

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**FULLER, ALEXANDRA H.,** dec'd.

Late of Allen Twp., Northampton County, PA

Executors: Christopher F. Lloyd and Zachary Fuller c/o Justin C. Esposito, Esquire, Pepper Hamilton, LLP, 3000 Two Logan Sq., Eighteenth and Arch Streets, Philadelphia, PA 19103-2799

Attorneys: Justin C. Esposito, Esquire, Pepper Hamilton, LLP, 3000 Two Logan Sq., Eighteenth and Arch Streets, Philadelphia, PA 19103-2799

GERSTEL, GRETCHEN N., dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Joel C. Sweigart, 581 Broomspun Street, Henderson, NV 89015

LIDESTRI, GIOVANNA A., dec'd.

Late of the Borough of Bath, Northampton County, PA

Executors: Ralph P. Lidestri, 1359 Main Street, Northampton, PA 18067 and Angela Heckman,

2544 Schlegel Road, Bath, PA 18014

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

LIEBERMAN, DEAN RAY, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Barry Asher Lieberman 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

MORMAK, MICHAEL P., dec'd.

Late of Hanover Township, Northampton County, PA

Executor: Christopher S. Mormak c/o James R. Wishchuk, JD, Esquire, 2310 Walbert Avenue, Suite 103, Allentown, PA 18104-1360

Attorney: James R. Wishchuk, JD, Esquire, 2310 Walbert Avenue, Suite 103, Allentown, PA 18104-1360

O'NEILL, JOSEPH P., dec'd.

Late of 104 Main Street, P.O. Box 23, Portland, Northampton County, PA

Executor: James L. Walton, P.O. Box 32, Alford, FL 32420

Attorney: William J. Reaser, Jr., Esquire, 111 North Seventh Street, Stroudsburg, PA 18360

PFLUGLER, THERESA F., dec'd.

Late of Northampton, Northampton County, PA

Executor: Thomas F. Pflugler 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

RAMEY, KATHLEEN H., dec'd.

Late of Palmer Township, Northampton County, PA

Executor: Michael A. Ramey c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

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

ROBINSON, REGINA M., dec'd.

Late of the Township of Williams, Northampton County, PA

Executrix: Patricia M. Apgar 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

SENKOVICH, LILLIAN C., dec'd.

Late of Northampton, Northampton County, PA

Executrix: Ann Marie Hoysan, 5024 Farmview Drive, Schnecksville, PA 18078

SMITH, THOMAS E., SR., dec'd.

Late of the Township of Moore, Northampton County, PA

Executrix: Gloria M. Kornhausl c/o Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

Attorney: Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

STOFANAK, ARVILLA R., dec'd.

Late of Lower Nazareth, Northampton County, PA

Co-Executors: Kathleen M. Wilhelm and Philip J. Stofanak,

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

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

SECOND PUBLICATION**ALTENBACH, THOMAS FRANCIS**,

dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Executor: Joseph P. Altenbach 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

BREIDENBACH, ROBERT J.,

dec'd.

Late of the Township of Hanover, Northampton County, PA

Executors: Robert J. Breidenbach, Jr. and Duane B. Breidenbach c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 2045 Westgate Drive, Suite 404, Bethlehem, PA 18017

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

CHIMICH, FERN E. a/k/a FERN

CHIMICH, dec'd.

Late of Lehigh Township, Walnutport, Northampton County, PA

Executor: Shawn C. Chimich 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

DEGNAN-TEMPLETON, THERESA A., dec'd.

Late of the Township of Bushkill, Northampton County, PA

Executor: Richard M. Degnan, II 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

GREGOIRE, ROBERT A., dec'd.

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

Administratrix: Janice A. Colpitts 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

GRIGG, SHERWOOD R., dec'd.

Late of the Borough of East Bangor, Northampton County, PA

Executrices: Kay Ellen Parsons and Alice Mae Diomedo c/o Gary Neil Asteak, Esquire, 726 Walnut Street, Easton, PA 18042

Attorney: Gary Neil Asteak, Esquire, 726 Walnut Street, Easton, PA 18042

KOTLIK, JAMES JOHN, JR., dec'd.

Late of Bethlehem Township, Northampton County, PA

Executrix: Diana Marie Seeds 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

LLOYD, PAULETTE A., dec'd.

Late of Lehigh Township, Northampton County, PA

Executrix: Stacey A. Heefner c/o Joshua D. Shulman, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067

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

OZMAN, KENT MEHMET, dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Andrea Brock-Ozman Attorney: Nicholas R. Sabatine, III, Esquire, 16 S. Broadway, Suite 1, Wind Gap, PA 18091

PARKS, JOSEPH W., SR., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Executor: Matthew J. Goodrich, Esquire, Karasek Law Offices, L.L.C., 641 Market Street, Bangor, PA 18013

Attorneys: Matthew J. Goodrich, Esquire, Karasek Law Offices, L.L.C., 641 Market Street, Bangor, PA 18013

PETRASOVITS, PATRICIA A., dec'd.

Late of East Allen Township, Northampton County, PA

Personal Representative: James F. Costello

Attorneys: Scott R. Steirer, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

REHRIG, BETTY C. a/k/a BETTY C.E. REHRIG, dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Co-Executors: Harry C. Rehrig, Jr. and Randy R. Rehrig c/o Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

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

RUSSOMANO, MARK D., dec'd.

Late of 1409 Farragat St., Forks Township, Northampton County, PA

Administrator: Michael H. Russomano, 427 Warren St., Phillipsburg, NJ 08865

SANDT, GEORGIA J., dec'd.

Late of Northampton County, PA
Henry J. Sandt and Georgia J. Sandt Revocable Living Trust
Settlor: Georgia J. Sandt
Successor Trustees: Michael J. Taucci c/o Matthew J. Deschler, Esquire, Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018 and Karen L. Malachowski c/o William H. Dayton, Jr., Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 1620 Pond Road, Suite 75, Allentown, PA 18104

Attorneys: Matthew J. Deschler, Esquire, Littner, Deschler & Littner, 512 North New Street, Bethlehem, PA 18018 and William H. Dayton, Jr., Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 1620 Pond Road, Suite 75, Allentown, PA 18104

TORRES, NYDIA I., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executor: Jose Angel Vazquez, 6062 William Penn Court, Easton, PA 18045

Attorneys: James L. Pfeiffer, Esquire, Pfeiffer & Bruno, PC, 44 N. 2nd Street, P.O. Box 468, Easton, PA 18044-0468

WIEGNER, THOMAS H., dec'd.

Late of Bethlehem, Northampton County, PA

Executor: Allen W. Wiegner 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

ZIMPFER, GLEN A., dec'd.

Late of the Township of Williams, Northampton County, PA

Executrix: Renee S. Gover c/o Stanley M. Vasiliadis, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

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

THIRD PUBLICATION**BACKHUS, JOHN G., IV**, dec'd.

Late of Northampton, Northampton County, PA

Executrix: Joanne G. Hoyas c/o Richard W. Shaffer, Jr., Esquire, Swartz & Associates, 7736 Main Street, Fogelsville, PA 18051

Attorneys: Richard W. Shaffer, Jr., Esquire, Swartz & Associates, 7736 Main Street, Fogelsville, PA 18051

BOWEN, GLADYS, dec'd.

Late of Northampton County, PA
Executor: Gary D. Bowen 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

COFFEY, NANCY J., dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA
Executor: Kenneth Owen Lyons
c/o Mary Ann Snell, Esquire,
4510 Bath Pike, Suite 201,
Bethlehem, PA 18017
Attorney: Mary Ann Snell,
Esquire, 4510 Bath Pike, Suite
201, Bethlehem, PA 18017

HAWK, CARL R., dec'd.

Late of the Borough of Northam-
ton, Northampton County, PA
Administratrix: Carol L.
Milkovits, 8220 Airport Rd., Lot
#26, Northampton, PA 18067
Attorney: Daniel G. Spengler,
Esquire, 110 East Main Street,
Bath, PA 18014

HAZLER, ELIZABETH ANN, dec'd.

Late of the City of Bethlehem,
Northampton County, PA
Administratrix: Mary Ann E.
Bednar c/o Mary Ann Snell,
Esquire, 4510 Bath Pike, Suite
201, Bethlehem, PA 18017
Attorney: Mary Ann Snell,
Esquire, 4510 Bath Pike, Suite
201, Bethlehem, PA 18017

HUSTON, SHIRLEY F., dec'd.

Late of Nazareth, Northampton
County, PA
Executrix: Sherie Lee Beers 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

KEPE, ANNA, dec'd.

Late of the Township of Hanover,
Northampton County, PA
Executrix: Bernadine A.
Dunnigan.

Attorneys: Joseph J. Piperato, III,
Esquire, Piperato Law Office,
LLC, 3894 Courtney Street, Suite
105, Bethlehem, PA 18017

KOSTALIS, JOHN A., dec'd.

Late of the Township of Hanover,
Northampton County, PA
Executor: Michael Thomas
Kostalis c/o Dionysios C. Pappas,
Esquire, Vasiliadis Pappas Asso-
ciates LLC, 2551 Baglyos Circle,
Suite A-14, Bethlehem, PA
18020

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

KRESGE, JAMES E., dec'd.

Late of the Borough of Wind Gap,
Northampton County, PA
Executrix: Sally Rosynek 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

KULP, KENNETH W., dec'd.

Late of the Township of Plain-
field, Northampton County, PA
Executor: Kenneth W. Kulp 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

TEMOS, GRACE E., dec'd.

Late of Hanover Township, Northampton County, PA
 Executrix: Sandra Ann Valo c/o Lori Gardiner Kreglow, Esquire, 18 East Market Street, P.O. Box 1961, Bethlehem, PA 18016-1961

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

YANEGA, MARIA PATRICIA, dec'd.

Late of 1304 Kirkland Village Circle, Bethlehem, Northampton County, PA

Executor: Timothy David Yanega, 3090 Troon Drive, Center Valley, PA 18034

Attorneys: Russell E. Farbiarz, Esquire, Antanavage Farbiarz, PLLC, 64 North Fourth Street, Hamburg, PA 19526

YOUNG, THOMAS A., JR., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Janice McKitrick Young c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

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

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of engaging in any lawful act concerning any or all lawful

business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended.

The name of the corporation is:

PEDRETTI 6 INC.

Articles of Incorporation have been filed on: March 13, 2019.

Apr. 18

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), as amended, by the following corporation:

TIM SELLS MORE HOMES, CORP.

Jeffrey F. Hussar, Esquire
 946 Third Street
 Whitehall, PA 18052

Apr. 18

NOTICE IS HEREBY GIVEN that a corporation is to be or has been incorporated under the Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, effective October 1, 1989, as amended.

The name of the proposed corporation is:

TRUE NORTH PERFORMANCE ADVISORS, INC.

And has been delivered to the Secretary of State for filing. The initial registered office of the corporation is located at: 126 Ashview Ct., Northampton County, Nazareth, PA 18064.

Apr. 18

FICTITIOUS NAME REGISTRATION NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section

311 of Act 1982-295, a Fictitious Name Registration was filed with the Department of State of the Commonwealth for:

KLAVER AUTO

with its principal place of business at: 1721 Valley View Drive, Bangor, Pennsylvania 18013. The name and address of the person owning or interested in said business are: Ale P. Klaver, Jr., 1721 Valley View Drive, Bangor, PA 18013. McFALL, LAYMAN & JORDAN, P.C. 134 Broadway Bangor, PA 18013

Apr. 18

CORPORATE FICTITIOUS NAME REGISTRATION NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly, No. 295, effective March 16, 1983, of the filing in the office of the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, PA on March 22, 2019 an Application to conduct business in Northampton County, Pennsylvania, under the assumed or fictitious name, style or designation of:

SULLIVAN TRAIL FAMILY AND COSMETIC DENTISTRY

with its principal place of business at: 6534 Sullivan Trail, Wind Gap, PA 18091. The name and address of the entity owning or interested in said business are Jeremy D. Olen, DMD, PLLC, 2723 Monacacy Road, Nazareth, PA 18064.

Apr. 18

LIMITED LIABILITY COMPANY NOTICES

NOTICE IS HEREBY GIVEN that the Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania under the provisions of the Pennsylv-

ania Uniform Limited Liability Company Act of 2016, approved November 21, 2016, Nov. 21, P.L. 1328, No. 170. The name of the Limited Liability Company is:

POP POP'S SMOKE SHACK, LLC

The Certificate of Organization was filed on April 1, 2019.

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

Apr. 18

NOTICE IS HEREBY GIVEN that on March 28, 2019, Certificate of Organization was filed in the Department of State of the Commonwealth of Pennsylvania for:

POSH PROPERTIES NO. 44, RED HORSE LLC

in accordance with the provisions of the Limited Liability Act of 1994.

JAMES L. BROUGHAL, ESQUIRE
BROUGHAL & DeVITO, L.L.P.
38 West Market Street
Bethlehem, PA 18018

Apr. 18

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

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

ESTATE; Accountant
JOHN E. HAYCOCK; Ryan J. Ruggiero, Executor

AUDIT NOTICE

All parties interested are notified that an audit list will be made up of all Accounts and the said list will be called for audit at the Northampton County Government Center, Easton, PA on: FRIDAY, APRIL 26, 2019 AT 9:00 A.M. IN COURTROOM #1.

Gina X. Gibbs
Clerk of the Orphans' Court
Apr. 11, 18

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

Petition of Teresa L. Densmore
NO. C0048CV2019-3026

NOTICE IS HEREBY GIVEN that on April 11, 2019, the Petition of TERESA L. DENSMORE was filed in the Court of Common Pleas of Northampton County seeking to change the name of the minor child A.B.H. to A.B.D.

The court has fixed June 5, 2019 at 9:00 a.m., in Courtroom No. 4 of the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they may have, why the Prayer of said Petitioner should not be granted.

ELLEN S. KINGSLEY, ESQUIRE
ID No. 84496

162 S. Union Street
Easton, PA 18042
Phone: (610) 258-7079

Apr. 18

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on April 5, 2019, the Petition of Joseph A. Theadford was filed in Northampton County Court of Common Pleas at No. C-48-CU-2019-2861, seeking to change the name of Petitioner from Joseph A. Theadford to Joseph A. Theadford, Sr. The Court has fixed Tuesday, June 11, 2019 at 9:00 a.m. in courtroom #4 at the Northampton County Courthouse as the date of hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Apr. 18

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA CIVIL DIVISION

FIRST COMMONWEALTH
FEDERAL CREDIT UNION
Plaintiff

v.

ANGEL GONZALEZ and
MARIANGELY GONZALEZ
Defendants

DOCKET NO. C48-CV-2004-4779
NOTICE

TAKE NOTICE THAT First Commonwealth Federal Credit Union has filed a Writ of Revival in the aforesaid Court at the above docket number requesting that the judgment in the above matter be revived.

If you wish to defend, you must take action within twenty (20) days, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the pleading or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

LAWYER REFERRAL SERVICE
P.O. Box 4733
Easton, PA 18043-4733
Telephone: (610) 258-6333

MICHAEL R. NESFEDER,
ESQUIRE
I.D. No. 49563
FITZPATRICK LENTZ &
BUBBA, P.C.
Attorneys for Plaintiff

4001 Schoolhouse Lane
P.O. Box 219
Center Valley, PA 18034-0219

Apr. 18

SHERIFF'S SALE OF VALUABLE REAL ESTATE

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on MAY 10, 2019, 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-2015-11634

CITY OF EASTON

vs.

KING ESTATES, LLC

Property Address:

104 West Madison Street, Easton, PA 18042

UPI/Tax Parcel Number:

L9SE3B/5/2/0310

All that certain lot or piece of ground situated in Easton City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto King Estates, LLC

by deed recorded 12/5/2016 in Deed Book 2016-1, page 263575.

Thereon being erected a two-story single dwelling with aluminum siding and shingle roof.

No. C-48-CV-2016-00024

U.S. BANK NATIONAL
ASSOCIATION, AS
TRUSTEE ET AL.

vs.

CARL FREDERICK KEMMERER, II

Property Address:

3893 Beeline Drive, Bethlehem, PA 18015

UPI/Tax Parcel Number:

P8/12/16/0719

All those certain messages, tenements and lots of land situate in Lower Saucon Township, Northampton County, Pennsylvania.

Title to said premises is vested in Carl F. Kemmerer, II, single, as sole owner, by deed from Carl F. Kemmerer and Shirley L. Kemmerer, h/w, and Carl F. Kemmerer, II, single, said deed recorded 3/13/2003 in Deed Book 2003-1, page 86882.

Thereon being erected two residential dwellings, one being a two-story building with stone/stucco exterior and shingle roof and the other being a 2.5 story building with stone exterior/vinyl siding and slate roof; and a detached one-car garage with brick exterior/vinyl siding and metal roof.

No. C-48-CV-2016-02293

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION

vs.

NORRIS B. BENNING

Property Address:

3796 Stevens Court, Bangor, PA 18013

UPI/Tax Parcel Number:

F10/5/14B-6/0117

All that certain lot, piece or parcel of land situate in Lower Mount Bethel Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Norris B. Benning, unmarried, by deed from Fannie Mae a/k/a Federal National Mortgage Association by its Attorney in Fact Phelan Hallinan & Schmieg by Power of Attorney recorded on 4/13/2009 in Book 2009-1, page 80615, said deed recorded 8/30/2012 in Deed Book 2012-1, page 205765.

Thereon being erected a two-story single dwelling with vinyl siding, shingle roof and an attached two-car garage.

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 situated in Plainfield Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Roger G. Borja and Monica Borja by deed from Howard Gordon and Monika Gordon, said deed recorded 5/19/2015 in Deed Book 2015-1, page 86873.

Thereon being erected a ranch-style single dwelling with stone masonry, shingle roof, an attached one-car garage and an in-ground pool.

No. C-48-CV-2016-07175
FULTON BANK, NA

vs.

ANTHONY M. REDUZZI,
STEPHANIE A. REDUZZI

Property Address:

595 South 6th Street, Bangor, PA 18013

UPI/Tax Parcel Number:

E9/22/13/0102

Tract No. 1: All that certain messuage and lot of land situated in Bangor Borough, Northampton County, Pennsylvania.

Tract No. 2: All that certain messuage, tenement, tract, parcel or piece of land lying and being in Bangor Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Anthony M. Reduzzi and Stephanie A. Reduzzi, h/w, by deed from Anthony M. Reduzzi and Stephanie A. Reduzzi f/k/a Stephanie A. Paynter, h/w, said deed recorded 5/3/1996 in Deed Book 1996-1, page 42168.

Theron being erected a colonial-style single dwelling with vinyl siding and shingle roof.

No. C-48-CV-2017-01084
NATIONSTAR MORTGAGE LLC

vs.

JENNETTE NIEVES,
SAMY MALDONADO

Property Address:

50 West Goepf Street, Bethlehem, PA 18018

UPI/Tax Parcel Number:

P6NE1A/3/21A/0204

All that certain lot, piece or parcel of land situate, lying and being in Bethlehem City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Jennette Nieves, an adult individual, and Samy Maldonado, an adult individual, by deed from John Hanchick, III, a married person and Christopher M. Lloyd, a single person, said deed

recorded 6/3/2008 in Deed Book 2008-1, page 163773.

Thereon being erected a two-story half-double dwelling with vinyl siding and shingle roof.

No. C-48-CV-2017-04752

CITY OF EASTON

vs.

MICHAEL FLECK,
ANGELINA MARIE FLECK

Property Address:

223 North 8th Street, Easton, PA
18042

UPI/Tax Parcel Number:

L9NE4C/4/6/0310

All that certain message, tenement and lot or piece of land situated on the west side of North 8th Street in Easton City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Michael Fleck and Angelina Marie Fleck by deed recorded 4/17/1989 in Deed Book 766, page 647.

Thereon being erected a two-story half-double dwelling with aluminum siding and shingle roof.

No. C-48-CV-2017-05276

CASCADE FUNDING MORTGAGE
TRUST 2017-1

vs.

CAROL A. HOUSER,
JEFFREY D. HOUSER

Property Address:

5355 Monocacy Drive, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

M5NW2/1/12/0508

All that certain lot or piece of ground, hereditaments and appurtenances, situate in East Allen Township, Northampton County, Pennsylvania.

Fee simple title vested in Jeffrey D. Houser and Carol A. Houser, h/w, by deed from Roy S. Ott, Jr. and Barbara

A. Ott, h/w, said deed recorded 1/21/2003 in Deed Book 2003-1, page 23976.

Thereon being erected a bi-level single dwelling with vinyl siding/brick exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2017-05373

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
TRUSTEE ET AL.

vs.

PHILLIP T. GIARDINA

Property Address:

1008 Greenleaf Street, Easton, PA
18040

UPI/Tax Parcel Number:

K9SW2/30/2/0311

All that certain tract or parcel of land situated in Forks Township, Northampton County, Pennsylvania.

Being the same property conveyed to Phillip T. Giardina by deed from Phillip T. Giardina and Brenda C. Giardina, h/w, said deed recorded 11/18/2004 in Deed Book 2004-1, page 451423.

Thereon being erected a two-story single dwelling with vinyl siding, shingle roof and an attached two-car garage.

No. C-48-CV-2017-05422

BETHLEHEM AREA
SCHOOL DISTRICT

vs.

SCOTT C. VANNORTWICK

Property Address:

4343 Embur Terrace, Easton, PA
18045-4951

UPI/Tax Parcel Number:

M8SE1/12/22/0205

All that certain lot or piece of ground situate in Bethlehem Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Scott C.

Vannortwick by deed recorded 8/13/2015 in Deed Book 2015-1, page 156006.

Thereon being erected a cape cod-style single dwelling with vinyl siding/wood shingles, shingle roof and an attached one-car garage.

No. C-48-CV-2017-07115

SAUCON VALLEY
SCHOOL DISTRICT

vs.

GEORGE SHOOLBRAID

Property Address:

803 Easton Road, Hellertown, PA
18055-1806

UPI/Tax Parcel Number:

Q7SW2B/16/4/0715

All that certain message or tenement and tract of land situate in Hellertown Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto George Shoolbraid by deed recorded 10/14/2015 in Deed Book 2015-1, page 201875.

Thereon being erected a two-story half-double dwelling with vinyl siding/brick exterior, shingle roof and a detached two-car garage.

No. C-48-CV-2017-07550

NORTHAMPTON AREA
SCHOOL DISTRICT

vs.

EDWARD A. FOGEL,
ROSALYN A. FOGEL

Property Address:

697 Point Phillips Road, Bath, PA
18014

UPI/Tax Parcel Number:

H5/12/10/0520

All that certain message or tenement and piece or parcel of land situated in Moore Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Edward A. Fogel and Rosalyn A. Fogel by deed recorded

5/27/1992 in Deed Book 863, page 522.

Thereon being erected a two-story single dwelling with vinyl siding, shingle roof and a detached three-car garage.

No. C-48-CV-2017-07955

DITECH FINANCIAL LLC

vs.

SHERYL A. PALMER

Property Address:

517 East Laurel Street, Bethlehem,
PA 18018

UPI/Tax Parcel Number:

N6SE3D/6/21/0204

All that certain message and lot or piece of land located in the 9th Ward of Bethlehem City, Northampton County, Pennsylvania.

Being the same premises conveyed to Sheryl A. Palmer by deed from Lindsay N. Palmer, remainderman, and Caitlin L. Palmer, remainderman, said deed recorded 2/19/2008 in Deed Book 2008-1, page 44588.

Thereon being erected a two-story half-double dwelling with brick exterior, shingle roof and a detached one-car garage.

No. C-48-CV-2017-08593

WILSON AREA SCHOOL DISTRICT

vs.

JOHN A. TAYLOR, JR.

Property Address:

500 Industrial Drive, Easton, PA
18042

UPI/Tax Parcel Number:

M9/10/13/0836

All that certain tract or parcel of land situate in Williams Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto John A. Taylor, Jr. by deed recorded 4/16/2010 in Deed Book 2010-1, page 70492.

Thereon being erected a two-story apartment building with brick

exterior, flat roof and an attached two-car garage.

No. C-48-CV-2017-08969

PENNSYLVANIA HOUSING
FINANCE AGENCY

vs.

HEIDI L. EDWARDS

Property Address:

220 Chapel Street, North Catasauqua, PA 18032

UPI/Tax Parcel Number:

M4SE4D/23/7/0923

All that certain messuage, tenement and tract of land located at the northeasterly corner of Chapel and Limestone Streets in North Catasauqua Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Heidi L. Edwards by deed from David H. and Karen A. Groff by deed recorded 3/27/1997 in Deed Book 1997-1, page 28208.

Thereon being erected a two-story single dwelling with attic, with shingled exterior and shingle roof.

No. C-48-CV-2017-10111

CITY OF EASTON

vs.

DEBORAH DOERNER

Property Address:

327 East Lafayette Street, Easton, PA 18042

UPI/Tax Parcel Number:

K10SW4D/6/5/0310

All that certain lot or piece of ground situated on the south side of East Lafayette Street, between Park Street and the North Delaware River Road, in the 3rd Ward of Easton City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Deborah Doerner and Thomas Doerner by deed recorded 6/14/1985 in Deed Book 682, page 586. The said Thomas

Doerner died on 9/22/2014 thereby vesting title solely to Deborah Doerner.

Thereon being erected a two-story single dwelling with aluminum siding and shingle roof.

No. C-48-CV-2017-10358

FEDERAL NATIONAL
MORTGAGE ASSOCIATION

vs.

LORI ANNE McGUIRE,
MARK McGUIRE

Property Address:

2716 Auburn Avenue, Easton, PA 18045

UPI/Tax Parcel Number:

L8NW2/7/2/0324

All that certain lot or tract of land on the south side of Auburn Avenue in Palmer Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Mark McGuire and Lori Anne McGuire, h/w, by deed from Michael R. Schultz and Karen M. Schultz, h/w, said deed recorded 10/4/1993 in Deed Book 911, page 398.

Thereon being erected a ranch-style single dwelling with brick exterior, shingle roof and an attached one-car garage.

No. C-48-CV-2017-11037

FREEDOM
MORTGAGE CORPORATION

vs.

MILTON B. HARING, III

Property Address:

1714 Monocacy Street, Bethlehem, PA 18018-1914

UPI/Tax Parcel Number:

N6SE1D/6/9/0204

All that certain lot or piece of land situate, lying and being in Bethlehem City, Northampton County, Pennsylvania.

Title to said premises is vested in Milton B. Haring, III, unmarried, by

deed from Russell D. Keim, married, said deed recorded 10/15/2009 in Deed Book 2009-1, page 264071.

Thereon being erected a two-story single dwelling with vinyl siding, shingle roof and a detached one-car garage.

No. C-48-CV-2017-11469

MTGLQ INVESTORS, LP
vs.

CARMEN B. JUSTINIANO,
ADALBERTO JUSTINIANO a/k/a
ALBERTO JUSTINIANO

Property Address:

1234 North Boulevard, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

N7NW1D/9/1/0204

All that certain tract or parcel of ground situate along the southerly side of North Boulevard in the 14th Ward of Bethlehem City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Alberto Justiniano and Carmen Justiniano, h/w, by deed from Carol Bedics, Executrix of the Estate of Mary H. Smith, said deed recorded 2/23/2007 in Deed Book 2007-1, page 71356.

Thereon being erected a bi-level single dwelling with vinyl siding/brick exterior, shingle roof and an attached one-car garage.

No. C-48-CV-2018-00015

NORTHAMPTON AREA
SCHOOL DISTRICT
vs.

WAYNE C. HILBERT,
LORI L. HILBERT

Property Address:

1345 North Cottonwood Road,
Danielsville, PA 18038

UPI/Tax Parcel Number:

G4/2/3/0516

All that certain message or tenement and parcel or piece of land

situate in Lehigh Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Wayne C. Hilbert and Lori L. Hilbert, by deed recorded 7/16/1980 in Deed Book 616, page 402.

Thereon being erected a ranch-style single dwelling with vinyl siding, shingle roof and a detached two-car garage.

No. C-48-CV-2018-00144

CITY OF EASTON
vs.

LOUIS S. LIPARE,
ADMINISTRATOR OF THE ESTATE
OF WILLIAM B. GARRECHT

Property Address:

Industrial Drive North a/k/a
Industrial Drive, Easton, PA 18042

UPI/Tax Parcel Number:

M9NE1C/16/16/0310

All that certain tract of land situate in Easton City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Louis S. Lipare, Administrator of the Estate of William B. Garrecht, by deed recorded 7/28/1997 in Deed Book 1997-1, page 79058.

Thereon being erected a two-story single dwelling with aluminum siding and shingle roof.

No. C-48-CV-2018-00275

HOMEBRIDGE FINANCIAL
SERVICES, INC. ET AL.
vs.

ODESSA M. DAVIS SYLVESTER
Property Address:
742 Pawnee Street, Bethlehem, PA
18015

UPI/Tax Parcel Number:

P6SW2D/3/1/0204

All that certain tract of land situate on the northwest side of Pawnee

Street in Bethlehem City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Odessa Davis Sylvester by deed from Juan Aviles and America Aviles, h/w, said deed recorded 1/4/2010 in Deed Book 2010-1, page 200.

Thereon being erected a two-story half-double dwelling with brick exterior and shingle roof.

No. C-48-CV-2018-00991

NATIONSTAR MORTGAGE LLC

vs.

BARBARA A. DOORLEY

Property Address:

2121 Edgewood Avenue, Easton, PA 18045

UPI/Tax Parcel Number:

L9NW1D/5/7/0324

All that certain lot, piece or parcel of land situate in Palmer Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Thomas F. Doorley and Barbara A. Doorley by deed from Joseph J. D'Angelo, Jr. a/k/a Joseph J. D'Angelo and Angela Garvey D'Angelo, said deed recorded 6/20/1984 in Deed Book 666, page 200. The said Thomas F. Doorley passed away on or about 12/9/2016, thereby vesting title solely unto Barbara A. Doorley.

Thereon being erected a two-story single dwelling with vinyl siding and shingle roof.

No. C-48-CV-2018-01612

WILSON AREA SCHOOL DISTRICT

vs.

JONATHAN J. HUBER

Property Address:

124 10th Street, Easton, PA 18042

UPI/Tax Parcel Number:

L9SW3A/20/1A/0835

All that certain lot or piece of ground situate in West Easton

Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Jonathan J. Huber by deed recorded 5/18/2007 in Deed Book 2007-1, page 184154.

Thereon being erected a ranch-style single dwelling with aluminum siding and shingle roof.

No. C-48-CV-2018-02785

LAFAYETTE AMBASSADOR BANK

vs.

EDWIN M. FELICIANO, KNOWN HEIR, ALL OF THE UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EDWIN FELICIANO, JR., DECEASED MORTGAGOR

Property Address:

532 Hayes Street, Bethlehem, PA 18015

UPI/Tax Parcel Number:

P6SE2D/3/15/0204

All that certain lot or piece of ground situated in Bethlehem City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Edwin Feliciano, Jr. by deed from Housing Opportunity Counsel, Inc., a Pennsylvania non-profit corporation, said deed recorded 9/10/2009 in Deed Book 2009-1, page 235365. The said Edwin Feliciano, Jr. departed this earth on or about 5/28/2016.

Thereon being erected a two-story row home dwelling with brick exterior and shingle roof.

No. C-48-CV-2018-03713

SAUCON VALLEY SCHOOL DISTRICT

vs.

MARY ELIZABETH SPATZ

Property Address:

3415 Athens Court, Hellertown,
PA 18055-3257

UPI/Tax Parcel Number:

Q8/7/7E/0719

All that certain lot or parcel of land situate on the easterly side of Athens Court in Lower Saucon Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Mary Elizabeth Spatz and Michael J. Spatz by deed recorded 2/2/2004 in Deed Book 2004-1, page 37039. The said Michael J. Spatz died on 11/26/2014 thereby vesting title solely to Mary Elizabeth Spatz.

Thereon being erected a colonial-style single dwelling with vinyl siding, shingle roof, attached two-car garage and a large shed.

No. C-48-CV-2018-03877

SANTANDER BANK, N.A.

vs.

SHARON L. SHELDON

Property Address:

465 Mulberry Drive, Walnutport,
PA 18088-9625

UPI/Tax Parcel Number:

J2/21/10F/0516

All that certain tract of land located in Lehigh Township, Northampton County, Pennsylvania.

Title to said premises is vested in Sharon L. Sheldon, single, by deed from Jendy Real Estate, by Richard D. Boucher and David B. Shulman, their attorneys-in-fact, said deed recorded 9/6/1989 in Deed Book 779, page 489.

Thereon being erected a two-story single dwelling with vinyl siding/stucco exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2018-06034

PNC BANK, NATIONAL
ASSOCIATION ET AL.

vs.

THYA A. RILEY, JACK A. RILEY

Property Address:

190 Kichline Road, Hellertown, PA
18055-9734

UPI/Tax Parcel Number:

P8/10/1-1/0836

All that certain tract or parcel of land situate on the easterly side of Kichline Road in Williams Township, Northampton County, Pennsylvania.

Title to said premises is vested in Thya A. Riley and Jack A. Riley, w/h, tenants by the entirety, by deed from National Transfer Services, LLC, A Texas Limited Liability Company, as agent for Mobility Services International, LLC, said deed recorded 9/21/2012 in Deed Book 2012-1, page 226205.

Thereon being erected a two-story single dwelling with vinyl siding/stone & stucco exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2018-06445

NATIONWIDE ADVANTAGE
MORTGAGE COMPANY

vs.

TONYA M. STORM a/k/a TONYA
M. PANIER, RONALD PANIER

Property Address:

644 South Lincoln Avenue,
Walnutport, PA 18088

UPI/Tax Parcel Number:

J2SW1C/16/10S/1033

All that certain message, tenement, and lot or parcel of land situate in Walnutport Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Tonya M. Storm, unmarried, and Ronald Panier, unmarried, as joint tenants with right of survivorship and not as tenants in common, by deed from Robert P. Wolfgang, Jr. and Gina Wolfgang, h/w, said deed recorded 7/17/2007 in Deed Book 2007-1, page 260251.

Thereon being erected a 3 story townhouse dwelling with brick exterior/vinyl siding, shingle roof and an attached one-car garage.

No. C-48-CV-2018-07119

DITECH FINANCIAL LLC

vs.

JAMES JOHNSON, HEIR OF
HAROLD H. JOHNSON,
DECEASED, MARLENE LIBBY,
HEIR OF HAROLD H. JOHNSON,
DECEASED, MELISSA JOHNSON,
HEIR OF HAROLD H. JOHNSON,
DECEASED, REBECCA JOHNSON
a/k/a REBECCA
GOODMAN a/k/a REBECCA
GARCIA, HEIR OF HAROLD H.
JOHNSON, DECEASED

Property Address:

761 Washington Street, Easton,
PA 18042

UPI/Tax Parcel Number:

L9SE1C/16/18/0310

All that certain lot of land situated on the north side of Washington Street in Easton City, Northampton County, Pennsylvania.

Being the same premises conveyed to Harold Johnson, married, by deed from James E. Herens, said deed recorded 5/8/2006 in Deed Book 2006-1, page 180672.

Thereon being erected a two-story row home dwelling with brick exterior and shingle roof.

No. C-48-CV-2018-07974

CALIBER HOME LOANS, INC.

vs.

LOUIS J. FREEMAN,
TRACY L. FREEMAN

Property Address:

24 Peter Jacob Drive, Bangor, PA
18013

UPI/Tax Parcel Number:

D10/14/7/0134

All that certain lot or parcel of land situate in Washington Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Louis J. Freeman and Tracy L. Freeman, h/w, by deed from Mark Wolderich and Naomi Wolderich, h/w, said deed recorded 7/2/2013 in Deed Book 2013-1, page 173254.

Thereon being erected a colonial-style single dwelling with vinyl siding, shingle roof and an attached two-car garage.

No. C-48-CV-2018-08056

U.S. BANK NATIONAL
ASSOCIATION, AS
TRUSTEE ET AL.

vs.

VALERIE J. KOSHAK,
WILLIAM KOSHAK

Property Address:

211 Highlands Boulevard, Easton,
PA 18042

UPI/Tax Parcel Number:

L10SW4D/7/21/0310

All that certain tract or parcel of land situate in Easton City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Valerie J. Koshak and William Koshak, as tenants by the entireties, by deed from Valerie J. Hendrickson n/k/a Valerie J. Koshak and William Koshak, said deed recorded 8/2/2004 in Deed Book 2004-1, page 297710.

Thereon being erected a two-story single dwelling with vinyl siding, shingle roof and an attached one-car garage.

No. C-48-CV-2018-08980

LAKEVIEW LOAN SERVICING, LLC

vs.

DANA HAGAN, JASON HAGAN

Property Address:

42 Corriere Road, Easton, PA
18045

UPI/Tax Parcel Number:

K9/7/85/0324

All that certain message, tenement and lot or parcel of land situate in Palmer Township, Northampton County, Pennsylvania.

Fee Simple title vested in Dana Hagan by deed from Jason Hagan and Dana Hagan, said deed recorded 8/22/2011 in Deed Book 2011-1, page 172069.

Thereon being erected a three story row home dwelling with brick exterior, shingle roof and an attached one-car garage.

No. C-48-CV-2018-08994

TIAA, FSB

vs.

LARRY L. SILFIES, JR.

Property Address:

751 Point Phillips Road, Bath, PA 18014

UPI/Tax Parcel Number:

H5/12/4A/0520

All that certain tract, piece or parcel of land situate in Moore Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Larry L. Silfies, Jr., in fee, by deed from Forrest T. Silfies and Lucy C. Silfies a/k/a Lucy Silfies, h/w, said deed recorded 12/23/1997 in Deed Book 1997-1, page 143101.

Thereon being erected a ranch-style single dwelling with aluminum siding/brick exterior, shingle roof and a detached oversized three-car garage.

No. C-48-CV-2018-09203

PNC BANK

NATIONAL ASSOCIATION

vs.

ANN M. DAVIS,

RICHARD W. SANDS

Property Address:

106 Molasses Road, Bangor, PA 18013

UPI/Tax Parcel Number:

F9NE1/1/1/0134

All that certain piece, parcel or tract of land situate in Washington Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Richard W. Sands and Ann M. Davis by deed from Patricia A. Biechy, said deed recorded 2/23/2004 in Deed Book 2004-1, page 66315.

Thereon being erected a ranch-style single dwelling with aluminum siding, metal roof and a detached one-car garage.

No. C-48-CV-2018-09356

PINGORA LOAN SERVICING, LLC

vs.

GARTH MIANO,

PETER ANDERSON

Property Address:

630 Kressman Road, Easton, PA 18042

UPI/Tax Parcel Number:

P9/8/2/0836

All that certain message, tenement, lot or piece of ground, hereditaments and appurtenances, situate in Williams Township, Northampton County, Pennsylvania.

Title to said premises is vested in Anthony Mei and Garth Miano and Peter Anderson by deed from Donald J. Liedberg and Joanne R. Liedberg, h/w, said deed recorded 1/10/2008 in Deed Book 2008-1, page 7665. Anthony Mei a/k/a Anthony A. Mei was a co-record owner of the mortgaged premises as a joint tenant with the right of survivorship. By virtue of Anthony Mei a/k/a Anthony A. Mei's death on or about 1/8/2018, his ownership interest was automatically vested in the surviving joint tenant.

Thereon being erected two-story single dwelling with stone/wood exterior and wood shingled roof.

No. C-48-CV-2018-09391

HSBC BANK USA, N.A.

vs.

SALVATORE T. RIZZO, JR.

Property Address:900 Butler Street, Easton, PA
18042**UPI/Tax Parcel Number:**

L9SE4B/1/13/0310

All that certain lot or piece of ground situate on the south side of Butler Street in Easton City, Northampton County, Pennsylvania.

Title to said premises is vested in Salvatore T. Rizzo, Jr. by deed from Leona Rizzo, said deed recorded 8/29/2002 in Deed Book 2002-1, page 229061.

Thereon being erected a two-story half-double dwelling with aluminum siding and shingle roof.

No. C-48-CV-2018-09618

WELLS FARGO BANK, NA

vs.

DEBRA ANN CYPHERS a/k/a

DEBRA A. CHAIKOWSKY,

JOHN S. CHAIKOWSKY

Property Address:

1222 New Jersey Avenue, Hellertown, PA 18055-1436

UPI/Tax Parcel Number:

Q7NW3C/12/1/0715

All that certain message or tenement and tract of land situate in Hellertown Borough, Northampton County, Pennsylvania.

Title to said premises is vested in John S. Chaikowsky and Debra A. Cyphers, as joint tenants with the right of survivorship, by deed from Sandra L. Bauder, Executrix of the Estate of Geraldine M. Chaikowsky a/k/a Geraldine Chaikowsky, Deceased, said deed recorded 5/9/2013 in Deed Book 2013-1, page 120065.

Thereon being erected a cape cod-style single dwelling with brick exterior and shingle roof.

No. C-48-CV-2018-09623

1ST ALLIANCE LENDING, LLC

vs.

SERGEY KHANUKAYEV,

AMANDA E. HENDRICKS

Property Address:221 West West Street, Wind Gap,
PA 18091**UPI/Tax Parcel Number:**

E8/18/1A/0638

All that certain tract or piece of ground situate in Wind Gap Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Sergey Khanukayev and Amanda E. Hendricks a/k/a Amanda Hendricks by deed from Barbara A. Kuza, said deed recorded 7/24/2017 in Deed Book 2017-1, page 155247.

Thereon being erected a split-level single dwelling with vinyl siding, shingle roof and an attached two-car garage.

No. C-48-CV-2018-09753

NATIONSTAR MORTGAGE LLC

vs.

LUIS E. LEGUIA

Property Address:1341 Sullivan Trail, Easton, PA
18040**UPI/Tax Parcel Number:**

K9SE4/15/7/0311

Tract No. 1: All that certain message, tenement, tract or piece of land situated in Forks Township, Northampton County, Pennsylvania.

Tract No. 2: All that certain message, tract, or lot of land situate in Forks Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Luis E. Leguia by deed from Lloyd F. Best, Jr., Executor of the Estate of Virginia E. Hahn, Deceased, said deed recorded 8/7/2009 in Deed Book 2009-1, page 204283.

Thereon being erected a ranch-style single dwelling with brick

exterior, shingle roof and an attached two-car garage.

No. C-48-CV-2018-09858

U.S. BANK NATIONAL
ASSOCIATION, AS
TRUSTEE ET AL.

vs.

MELISSA DEL CHOE a/k/a
MELISSA D. HUTNIK-CHOE,
CHONG CHOE

Property Address:

282 North Liberty Street, Nazareth,
PA 18064-1755

UPI/Tax Parcel Number:

J7SE2B/11/20/0432

All that certain message or tenement and lot or piece of land situate in Upper Nazareth Township, Northampton County, Pennsylvania.

Title to said premises is vested in Melissa D. Hutnik-Choe and Chong Choe, w/h, by deed from Melissa D. Hutnik-Choe, erroneously referenced as Melissa D. Butnik-Choe and Chong Choe, w/h, said deed recorded 9/19/2006 in Deed Book 2006-1, page 385532.

Thereon being erected a two-story single dwelling with aluminum siding and shingle roof.

No. C-48-CV-2018-10080

WELLS FARGO BANK, NA

vs.

CHRISTOPHER ZALESKI

Property Address:

585 Adams Street, Easton, PA
18040-7948

UPI/Tax Parcel Number:

K9/6/9-2/0311

All that certain piece, parcel or tract of land situate in Forks Township, Northampton County, Pennsylvania.

Title to said premises is vested in Christopher Zaleski by deed from Roberto M. Caba and Yvette J. Caba,

said deed recorded 5/24/2012 in Deed Book 2012-1, page 118992.

Thereon being erected a two-story single dwelling with vinyl siding, shingle roof and an attached two-car garage.

No. C-48-CV-2018-10316

WELLS FARGO BANK, NA

vs.

THOMAS PATZER,
MONIQUE PATZER

Property Address:

380 Devonshire Drive, Bethlehem,
PA 18017-1712

UPI/Tax Parcel Number:

M6SE4/7/28N/0204

All that certain tract, piece or parcel of land situate, lying and being in the 14th Ward of Bethlehem City, Northampton County, Pennsylvania.

Title to said premises is vested in Thomas Patzer and Monique Patzer, his wife, by deed from Thomas Patzer and Monique Patzer, his wife, said deed recorded 9/13/2013 in Deed Book 2013-1, page 244224.

Thereon being erected a split-level single dwelling with vinyl siding, shingle roof and an attached two-car garage.

No. C-48-CV-2018-10576

FEDERAL NATIONAL
MORTGAGE ASSOCIATION

vs.

NORMA RODRIGUEZ

Property Address:

141 South 13th Street, Easton, PA
18042

UPI/Tax Parcel Number:

L9SW2C/19/9/0310

All that certain lot and piece of land situate in Easton City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Norma Rodriguez by deed from Van Properties Corp.,

said deed recorded 10/4/2005 in Deed Book 2005-1, page 385203.

Theron being erected a two-story row home dwelling with vinyl siding and shingle roof.

No. C-48-CV-2018-10589

IRCO COMMUNITY FEDERAL
CREDIT UNION ET AL.

vs.

HEATHER L. FINKBEINER,
GREGORY C. ANDERSON

Property Address:

92 Creek Road, Bangor, PA 18013

UPI/Tax Parcel Number:

D9/6/15/0134

All those two certain contiguous tracts or pieces of land, messuage or tenement, lying and being in Washington Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Heather Lee Finkbeiner and Gregory C. Anderson by deed from Alecia A. Coates and Charmaine Wagner, said deed recorded 4/19/2006 in Deed Book 2006-1, page 153498.

Thereon being erected a colonial-style single dwelling with vinyl siding, metal roof and a detached one-car garage.

No. C-48-CV-2018-12189

U.S. BANK NATIONAL
ASSOCIATION, AS INDENTURE
TRUSTEE ET AL.

vs.

GALE B. SIMONS

Property Address:

111 Main Street, Easton, PA
18042

UPI/Tax Parcel Number:

M9NW2C/10/2/0813

All that certain messuage, tenement, lot or piece of ground situated in Glendon Borough, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Richard P. Simons, Sr. and Gale B. Simons, h/w, by deed from Mary Simmons a/k/a Mary Simons, said deed recorded 10/16/1980 in Deed Book 619, page 1079. The said Richard P. Simons, Sr. departed this life on 4/15/2017, thereby vesting sole ownership in Gale B. Simons.

Thereon being erected a two-story single dwelling with aluminum siding and metal 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

Apr. 18, 25; May 2

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PARALEGAL/ADMINISTRATIVE ASST.;
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City of Bethlehem Law Bureau seeks part-time paralegal or highly capable administrative assistant; primary duties are administrative but legal support expected; 20 hours weekly; flex. schedule; hourly rate based on experience and qualifications; compensation allows paid holidays but no other benefits; submit cover letter and resume to tmiller@bethlehem-pa.gov or mail to City of Bethlehem Law Bureau, 10 East Church Street, Bethlehem, PA 18018; submission deadline May 10, 2019.

Apr. 11, 18, 25

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E-mail: pkeiper@ptd.net.

Apr. 11, 18

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Apr. 18, 25

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LANDES & BRIENZA, LLP
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Inquiries will be held in confidence.

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communication skills; computer skills, including
proficiency in Word; bookkeeping or accounting
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multitasking and organization skills.
Prior Estate Administration experience would be ideal.

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Mail: 1 S. Main St., Nazareth, PA 18064
Fax: (610) 759-3892
E-mail: SGoudsouzian@PZLBlaw.com

Apr. 11, 18, 25

**BRIAN DIGGINS, Plaintiff v. PETER MINOTTI,
NORTHAMPTON COUNTY, BOROUGH OF WILSON,
WILSON BOROUGH PUBLIC WORKS DEPARTMENT
and COMMONWEALTH OF PENNSYLVANIA, Defendants**

Summary Judgment—Premises Liability—Licensee—Notice.

Plaintiff was walking across Defendant Peter Minotti's property, unbeknownst to Minotti, in order to conduct door-to-door sales at nearby residences when a sinkhole opened on Minotti's property and Plaintiff fell into it, sustaining injuries. The Court found that Plaintiff was not a business invitee because his presence on the property was not connected to Minotti. The Court also found that Plaintiff was not a business visitor because he was not invited onto the property. Thus, Plaintiff was a licensee, and Minotti could not be liable in negligence unless he had reason to know about the sinkhole. Because the record lacked evidence demonstrating that Minotti had such knowledge, the Court granted Minotti's motion for summary judgment.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Civil Action—No. C-48-CV-2013-9578.

MATTHEW J. ZAMITES, ESQUIRE, for Plaintiff.

RICHARD P. KOVACS, ESQUIRE, for Defendant Peter Minotti.

Order of Court entered on May 26, 2016 by BELTRAMI, J.

OPINION

This case is before the Court on the "Motion for Summary Judgment of Defendant, Peter Minotti" ("Motion"), filed on February 12, 2016. Plaintiff filed a Response to the Motion on April 4, 2016. Briefs have been filed, oral argument was heard on April 26, 2016, and the matter is ready for disposition.¹

On April 29, 2014, Plaintiff filed a Second Amended Complaint alleging that, on March 22, 2013, he fell into a hole in the grass area between the sidewalk and the street located in front of 1600 Lehigh Street, Easton, Northampton County, Pennsylvania ("the Property") and, as a result, sustained personal injuries. (Second Am. Compl. ¶¶6-7, 9, 15, Exs. A-B.) On May 28, 2014, Defendant Peter Minotti ("Minotti") filed an Answer and New Matter to the Second Amended Complaint and a Cross-Claim against Defendants Borough of Wilson, Wilson Borough Public Works Department (collectively, "Borough"), and Commonwealth of Pennsylvania ("Commonwealth"). On June 9, 2014, Plaintiff filed a Reply to Minotti's New

¹ Also scheduled for argument on April 26, 2016, was "Defendants Borough of Wilson and Wilson Borough Public Works Department's Motion for Summary Judgment" ("Borough's Motion"), filed on February 22, 2016. At oral argument, Plaintiff's counsel informed the Court that Plaintiff does not oppose Borough's Motion. Therefore, the Court will grant Borough's Motion, by agreement of the parties.

Matter. On June 12, 2014, Borough filed an Answer and New Matter to the Second Amended Complaint and a Cross-Claim against Minotti and Commonwealth. On June 16, 2014, Borough filed a Reply to Minotti's Cross-Claim. On June 17, 2014, Minotti filed a Reply to Borough's Cross-Claim. The pleadings are now closed.

The record, viewed in the light most favorable to Plaintiff, reveals the following facts. On March 22, 2013, Plaintiff was employed by Direct Sales. (Mot. Ex. B, at 23:22-24:3.) On that date at approximately 11:00 a.m., Plaintiff's supervisor drove Plaintiff and several other employees from Philadelphia to Wilson Borough to go door-to-door in order to talk to residents about their energy bills. (*Id.* at 24:4-26:10.) When Plaintiff arrived in Wilson Borough, he and one other employee walked across Lehigh Street to begin going door-to-door. (*Id.* at 32:1-34:18.) However, before going door to door, Plaintiff decided to look for a store to buy a bottle of water. (*Id.* at 34:19-35:18.) Plaintiff and two other employees then began walking up the sidewalk of Lehigh Street toward an intersection where they believed they might find a store, with Plaintiff lagging behind the other two employees on the sidewalk. (*Id.* at 37:13-40:11.)

As the group walked approximately one half of a block toward the intersection, Plaintiff began walking on a grass area between the sidewalk and the curb to be able to walk side-by-side with the other two employees. (*Id.* at 42:7-23.) While walking on the grass, Plaintiff was talking with the other two employees, was looking straight ahead, noticed that the grass was wet, but did not see anything out of the ordinary concerning the grass or any signs posted in the grass. (*Id.* at 42:24-43:25, 111:21-113:7.) Approximately halfway up the block and still on the Property, Plaintiff's left leg fell into what felt like a "trap door" in the ground. (*Id.* at 44:1-12, Ex. P-1.) According to Plaintiff, the ground where he fell "just gave," creating a hole between three and seven feet wide and approximately five feet deep ("Sinkhole").² (*Id.* at 45:22-25, 49:15-52:25, 55:12-16, Pl.'s Exs. 2-3.) Plaintiff's left leg dangled in the Sinkhole without contacting the bottom, and his right leg bent sideways but remained outside the Sinkhole. (*Id.* at 44:13-23.) Prior to falling into the Sinkhole, Plaintiff did not notice any problems with the grass on the Property and had no difficulties walking on it. (*Id.* at 129:20-130:14.)

Minotti owns the Property and maintains the area where Plaintiff fell, including lawn maintenance and snow removal. (Second Am. Compl. ¶6; Minotti's Answer ¶6.) Minotti also owns and manages several other properties with his wife. (Mot. Ex. D, at 8:18-9:1.) Minotti spends a few hours each weekday "prowl[ing]" around his properties, including the Property,

² "[A] sinkhole is a collapse of the surface of the ground caused by erosion of the underlying rock." *National Cash Register Company v. Haak*, 233 Pa. Super. 562, 565 n.2, 335 A.2d 407, 408 n.2 (1975).

which consists of him walking or driving around the properties and visually inspecting them. (*Id.* at 9:2-10:3, 22:10-23:6.) Minotti has owned the Property since the 1960s and leases various buildings on it to commercial tenants. (*Id.* at 14:13-24, 15:24-17:12.) Since he has owned the Property, Minotti has never personally received a complaint about a sinkhole nor been made aware of any complaints regarding a sinkhole at any of his properties. (*Id.* at 18:10-15.) He has also never been cited by the government for any violations regarding the condition of his buildings or of his properties. (*Id.* at 20:4-11.) Minotti has never had to repair the sidewalk where the Sinkhole occurred. (*Id.* at 18:16-25.) On one occasion ten years ago, Minotti had to repair a sidewalk located 400 feet from the Sinkhole after a tractor-trailer was driven over it. (*Id.* at 39:23-40:21.)

Minotti first became aware of the Sinkhole when the police and the borough road supervisor alerted him of Plaintiff's fall. (*Id.* at 23:11-24:8.) Prior to Plaintiff's fall, Minotti never observed ponding, pooling, or water drainage problems in the area of the Sinkhole. (*Id.* at 26:10-19.) Similarly, he never noticed any of the following issues at the Property: fresh exposure on trees; fresh exposure on foundations in the area of the Sinkhole; slumping, sagging, or slanting of the ground; wilting of grass or vegetation; cracks in the pavement; sinkholes; low areas in the yard; or defects in the sidewalk adjacent to the Sinkhole. (*Id.* at 31:2-32:13, 34:10-19, 49:9-23.) None of Minotti's tenants have complained about the condition of the Property nor has Minotti ever notified Wilson Borough of any problems with the ground or the sidewalk in the area of the Sinkhole. (*Id.* at 37:5-21, 49:24-50:19, 52:18-22.)

Daniel Fritzing ("Fritzing"), a site supervisor for A. Scott Enterprises who has dealt with approximately fifty sinkholes in his career, twenty of which have occurred in counties or cities near the Property, reported to the scene of Plaintiff's fall to block off the area and fill in the Sinkhole. (Mot. Ex. E, at 7:5-8, 9:3-10:9, 10:21-12:1.) Minotti, who had also arrived at the Property following Plaintiff's fall, did not say anything to Fritzing indicating that he had any prior knowledge of the Sinkhole. (*Id.* at 12:2-4, 14:14-17, 24:10-16.) Fritzing did not observe any cracking in the cement, any water in the Sinkhole, or any puddling or pooling of water in the area of the Sinkhole. (*Id.* at 15:3-10, 14-16.)

In addition to Minotti and Fritzing, Officer Calvin Siegfried ("Officer Siegfried"), of the Wilson Borough Police Department, reported to the scene of Plaintiff's fall. (Mot. Ex. F, at 5:20-22, 7:11-16.) Over the course of his career, Officer Siegfried has responded to the scene of approximately ten to twelve sinkholes in Northampton County, at least some of which have occurred in Wilson Borough. (*Id.* at 13:1-25.) One of these sinkholes occurred five to six years prior to Plaintiff's fall at an address approximately three blocks from the Property. (*Id.* at 14:1-16.) Officer Siegfried did not observe any water in or near the Sinkhole or any cracks

in the sidewalk or the curb surrounding the Sinkhole. (*Id.* at 15:11-16:1.) Aside from the Sinkhole, Officer Siegfried was not aware of any issues with the condition of the Property nor was he aware of any prior sinkholes or water-pooling on the block of Lehigh Street containing the Property. (*Id.* at 18:6-17, 19:22-20:11.)

Also reporting to the scene of Plaintiff's fall was Gregory Drake ("Drake"), who has been Wilson Borough's Director of Public Works for twenty years. (Mot. Ex. G, at 6:5-18, 9:13-23.) Throughout his career, Drake has been alerted to the occurrence of approximately four sinkholes, the most recent of which occurred fifteen years ago, three of which were caused by water main breaks, and none of which occurred in close proximity to the Property. (*Id.* at 8:12-9:12, 16:2-5, 17:4-10.) Like Minotti, Fritzinger, and Officer Siegfried, Drake did not witness any cracking in the curb or sidewalk at the Property and was not aware of any past issues with the condition of the Property. (*Id.* at 13:25-14:19.) Drake was not able to determine what caused the Sinkhole. (*Id.* at 15:13-15.)

In support of his Motion, Minotti argues that the record contains no evidence suggesting that he had any knowledge of or reason to know about the existence of the Sinkhole, thus precluding Plaintiff, whom he argues was a licensee on the Property, from recovering. (*See* Minotti's Br. 9-13.) Plaintiff responds as follows. First, Plaintiff argues that the issue of his status on the Property, that is, whether he was a licensee or an invitee, should be determined by a jury. Second, Plaintiff, citing to *Himes v. New Enterprise Stone & Lime Company, Inc.*, 399 Pa. Super. 301, 310, 582 A.2d 353, 358 (1990), argues that a jury should decide whether Minotti had a duty of care, given that the evidence demonstrates that Plaintiff had no reason to know about the danger posed by the Sinkhole. Third, Plaintiff argues that because the Sinkhole is a structural rather than a transitory defect, the burden of proving that Minotti had notice of the Sinkhole is lower, thus precluding Minotti from obtaining summary judgment. Fourth, Plaintiff argues that a jury should decide whether the doctrine of *res ipsa loquitur* applies to this case. Finally, Plaintiff argues that issues of material fact remain with regard to the cause of the Sinkhole, precluding the entry of summary judgment.

Pennsylvania Rule of Civil Procedure 1035.2 and applicable case law establish the standard of review relevant to motions for summary judgment as follows:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law

...

(2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party

who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action ... which in a jury trial would require the issues to be submitted to a jury.

Pa. R.C.P. No. 1035.2.

Summary judgment may only be granted when the record clearly shows that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. *Weissberger v. Myers*, 90 A.3d 730, 733 (Pa. Super. 2014). The moving party bears the burden of proving that no genuine issue of material fact exists. *Barnish v. KWI Building Company*, 916 A.2d 642, 645 (Pa. Super. 2007). In deciding a motion for summary judgment, the record must be viewed in the light most favorable to the non-moving party, and any doubt as to the existence of a genuine issue of material fact must be resolved against the moving party. *Smith v. Township of Richmond*, 623 Pa. 209, 221, 82 A.3d 407, 415 (2013). Even where the facts are agreed upon, summary judgment cannot be entered if the facts can support conflicting inferences. *Washington v. Baxter*, 553 Pa. 434, 447 n.10, 719 A.2d 733, 740 n.10 (1998).

The party opposing a motion for summary judgment ... may not rest upon the mere allegations or denials of the pleadings but must file a response within thirty days after service of the motion identifying

...

(2) evidence in the record establishing the facts essential to the cause of action ... which the motion cites as not having been produced.

Pa. R.C.P. No. 1035.3(a). In other words, the “[f]ailure of a non-moving party to adduce sufficient evidence on an issue essential to [its] case and on which he bears the burden of proof establishes the entitlement of the moving party to judgment as a matter of law.” *Babb v. Centre Community Hospital*, 47 A.3d 1214, 1223 (Pa. Super. 2012). In deciding a motion for summary judgment, the “record” available for the court’s examination includes the pleadings, discovery materials, affidavits, and expert reports. Pa. R.C.P. No. 1035.1.

“To establish a cause of action sounding in negligence, a party must demonstrate they were owed a duty of care by the defendant, the defendant breached this duty, and this breach resulted in injury and actual loss.” *McCandless v. Edwards*, 908 A.2d 900, 903 (Pa. Super. 2006). Whether a defendant owes a duty of care is a question of law to be decided by the trial court. *Brisbine v. Outside In School of Experiential Education, Inc.*, 799 A.2d 89, 95 (Pa. Super. 2002). “The standard of care a possessor of land owes to one who enters upon the land depends upon whether the person entering is a trespass[e]r, licensee, or invitee.” *Carrender v. Fitterer*, 503 Pa. 178, 184, 469 A.2d 120, 123 (1983). Thus, the Court begins with an analysis of Plaintiff’s status on the Property.

A ‘licensee’ is a person whose entry upon or use of the premises in question is by express or implied permission of the owner or occupier. A licensee enters upon the land of another solely for his own purposes; the invitation extended to him is given as a favor by express consent or by general or local custom, and is not for either the business or social purposes of the possessor.

Charlie v. Erie Insurance Exchange, 100 A.3d 244, 253 (Pa. Super. 2014). A landowner may be found liable to a licensee for injuries caused by a condition on his land if:

- (a) the possessor knows or has reason to know of the condition and should realize that it involves an unreasonable risk of harm to such licensees, and should expect that they will not discover or realize the danger, and
- (b) he fails to exercise reasonable care to make the condition safe, or to warn the licensees of the condition and the risk involved, and
- (c) the licensees do not know or have reason to know of the condition and the risk involved.

Long v. Manzo, 452 Pa. Super. 451, 457, 682 A.2d 370, 373 (1996). “[W]hether the licensee knew or had reason to know of the condition and its attendant risks, is usually a question of fact for the jury. ... This question may be decided by the court, however, if reasonable minds could not differ.” *Id.* (citation omitted).

On the other hand, Pennsylvania law defines “invitee” as follows:

(1) An invitee is either a public invitee or a business visitor.

(2) A public invitee is a person who is invited to enter or remain on land as a member of the public for a purpose for which the land is held open to the public.

(3) A business visitor is a person who is invited to enter or remain on land for a purpose directly or indirectly connected with business dealings with the possessor of land.

Updyke v. BP Oil Co., 717 A.2d 546, 549 (Pa. Super. 1998). Our law uses the terms ‘business visitor’ and ‘business invitee’ almost synonymously. *Compare* *Emge v. Hagosky*, 712 A.2d [315,] 317 [Pa. Super. 1998] (‘A business invitee is a person who is invited to enter or remain on the land of another for a purpose directly or indirectly connected with business dealings with the possessor of the land.’) *with* *Straight v. B.F. Goodrich Co.*, ... 47 A.2d [605,] 606 (the appellant business visitor ‘is not limited to those coming upon the land for a purpose directly or indirectly connected with the business conducted thereon by the possessor, but includes as well those coming

upon the land for a purpose connected with their own business which itself is directly or indirectly connected with a purpose for which the possessor uses the land,' for example, a workman who makes repairs).

Gutteridge v. A.P. Green Services, Inc., 804 A.2d 643, 655-56 (Pa. Super. 2002). "The duty owed to a business invitee is the highest duty owed to any entrant upon land. ... The landowner is under an affirmative duty to protect a business visitor not only against known dangers but also against those which might be discovered with reasonable care." *Emge v. Hagosky*, 712 A.2d 315, 317 (Pa. Super. 1998) (citation omitted). "Generally, the determination of whether an individual is an invitee [or] licensee' is a question for the fact-finder but '[w]here the evidence is insufficient to support an issue, however, it may be appropriate for the court to remove that issue from the jury.'" *Charlie*, supra at 252 (alterations in original) (quoting *Palange v. City of Phila., Law Dep't*, 433 Pa. Super. 373, 377, 640 A.2d 1305, 1307 (1994)).

In reviewing the pleadings, the record, and Plaintiff's Response to Minotti's Motion, the Court finds that Plaintiff has failed to put forth any evidence from which a reasonable jury could find that Plaintiff's presence on the Property came about by way of an invitation from Minotti or was in any way connected to a purpose for which Minotti holds the land open to the public. Instead, Plaintiff clearly entered upon the Property for a purpose connected with his own business, unbeknownst to Minotti. While this *could* give rise to Plaintiff being a business invitee, such business purpose would have to be directly or indirectly connected with Minotti or his Property in some way. *See e.g., Hartman v. Miller*, 17 A.2d 652, 653 (Pa. Super. 1941) (finding that "[t]he plaintiff, a salesman, [who] was sitting in a waiting room in [the] defendant's place of business, expecting to interview the defendant and sell him goods" was an invitee because he "was on the premises for a purpose connected with his own business and indirectly connected with the business of the defendant"). In the instant case, Plaintiff was merely walking across the Property with the implied permission of Minotti in order to conduct unsolicited business dealings with nearby *residential* properties. As Minotti's Property is a *commercial* property with no *residential* tenants, it was not possible for Plaintiff's own business purpose to have any connection with Minotti's Property, even assuming that Plaintiff was invited there. As a result, the record establishes that Plaintiff could not have been a business invitee or a business visitor.

Plaintiff also could not have been a public invitee, because the essential element of invitation is missing.

In order to attain the status of public invitee the individual must 'enter the premises upon invitation *and* "for a purpose for which the land is held open to the public.'" *Palange*, 433 Pa. Super. at 379, 640 A.2d at 1308 (quoting Restatement

(Second) of Torts § 332(2)). Comment b to § 332 discusses the distinction between invitation and permission which is central to a determination of whether an entrant is an invitee or a licensee:

Invitation and Permission. Although invitation does not in itself establish the status of an invitee, it is essential to it. An invitation differs from mere permission in this: an invitation is conduct which justifies others in believing that the possessor desires them to enter the land: permission is conduct which justifies others in believing that the possessor is willing that they shall enter if they so desire.

Restatement (Second) of Torts § 332 cmt. b.

Updyke v. BP Oil Company, 717 A.2d 546, 549 (Pa. Super. 1998). Here, there is no evidence that Minotti acted in any way that would indicate to Plaintiff that his presence on the Property was invited or desired by Minotti. Therefore, Plaintiff could not have been a public invitee on the Property but only a licensee.

Because Plaintiff was a licensee on the Property, Minotti could only be held liable to Plaintiff if a jury were to find that Minotti had actual knowledge of or some reason to know about the Sinkhole. The record contains no evidence that would permit a jury to make such a finding. All of the post-accident eyewitnesses who arrived at the scene found nothing, except, of course, the Sinkhole itself, out of the ordinary about the Property nor any water, cracks, or depressions in the land that would suggest a Sinkhole was present on the Property. In addition, Minotti's pre-accident daily visual inspections of the Property revealed no evidence of any defect with the Property's condition, let alone of the Sinkhole. Moreover, Minotti never had to repair any areas of the Property near the Sinkhole in a manner that might have given him warning of the Sinkhole's presence. Further, Plaintiff's own testimony corroborates that there was nothing about the land that gave him any warning or indication that he was about to encounter the Sinkhole. Although there is some evidence of sinkholes occurring in Wilson Borough in the past, none appear to have occurred at the Property, and Plaintiff submitted no evidence or expert testimony demonstrating that the existence of such prior sinkholes gave Minotti reason to know of the particular Sinkhole at issue. Taken as a whole, the evidence demonstrates that the Sinkhole was a completely hidden defect that could only have been discovered in the unfortunate manner in which Plaintiff discovered it.

Although Plaintiff emphasizes that he himself had no reason to know about the danger posed by the Sinkhole, that fact is irrelevant if Minotti did not know about the Sinkhole either. For this reason, Plaintiff's reliance on *Himes* is misplaced, as the analysis in that case was focused on the alleged notice of the *plaintiff*, not of the *defendant*. The instant analysis does not

reach the issue of Plaintiff's notice of the Sinkhole if Plaintiff cannot first show that Minotti knew or should have known about it in the first place.

Plaintiff also inappropriately relies upon *Myers v. Penn Traffic Company*, 414 Pa. Super. 181, 606 A.2d 926 (1992), and *Moultrey v. Great A & P Tea Company*, 281 Pa. Super. 525, 422 A.2d 593 (1980), both of which dealt with when it is permissible for a jury to infer negligence on the part of a store owner based upon the length of time that a hazardous condition created by a third party existed within the store. Those cases do not address notice as it relates to a landowner's notice, or lack thereof, of a dangerous condition on land, an issue that relates to the duty element, not the breach element, of a negligence claim. For all of the above reasons, the record contains no evidence from which a jury could find that Minotti had notice of the Sinkhole. As a result, Plaintiff has not submitted evidence that Minotti had a duty of care to Plaintiff under these factual circumstances.

Because Plaintiff cannot establish that Minotti had a duty of care as a matter of law, Plaintiff's invocation of *res ipsa loquitur* is misplaced.

[T]he doctrine of *res ipsa loquitur* allows a fact-finder to infer from the circumstances surrounding the injury that the harm suffered was caused by the negligence of the defendant. The doctrine applies under the following circumstances:

- (a) the event is of a kind which ordinarily does not occur in the absence of negligence;
- (b) other responsible causes, including the conduct of the plaintiff and third persons, are sufficiently eliminated by the evidence; and
- (c) the indicated negligence is *within the scope of the defendant's duty to the plaintiff*.

Restatement (Second) of Torts § 328D(1) (1965) (hereinafter 'Restatement'); *Gilbert v. Corvette, Inc.*, 457 Pa. 602, 327 A.2d 94, 100 (1974) (adopting the Restatement's formulation of *res ipsa loquitur*).

Res ipsa loquitur is merely a shorthand expression for a rule of evidence that allows a jury to infer negligence and causation where the injury at issue is one that does not ordinarily occur in the absence of negligence.

Fessenden v. Robert Packer Hospital, 97 A.3d 1225, 1230 (Pa. Super. 2014) (emphasis added). "Despite that Pennsylvania courts have referred to *res ipsa loquitur* as the means by which negligence may be inferred, more specifically, it aids a plaintiff in satisfying only the *breach of duty* element of a negligence claim, not the establishment of a duty or the other required elements." *Moon v. Dauphin County*, 129 A.3d 16, 27 (Pa. Commw. 2015) (emphasis in original).

The above principles demonstrate that *res ipsa loquitur* is only used when a plaintiff can prove that a defendant had a duty of care but cannot

prove that such defendant acted negligently in satisfying that duty of care. Here, for the reasons discussed above, Plaintiff cannot show that Minotti had a duty of care, making *res ipsa loquitur* inapplicable in this case.

Finally, Plaintiff argues that genuine issues of material fact exist with regard to the cause of the Sinkhole. The Court disagrees. This is not a case where the record contains conflicting evidence on the issue of what caused the Sinkhole. Rather, the record contains no evidence whatsoever as to what caused the Sinkhole. Even the Wilson Borough Director of Public Works could not say what caused it. If Plaintiff believed that the cause of the Sinkhole was material to proving his case, then the burden was on him to produce evidence as to what caused the Sinkhole, which evidence Minotti would then have been able to rebut with conflicting evidence. However, Plaintiff produced no evidence as to the cause of the Sinkhole and, thus, has not created an issue of fact in that regard.

In summary, the evidentiary record before the Court creates no genuine issues of material fact and would not permit a jury to hold Minotti liable to Plaintiff for negligence. Accordingly, Minotti is entitled to judgment as a matter of law.

WHEREFORE, the Court enters the following:

ORDER

AND NOW, this 26th day of May, 2016, the “Motion for Summary Judgment of Defendant, Peter Minotti,” filed on February 12, 2016, is hereby GRANTED. Judgment is hereby entered in favor of Defendant Peter Minotti and against all other parties.

By agreement of the parties, “Defendants Borough of Wilson and Wilson Borough Public Works Department’s Motion for Summary Judgment,” filed on February 22, 2016, is hereby GRANTED. Judgment is hereby entered in favor of Defendants Borough of Wilson and Wilson Borough Public Works Department and against all other parties.