009, and, pursuant to the tenants by entirety language in the above-mentioned deed, all his interest passed to Mary Ann Galucy.

THEREON BEING ERECTED a two-story single residential dwelling with vinyl siding and stucco exterior 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

June 15, 22, 29



#### **ASSOCIATE ATTORNEY POSITION**

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June 29; July 6



## MEET OUR GROWING FAMILY LAW TEAM

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ATTORNEYS AT LAW

**In Re: ESTATE of  
CONSTANCE BARBARA KASTEN, DECEASED**

*Dead Man's Act—Adverse Interest.*

Constance Barbara Kasten (“Decedent”) executed a power of attorney appointing her four sons as her agents: David Kasten, Jay Kasten, Kenneth Kasten, and Lewis Kasten. Upon her death, David Kasten was appointed as Executor. Both Kenneth and Lewis Kasten (“Claimants”) submitted a claim for services incurred in providing for their mother pursuant to 20 Pa. C.S.A. §3532. The Executor rejected both claims. In anticipation of the non-jury trial on the matter, Claimants filed a motion in limine to permit each Claimant to testify for the other regarding the services allegedly rendered and expenses allegedly incurred. In response, the Executor filed his own motion to preclude such testimony under the Dead Man’s Act.

In order for a witness to be rendered incompetent to testify under the Act, the witness must have an interest that is adverse to the decedent. An interest is adverse when the witness will gain or lose as the direct legal operation and effect of the judgment rendered. The court found neither Claimant had an adverse interest in the immediate result of the other’s claim for reimbursement. As such, the court granted Claimants’ motion to permit the Claimants to testify for each other and denied the Executor’s motion to preclude such testimony.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Orphans’ Court—No. OC-2020-0924.

THERESA HOGAN, ESQUIRE, for the Executor.

MICHAEL SANTANASTO, ESQUIRE, for Claimants.

Order of the Court entered on April 14, 2023 by MURRAY, J.

*ORDER*

AND NOW, this 14th day of April, 2023, upon consideration of the “Motion in Limine to Permit Testimony Regarding the Provision of Services Under a Power of Attorney” and brief in support thereof of Kenneth Kasten and Lewis Kasten (“Claimants”), the “Motion to Preclude Claimants’ Oral Testimony” and brief in support thereof of David Kasten (“Executor”), as well as the supplemental briefs of both parties, and after hearing oral argument on January 4, 2023, it is hereby ORDERED as follows:

1. Claimants’ motion is GRANTED.
2. Executor’s motion is DENIED.

*OPINION*

*I. Statement of Facts*

Constance Barbara Kasten (“Decedent”) executed a power of attorney appointing her four sons as her agents: Jay Kasten, Lewis Kasten, Kenneth Kasten, and David Kasten. Upon her death, David Kasten was appointed as Executor. Lewis Kasten submitted a claim for \$58,766.00 for services

incurred in providing for his mother pursuant to 20 Pa. C.S.A. §3532. Kenneth Kasten similarly submitted a claim for \$28,616.00 for such services. The Executor rejected both claims. Claimants then objected to the first and final account of the Executor. In anticipation of the non-jury trial on the matter, Claimants filed a motion in limine and brief in support thereof to permit each Claimant to testify for the other regarding the services allegedly rendered and expenses allegedly incurred. In response, the Executor filed his own motion to preclude such testimony under the Dead Man's Act, as well as a brief in support thereof. The parties presented argument before the undersigned on January 4, 2023. Both parties subsequently filed supplemental briefs.

## II. Legal Standard

"A motion in limine is used before trial to obtain a ruling on the admissibility of evidence." *Parr v. Ford Motor Co.*, 109 A.3d 682, 690 (Pa. Super. 2014). "It gives the trial judge the opportunity to weigh potentially prejudicial and harmful evidence before the trial occurs[.]" *Id.* "Further, a ruling on a pre-trial motion in limine provides counsel with a basis upon which to structure trial strategy." *Commonwealth v. Padilla*, 923 A.2d 1189, 1193 (Pa. Super. 2007). "A trial court's decision to grant or deny a motion in limine is subject to an evidentiary abuse of discretion standard of review." *Parr*, *supra*.

## III. Discussion

The Dead Man's Act provides, in relevant part, "where any party to a thing ... is dead ... and [the party's] right thereto or therein has passed ... to a party ... who represents [the deceased's] interest ... any surviving or remaining party to such thing ... shall [not] be a competent witness to any matter occurring before the death of said party." 42 Pa. C.S.A. §5930. Under this Act, "surviving parties who have an interest which is adverse to [the] decedent's estate are disqualified from testifying as to any transaction or event which occurred before [the] decedent's death." *Jones v. Plumer*, 226 A.3d 1037, 1040 (Pa. Super. 2020). The purpose of the Dead Man's Act is to "prevent the injustice that might flow from permitting a surviving, adverse party to give testimony that is favorable to [the adverse party] and unfavorable to the decedent's interest, but which the decedent's representative is in no position to rebut." *Schroeder v. Jaquiss*, 861 A.2d 885, 889 (Pa. 2004). The Act "applies only to oral testimony." *Larkin v. Metz*, 580 A.2d 1150, 1153 (Pa. Super. 1990). "Written evidence offered by an adverse surviving party is not rendered incompetent by the Dead Man's Act." *Id.*

A surviving party is disqualified from testifying under the Dead Man's Act when the following conditions are met: "(1) the deceased must have had an actual right or interest in the matter at issue, (2) the interest of the

witness must be adverse, and (3) the right of [the] deceased must pass to a party of record who represents the deceased's interest." *Jones*, supra at 1041; see also, *In re Matthews' Estate*, 431 A.2d 412, 416 (Pa. 1968). Claimants and the Executor do not dispute that the deceased had an interest in the matter at issue or that the right of the deceased has passed to a party of record. Rather, the parties disagree as to whether the interests of the Claimants are adverse. Claimants argue the Dead Man's Act only prohibits them from testifying for themselves. Mem. Supp. Mot. Lim. to Permit Test. 5. It does not prohibit them from testifying for each other. *Id.* In contrast, the Executor contends that the Dead Man's Act does prohibit Claimants from testifying for each other because their interests are adverse to that of the Decedent. Br. Supp. Mot. to Preclude Claimants' Oral Test. 2.

"The true test for determining an interest which will disqualify a witness under the Act is whether [the witness] will gain or lose, as the direct legal operation and effect of the judgment rendered." *In re Estate of Hall*, 535 A.2d 47, 54 n.4 (Pa. 1987); see also, *Frazer v. McEntire*, 265 A.3d 777, 781 (Pa. Super. 2021). The adverse interest

must be in the immediate result of the particular suit and not in its effect on other possible actions or circumstances; remote considerations ... are not to be considered if [the witness's] interest is not adverse so far as the suit is concerned in which [the witness's] testimony is given.

*Billow v. Billow*, 61 A.2d 817, 819 (Pa. 1948). As a consequence, the Act is inapplicable "when the witness does not have an interest in the outcome of the proceeding, for in that case the witness would have no reason to misrepresent [the witness's] dealing with the decedent." *Visscher v. O'Brien*, 418 A.2d 454, 458 (Pa. Super. 1980). "The mere fact that a witness, for personal reasons, may be unfriendly to the decedent's cause and partial to that of [the decedent's] adversary is wholly immaterial, for, while that circumstance may affect [the witness's] credibility, it has nothing whatever to do with [the witness's] competency." *Billow*, supra.

Accordingly, the Dead Man's Act does not preclude a witness's testimony when the witness will derive no benefit from the approval of a claim against the decedent's estate. See *In re Edmundson's Estate*, 103 A. 277 (Pa. 1918); see also, *Visscher*, supra (finding witnesses were not adverse because they would not "share in the outcome of the suit"). In *Edmundson's Estate*, a granddaughter brought a claim for money owed to her due to an oral contract between her mother and her deceased grandmother. *Id.* The Pennsylvania Supreme Court determined that the mother was competent to testify as to the existence of the oral contract, because the mother was not a party to the litigation nor was she interested in sustaining the granddaughter's claim. *Id.* at 279. The court noted that the mother's testimony was instead adverse to the granddaughter's claim, because if the claim was

allowed and paid, it would reduce the mother's share of the residue of the grandmother's estate. *Id.*

Further, the Dead Man's Act does not disqualify the family members of an adverse witness from testifying. *See In re Pavlinko's Estate*, 160 A.2d 554 (Pa. 1960); *see also, Estate of Grossman*, 406 A.2d 726, 733 (Pa. 1979) (finding "spouses of an interested party to a transaction with a decedent may not be barred from testifying [under the Dead Man's Act] on the basis of marital status alone"). In *Pavlinko's Estate*, a decedent agreed to leave his whole estate to a couple after his death if they took care of him during his lifetime. *Id.* This promise was written up by the couple's daughter. *Id.* at 557. At an audit in orphans' court, the daughter testified as to the circumstances underlying the execution of the contra*Id.* at 558. The Pennsylvania Supreme Court found that the daughter was not "a party to the contract [and] had no interest flowing therefrom upon which a judgment in this action would operate." *Id.* at 559. The court specified:

To exclude a witness it is necessary [that the witness] should have a vested interest, not in the question, but in the event of the suit. It must be an interest that the judgment in the cause would operate upon; for if by the event [the witness] would neither acquire or lose a right, nor incur a responsibility which the law recognizes, [the witness] is competent. *Every other kind of interest goes to credibility.*

*Id.* at 558-59 (emphasis added). Her position as the couple's daughter was not by itself sufficient to disqualify her as a witness, because she did not have a vested interest in the event of the suit. *Id.*

Finally, while an adverse witness cannot testify as to interactions between the witness and the decedent, the witness may nonetheless testify as to interactions between the decedent and other adverse witnesses. *See In re Fiedler*, 132 A.3d 1010 (Pa. Super. 2016). In *Fiedler*, a mother named one of her daughters as her agent pursuant to a Power of Attorney. *Id.* at 1013-14. The agent thereafter gifted large sums of the mother's money to herself, as well as to her two sons and their wives. *Id.* at 1014. Following the mother's death, the agent's sister filed objections to the agent's account. *Id.* at 1015. The orphans' court named the agent's sons and their wives as additional respondents subject to liability in the action filed by the agent's sister. *Id.* The Superior Court found the Dead Man's Act did not preclude one of the respondents from testifying as a non-adverse witness to the cash that the deceased mother provided to the other respondents. *Id.* at 1025. However, the respondent could not testify as to the cash given to the respondent personally. *Id.*

In the instant matter, neither Claimant has an adverse interest in the immediate result of the other's claim. Much like *Edmundson's Estate*, where the mother was not adverse, because she would not share in the outcome of the granddaughter's claim against the grandmother's estate, Lewis and



Kenneth Kasten do not have an adverse interest in the other's claim, because they will not derive a benefit nor incur a responsibility from the outcome of the claim. Lewis Kasten will not gain or lose as the direct legal operation and effect of any judgment rendered on Kenneth Kasten's claim. *See Estate of Hall*, supra. Likewise, Kenneth Kasten will not gain or lose as the direct legal operation and effect of any judgment rendered on Lewis Kasten's claim. *See id.* Instead, the alleged adverse interest is in the possible effect that one Claimant's testimony in one claim may have on the other Claimant's testimony in the other claim. *See Br. Supp. Mot. to Preclude Claimants' Oral Test. 3.* Such an interest is too remote for the Dead Man's Act to apply. *See Visscher*, supra. Further, although the Executor claims Kenneth and Lewis Kasten are adverse because they both filed claims against the Decedent, *Fiedler* recognized that a witness may be adverse when the witness testifies as to their own interactions with the decedent, but nonadverse when testifying as to interactions that the decedent had with other witnesses. *See Suppl. Br. Supp. Mot. to Preclude Claimants' Oral Test. 4; Fiedler, id.* at 1025.

Moreover, as the Pennsylvania Supreme Court noted in both *Billow* and *Pavlinko's Estate*, when a witness is not directly affected by the judgment rendered in a suit, the Dead Man's Act does not render the witness incompetent to testify, and any other interest that might affect the witness's testimony relates to the witness's credibility. *Billow*, 61 supra; *Pavlinko's Estate*, supra at 558-59. Accordingly, the Executor's argument that the Claimants are "acting in concert" and "each of them [will] personally benefit from their own testimony on behalf of the other" goes towards their credibility as witnesses. *See Br. Supp. Mot. to Preclude Claimants' Oral Test. 3.* Nevertheless, at this stage of the proceedings, there is no adequate basis to support this allegation. Therefore, we grant Claimants' motion to permit each Claimant to testify for the other's claim for reimbursement and deny Executor's motion to preclude such testimony.



**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Monday, July 3, 2023

**JULY 2023**

MON	TUE	WED	THU	FRI
3 Juvenile	4 Independence Day (Observed)	5 Misc. Hrngs. Final PFA Hrngs.	6 Arraignments Juvenile Dependency	7 Juvenile Dependency
10 Criminal	11 Criminal Asbestos Pretrials Juvenile	12 Criminal Misc. Hrngs. Civil Call—Trial Final PFA Hrngs.	13 Juvenile Dependency	14 Juvenile Dependency
17 ARD/ Summaries	18 Juvenile Arraignments O.C. Audit	19	20 Judges' Conference NO COURT	21 Judges' Conference NO COURT Bench Bar Summer Outing
24 Civil	25 Civil Juvenile	26 Civil Misc. Hrngs. Final PFA Hrngs.	27 Juvenile Dependency	28 Juvenile Dependency
31 Criminal				