

CARBON COUNTY LAW JOURNAL

Publication Number (ISSN 0090-8789)

The Official Legal Newspaper for Carbon County

Containing Decisions Rendered, Legal Notices, Advertisements
in the 56th Judicial District

ROGER N. NANOVIC, President Judge

STEVEN R. SERFASS, Judge

JOSEPH J. MATIKA, Judge

Vol. XXI Jim Thorpe, PA, Friday, September 15, 2017 No. 37

COMMONWEALTH of PENNSYLVANIA vs. SCOTT TIMOTHY WATKINS, Defendant 78

*Criminal Law—Challenging the Finding of a Magisterial District Judge That Evidence Is Sufficient to Establish a **Prima Facie** Case of an Attempt to Commit Aggravated and Simple Assault—Writ of **Habeas Corpus**—Specific Intent to Cause Bodily Injury As a Necessary Element—Distinguishing Between Evidence Which Establishes an Intent to Frighten and That Required to Establish an Intent to Cause Bodily Injury—Recklessly Endangering Another Person—Actual Present Ability to Inflict Harm As a Necessary Element—Pointing of an Unloaded Gun Insufficient—Custodial Interrogation—Necessity of **Miranda** Warnings Before Police Questioning—Public Safety Exception*

CARBON COUNTY PUBLIC DEFENDER'S OFFICE

Annual Salary: \$53,560, including benefits.

The Public Defender has one (1) full-time position available September 18, 2017. Defender provides assistance pursuant to 16 P.S. 9960.6. Position would be for 8:30 a.m. to 4:30 p.m. M-F.

Benefits include medical insurance, vacation, pension opportunities.

Please respond to the Public Defender's Office, P.O. Box 128, Jim Thorpe, PA 18229.

Applications accepted until position filled.

Sept. 15, 22

CARBON COUNTY LAW JOURNAL

Chairman Greco, Joseph G., Jr., Esq.

9:00 AM
 17 Arbitration Schrantz, B. (Pro Se) v. Carnish, N. (Lightner) 16-1833
 Ready

Chairman Shulman, Joshua D., Esq.

1:15 PM
 18 Arbitration International United Church Go. (Frycklund) v. Storage 16-3604
 Ready Solutions by Snyders (Garvey)

Friday, September 22

Judge Nanovic, Roger N., II, Hon.

1:15 PM
 1 Pet. to Appl. Miller, B. (Applebaum) v. Commonwealth of 17-0245
 Lic. Susp. Pennsylvania D. (Watters)
 2 Pet. to Appoint Wilmington Savings Fund (McKee) v. Kidada, A. 17-0167
 (Pro Se)

Judge Serfass, Steven R., Hon.

9:00 AM
 3 Non-Jury Tr. Hiles, J. (Yurchak) v. Lansford Borough (Greek) 16-2229

Chairman Diehl, Eileen M., Esq.

1:00 PM
 4 Complnt./Pet. Mongi, J.D. (Pro Se) v. Mongi, J.C. (Pro Se) 17-1202
 for Cust.
 5 Complnt./Pet. Mongi, J. (Pro Se) v. Mongi, J. (Pro Se) 17-1207
 for Cust.

2:00 PM
 6 Complnt./Pet. Mongi, K.J. (Pro Se) v. Mongi, J.C. (Pro Se) 17-1203
 for Cust.
 7 Pet./Comp. to Castillo, C. (Gillen) v. Carr, F.B. (Pro Se) 12-1666
 Mod. Cust.

3:00 PM
 8 Pre-Tr. Conf. Bokeko, J. (Phillips) v. Bokeko, M.F. (Dydra-Hatton) 14-0535

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
 COYNE, THOMAS A. a/k/a
 THOMAS COYNE, Dec'd.**

Late of Palmerton Borough.
 Executrix: Linda M. Tiounoff,
 13 Honeysuckle Drive, Jim
 Thorpe, PA 18229.
 Attorneys: Michael L. Ozalas,
 Esquire, Ozalas & McKinley,
 47 Broadway, Jim Thorpe, PA
 18229.

**DVORSHOCK, JAMES L.,
 Dec'd.**

Late of Lansford.
 Executrix: Lori Lee Dvorshock,
 532 E. Front Street,
 Lansford, PA 18232.
 Attorneys: Christopher W.
 Hobbs, Esquire, Lieberman,
 Tamulonis & Hobbs, 111 East
 Market Street, P.O. Box 238,
 Pottsville, PA 17901-0238.

JOHNSON, EDWARD J., Dec'd.

Late of Nesquehoning Borough.

Executrix: Kathleen J. Johnson c/o Erin E. McQuiggan, Esquire, Royer Cooper Cohen Braunfeld LLC, 100 N. 18th St., Ste. 710, Philadelphia, PA 19103.

Attorneys: Erin E. McQuiggan, Esquire, Royer Cooper Cohen Braunfeld LLC, 100 N. 18th Street, Ste. 710, Philadelphia, PA 19103.

MENTO, THERESA, Dec'd.

Late of the Borough of Weatherly.

Administrator: Angelo Santore, 226 West Columbus Avenue, Nesquehoning, PA 18240.

Attorney: Michael S. Greek, Esquire, 42 East Patterson Street, Lansford, PA 18232.

MICHVECH, MICHAEL J., Dec'd.

Late of Jim Thorpe Borough.

Executrix: Diane Harmon c/o James A. Lardani, Esquire, P.O. Box 7003, Philadelphia, PA 19149-0003.

Attorney: James A. Lardani, Esquire, P.O. Box 7003, Philadelphia, PA 19149-0003.

PETRO, GERALDINE T. a/k/a GERALDINE PETRO, Dec'd.

Late of the Borough of Summit Hill.

Executrix: Jan Marie Petro a/k/a Jan Marie Perilli, 152 West School Street, Summit Hill, PA 18250.

Attorney: Michael S. Greek, Esquire, 42 East Patterson Street, Lansford, PA 18232.

SECOND PUBLICATION

PETRO, JOHN J., JR. a/k/a JOHN PETRO, Dec'd.

Late of the Borough of Summit Hill.

Executrix: Jan Marie Petro a/k/a Jan Marie Perilli, 152 West School Street, Summit Hill, PA 18250.

Attorney: Michael S. Greek, Esquire, 42 East Patterson Street, Lansford, PA 18232.

ROMEIKE, BARBARA A., Dec'd.

Late of Kidder Township.

Co-Executrices: Diane L. Stevens, 202 W. 8th Street, Pennsburg, PA 18073-1624 and Cheryl T. Jones, P.O. Box 331, Lake Harmony, PA 18624-0331.

Attorney: None.

THIRD PUBLICATION

MERLUZZI, GORDON L., II a/k/a LES MERLUZZI, Dec'd.

Late of the Borough of Lehighton.

Administrators: Kimberly M. Pudliner and Ryan P. Merluzzi c/o Nanovic Law Offices, 57 Broadway, P.O. Box 359, Jim Thorpe, PA 18229.

Attorneys: James R. Nanovic, Esquire, Nanovic Law Offices, 57 Broadway, P.O. Box 359, Jim Thorpe, PA 18229-0359.

SEDIVA, JOHN J., SR., Dec'd.

Late of the Borough of Summit Hill.

Administratrix: Mary M. Sediva, 220 East White Street, Summit Hill, PA 18250.

Attorney: Michael S. Greek, Esquire, 42 East Patterson Street, Lansford, PA 18232.

WISSER, BEVERLY A. a/k/a

BEVERLY WISSER, Dec'd.

Late of 418 4th Street, Palmer-

ton.
Executrix: Heidi Waylen, 1058 Oakhurst Drive, Slatington, PA 18080.

Attorneys: Matthew G. Schnell, Esquire, Strubinger Law, P.C., 505 Delaware Avenue, P.O. Box 158, Palmer-

ton, PA 18071-0158.

REGISTER OF WILLS

BOBER, FELICIA; Albrightsville, PA; Will; Michael J. Garfield, Esquire.

BURKERT, RUSSEL K.; Palmer-

ton, PA; Will; Kim M. Gillen, Esquire.
COYNE, THOMAS A. a/k/a

THOMAS COYNE; Palmer-

ton, PA; Will; Michael L. Ozalas, Esquire.
MICHVECH, MICHAEL J.; Penn

Forest Township, Jim Thorpe, PA; Will; James A. Lardani, Esquire (Philadelphia County).

MITCHO, GERALDINE M.; Beaver Meadows, PA; Will; Joseph R. Baranko, Jr., Esquire (Luzerne County).

SUITS BEGUN

The plaintiff's name appears first, followed by the name of the defendant, the case number, the nature of the suit, the name of the plaintiff's attorney, and the date the suit was filed.

BERGER, BARRY J.; Dale Ann Hess; 17-1996; Protect/Abuse; Pro Se; 09/05/17.

BERGER, BARRY J.; Tyler Hess; 17-1997; Protect/Abuse; Pro Se; 09/05/17.

BERGER, BARRY J.; Ryan Layer; 17-1998; Protect/Abuse; Pro Se; 09/05/17.

DANIEL, JOSEPH J.; Karen M. Bly; 17-1975; Divorce; Megan M. Michael, Esquire; 09/01/17.

DEUTSCHE BANK NATIONAL TRUST COMPANY TRUSTEE AMERIQUEST MORTGAGE SECURITIES INC.; Brian B. Horn & Sherry A. Horn; 17-1973; Mortgage Foreclosure; John Eric Kishbaugh, Esquire; 09/01/17.

FAUST, HENRY & LYNETTE FAUST; Diana Palka; 17-1972; DJ Appeal; Pro Se; 09/01/17.

HAMILTON, DONNA; Nelson A. Perez; 17-1991; Protect/Abuse; Pro Se; 09/01/17.

HOUTSCH, ANDREA; Eve Lloyd-Jones; 17-2000; Protect/Abuse; Pro Se; 09/05/17.

KEY BANK N.A. SUCCESSOR BY MERGER FIRST NIAGARA BANK; Michelle A. Klotz; 17-2001; Mortgage Foreclosure; Rebecca A. Solarz, Esquire; 09/05/17.

Sept. 15

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- SHIRLEY, KEVIN R.; Panther Valley School District; 17-2007; 09/05/17; \$766.30
- SMITH, BOBBY D. & MARIANNE A. SMITH; Panther Valley School District; 17-2005; 09/05/17; \$1,449.40
- SMITH, MARIANNE; Panther Valley School District; 17-2006; 09/05/17; \$758.51
- SOLT, ANGELA; Panther Valley School District; 17-1958; 08/31/17; \$528.27
- STAPINSKI, LORI A.; Panther Valley School District; 17-2004; 09/05/17; \$1,231.24
- STEMPA, ROBERT; Panther Valley School District; 17-2003; 09/05/17; \$1,338.16
- STEMPA, ROBERT A.; Panther Valley School District; 17-1989; 09/01/17; \$766.30
- STEVENS, WAYNE; Panther Valley School District; 17-1988; 09/01/17; \$625.60
- STROHL, KERMIT C.; Lehigh Area School District; 17-1965; 08/31/17; \$692.41
- STROHL, KERMIT C.; Lehigh Area School District; 17-1966; 08/31/17; \$692.41
- STROHL, TAMMY L.; Lehigh Area School District; 17-1967; 08/31/17; \$692.41
- SULLIVAN, MARY A.; Panther Valley School District; 17-2002; 09/05/17; \$1,557.15
- SUSKO, KATHRYN E.; Panther Valley School District; 17-1986; 09/01/17; \$1,188.70
- SUSKO, KATHRYN E.; Panther Valley School District; 17-1987; 09/01/17; \$1,171.33
- TRAYER, ANDREW D.; Panther Valley School District; 17-1959; 08/31/17; \$1,172.16
- VANARKADI, BABYFELIX; Panther Valley School District; 17-1985; 09/01/17; \$994.05
- WENTZ, MATTHEW J.; Lehigh Area School District; 17-1964; 08/31/17; \$533.63
- WISOR, JASON C.; Absolute Resolutions VI LLC; 17-1976; 09/01/17; \$2,689.78

Sept. 15

PUBLIC NOTICE

**NOTICE OF CONFIRMATION
OF FIDUCIARIES'
ACCOUNTS**

To all claimants, beneficiaries, heirs, next-of-kin and all other parties in interest:

NOTICE IS HEREBY GIVEN that the following named fiduciaries of the respective estates designated below have filed their Accounts and Statements of Proposed Distribution in the office of the Register of Wills in and for the County of Carbon, Pennsylvania, and the same will be presented to the Orphans' Court Division, Courtroom No. 1, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on October 2, 2017 for confirmation. All objections must be filed in writing in the office of the Clerk of Orphans' Court Division, Court of Common Pleas, Jim Thorpe, Pennsylvania, prior to the foregoing stated date and time:

CARBON COUNTY LAW JOURNAL

ESTATE; Fiduciary; Attorney
VICIE PECHA a/k/a VICIE
L. PECHA, Dec'd.; Stephen A.
Pecha and Marie A. Greene
a/k/a Marie A. Smith, Co-
Executors; Michael S. Greek, Esq.

JAMES R. McMURRAY,
Dec'd.; April L. McMurray
a/k/a April Lee Vacaro, Admin-
istratrix; Jane S. Sebelin, Esq.

JEAN HARRIS, Dec'd.; Larry
Griffith, Testamentary Trust,
Trustee; William G. Schwab, Esq.

ARTHUR A. DEMAIO a/k/a
ARTHUR DEMAIO, Dec'd.;
Fredlyn Scott, Executor; James R.
Nanovic, Esq.

ALICE E. GREEN, Dec'd.; Ja-
son A. Green, Executor; James R.
Nanovic, Esq.

MARIE D. BALLIET, Dec'd.;
Barbara A. Jones and Nancy L.
Miller, Executrices; James R.
Nanovic, Esq.

JUDY F. MOON
Register of Wills &
Clerk of Orphans' Court
Carbon County, PA
Sept. 15, 22

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

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

NO. 17-0756

WELLS FARGO BANK, NA
Plaintiff

vs.

ERIC ANTHONY VELEZ
a/k/a ERIC A. VELEZ
Defendant

NOTICE

To: ERIC ANTHONY VELEZ
a/k/a ERIC A. VELEZ

You are hereby notified that
on April 17, 2017, Plaintiff,
WELLS FARGO BANK, NA,
filed a Mortgage Foreclosure
Complaint endorsed with a No-
tice to Defend, against you in the
Court of Common Pleas of CAR-
BON County, Pennsylvania,
docketed to No. 17-0756. Where-
in Plaintiff seeks to foreclose on
the mortgage secured on your
property located at 54 SPOKANE
ROAD, ALBRIGHTSVILLE, PA
18210-3618 whereupon your
property would be sold by the
Sheriff of CARBON County.

You are hereby notified to
plead to the above referenced
Complaint on or before 20 days
from the date of this publication
or a Judgment will be entered
against you.

NOTICE

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

ther notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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 FEE OR NO FEE.

North Penn Legal Services
101 W. Broad Street
Suite 713
Hazleton, PA 18201
Telephone (877) 515-7628
Sept. 15

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with and approved by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on August 17, 2017, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the

Commonwealth of Pennsylvania, approved May 5, 1933, as amended. The name of the corporation is:

**ROCKPORT CHURCH
RESTORATION PROJECT**

The purpose or purposes for which it was organized are as follows: the corporation shall have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Act of May 5, 1933, P.L. 364, (15 Pa. C.S. §1306) as amended.

Larry D. Skinner
3094 South Lehigh Gorge
Drive
Weatherly, PA 18255

Sept. 15

NOTICE OF SHERIFF'S SALE

IN THE COURT OF
COMMON PLEAS
OF CARBON COUNTY,
PENNSYLVANIA

NO. 17-0386

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

vs.

ROBERT D. GARDNER, III,
ROBIN M. GARDNER,
JEFFREY R. HOFFMAN, ESQ.,
GEORGE TOKONITZ, JR.,
UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS AND

ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GEORGE J. TOKONITZ, DECEASED and THE UNITED STATES OF AMERICA c/o THE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PA

NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY

NOTICE TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GEORGE J. TOKONITZ, DECEASED

Being Premises: 380 HAHNS DAIRY ROAD, PALMERTON, PA 18071-5422.

Being in LOWER TOWA-MENSING TOWNSHIP, County of CARBON, Commonwealth of Pennsylvania, 29-33-19.03.

Improvements consist of residential property.

Sold as the property of ROBERT D. GARDNER, III, ROBIN M. GARDNER, JEFFREY R. HOFFMAN, ESQ., GEORGE TOKONITZ, JR., UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GEORGE J. TOKONITZ, DECEASED and

THE UNITED STATES OF AMERICA c/o THE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PA.

Your house (real estate) at 380 HAHNS DAIRY ROAD, PALMERTON, PA 18071-5422 is scheduled to be sold at the Sheriff's Sale on November 9, 2017 at 11:00 A.M., at the CARBON County Courthouse, P.O. Box 147, Jim Thorpe, PA 18229, to enforce the Court Judgment of \$135,447.00 obtained by, WELLS FARGO BANK, N.A. s/b/m TO WACHOVIA BANK, NATIONAL ASSOCIATION (the mortgagee), against the above premises.

PHELAN HALLINAN
DIAMOND & JONES, LLP
Attorneys for Plaintiff

Sept. 15

MORTGAGES

The name of the mortgagor appears first, followed by mortgagee, location of property, amount of the mortgage, and date of recording.

F2K LLC, WCZ Investments LLC, Lansfd., \$40,000.00, 02/10/17

SABLICH, STEPHEN, Philadelphia Federal Credit Union, Penn For., \$110,000.00, 02/10/17

LANCASTER, JEFFREY E., Mortgage Electronic Registration Systems Inc., Penn For., \$128,282.00, 02/10/17