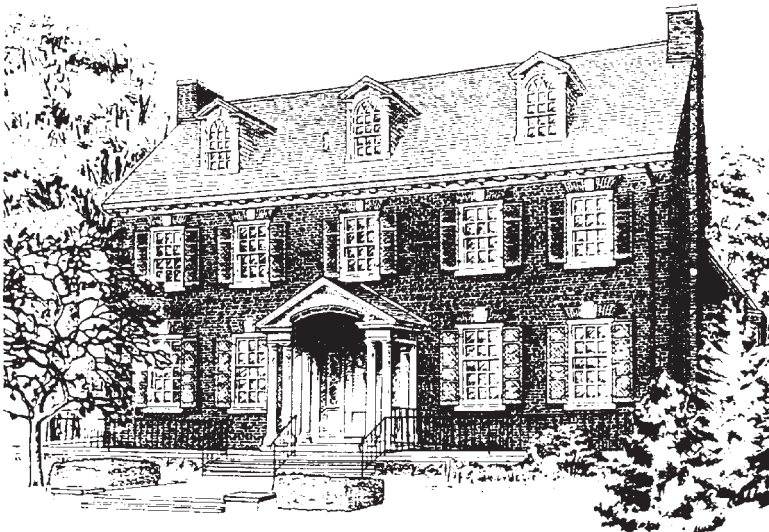


Lehigh Law Journal

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Barristers' Club

The Bar Association of Lehigh County

1114 W. Walnut Street
Allentown, Pennsylvania 18102

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NORTHAMPTON AND LEHIGH COUNTIES BAR ASSOCIATIONS 2025 FALL CLE CONFERENCE

Friday, October 24, 2025 - Blue Event Center, 4431 Easton Ave., Bethlehem

6 CLE
Credits



Sponsors



PROGRAM

8:00 – 8:30 a.m.

REGISTRATION AND CONTINENTAL BREAKFAST

8:30 – 9:30 a.m.

"THE IMPACT OF RAHIMI AND OTHER STATE AND FEDERAL DECISIONS ON THE SECOND AMENDMENT" – Join us for a fast-paced review of important Second Amendment decisions at the state and federal level over the past two years, impacting your clients' rights! We'll be reviewing Second Amendment issues involving everything from the constitutionality of certain prohibitions, to reasonable suspicion of criminal activity, to municipal regulation and beyond... This CLE will touch upon Constitutional Law, Criminal Law, Firearms Law, and Municipal Law.
Speaker: Joshua Prince, Esq. (1 Sub Credit)

9:30 – 10:30 a.m.

"FAMILY LAW STATE OF PRACTICE IN NORTHAMPTON COUNTY AND LEHIGH COUNTY" – This program will explore the various similarities and differences between the counties regarding the practice of family law. We will delve into the areas of practice for Custody, Support and PFAs. Learn what the counties have implemented regarding representation and streamlining cases. With Kayden's Law and the most recent revisions to the Custody Factors, custody trials can be presented in a succinct way. Without instructing attorneys or litigants how to present their case, conference participants will receive an in depth and helpful discussion about what is important to the judges presenting at the conference.
Speakers: Hon. Melissa Pavlack, Hon. Brian Panella, Phil Lauer, Esq. (1 Sub Credit)

10:30 – 10:45 a.m.

BREAK

10:45 – 11:45 a.m.

"WE ARE ALL HUMAN, LEARNING AND LITIGATING" - Sometimes judges forget the difficulties clients may present for their attorneys and lawyers forget the difficult nature of the decisions judges need to make. It is important for everyone to remember we are all human, we all have a job to do and, hopefully, everyone is doing their best. This program is designed to foster a conversation about what lawyers and judges need to think about when in court, including some personal observations of what is done well and what needs improvement.
Speaker: Hon. Alita A. Rovito, Common Pleas Court of Chester County (1 Sub Credit)

11:45 a.m. – 12:30 p.m.

LUNCH

12:30 – 1:30 p.m.

"THE SELF-CARE OF PROFESSIONALS IN THE LEGAL COMMUNITY" – This program will be a generic lecture with regard to the self-care of all professionals in the legal community, including civil and criminal prosecutors/defense attorneys, jurists and even paralegals. Due to the fact that it is a generic presentation, it will pertain to all areas of law. The presentation will focus on some of the effects that the field can have on those who work in the legal community and suggestions for reducing stress and deleterious effects of the day-to-day demands of the field.
Speaker: Frank M. Dattilio, Ph.D., ABPP, Clinical and Forensic Psychologist (1 Ethics Credit)

1:30 – 1:45 p.m.

BREAK

1:45 – 2:45 p.m.

"BEYOND BARS: COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS" – A collateral consequence is a penalty or restriction that results from a criminal conviction despite not being part of the sentence. This program will present an overview of some of the most common collateral consequences and how they impact defendants, their families, and society.
Speaker: Syzane Arifaj, Esquire (1 Sub Credit)

2:45 – 3:45 p.m.

"ACQUISITION & APPLICATION OF HIDDEN DIGITAL EVIDENCE" – In the digital age, crucial evidence often lies hidden within electronic devices, vehicle systems, and overlooked digital artifacts. This presentation introduces the tools and methods used to acquire, authenticate, analyze, and apply digital evidence for investigations, insurance claims, and litigation. Topics include cell phone downloads, critical crash data stored in vehicles, GPS / geolocation data, recovery of deleted files, and social media activities. Real-world case examples will illustrate how such evidence can be pivotal in proving or refuting allegations, emphasizing its impact on legal proceedings. Attendees will gain insights into best practices for preserving digital integrity and leveraging forensic findings effectively in court.
Speaker: Timothy Primrose, Digital Forensic Analyst, DJS Associates, Inc. (1 Sub Credit)

REGISTRATION FORM

DEADLINE TO REGISTER FOR THE CONFERENCE: WEDNESDAY, OCTOBER 15, 2025

Registration Fees
Attorneys - \$240.00
Legal Support Staff - \$150.00

Member Name: _____

Phone: _____

Email Address: _____

☐ Check enclosed made payable to: NCBA

☐ Credit Card

☐ Visa

☐ MasterCard

Name on Credit Card: _____

Credit Card Number: _____

CVV Number: _____ Expiration: Month: _____ Year: _____

Total Amount: _____

Signature: _____

9-26; 10-3, 10

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The BALC Facebook page is updated regularly with meeting reminders and event notices, and includes photo albums, discussion boards, links, and much more. "Like" us at www.facebook.com/BarAssociationLehighCounty

NewsLine...September 26, 2025



BALC Fall Membership Event!

*“Music Trivia BINGO &
BBQ” Dinner*

Thursday, October 23rd, 2025

Join us at 5:30PM for
A BBQ Dinner with all the fixings!
Great Music & Cash Bar!



Beginning at 6:30pm
Matt from “BIG PRODUCTIONS”
will start Music Trivia BINGO!
Great Prizes & Fun for All!!!

\$47 to attend
Please RVSP by Friday, October 9th
by 12 noon

kmesch@lehighbar.org

NewsLine 2

Attention BALC Attorney Members

Fall Membership Meeting: November 13th
5:30PM at the Bar Association Building

1114 W. Walnut St.

Allentown, PA 18102

Please RSVP to rbridgeman@lehighbar.org

by 11/10/25

This is a meeting only, no dinner served.

SEEKING EXECUTED WILL FOR

EDWARD ROGER HILDEBEITEL

I am seeking a Last Will and Testament executed
by Edward Roger Hildebeitel. Edward Roger
Hildebeitel is late of the Township of Lower
Milford, Lehigh County. Anyone who has such
document, please contact

Kendahl B. DiFelice, Esquire at 610-871-1740.

Notice to the Bar

Judge Cohen's weekly civil walk-in motions
scheduled for **Thursday, May 14, 2026**, is
cancelled.

President Judge Johnson's weekly walk-in civil
motions for the following Tuesdays are
cancelled: **October 28, 2025; November 4, 2025;**
and November 11, 2025.

NewsLine 3

BALC CONTINUING LEGAL EDUCATION SCHEDULE

To Register: Call: Nancy @ 610.433.6401 Ext: 16 (or)

Email: cle@lehighbar.org

September 30: “Shrinking: What a Family Law Attorney Needs to Know”

**BALC Live 3-Hour Breakfast Seminar 1 Ethics & 2
Substantive Credits**

Registration and Breakfast: 8:30 AM

Timeframe: 9:00 AM – 12:15 PM

In-Person Tuition: \$75.00

October 2: “Nuts and Bolts of Pennsylvania’s Ignition Interlock Program”

**BALC Live Lunch Seminar and Webinar 1 Substantive
Credit**

Timeframe: 12:15 PM – 1:15 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

October 21: “Medicare Annual Update - 2026”

**BALC Live Lunch Seminar and Webinar 1 Substantive
Credit**

Timeframe: 12:15 PM – 1:15 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

October 29: “Beyond the Barriers: Ensuring Equitable Access to Education for Youth in Dependency – Before, During, and After Residential Placement”

**BALC Live Lunch Seminar and Webinar 1.5 Substantive
Credits**

Timeframe: 12:00 PM – 1:30 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

NewsLine 4

BALC CLE SCHEDULE, continued

October 30: “Optimize Your Law Practice and Business Clients for Growth”

BALC Live Lunch Seminar and Webinar 1 Substantive Credit

Timeframe: 12:15 PM – 1:15 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

November 4: “When Humans Were Property: Prigg vs. Pennsylvania and Federal Power over Runaway Slaves”

BALC Live Lunch Seminar and Webinar 1 Substantive Credit

Timeframe: 12:15 PM – 1:15 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

November 5: “Handling of Entrusted Funds”

(Postponed from 8/21/2025)

BALC Live Lunch Seminar and Webinar 1 Ethics Credit

Timeframe: 12:15 PM – 1:15 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

November 6: “Support Group Meeting”: A CLE on Domestic Relations Best Practice

BALC Live Lunch Seminar and Webinar 1 Substantive Credit

Timeframe: 12:15 PM – 1:15 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

November 13: “AI Tools for Legal Practice: Advanced Applications and Ethical Boundaries”

BALC Live Lunch Seminar and Webinar 1 Ethics Credit

Timeframe: 12:15 PM – 1:15 PM

In-Person Tuition: \$47.00 with lunch / \$30.00 without lunch

Webinar Tuition: \$30.00

COMMONWEALTH OF PENNSYLVANIA vs.
WILLIAM PERRY, DEFENDANT*Omnibus Pre-Trial Motion—
Search and Seizure; Habeas Corpus Petition.*

Defendant, William Perry, was charged with one count of firearms not to be carried without a license; one count of possession of a controlled substance; one count of possession of a small amount of marijuana; one count of possession of drug paraphernalia; and three summary traffic offenses, following a traffic stop. Defendant filed an Omnibus Pre-Trial Motion asserting: (1) a Motion for Writ of Habeas Corpus, (2) a Motion to Suppress Physical Evidence—Illegal Seizure and Search, and (3) a Motion to Suppress Defendant's Statement and Evidence Obtained as a Result of that Statement. Defendant sought a writ of *habeas corpus* regarding the firearms not to be carried without a license charge on two grounds, contending: 1) the Pennsylvania Uniform Firearms Act, in particular, 18 Pa.C.S. §6106, is unconstitutional on its face, and 2) he was in his "place of abode" when detained, and therefore, his concealed possession of a firearm was not criminal.

In *Commonwealth v. Ortiz*, 738 A.2d 403 (Pa. 1999), the Pennsylvania Supreme Court held that the statutory exception for carrying a firearm in one's "place of abode" means "the actual house or apartment of a person." *Id.* at 405. The Court expressly declined to decide whether a person is in his place of abode "when he is outside his house or apartment in an area over which he has exclusive control." *Id.* at 406 n. 2. Nevertheless, the Court made it clear that whether "place of abode" includes or does not include the area outside one's house or apartment, "[i]t does not include common areas to which a person has a right of access but which are shared with others who have a similar right of access." *Id.* at 405 ... While *Bruen* undoubtedly expanded the recognized scope of the right to bear arms, it did not address, let alone modify or overrule, the *Ortiz* Court's interpretation of the phrase "place of abode" in Section 6106. Therefore, this Court is bound by the *Ortiz* Court's narrow interpretation of the phrase "place of abode" in Section 6106.

The Court denied Defendant's Omnibus Pretrial Motion. In doing so, the Court found, *inter alia*, that because Section 6106 does not violate the Second Amendment, and Defendant was not in his "place of abode" at the time he was detained, the Commonwealth established a *prima facie* case for the offense of firearms not to be carried without a license. The Court also found Defendant's motions to suppress lacked merit.

In the Court of Common Pleas of Lehigh County, Pennsylvania, Criminal Division No. CR-3871-2024. Commonwealth of Pennsylvania vs. William Perry, Defendant.

RAMMA R. MINEO, SENIOR DEPUTY DISTRICT ATTORNEY,
on behalf of the Commonwealth.

KATHRYN SMITH, FIRST ASSISTANT PUBLIC DEFENDER,
on behalf of the Defendant.

MEMORANDUM OPINION

CAFFREY, J., August 20, 2025.

I. OVERVIEW & PROCEDURAL POSTURE

The Commonwealth of Pennsylvania charged Defendant William Perry (“Defendant”) with one count of firearms not to be carried without a license, 18 Pa.C.S. §6106(a)(1), graded as a felony of the third degree; one count of possession of a controlled substance, 35 P.S. §780-113(a)(16), an ungraded misdemeanor; one count of possession of a small amount of marijuana, 35 P.S. §780-113(a)(31)(i), an ungraded misdemeanor; one count of possession of drug paraphernalia, 35 P.S. §780-113(a)(32), an ungraded misdemeanor; and three summary traffic offenses.

A preliminary hearing was held before Magisterial District Judge Linda Vega Sirop on October 8, 2024. At the conclusion of the preliminary hearing, all charges were bound over for the Common Pleas Court. Defendant was formally arraigned on October 30, 2024, and entered a plea of not guilty.

On December 2, 2024, Defendant filed a timely Omnibus Pre-Trial Motion asserting: (1) a Motion for Writ of Habeas Corpus, (2) a Motion to Suppress Physical Evidence—Illegal Seizure and Search, and (3) a Motion to Suppress Defendant’s Statement and Evidence Obtained as a Result of that Statement. On March 27, 2025, the Court held a hearing on Defendant’s Omnibus Pre-Trial Motion. At the conclusion of the hearing, the Court took the matter under advisement and provided counsel with a briefing schedule.

This matter has been fully briefed and is now ripe for disposition.

II. FACTS

Officer Kaila Balatgek is a member of the “dirt bike task force,” a collaborative effort between the Pennsylvania State Police and the Allentown Police Department to deter persons from illegally operating dirt bikes, mopeds, and scooters on the streets of Allentown.

On June 15, 2024, Officer Balatgek conducted surveillance operations from a Pennsylvania state police helicopter equipped with a video camera. At approximately 6:40 PM, while observing

live video footage from the helicopter's camera, Officer Balatgek saw an individual, later identified as Defendant, operating a gas-powered scooter in the vicinity of 15th and Allen Streets. She observed him commit several traffic violations including weaving through traffic and traveling the wrong way down a lane,¹ and radioed for a ground unit to make contact with the scooter operator.² Officer Alex Kiskeravage responded to the call and located the Defendant on a parking pad in the area of 15th and Early Streets. Defendant later identified the area as the parking pad for his residence at 1505 West Liberty Street.³

Officer Kiskeravage⁴ approached Defendant and asked for his license, registration, and insurance information. The Defendant stated he did not have the paperwork on him and that it was inside. Officer Kiskeravage asked for the Defendant's name and date of birth, and the Defendant answered, "William." The Defendant denied having any weapons on him when asked, and began "blading his body" as he reached over his pockets and waistband area.⁵

According to Officer Kiskeravage, a person confronted by a police officer "blades his body" for the purpose of concealing the side of his body, often to conceal a firearm on his person and/or when attempting to flee a scene.⁶ Upon observing Defendant "blade his body," Officer Kiskeravage feared that the Defendant might be armed and thus initiated a pat-down for weapons. During the pat-down, Officer Kiskeravage immediately felt an object he knew to be a firearm in the Defendant's left vest pocket and placed him in handcuffs.⁷ When the Defendant questioned what he was "being

¹Officer Balatgek testified that during this time, she did not observe the Defendant commit any criminal offenses. Notes of Testimony ("N.T.") Pre-Trial Hearing, Mar. 27, 2025, at 25.

²N.T. Pre-Trial Hearing, at 9-13.

³N.T. Preliminary Hearing, Oct. 8, 2024, at 4, 7; N.T. Pre-Trial Hearing, at 28-29, 51.

⁴Due to a discrepancy between the description of the traffic stop as testified to at the pretrial hearing on March 27, 2025 and Officer Kiskeravage's bodycam footage admitted as exhibit CA-4, this Opinion's statement of facts reflects events as seen on the bodycam footage.

⁵See Exhibit CA-4.

⁶N.T. Pre-Trial Hearing, at 30.

⁷N.T. Preliminary Hearing, at 5; N.T. Pre-Trial Hearing, at 31.

detained for,” Officer Kiskeravage responded that it was for the handgun in Defendant’s pocket. Officer Kiskeravage then asked the Defendant if he had a permit to carry a firearm, and the Defendant answered, “no.”⁸

As Officer Kiskeravage escorted the Defendant to his patrol car, the Defendant asked others present at the scene to put his scooter away. Officer Kiskeravage instructed the onlookers not to touch the scooter. The Defendant stated that it was a “legal” scooter and repeatedly asserted he had been searched “for no reason.” Officer Kiskeravage stated again that he had felt a gun during the pat-down and informed the Defendant that he was arresting him “right now” because the Defendant was “carrying without a license.”⁹ Officer Kiskeravage searched inside the Defendant’s vest pockets and retrieved the firearm from the vest’s left-side pocket¹⁰ and suspected crack and suspected marijuana from the right-side pocket.¹¹

III. DISCUSSION

A. Motion for Writ of Habeas Corpus

Defendant is charged with, *inter alia*, the crime of firearms not to be carried without a license. Section 6106 of the Crimes Code provides in relevant part:

(a) Offense defined.—

(1) Except as provided in paragraph (2), any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree.

(2) A person who is otherwise eligible to possess a valid license under this chapter but carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person,

⁸See Exhibit CA-4.

⁹See Exhibit CA-4.

¹⁰A black Taurus Armas 856, .38 special revolver. N.T. Preliminary Hearing, at 6.

¹¹N.T. Pre-Trial Hearing, at 34.

except in his place of abode or fixed place of business, without a valid and lawfully issued license and has not committed any other criminal violation commits a misdemeanor of the first degree.

18 Pa.C.S. § 6106(a)(1)(2).

“[A] petition for writ of habeas corpus is the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a *prima facie* case.” *Commonwealth v. Keller*, 823 A.2d 1004, 1010 (Pa. Super. 2003). “A *prima facie* case exists when the Commonwealth produces evidence of each of the material elements of the crime charged and establishes probable cause to warrant the belief that the accused committed the offense.” *Commonwealth v. Perez*, 249 A.3d 1092, 1102 (Pa. 2001). When determining whether the Commonwealth has established a *prima facie* case, “[i]nferences reasonably drawn from the evidence of record which would support a verdict of guilty are to be given effect, and the evidence must be read in the light most favorable to the Commonwealth’s case.” *Commonwealth v. Marti*, 779 A.2d 1177, 1180 (Pa. Super. 2001) (internal citations and quotation marks omitted). “Any conflicts or discrepancies in the evidence, which are questions regarding the weight and credibility of evidence, must be resolved by the fact-finder at trial” *Commonwealth v. Hillard*, 172 A.3d 5, 14 (Pa. Super. 2017).

Defendant seeks a writ of *habeas corpus* regarding the firearms not to be carried without a license charge. However, Defendant does not challenge the Commonwealth’s contention that he concealed a handgun on his person without a valid and lawfully issued license permitting him to do so. Instead, Defendant seeks a writ of *habeas corpus* on two grounds. One, Defendant contends that the Pennsylvania Uniform Firearms Act, in particular, 18 Pa.C.S. §6106, is unconstitutional on its face. Two, Defendant contends that he was in his “place of abode” when detained, and therefore, his concealed possession of a firearm was not criminal. The Court will address Defendant’s arguments *seriatim*.

1. Constitutionality of 18 Pa.C.S. §6106.

Defendant argues that Section 6106 is facially unconstitutional because it violates the Second Amendment under the his-

torical-tradition test articulated by the United States Supreme Court in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). This Court acknowledges that the constitutionality of firearm licensing schemes is a complex and rapidly developing area of law. Defendant’s arguments are substantial and well-articulated. However, this Court’s role is not to anticipate the future direction of appellate jurisprudence, but to apply the law as it currently stands in this Commonwealth.

In *Bruen*, the Supreme Court considered the constitutionality of a New York statute which permitted the issuance of a license to carry a firearm “only when an applicant demonstrate[d] a special need for self-defense.” *Id.* at 11. The Supreme Court determined that the “proper-cause requirement” to obtain a license violated an individual’s right under the Second Amendment to carry a handgun for self-defense outside the home. *Id.* at 11. However, the Supreme Court contrasted New York’s “may-issue” statute, where a license is granted or denied based on subjective criteria, to the “shall-issue” statutes in other states, including Pennsylvania, where a license is granted or denied based on objective criteria. In a concurring opinion, Justice Kavanaugh clarified that *Bruen* “does not prohibit states from imposing licensing requirements for carrying a handgun for self-defense” and “does not affect the existing licensing regimes—known as ‘shall-issue’ regimes—that are employed in 43 states.” *Id.* at 79 (Kavanaugh, J. concurring, joined by Roberts, J.).

In *Commonwealth v. Mead*, 326 A.3d 1006 (Pa. Super. 2024), the appellant, who had been convicted of carrying a firearm without a license, challenged the constitutionality of Section 6106 under both the Second Amendment and Article I, Section 21 of the Pennsylvania Constitution. Relying on *Bruen*, the Superior Court ruled that Section 6106 does not violate the Second Amendment, noting that a statute, like Pennsylvania’s firearms licensing statute, “do[es] not violate the Second Amendment where [it] does not require the applicant to show any special need and requires the government to issue the license unless the applicant fails a background check.” *Id.* at 1015. Because Article I, Section 21 of the Pennsylvania Constitution does not provide any greater restriction on government firearms regulations than the Second Amend-

ment, the Court also rejected the appellant's argument that Section 6106 violates Article I, Section 21 of the Pennsylvania Constitution. *Id.* (citations omitted).

Given the current state of Pennsylvania law, Defendant relies on two federal court decisions: *Suarez v. Paris*, 741 F.Supp.3d 237 (M.D. Pa. 2024);¹² and *Lara v. Comm'r Pa. State Police*, 125 F.4th 428 (3d Cir. 2025). Defendant's reliance on these federal court decisions is misplaced. First, Pennsylvania courts "are not bound by the decisions of the inferior federal courts." *Hall v. Pennsylvania Bd. of Probation and Parole*, 851 A.2d 859, 863 (Pa. 2004). Second, these cases do not support the proposition that Section 6106 is unconstitutional. In *Suarez*, the district court held that Section 6106 does not violate the Second Amendment. 741 F.Supp.3d at 256-258. In *Lara*, the circuit court determined only that the statutory provision prohibiting law-abiding 18-to-20-year-olds from openly carrying firearms during a state of emergency violated the Second Amendment. 125 F.4th at 445-46.

Therefore, Defendant's facial challenge to Section 6106 fails.

2. "Place of Abode" Exception.

In *Commonwealth v. Ortiz*, 738 A.2d 403 (Pa. 1999), the Pennsylvania Supreme Court held that the statutory exception for carrying a firearm in one's "place of abode" means "the actual house or apartment of a person." *Id.* at 405. The Court expressly declined to decide whether a person is in his place of abode "when he is outside his house or apartment in an area over which he has exclusive control." *Id.* at 406 n. 2. Nevertheless, the Court made it clear that whether "place of abode" includes or does not include the area outside one's house or apartment, "[i]t does not include common areas to which a person has a right of access but which are shared with others who have a similar right of access." *Id.* at 405.

Because Defendant was not inside his home or apartment when he was detained, Defendant's argument that he did not violate Section 6106 because he was in his "place of abode" is without merit. Assuming *arguendo* that "place of abode" includes the

¹²This case is currently on appeal to the Third Circuit.

outside parking pad appurtenant to Defendant's residence at 1505 West Liberty Street, Defendant did not present any evidence to establish that he maintains exclusive control over the parking pad, so that the parking pad is not a common area accessible to other residents in the neighborhood.

Defendant also urges this Court to reconsider *Ortiz* in light of *Bruen*, which fundamentally altered the framework for analyzing Second Amendment challenges. While *Bruen* undoubtedly expanded the recognized scope of the right to bear arms, it did not address, let alone modify or overrule, the *Ortiz* Court's interpretation of the phrase "place of abode" in Section 6106. Therefore, this Court is bound by the *Ortiz* Court's narrow interpretation of the phrase "place of abode" in Section 6106.

Because Section 6106 does not violate the Second Amendment, and Defendant was not in his "place of abode" at the time he was detained, the Commonwealth has established a *prima facie* case for the offense of firearms not to be carried without a license. Accordingly, Defendant's petition for a writ of *habeas corpus* must be dismissed.

B. Motion to Suppress

There are two prongs to Defendant's motion to suppress. One, Defendant moves to suppress the firearm and controlled substances found in his pockets, arguing that such evidence was obtained as the result of an unconstitutional search and seizure. Two, Defendant moves to suppress his admission to Officer Kiskeravage that he does not have a license to carry a firearm, arguing that he proffered this admission in response to a custodial interrogation undertaken without *Miranda* warnings. The Court will address Defendant's arguments *seriatim*.

1. Seizure of Firearm.

Specifically, Defendant contends that Officer Kiskeravage lacked the requisite reasonable suspicion to conduct a pat-down search for weapons. The Commonwealth responds that the officer's actions were justified by a reasonable concern for his safety under the totality of the circumstances.

“Once a motion to suppress evidence has been filed, it is the Commonwealth’s burden to prove, by a preponderance of the evidence, that the challenged evidence was not obtained in violation of the defendant’s rights.” *Commonwealth v. Boyd*, 296 A.3d 1270, 1274 (Pa. Super. 2023). It is within the suppression court’s sole province as factfinder to determine the credibility of witnesses and the weight given to their testimony. *Commonwealth v. Wright*, 224 A.3d 1104, 1108 (Pa. Super. 2019). Thus, the court may believe all, part, or none of the evidence presented. *Id.* If evidence has been obtained by illegal means, the proper remedy is suppression of the evidence, not dismissal of the criminal charges. *Commonwealth v. Dobbins*, 934 A.2d 1170, 1181 (Pa. 2007).

The Fourth Amendment of the United States Constitution and Article I, § 8 of the Pennsylvania Constitution guarantee individual freedom from unreasonable searches and seizures. *Commonwealth v. Singletary*, 267 A.3d 1267, 1274 (Pa. Super. 2021). A search or seizure without a warrant “is presumptively unreasonable ... subject to a few specifically established, well-delineated exceptions.” *Commonwealth v. Chase*, 960 A.2d 108, 113 (Pa. 2008). “To secure the right of citizens to be free from unreasonable search and seizure, courts in Pennsylvania require law enforcement officers to demonstrate ascending levels of suspicion to justify their interactions with citizens to the extent those interactions compromise individual liberty.” *Commonwealth v. Luczki*, 212 A.3d 530, 542 (Pa. Super. 2019).

The present case involves the investigatory detention exception, commonly referred to as a “*Terry* stop and frisk,” in view of the case in which the exception was recognized.¹³ *Terry* established a two-part inquiry for a stop and frisk. First, the officer must have a lawful basis for the initial stop or detention, which requires reasonable suspicion of criminal activity; second, to proceed from the stop to a protective frisk for weapons, the officer must possess a separate and distinct justification: a reasonable belief that the individual is armed and dangerous. *Arizona*

¹³*Terry v. Ohio*, 392 U.S. 1 (1968).

v. Johnson, 555 U.S. 323, 326-27 (2009). The purpose of the frisk is not to discover evidence of a crime, but to allow the officer to pursue his investigation without fear of violence. *Adams v. Williams*, 407 U.S. 143, 146 (1972).¹⁴

Here, there is no dispute that the initial traffic stop was lawful. Based on Officer Balatgek's observations of Defendant committing various traffic infractions on his scooter, including driving the wrong way and weaving in and out of traffic, Officer Kiskeravage had probable cause to conduct a traffic stop. *See Commonwealth v. Prizzia*, 260 A.3d 263, 267 (Pa. Super. 2021) (police officer has probable cause to stop a motor vehicle if the officer observes a traffic code violation, even if it is a minor offense). The central issue before this Court is whether Officer Kiskeravage, at the moment he initiated the pat-down, had specific, articulable facts sufficient to support a reasonable suspicion that Defendant was armed and dangerous.

"Reasonable suspicion must be based on specific and articulable facts, and it must be assessed based upon the totality of circumstances viewed through the eyes of a trained police officer." *Commonwealth v. Williams*, 980 A.2d 667, 672 (Pa. Super. 2009). *See also, Commonwealth v. Holmes*, 14 A.3d 89, 95 (Pa. 2011) (when evaluating the totality of the circumstances the court must give weight to the inferences that a police officer may draw as a result of his training and experience"). "The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or the safety of others was in danger." *Commonwealth v. Taylor*, 771 A.2d 1261, 1268-69 (Pa. 2001). *See also, Commonwealth v. Carver*, 318 A.3d 386, 391-92 (Pa. Super. 2024) ("'Common sense concerns' guide the inquiry and give preference to the safety of the police officer during an

¹⁴Both the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution protect individuals from unreasonable searches and seizures. *Commonwealth v. Singletary*, 267 A.3d 1267, 1274 (Pa. Super. 2021). While these provisions are not always coextensive, with Article I, Section 8 often affording broader protections, it is well established that the standard for an investigatory detention, or *Terry* stop, is the same under both. *Commonwealth v. Jackson*, 698 A.2d 571, 573 (1997) (noting that "Pennsylvania has always followed *Terry* in stop and frisk cases").

encounter with a suspect where circumstances indicate that the suspect may have, or may be reaching for, a weapon.”).

Here, Officer Kiskeravage, who has served as an Allentown police officer for the past seven years, testified that, in his experience, persons illegally operating scooters and mopeds on the streets of Allentown frequently carry firearms and engage in criminal activity. Defendant initially raised Officer Kiskeravage’s suspicion when Defendant refused to tell him his full name and date of birth. Defendant then began to blade his body away from Officer Kiskeravage, which, based on Officer Kiskeravage’s training and experience, indicated to him that Defendant was either trying to conceal a weapon or flee the scene.¹⁵ While Defendant bladed away from Officer Kiskeravage he simultaneously reached into his pockets. Based on his training and experience on the street, Officer Kiskeravage reasonably suspected that the combination of these two things—blading away and reaching into pockets—indicated that Defendant might be reaching for a weapon.¹⁶ Based on the totality of the circumstances, and giving due weight to the inferences that Officer Kiskeravage could have drawn from Defendant’s behavior based on his training and experience, Officer Kiskeravage possessed the requisite reasonable suspicion that Defendant might be armed and dangerous.

“Furtive movements and nervousness, standing alone, do not support the existence of reasonable suspicion.” *Commonwealth v. Moyer*, 954 A.2d 659, 670 (Pa. Super. 2008). *See also, Commonwealth v. Gray*, 896 A.2d 601, 606 (Pa. Super. 2006) (officer did not have reasonable suspicion to pat-down the defendant because the articulated justification for the pat-down—defendant was a little nervous and slightly sweating—did not provide a basis to believe that the defendant was armed and dangerous); *Common-*

¹⁵The Pennsylvania Supreme Court has defined “blading” as a suspect’s “attempt to shield parts of his or her body or clothing from a police officer during a stop,” which is a factor that the court must consider “in determining whether there is reasonable suspicion that the suspect is armed and dangerous.” *Interest of T.W.*, 261 A.3d 409, 424 n.6 (Pa. 2021).

¹⁶In response to Officer Kiskeravage’s earlier request for his license, registration, and insurance, Defendant stated that he did not have this paperwork on him. Therefore, Officer Kiskeravage had no reason to believe that Defendant was reaching into his pockets to retrieve his license, registration, or insurance.

wealth v. Preacher, 827 A.2d 1235, 1240 (Pa. Super. 2003) (the officer's observations that the defendant was acting nervously because his eyes were bulging, he was looking back and forth, and tossing the money he had in his hands insufficient to warrant a belief that the defendant was armed and dangerous). Here, Defendant's "furtive movements" were not merely indicia of nervousness, but rather indicia of possible nefarious intent. When Defendant refused to answer a simple question and then bladed his body away from Officer Kiskeravage while simultaneously reaching into his pockets, there was a sufficient basis for Officer Kiskeravage to suspect that Defendant might be reaching for a firearm in his pocket.

Defendant argues that even if Officer Kiskeravage reasonably suspected that he was armed, Officer Kiskeravage had no reason to suspect that Defendant was also dangerous. This argument is unavailing. If Officer Kiskeravage reasonably believed that Defendant was blading away from him and simultaneously reaching into his pockets so that he could access a firearm, *a fortiori* Officer Kiskeravage reasonably believed that Defendant was acting in a manner which jeopardized not only his safety but also the safety of other persons in the area, and he was justified in taking appropriate steps to dispel that concern. Because what appears to be a standard traffic stop can, and all too often does, turn into a deadly confrontation in the blink of an eye, an individual who blades his body away from the police officer while simultaneously reaching into his pockets must be considered potentially "dangerous." While the actions of a police officer must always comport with constitutional safeguards, "our constitutional safeguards do not require an officer to gamble with his life." *Commonwealth v. Morris*, 644 A.2d 721, 724 (Pa. 1994)

2. Defendant's Statements.

Law enforcement officers are required to demonstrate varying levels of suspicion to justify citizen interactions. *Commonwealth v. Singletary*, 267 A.3d 1267, 1274 (Pa. Super. 2021). A "mere encounter" between police and a citizen "need not be supported by any level of suspicion, and carr[ies] no official compulsion on the part of the citizen to stop or to respond." *Commonwealth v.*

Riley, 715 A.2d 1131, 1134 (Pa. Super. 1998). An “investigatory detention” refers to a brief detention of a person by law enforcement based on a reasonable suspicion that the person is or has been involved in criminal activity. *See Terry*, 392 U.S. at 21. A “custodial detention,” which is equivalent to an arrest, must be supported by probable cause. *Id.*

When a suspect is interrogated while subject to a custodial detention, police officers are required under the Fifth Amendment to provide the suspect with *Miranda* warnings.¹⁷ *Commonwealth v. Smith*, 836 A.2d 5 (Pa. 2003). *See also, Commonwealth v. Gaul*, 912 A.2d 252, 255 (Pa. 2006) (“[T]he *Miranda* safeguards come into play whenever a person in custody is subjected to either express questioning or its functional equivalent.”). “[T]here are two separate requirements to show custodial interrogation. The individual must be ‘in custody’ and must be interrogated.” *Commonwealth v. Perry*, 710 A.2d 1183, 1185 n. 5 (Pa. Super. 1998).

Defendant moves to suppress his admission to Officer Kiskeravage that he does not have a license to carry a firearm, contending that he proffered this admission in response to a custodial interrogation undertaken without *Miranda* warnings. The Commonwealth contends that Defendant’s admission was made in response to a permissible on-the-scene inquiry, and thus, *Miranda* warnings were not required.

It is undisputed that the initial traffic stop of Defendant was lawful, based on Officer Balatgek’s observations of Defendant committing various traffic infractions on his scooter. However, “[a]n investigative detention may develop into a custodial detention.” *Commonwealth v. Spence*, 290 A.3d 301, 314 (Pa. Super. 2023). “The key difference between an investigative and a custodial detention is that the latter involves such coercive conditions as to constitute the functional equivalent of an arrest.” *Commonwealth v. Gonzalez*, 979 A.2d 879, 887 (Pa. Super. 2009). The factors the court must consider when determining “whether a detention has become so coercive as to constitute the functional equivalent of arrest include: the basis for the detention; its length; its location; whether the suspect was transported against his or her will, how

¹⁷*Miranda v. Arizona*, 384 U.S. 436, 477-78 (1966).

far, and why; whether restraints were used; whether the law enforcement officer showed, threatened or used force; and the investigative methods employed to confirm or dispel suspicions.” *Commonwealth v. Mannion*, 725 A.2d 196, 200 (Pa. Super. 1999) (citations omitted). “An interrogation occurs when the police should know that their words or actions are reasonably likely to elicit an incriminating response from the suspect.” *Commonwealth v. Clinton*, 905 A.2d 1026, 1030 (Pa. Super. 2006).

During the traffic stop Defendant engaged in conduct which prompted Officer Kiskeravage to conduct a pat down for weapons. During the pat down Officer Kiskeravage felt what he believed to be a handgun in Defendant’s vest pocket, and after Defendant began squirming and twisting his body, Officer Kiskeravage handcuffed Defendant to ensure his own safety while he continued his investigation. Officer Kiskeravage then asked Defendant if he had a permit to carry a firearm, to which Defendant replied that he did not. After Defendant told Officer Kiskeravage that he did not have a license to carry a firearm, Officer Kiskeravage placed Defendant in the rear seat of the patrol car and left the door open while continuing to speak with Defendant.¹⁸

The court evaluates the totality of the circumstances when determining whether a defendant was subject to an investigative or custodial detention. *Commonwealth v. Goldsborough*, 31 A.3d 299, 306 (Pa. Super. 2011). Here, the totality of the circumstances dictate that Defendant proffered his admission during an investigative rather than custodial detention, and therefore, *Miranda* warnings were not required.

First, Officer Kiskeravage used a minimal degree of force once he suspected that Defendant might be carrying a firearm. He handcuffed Defendant to ensure his own safety so he could investigate what had developed into possible criminal activity. *See Commonwealth v. Spence*, 290 A.3d 301, 314 (Pa. Super. 2023) (“For their safety, police officers may handcuff individuals during an investigative detention.”). Second, Defendant was detained in a

¹⁸Defendant continued to deny that he had a firearm on his person until Officer Kiskeravage pulled a handgun out of his vest pocket while Defendant was sitting in the rear seat of the patrol car.

public place and for a very short period of time. In particular, Defendant had been detained for just over one minute at the point in time when he acknowledged that he did not have a license to carry a firearm. Third, the investigative method employed by Officer Kiskeravage was hardly coercive: he simply asked Defendant whether he had a license to carry a firearm. Fourth, Officer Kiskeravage did not ask Defendant whether he had a license to carry a firearm for the purpose of finding incriminating evidence. As Officer Kiskeravage explained, the possession of a concealed firearm constitutes a crime only when the person does not have a license to carry a firearm, and he asked Defendant whether he had a license to carry a firearm for the sole purpose of determining whether a crime had in fact been committed. *See Miranda*, 384 U.S. at 477-78 (general on-the-scene questioning as to facts surrounding a crime or other general questioning in the fact-finding process does not present the compelling atmosphere which serves as the focus for a custodial interrogation). Finally, Officer Kiskeravage explained that he did not place Defendant under arrest until he located the handgun in Defendant's vest pocket.

For the foregoing reasons, the Court finds no merit in either of Defendant's motions to suppress, and therefore, Defendants' motions to suppress must be denied.

IV. CONCLUSION

For the reasons hereinbefore stated in full, Defendant's Omnibus Pretrial Motion, filed December 2, 2024, must be denied.

ORDER

AND NOW, this 20th day of August, 2025, upon consideration of Defendant's Omnibus Pretrial Motion, filed December 2, 2024, following a hearing on March 27, 2025, and for the reasons stated in the attached Memorandum Opinion,

IT IS ORDERED that Defendant's Omnibus Pretrial Motion, filed December 2, 2024, is adjudicated as follows:

A. Defendant's Motion for a Writ of Habeas Corpus is **DE-NIED**.

- B. Defendant's Motion to Suppress Physical Evidence – Illegal Seizure and Search is **DENIED.**
- C. Defendant's Motion to Suppress Defendant's Statement and Evidence Obtained as a Result of that Statement is **DENIED.**

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

Albitz, Eva C., dec'd.

Late of Lower Milford.
Administrator: Kenneth Mark Albitz, 1559 Wind Hill Road, Coopersburg, PA 18036.
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Argeson, Theodore J., Jr., dec'd.

Late of Allentown.
Executrix: Lisa Argeson.
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Bayer, Barbara P., dec'd.

Late of Whitehall.
Administratrix: Audrey T. Bayer, 1251 Broad Street, Apt. 7, Whitehall, PA 18052.
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Boatman, Clair E. a/k/a Clair Eugene Boatman, dec'd.

Late of Lower Macungie Twp.
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Buss, Laurie L., dec'd.

Late of Bethlehem.
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Cohen, Anne Marie E., dec'd.

Late of the Borough of Emmaus.
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Getz, Junior H., dec'd.

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Hausman, Cheryl M., dec'd.

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Hausman, Donald A., Jr., dec'd.

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Huegel, Geraldine, dec'd.

Late of the Township of South Whitehall.

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Jacobs, Bruce Emil a/k/a Bruce E. Jacobs, dec'd.

Late of Allentown City.

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Matika, Jerome J., Sr., dec'd.

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Mihocko, Eileen J., dec'd.

Late of 658 W. Brookdale Street, Allentown, PA 18103.

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Moxey, Jayne a/k/a Jayne K. Moxey and Jayne Kuntzman Moxey, dec'd.

Late of Emmaus Borough.

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Oberacker, Ellen R., dec'd.

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Rafelson, Norman, dec'd.

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Reifinger, Reynold C. a/k/a Reynold Charles Reifinger, dec'd.

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Renner, Connie L. a/k/a Connie L. Gatch, dec'd.

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Scheffler, Denise M., dec'd.

Late of Macungie.

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Schubert, Gregory Paul, dec'd.

Late of Bethlehem.

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Smith, Sue Ellen, dec'd.

Late of the City of Allentown.

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Straka, Mary Louise a/k/a Mary Lou Straka and Mary L. Straka, dec'd.

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Swinney, James R. a/k/a James Richard Swinney, dec'd.

Late of Upper Saucon Township.

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Thompson, Richard K. a/k/a Richard Kaye Thompson, dec'd.

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Touchberry, Forest M., dec'd.

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Ziegler, Ruth A. a/k/a Ruth Ann Ziegler, dec'd.

Late of Breinigsville.

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SECOND PUBLICATION

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Campbell, Elaine M., dec'd.

Late of Whitehall.

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Eckert, Joyce M., dec'd.

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Holaska, Beatrice M., dec'd.

Late of the City of Allentown.

Beatrice M. Holaska Restated Revocable Trust.

Trustee: Judith Holaska c/o Traud Law Offices, 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.

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Koehler, Betty A., dec'd.

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Kressley, Robert R., dec'd.

Late of 4408 Route 100, New Tripoli.

Administratrix: Doris E. Kressley, 48 Cider Run Road, Andreas, PA 18211.

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Moll, Catherine E., dec'd.

Late of Allentown.

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Muller, Ronald J., II a/k/a Ronald J. Muller and Ronald Muller, dec'd.

Late of Coplay.

Administrators: Kyle R. Muller a/k/a Kyle Robert Muller, 2265 Lafayette Park Drive, Apartment B8, Easton, PA 18040 and Kelly A. Bove, 6465 Mountain View Drive, Slatington, PA 18080.

Attorney: Marla J. Melman, Esquire, 1644 W. Walnut Street, Allentown, PA 18102, (610) 351-0855.

Neuman, Robert W., dec'd.

Late of Lehigh County.

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Nichols, Patricia E., dec'd.

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Smith, Dennis H., dec'd.

Late of Fogelsville.

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Stewart, Ruthann E., dec'd.

Late of Slatington.

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

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THIRD PUBLICATION

Baxe-vane, Mary, dec'd.

Late of Bethlehem City.

Executor: Nicholas Baxe-vane c/o Vivian I. Zumas, Esquire, 742 Main Street, Bethlehem, PA 18018.

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

Biggs, Jennifer Ann a/k/a Jennifer A. Biggs and Jennifer Biggs, dec'd.

Late of Emmaus.

Administrator: Ryan Joseph Seladones c/o Emily A. Zettle-

moyer, Esquire, Zettlemoyer Law Office, LLC, 53 North 3rd Street, Emmaus, PA 18049.
Attorneys: Emily A. Zettlemoyer, Esquire, Zettlemoyer Law Office, LLC, 53 North 3rd Street, Emmaus, PA 18049.

Conley, Deborah Theresa a/k/a Deborah T. Conley, dec'd.

Late of Whitehall.
Executrix: Jill M. Schrader a/k/a Jill Marie Schrader c/o Eric R. Strauss, Esquire, Gross McGinley, LLP, 33 South Seventh Street, P.O. Box 4060, Allentown, PA 18105.
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Csorba, Maria, dec'd.

Late of the City of Allentown.
Executrix: Mary A. Whitesell c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726.
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Galluzzo, Josephine F., dec'd.

Late of Coplay.
Co-Executors: Dominick Galluzzo, Jr., Rosali Galluzzo and Vincent Anthony Galluzzo c/o Norris McLaughlin, P.A., 515 W. Hamilton St., Ste. 502, Allentown, PA 18101.
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Garcia, Jose A., dec'd.

Late of Allentown.
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Gross, Peggy A., dec'd.

Late of Allentown.
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Gross, Rebecca J., dec'd.

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Grygorowicz, John R. a/k/a John Richard Grygorowicz, dec'd.

Late of Allentown.
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Kish, Lester C., dec'd.

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

Attorneys: Sara J. Hogan, Esquire, Plunkett & Graver, PC, 615 Waterfront Drive, Suite 301, Allentown, PA 18102.

Kloiber, Marie, dec'd.

Late of Emmaus.
Executrix: Carol Ann Hamscher c/o Norris McLaughlin, P.A., 515 W. Hamilton St., Ste. 502, Allentown, PA 18101.
Attorneys: Dolores A. Laputka, Esquire, Norris McLaughlin, P.A., 515 W. Hamilton St., Ste. 502, Allentown, PA 18101.

Moser, Joshua Douglas, dec'd.

Late of Allentown.
Administratrix: Karen L. Smith, 613 Green Street, Catasauqua, PA 18032.
Attorneys: Chad J. Sweigart, Esq., Dyller & Solomon, LLC, 88 N. Franklin Street, Wilkes-Barre, PA 18701, (570) 829-4860, chad@dyllersolomon.com.

Knibbe, Pieter, dec'd.

Late of Allentown.
Executrix: Anita E. Knibbe c/o Joshua T. Knafo, Esquire, 2400 Schoenersville Road, Bethlehem, PA 18017.
Attorneys: Joshua T. Knafo, Esquire, Knafo Law Offices, LLC, 2400 Schoenersville Road, Bethlehem, PA 18017.

Olsen, LaRue M., dec'd.

Late of Schnecksville.
Administrator C.T.A.: Louis V. Olsen, Jr. c/o Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.
Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Kufrovich, Mary C. a/k/a Mary M. Kufrovich, dec'd.

Late of Upper Saucon Township.
Executrix: Kim Marie Wirth a/k/a Kim M. Wirth.
Attorney: David M. Backenstoe, Esquire, 148 Main Street, Hellertown, PA 18055.

Oravec, Dolores L., dec'd.

Late of the Cith of Bethlehem.
Executrix: Doris A. Oravec, 1627 Shimer Avenue, Bethlehem, PA 18018.

Matthias, Barbara M., dec'd.

Late of Germansville.
Executor: Edwin F. Moyer.
Attorneys: Roberti & Roberti, LLC, 56 Broadway, P.O. Box 29, Jim Thorpe, PA 18229.

Rodgers, Bernard A. a/k/a Bernard Anthony Rodgers, dec'd.

Late of the City of Allentown.
Executrix: Irene L. Rodgers c/o Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101.
Attorneys: Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101.

McNickle, Kimberlee, dec'd.

Late of Slatington.
Executrix: Colleen McNickle c/o Sara J. Hogan, Esquire, Plunkett & Graver, PC, 615 Waterfront Drive, Suite 301, Allentown, PA 18102.

Schmidt, LaRue May, dec'd.

Late of Allentown.

Executor: Randall J. Schmidt
c/o R. Nicholas Nanovic, Es-
quire, 33 S. 7th Street, P.O. Box
4060, Allentown, PA 18105-
4060.

Attorney: R. Nicholas Nanovic,
Esquire, 33 S. 7th Street, P.O.
Box 4060, Allentown, PA 18105-
4060.

**Schuler, Madeline A. a/k/a Mad-
eline Anna Schuler, dec'd.**

Late of Allentown.

Executrix: Diane L. Gaumer c/o
Jon A. Swartz, Esquire, Prokup
& Swartz, 7736 Main Street,
Fogelsville, PA 18051-1616.

Attorneys: Jon A. Swartz, Es-
quire, Prokup & Swartz, 7736
Main Street, Fogelsville, PA
18051-1616.

Sedlock, Margaret E., dec'd.

Late of Macungie.

Executrices: Barbara R. Hope,
2702 Helen Street, Allentown,
PA 18104 and Margaret R.
Gibbs, 1900 NW Shore Terrace,
Stuart, FL 34994.

Attorney: Kristofer M. Metzger,
Esquire, P.O. Box 417, Center
Valley, PA 18034.

Seifert, Harry L., Jr., dec'd.

Late of Bethlehem City.

Executrix: Katherine E. Brown,
848 Lawrence St., Bethlehem,
PA 18015.

Attorney: Ron R. Miller, Esquire,
314 West Broad Street, Suite
118, Quakertown, PA 18951.

Simpson, Nancy C., dec'd.

Late of Macungie.

Executrix: Lindsay A. Simpson
c/o Rebecca M. Young, Esq. and
Lia K. Snyder, Esq., Young &
Young, 119 E. Main Street, Ma-
cungie, PA 18062.

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

Sterner, Diane E., dec'd.

Late of Macungie.

Co-Executors: Tami Barthol,
Debra O'Byrne and Charles
Kercher, III c/o The Roth Law
Firm, P.O. Box 4355, Allentown,
PA 18105.

Attorneys: Larry R. Roth, Es-
quire, The Roth Law Firm, P.O.
Box 4355, Allentown, PA 18105.

ORPHANS' COURT DIVISION
AUDIT LIST

JUDGE THOMAS A. CAPEHART

9:00 A.M.—OCTOBER 10, 2025

Estates and/or Trust Accts.

Judith E. Parker; J. Swartz

David B. Fern; R. Kreitz

Wendy A.W. Parr

C. of O.C. Division

S-26; O-3

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that
Articles of Incorporation were filed on
September 16, 2025 pursuant to the
provisions of the Pennsylvania Busi-
ness Corporation Law of 1988 as
amended, by the following corpora-
tion named:

WATERWAYS IRRIGATION INC.

S-26

**CORPORATE FICTITIOUS
NAME NOTICES**

NOTICE IS HEREBY GIVEN, pur-
suant to the provisions of Act 295 of
1982, as amended, of intention to file,
or the filing of, in the Office of the
Secretary of the Commonwealth of
Pennsylvania at Harrisburg, Pennsyl-
vania, a certificate for the conduct of
a business in Pennsylvania, under
the assumed or fictitious name, style
or designation of

Name: **MELINDA MARIE CASTLE** with its principal place of business at: 7508 Clayton Avenue, Coopersburg, PA 18036.

The name and address of the person and entity owning or interested in said business are: Melinda Wilson, and Castle Inspirations, LLC, 7508 Clayton Avenue, Coopersburg, PA 18036.

The certificate will be filed on or after September 17, 2025.

S-26

Name: **K CARDS AND COLLECTIBLES** with its principal place of business at: 6514 Robin Cir., Slatington, PA 18080.

The name of the entity owning or interested in said business are: Kunkle Consulting LLC.

The certificate will be filed on or after September 20, 2025.

S-26

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

No. 2025-FC-0234

CIVIL ACTION—IN CUSTODY

ARNEIL PAYTON,
and DAVID COOPERSTEIN
& CORIE COOPERSTEIN
as Grandparents

Plaintiffs

vs.

JESSIE COOPERSTEIN

Defendant

NOTICE

TO: JESSIE COOPERSTEIN

You, Jessie Cooperstein, have been sued in Court to obtain Shared Legal Custody and Shared Physical Custody of the minor child, H.C., born 2020.

A Custody Hearing has been scheduled for October 23, 2025 at 9:30 a.m. in Courtroom 2A on the 2nd Floor of the Lehigh County Courthouse.

IF YOU FAIL TO APPEAR AS PROVIDED AN ORDER FOR CUSTODY MAY BE ENTERED AGAINST YOU OR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

YOU MUST FILE WITH THE COURT A VERIFICATION REGARDING ANY CRIMINAL RECORD OR ABUSE HISTORY REGARDING YOU OR ANYONE LIVING IN YOUR HOUSEHOLD ON OR BEFORE THE INITIAL IN PERSON CONTACT WITH THE COURT.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, 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 complaint 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.

Lehigh County Bar Association
Lawyer Referral Service
1114 Walnut Street
Allentown, PA 18102
(610) 433-7094

GERALD M. BARR, ESQ.
1147 Bellair Drive
Allentown, PA 18103

S-26

NOTICE OF
ADMINISTRATIVE SUSPENSION

NOTICE IS HEREBY GIVEN that Jennifer Holumzer of Lehigh County has been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 13, 2025, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all active attorneys pay an annual assessment. The Order became effective September 12, 2025.

Dana Belella
Assistant Director
The Disciplinary Board of the
Supreme Court of Pennsylvania
S-26

NOTICE OF
FOREIGN WITHDRAWAL

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. 415 or 417, CORBY INDUSTRIES, INC. and PRO INTERNATIONAL, INC. intend to withdraw their registrations to do business in the Commonwealth of Pennsylvania. The jurisdiction of formation for each company is Delaware and the registered agent provider in Pennsylvania is CSC Global.

WILLIAM W. MATZ, JR., ESQ.
211 W. Broad Street
Bethlehem, PA 18018-5517
S-26

IN THE COURT OF COMMON
PLEAS OF LEHIGH COUNTY,
PENNSYLVANIA

NO. 2025-C-3781

TERM, EMINENT DOMAIN
PROCEEDING IN REM

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE
RIGHT-OF-WAY FOR STATE
ROUTE 1017, SECTION 02S
IN THE TOWNSHIP OF
SOUTH WHITEHALL

NOTICE OF CONDEMNATION
AND DEPOSIT OF ESTIMATED
JUST COMPENSATION

NOTICE IS HEREBY GIVEN that the Commonwealth of Pennsylvania, by the Secretary of Transportation, whose address is the Commonwealth of Pennsylvania, Department of Transportation, Office of Chief Counsel, Real Property Division, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(e), as amended, has filed on September 16, 2025, a Declaration of Taking to the above term and number, condemning the property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The Secretary of Transportation, on behalf of himself/herself and the Governor has approved the within condemnation by signing on September 19, 2024, a plan entitled "Drawings Authorizing Acquisition of Right-of-Way for State Route 1017 Section 02S R/W in Lehigh County", a copy of which plan was recorded in the Recorder's Office of the aforesaid county on May 13, 2025, in Instrument Number 2025011086.

The purpose of the condemnation is to acquire property for transportation purposes.

Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest thereby condemned is designated on the Declaration of Taking heretofore filed. The Commonwealth of Pennsylvania is not required to post security, inasmuch as it has the power of taxation.

Because the identity or the whereabouts of the condemnee(s) listed below is (are) unknown or for other reasons he (they) cannot be served,

this notice is hereby published in accordance with Section 305(b) of the Eminent Domain Code (26 Pa.C.S. §305(b)).

Claim No.; Parcel No.; Name; Address.

3900883000; 30; Unknown Owner; S.R. 1017, Station 112 + 17.7R to Station 122 + 86.19R.

The power or right of the Secretary of Transportation of the Commonwealth of Pennsylvania to appropriate the property condemned, the procedure followed by the Secretary of Transportation or the Declaration of Taking may be challenged by filing preliminary objections within thirty (30) days of the date of this notice.

FURTHERMORE, NOTICE IS GIVEN THAT the Commonwealth of Pennsylvania, Department of Transportation, pursuant to Section 522 of the Eminent Domain Code (26 Pa.C.S. §522), will, at the end of the above-referenced thirty (30) day time period within which to file preliminary objections to the Declaration of Taking, present a petition to the Court of Common Pleas of the above county to deposit into court the just compensation estimated by the Com-

monwealth to be due all parties in interest for damages sustained as the result of the condemnation of the property herein involved.

The petition to deposit estimated just compensation may not be presented to the court if the owner(s) of the property herein involved inform the District Right-of-Way Administrator of the District noted below of their existence and/or whereabouts prior to the expiration of the noted period. After estimated just compensation has been deposited into court, the said monies may be withdrawn by the persons entitled thereto only upon petition to the court. If no petition is presented within a period of six years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the Commonwealth without escheat.

/s/Kenneth S. Kutchinsky

Kenneth S. Kutchinsky
District Right-of-Way
Administrator
Engineering District 5-0
Pennsylvania Department of
Transportation

S-26

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

NO. 25005604

The following Real Estate will be sold at Sheriff's Sale at 10:00 A.M.

Friday, October 25, 2025

*in the Courthouse, Fifth and
Hamilton Streets, Allentown,
Pennsylvania.*

*Purchasers Must Immediately Pay
10% of the Purchase Price by
Certified Check.*

TO ALL PARTIES IN INTEREST
AND CLAIMANT:

Upon all sales where the filing of a Schedule of Distribution is required, the said Schedule will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale, and a Deed will be delivered to the PURCHASER and distribution will be made in accordance with the Schedule unless exceptions are filed thereto within ten (10) days thereafter.

On sales where the filing of a Schedule of Distribution is not required, a Deed will be delivered to the PURCHASER after the expiration of twenty (20) days from the date of sale, unless exceptions are taken to the sale within that period.

NO. 25005560

By virtue of a writ of execution No. 2025-C-1276, Keybank, N.A. s/b/m First Niagara Bank, N.A. v. Elias Gharzouzi; Diane Gharzouzi, owners of property situate in the Whitehall Township, Lehigh County, Pennsylvania, being 410 Sheridan St., Whitehall, PA 18052.

Tax Assessment No. 64071903-5513-1.

Improvements thereon: Residential dwelling.

Attorneys
Brock & Scott, PLLC

By virtue of a writ of execution No. 2024-C-4335, Pennsylvania Housing Finance Agency v. Shelly A. Lowin f/k/a Shelly A. Miller, owner of property situate in the Borough of Macungie, Lehigh County, Pennsylvania, being 40 Locust St., Macungie, PA 18062.

Tax Assessment No. 54738718-4417-1.

Improvements thereon: 2 1/2 Story dwelling house w/detached 1-car garage.

Attorneys
Leon P. Haller, Esq.
Purcell, Krug & Haller

NO. 25005606

By virtue of a writ of execution No. 2025-C-0731, Newrez LLC d/b/a Shellpoint Mortgage Servicing v. Sherry Crownover, As Believed Heir and/or Administrator to the Estate of Edwin H. Rivera; Gloria Torres, As Believed Heir and/or Administrator to the Estate of Edwin H. Rivera; Rebecca Lecher, As Believed Heir and/or Administrator to the Estate of Edwin H. Rivera; Unknown Heirs and/or Administrators of the Estate of Edwin H. Rivera, owners of property situate in the Salisbury Township, Lehigh County, Pennsylvania, being 1423 Garden Avenue, Allentown, PA 18103.

Tax Assessment No. 64164569-4967-1.

Improvements thereon: Single family dwelling.

Attorneys
Cristina L. Connor, Esq.
MDK Legal

NO. 25005609

By virtue of a writ of execution No. 2024-C-0409, U.S. Bank Trust National Association, Not In Its Indi-

vidual Capacity But Solely As Owner Trustee for VRMTG Asset Trust v. Lance Mueller; Jessica Mueller, owners of property situate in the Upper Macungie Township, Lehigh County, Pennsylvania, being 9345 Merlot Circle, Breinigsville, PA 18031.

Tax Assessment No. 54543866-2835-1.

Improvements thereon: Single family dwelling.

Attorneys
Cristina L. Connor, Esq.
MDK Legal

NO. 25005610

By virtue of a writ of execution No. 2024-C-3542, Marlin Mortgage Capital, LLC v. Michael B. Padgett, owner of property situate in the Whitehall Township, Lehigh County, Pennsylvania, being 5136 Mckinley Ave., Whitehall, PA 18052.

Tax Assessment No. 54897948-7529-1.

Improvements thereon: Single family dwelling.

Attorneys
Cristina L. Connor, Esq.
MDK Legal

NO. 25005633

By virtue of a writ of execution No. 2024-C-3821, Deutsche Bank National Trust Company, As Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-R7 v. Edward Ortega, owner of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 222 N. 11th St., Allentown, PA 18102.

Tax Assessment No. 54978027-5335-1.

Improvements thereon: Residential dwelling.

Attorneys
Queen N. Stewart, Esq.
Robertson, Anschutz, Schneid,
Crane & Partners, PLLC

NO. 25005684

By virtue of a writ of execution No. 2025-C-0309, Mortgage Assets Management, LLC v. Ann Kelby Fatzinger a/k/a Ann Fatzinger, In Her Capacity As Co-Executrix of the Estate of Leon D. Kelby, Jr. a/k/a Leon David Kelby, Jr. a/k/a Leon Kelby, Jr.; Maureen Kelby Sabol a/k/a Maureen Sabol, In Her Capacity As Coexecutrix of the Estate of Leon D. Kelby Jr. a/k/a Leon David Kelby, Jr. a/k/a Leon Kelby, Jr., owners of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 430 Cedar Creek Blvd., Allentown, PA 18104.

Tax Assessment No. 54963551-3275-1.

Improvements thereon: Residential dwelling.

Attorneys
Robertson, Anschutz, Schneid,
Crane & Partners, PLLC

NO. 25005725

By virtue of a writ of execution No. 2025-C-1462, MEB Loan Trust VIII v. Michael D. Bruni and Victoria L. Bruni, owners of property situate in the Whitehall Township, Lehigh County, Pennsylvania, being 5321 Main St., Whitehall, PA 18052.

Tax Assessment No. 55809176-8492-1.

Improvements thereon: Single family residential dwelling.

Attorneys
Hladik, Onorato & Federman, LLP

NO. 25005761

By virtue of a writ of execution No. 2025-C-0666, Deutsche Bank Trust Company Americas, As Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS6 v. Melida Porras a/k/a Melida

Adorno a/k/a Melina Porras, In Her Capacity As Co-Administratrix and Heir of the Estate of Hernan Porras; Lizette Donan a/k/a Lizette C. Donan a/k/a Lisette Donnan a/k/a Lizetec Porras a/k/a Carolina Porras Obando, In Her Capacity As Co-Administratrix and Heir of the Estate of Hernan Porras, owners of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 1028 Spring Garden St., Allentown, PA 18102.

Tax Assessment No. 549698480-1067-1.

Improvements thereon: Residential dwelling.

Attorneys
Brock & Scott, PLLC

NO. 25005797

By virtue of a writ of execution No. 2025-C-0511, Carrington Mortgage Services, LLC v. Paul Sadaphal and Sonia Topiarz, owners of property situate in the Upper Macungie Township, Lehigh County, Pennsylvania, being 1163 Tudor Dr., Breinigsville, PA 18031.

Tax Assessment No. 54549769-6167-1.

Improvements thereon: Residential dwelling.

Attorney
Samantha Gable, Esq.

NO. 25005799

By virtue of a writ of execution No. 2025-C-0649, Wilmington Savings Fund Society, FSB, Not Individually But Solely As Trustee for Finance of America Structured Securities Acquisition Trust 2019-HB1 v. Steven A. Danis; Deborah C. Danis, owners of property situate in the South Whitehall Township, Lehigh County, Pennsylvania, being 4010 W. Turner St., Allentown, PA 18104.

Tax Assessment No. 54861368-3424-1.

Improvements thereon: Residential dwelling.

Attorneys
Robertson, Anschutz, Schneid,
Crane & Partners, PLLC

NO. 25005924

By virtue of a writ of execution No. 2018-C-1219, People First Federal Credit Union v. Craig R. Andrews and Faith C. Andrews, owner(s) of property situate in the Borough of Alburtis, Lehigh County, Pennsylvania, being 600 Franklin St., Alburtis, PA 18011.

Tax Assessment No. 54637423-9647-1.

Improvements thereon: Residential property.

Attorney
William J. Fries, Esq.

NO. 25005929

By virtue of a writ of execution No. 2025-C-0476, Newrez LLC d/b/a Shellpoint Mortgage Servicing v. Ryan J. Legat, owner of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 240 North 8th St., Allentown, PA 18102.

Tax Assessment No. 54979195-1540-1.

Improvements thereon: Single-family two and a half story residential dwelling.

Attorneys
Jacqueline F. McNally, Esq.
Padgett Law Group

NO. 25006100

By virtue of a writ of execution No. 2024-C-4160, U.S. Bank Trust National Association, Not In Its Individual Capacity, But Solely As Owner Trustee for GS Mortgage-Backed Securities Trust 2021-RPI2 v. Miguel

LEHIGH LAW JOURNAL

Varela-Cepero, owner of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 137 East Fairview St., Allentown, PA 18109.

Tax Assessment No. 64077114-2240-1.

Improvements thereon: Residential property.

Attorneys
Jill M. Fein, Esq.
Hill Wallack LLP

JOSEPH N. HANNA
Sheriff of Lehigh County, PA
David M. Backenstoe
County Solicitor

S-26; O-3, 10



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PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, September 29, 2025**

THE COURT

The Hon. J. Brian Johnson, President Judge
The Hon. Robert L. Steinberg, Judge
The Hon. James T. Anthony, Judge
The Hon. Michele A. Varricchio, Judge
The Hon. Douglas G. Reichley, Judge
The Hon. Melissa T. Pavlack, Judge
The Hon. Anna-Kristie M. Marks, Judge
The Hon. Thomas M. Caffrey, Judge
The Hon. Thomas A. Capehart, Judge
The Hon. Zachary J. Cohen, Judge
The Hon. Carol K. McGinley, Senior Judge
The Hon. Edward D. Reibman, Senior Judge

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