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**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  
ARMSTEAD, ROBERT K., SR.,  
Dec'd.**

Late of Baltimore, MD.  
Administrator: David M. Armstead, 746 McCabe Ave., Baltimore, MD 21212.  
Attorney: Joseph G. Greco, Jr., Esquire, 571 East Center Street, Nesquehoning, PA 18240.

**KOCHER, ROGER LAW-  
RENCE a/k/a ROGER L.  
KOCHER, Dec'd.**

Late of 1146 Summer Mountain Road, Lehighton.  
Executor: Michael S. Kocher, 483 W. Lizard Creek Road, Lehighton, PA 18235.  
Attorney: William G. Malkames, Esquire, 509 W. Lin-

den Street, Allentown, PA 18101-1415.

**YELLEN, VERONICA D.**, Dec'd.  
Late of the Township of Mahoning.

Executrix: Margaret A. Deibert, 120 Beaver Run Drive, Lehighton, PA 18235-9529.

Attorney: Marianne S. Lavelle, Esquire, 415 Mahoning Street, Lehighton, PA 18235-1351.

**SECOND PUBLICATION**

**BANDISH, DAVID J.**, Dec'd.  
Late of 245 Kilmer Trail, P.O. Box 1465, Albrightsville.

Executrix: Christina M. Bandish, 245 Kilmer Trail, P.O. Box 1465, Albrightsville, PA 18210.

Attorney: None.

**BOYLE, DANIEL IGNATIUS**  
a/k/a **DANIEL I. BOYLE**,  
Dec'd.

Late of Lake Harmony.  
Administratrix: Barbara Anne Boyle, 38 Frost Lane, P.O. Box 300, Albrightsville, PA 18210.

Attorneys: Roberti & Roberti, LLC, 56 Broadway, P.O. Box 29, Jim Thorpe, PA 18229.

**FABIAN, STELLA**, Dec'd.  
Late of the Borough of Nesquehoning.

Co-Executors: Marie T. Krepicz, 8618 Rextown Road, Slatington, PA 18080 and Charles R. Treskot, 543 Franklin Avenue, Palmerton, PA 18071.

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

**FREY, JOHN A.** a/k/a **JOHN A. FREY, SR.**, Dec'd.

Late of East Penn Township.

Executors: Joseph Frey, 111 Lafayette Avenue, Palmerton, PA 18071 and Susan J. Frey, 226 Lilac Lane, Lehighton, PA 18235.

Attorneys: Michael L. Ozalas, Esquire, Ozalas & McKinley, 47 Broadway, Jim Thorpe, PA 18229.

**STEFANICK, JOHN L., SR.**  
a/k/a **JOHN L. STEFANICK**  
a/k/a **JOHN STEFANICK**,  
Dec'd.

Late of the Borough of Summit Hill.

Executrix: Sharon E. Sherry a/k/a Sharon E. Antolick, R.R. 1, Box 2380, Davos Circle, Zions Grove, PA 17983.

Attorney: Joseph J. Velitsky, Esquire, 49 East Ludlow Street, Summit Hill, PA 18250.

**THIRD PUBLICATION**

**KOBAL, SANDRA M.**, Dec'd.  
Late of the Township of Lower Towamensing.

Executrix: Sheila M. Koch, 1835 Hemlock Street, Palmerton, PA 18071.

Attorneys: James A. Wimmer, Esquire, Philip & Wimmer, 419 Delaware Avenue, P.O. Box 157, Palmerton, PA 18071.

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NOTICE OF SHERIFF'S SALE

IN THE COURT OF  
COMMON PLEAS OF  
CARBON COUNTY,  
PENNSYLVANIA

NO. 14-2170

WELLS FARGO BANK, NA

vs.

UNKNOWN HEIRS,  
SUCCESSORS, ASSIGNS AND  
ALL PERSONS, FIRMS OR  
ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST  
FROM OR UNDER MARK J.  
BORUSIEWICZ, DECEASED

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

NOTICE TO: UNKNOWN  
HEIRS, SUCCESSORS, AS-  
SIGNS AND ALL PERSONS,  
FIRMS OR ASSOCIATIONS  
CLAIMING RIGHT, TITLE

OR INTEREST FROM OR  
UNDER MARK J. BORUSIE-  
WICZ, DECEASED

Being Premises: 540 TOWA-  
MENSING TRAILS ROAD  
a/k/a 540 TOWAMENSING  
TRAIL, ALBRIGHTSVILLE, PA  
18210.

Being in PENN FOREST  
TOWNSHIP, County of CAR-  
BON, Commonwealth of Penn-  
sylvania, 22A-51-C1569.

Improvements consist of resi-  
dential property.

Sold as the property of UN-  
KNOWN HEIRS, SUCCESSORS,  
ASSIGNS AND ALL PERSONS,  
FIRMS OR ASSOCIATIONS  
CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER  
MARK J. BORUSIEWICZ, DE-  
CEASED.

Your house (real estate) at 540  
TOWAMENSING TRAILS  
ROAD a/k/a 540 TOWA-  
MENSING TRAIL, ALBRIGHTS-  
VILLE, PA 18210 is scheduled to  
be sold at the Sheriff's Sale on  
April 8, 2016 at 11:00 A.M., at the  
CARBON County Courthouse,  
P.O. Box 147, Jim Thorpe, PA  
18229, to enforce the Court Judg-  
ment of \$143,560.94 obtained by,  
WELLS FARGO BANK, NA (the  
mortgagee), against the above  
premises.

PHELAN HALLINAN  
DIAMOND & JONES, LLP  
Attorneys for Plaintiff

Mar. 4

CARBON COUNTY LAW JOURNAL

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NOTICE

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

NO. 16-0012

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

Reverse Mortgage  
Solutions, Inc.,  
Plaintiff

vs.

Unknown Heirs, Successors,  
Assigns and All Persons, Firms  
or Associations Claiming Right,  
Title or Interest From or Under  
Theresa M. Halulko, William  
Witt, Known Heir of Theresa  
M. Halulko, John Halulko,  
Known Heir of Theresa M.  
Halulko, Alex Halulko, Known  
Heir of Theresa M. Halulko and  
Thomas Halulko, Known Heir  
of Theresa M. Halulko,  
Defendants

COMPLAINT IN MORTGAGE  
FORECLOSURE

TO: Unknown Heirs, Successors,  
Assigns and All Persons,  
Firms or Associations Claim-  
ing Right, Title or Interest  
From or Under Theresa M.  
Halulko, Defendant(s), whose  
last known address is 796  
Edgemont Avenue, Palmer-  
ton, PA 18071

You are hereby notified that Plaintiff, Reverse Mortgage Solutions, Inc., has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Carbon County, Pennsylvania, docketed to NO. 16-0012, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 796 Edgemont Avenue, Pal-  
merton, PA 18071, whereupon your property would be sold by the Sheriff of Carbon County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, 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

CARBON COUNTY LAW JOURNAL

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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 THE 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.

Carbon County Lawyer Referral Service

North Penn Legal Services

101 W. Broad St.

Ste. 513

Hazleton, PA 18201

(877) 515-7195

MARK J. UDREN, ESQUIRE

LORRAINE GAZZARA

DOYLE, ESQUIRE

SHERRI J. BRAUNSTEIN,

ESQUIRE

ELIZABETH L. WASSALL,

ESQUIRE

JOHN ERIC KISHBAUGH,

ESQUIRE

NICOLE B. LaBLETТА,

ESQUIRE

DAVID NEEREN, ESQUIRE

MORRIS SCOTT, ESQUIRE

UDREN LAW OFFICES, P.C.

Attys. For Plaintiff

111 Woodcrest Rd.

Ste. 200

Cherry Hill, NJ 08003

(856) 669-5400

Mar. 4

CARBON COUNTY LAW JOURNAL

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COMMON PLEAS OF CARBON COUNTY  
SHERIFF'S SALE OF VALUABLE REAL ESTATE  
Sheriff's Office, Courthouse Building, Jim Thorpe, PA

SHERIFF'S NOTICE: The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises.

Notice is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff on March 21, 2016 and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter.

ANTHONY C. HARVILLA  
Sheriff, County of Carbon  
www.carboncountysheriff.com  
Feb. 19, 26; Mar. 4

**Sale of the real estate described below shall be held on Friday, March 11, 2016 at 11:00 a.m. at the Carbon County Courthouse.**

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**SALE #1**

Writ of Execution No.: 14-2097.

Property Address: 125 State Road, Lehighton, PA 18235-2826.

Location: Franklin.

Improvements: Residential Dwelling.

Defendants: Darlene E. Pazo a/k/a Darlene E. Mumma, Jason D. Mumma.

**SALE #2**

Writ of Execution No.: 15-0879.

Property Address: 747 Pine Street, Palmerton, PA 18071-0000.

Location: Bowmanstown.

Improvements: Residential Dwelling.

Defendants: Tammy Kemmerer a/k/a Tammy Ann Beers, Jamie Smith.

**SALE #3**

Writ of Execution No.: 15-2624.

Property Address: 249 Avenue B, Palmerton, PA 18071-1806.

Location: Palmerton.

Improvements: Residential Dwelling.

Defendant: Benjamin Gothard.

**SALE #4**

Writ of Execution No.: 15-2797.

Property Address: 640 South Old Stage Road a/k/a 640 Old Stage Road, Albrightsville, PA 18210.

Location: Penn Forest.

Improvements: Residential Dwelling.

Defendants: Matthew MacArthur and Caitlin MacArthur.

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**SALE #5**

Writ of Execution No.: 15-0615.

Property Address: 869 Mauch Chunk Road, Palmerton, PA 18071.

Location: Palmerton.

Improvements: Residential Dwelling.

Defendant: Melanie Appello.

**SALE #6**

Writ of Execution No.: 15-2566.

Property Address: 830 Jamestown Road, Lehighton, PA 18235.

Location: Lehighton.

Improvements: Residential Dwelling.

Defendants: Anna Marie Hartzell, Dylan Hancharick.

**SALE #7**

Writ of Execution No.: 15-2836.

Property Address: 314-316 2nd Street, Weatherly, PA 18255.

Location: Weatherly.

Improvements: Residential Dwelling.

Defendants: Thomas W. Keener and Frances M. Keener.

**SALE #8**

Writ of Execution No.: 14-2638.

Property Address: 10 White Lane, Jim Thorpe, PA 18229-1021.

Location: Jim Thorpe.

Improvements: Unknown.

Defendant: Andrea D. Sargent a/k/a Andrea Sargent.

**SALE #9**

Writ of Execution No.: 12-0283.

Property Address: 276 Lehigh Avenue, Palmerton, PA 18071.

Location: Palmerton.

Improvements: Unknown.

Defendant: Christopher Solarczyk.

**SALE #10**

Writ of Execution No.: 11-0495.

Property Address: 1494 Mauch Chunk Road, Palmerton, PA 18071.

Location: Palmerton.

Improvements: Unknown.

Defendants: Jacqueline Morales, Known Heir of Desiderio Morales, Last Record Owner, Christina Morales, Known Heir of Desiderio Morales, Last Record Owner, Anthony Morales, Known Heir of Desiderio Morales, Last Record Owner, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under Desiderio Morales, Last Record Owner, Desiderio Morales, Last Record Owner.

**SALE #11**

Writ of Execution No.: 14-1185.

Property Address: 57 Old Stage Road, Albrightsville, PA 18210.

Location: Penn Forest.

Improvements: Unknown.

Defendants: Valerie Hadu, Manfred Kaschlaw.

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**SALE #12**

Writ of Execution No.: 15-1239.

Property Address: 10 6th Street, Jim Thorpe, PA 18229.

Location: Jim Thorpe.

Improvements: Residential Dwelling.

Defendants: Carol R. Wiley and Gregory W. Acevedo.

**SALE #13**

Writ of Execution No.: 15-1611.

Property Address: 20 Lake Drive, Lake Harmony, PA 18624.

Location: Kidder.

Improvements: Unknown.

Defendant: Marie G. Delaney.

**SALE #14**

Writ of Execution No.: 15-0529.

Property Address: 125 Watson Park Boulevard, Lehigh, PA 18235.

Location: Lehigh.

Improvements: A Residential Dwelling.

Defendant: Seong Chun Park As Executor of the Estate of Yoo Yong Park a/k/a Yoo Yong, Deceased.

**SALE #15**

Writ of Execution No.: 15-1128.

Property Address: 226 Wild Creek Drive, Jim Thorpe, PA 18229.

Location: Jim Thorpe.

Improvements: A Residential Dwelling.

Defendants: Sylvia L. Wilkes, Michael S. Wilkes a/k/a Mikle S. Wilkes.

**SALE #16**

Writ of Execution No.: 12-1232.

Property Address: 252/254 South Seventh Street, Lehigh, PA 18235.

Location: Borough of Lehigh.

Improvements: A Residential Dwelling.

Defendant: Verdell A. W. Felter.

**SALE #17**

Writ of Execution No.: 13-0710.

Property Address: 58 Morning Star Lane, Lehigh, PA 18235.

Location: East Penn.

Improvements: Unknown.

Defendants: Gary K. Hafer and Denise Wentland.

**SALE #18**

Writ of Execution No.: 14-2893.

Property Address: 345 Pine Cone Drive, Lehigh, PA 18235.

Location: Franklin.

Improvements: Unknown.

Defendant: Arthur L. Handson, III.

**SALE #19**

Writ of Execution No.: 15-2242.

Property Address: 1 & 2 Redwood & Poplar, Albrightsville, PA 18210.



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Location: Kidder.  
Improvements: Residential  
Property.  
Defendants: Janelle Bonilla,  
Quay Lawson a/k/a Quay Z.  
Lawson

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

IN RE: AMENDMENT OF LOCAL RULES OF:  
CIVIL PROCEDURE :  
CARB.R.C.P.1028 (c) PRELIMINARY :  
OBJECTIONS, CARB.R.C.P. 1034(a) :  
MOTION FOR JUDGMENT : NO. 16-0382  
ON THE PLEADINGS AND :  
CARB.R.C.P. 1035.2 (a) MOTION FOR :  
SUMMARY JUDGMENT :

*ADMINISTRATIVE ORDER NO. 8-2016*

AND NOW, this 24th day of February, 2016, it is hereby  
**ORDERED** and **DECREED** that, effective April 1, 2016, the Carbon County Court of Common Pleas **AMENDS** Carbon County Rules of Civil Procedure CARB.R.C.P. 1028 (c) governing Preliminary Objections, Carbon County Rule of Civil Procedure CARB.R.C.P. 1034 (a) governing a Motion for Judgment on the Pleadings, and Carbon County Rule of Civil Procedure CARB.R.C.P. 1035.2 (a) governing a Motion for Summary Judgment.

The Carbon County District Court Administrator is **ORDERED** and **DIRECTED** to

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish the Rules on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.
4. File one (1) certified copy with the Civil Procedural Rules Committee.
5. Forward one (1) copy for publication in the *Carbon County Law Journal*.
6. Forward one (1) copy to the Carbon County Law Library.
7. Keep continuously available for public inspection copies of the Administrative Order and Rules in the Prothonotary's Office.

BY THE COURT:

\_\_\_\_\_  
ROGER N. NANOVIC,  
PRESIDENT JUDGE

### **RULE 1028(c)—PRELIMINARY OBJECTIONS**

- 1 A proposed order shall be attached to all preliminary objections.
- 2 The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P.210 for form, content of brief, service and filing requirements.
- 3 The adverse party shall file an answer when endorsed with a Notice to Plead.
- 4 If an amended pleading is not filed within twenty (20) days of service of the preliminary objections, the matter shall be decided on briefs unless the assigned Judge requests that argument be scheduled. If a party desires argument, a Praeceptum for Argument shall accompany the motion or be filed by the respondent within twenty (20) days of service of the preliminary objections. A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of argument, if so ordered by the Judge. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.
- 5 If the Preliminary Objections raise issues of fact not of record, evidence by way of depositions or otherwise shall be filed of record to enable the objections to be properly decided.

**RULE 1034(a)—MOTION FOR JUDGMENT ON THE PLEADINGS.**

- 1 A party moving for judgment on the pleadings shall simultaneously file with the motion a proposed order and supporting brief. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P.208.2 (a) (5) shall be attached to the motion. Pa.R.C.P.440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P.210.
- 2 A response shall be filed within twenty (20) days after service of the motion.
- 3 If a party desires argument, a Praecipe for Argument shall accompany the motion or response. However, the Court may dispose of any motion without oral argument.
- 4 A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of any argument ordered by the Judge. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.
- 5 A party who fails to respond to the motion may be deemed to have no opposition to its grant.
- 6 A party who fails to file a brief shall not be permitted to argue.

**RULE 1035.2(a)—MOTION FOR SUMMARY JUDGMENT**

- 1 A party moving for summary judgment shall simultaneously file with the motion a proposed order and supporting brief. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P.208.2 (a) (5) shall be attached to the motion. Pa.R.C.P.440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P.210.
- 2 Any party opposing the motion shall file a response within thirty (30) days of service of the motion, together with a certificate of service evidencing service in accordance with number one above. Service shall be required on the District Court Administrator. A party who fails to respond to the motion shall be deemed to be unopposed to the granting of the motion without contest.
- 3 Upon service of the motion and response on the District Court Administrator, the matter shall be decided on briefs unless the assigned Judge orders that argument be scheduled. If a party desires argument, a Praeipce for Argument shall accompany the motion or response. However, the Court may dispose of any motion without oral argument.
- 4 A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of any argument ordered by the Judge or requested by the filing of the Praeipce for Argument. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.
- 5 A party who fails to file a brief shall not be permitted to argue.

IN THE COURT OF COMMON PLEAS  
OF CARBON COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

IN RE: REVISION OF CARBON COUNTY :  
LOCAL RULE OF CRIMINAL :  
PROCEDURE 117—COVERAGE: : NO. CP-13-AD-  
ISSUING WARRANTS; : 0000004-2016  
PRELIMINARY ARRAIGNMENTS : (Old No. 103  
AND SUMMARY TRIALS; : MI 00)  
AND SETTING AND ACCEPTING :  
BAIL :

**ADMINISTRATIVE ORDER NO. 9-2016**

AND NOW, this 24th day of February, 2016, pursuant to Pa.R.Crim.P. 117, it is hereby

ORDERED and DECREED, that effective April 1, 2016, the Carbon County Court of Common Pleas REVISES Local Rule of Criminal Procedure CARB.R.Crim.P. 117 governing coverage for issuing warrants, conducting preliminary arraignments and summary trials and setting and accepting bail.

The Carbon County District Court Administrator is ORDERED and DIRECTED to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies, one (1) computer diskette and a copy of the written notification received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Administrative Order on the Unified Judicial System's website at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

BY THE COURT:

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ROGER N. NANOVIC, P.J.

**RULE 117 COVERAGE: ISSUING WARRANTS; PRELIMINARY ARRAIGNMENTS AND SUMMARY TRIALS; AND SETTING AND ACCEPTING BAIL.**

1. Each Magisterial District Court Office shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:00 A.M. to 4:30 P.M., prevailing time, which times may be modified with the approval of the President Judge to meet the needs of the public and the Court.
2. A Magisterial District Judge shall be available on-call at all times of all days without unreasonable delay to provide continuous coverage for the issuance of search warrants and arrest warrants, for the setting and acceptance of bail, and for the issuance of emergency orders under the Protection From Abuse Act, the Act of March 21, 2014, P. L. 365, No. 25 relating to the Protection of Victims of Sexual Violence or Intimidation, and the Older Adult Protective Services Act. This rule shall be satisfied by number 3 and 4 below.
3. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty for availability on a rotating basis pursuant to a semi-annual/annual schedule prepared by the District Court Administrator. When a Magisterial District Judge who has jurisdiction over a particular matter is unavailable during regular business hours, authority to act is transferred to other Magisterial District Judges in the 56th Judicial District pursuant to the aforesaid assignment to on-call duty stated above.
4. Magisterial District Judges during regular business hours, an on-call Magisterial District Judge while on-call, the Clerk of Courts during business hours and the Warden, or in his absence, the Deputy Warden or Sergeant in charge of the Carbon County Correctional Facility, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

Effective August 1, 2006  
Revision effective April 1, 2016

5. A Magisterial District Judge assigned to on-call duty shall be available for preliminary arraignments in accordance with the following schedule:
  - A. For arrests occurring after the close of regular business hours but before 8:00 P.M., and for arrests occurring on weekends or holidays between 8:00 A.M. and 8:00 P.M., the Magisterial District Judge shall respond to the call and conduct a preliminary arraignment utilizing the on-screen video arraignment connection between the police station and the Magisterial District Court prior to detention at the Carbon County Correctional Facility. Scheduling of the arraignment shall be initiated by the arresting officer contacting the Comm. Center by telephone and requesting an arraignment. Arraignments shall be scheduled whenever:
    1. The defendant is arrested pursuant to a warrant, and
    2. In those circumstances where an arrest has been made without a warrant and for which the defendant is to be afforded a preliminary arraignment without unnecessary delay, (See Pa.R.Crim.P. 519), after the completion of the criminal complaint.
  - B. For arrests occurring after 8:00 P.M. but before 8:00 A.M. on weekends or holidays, and before 8:00 A.M. on weekdays, preliminary arraignments shall be scheduled as follows:
    1. For arrests pursuant to a warrant and those arrests requiring preliminary arraignment pursuant to Pennsylvania Rule of Criminal Procedure 519, the arresting agency, including the state police, municipal police or sheriff, is authorized to detain the prisoner at the Carbon County Correctional Facility until 8:00 A.M. the following morning. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by advanced communication technology at the Carbon County Correctional Facility at 8:00 A.M. to preside at the Preliminary Arraignment. The on-call Magisterial District Judge shall contact the Carbon County Cor-

Effective August 1, 2006  
Revision effective April 1, 2016



- rectional Facility no later than 7:30 A.M. to determine whether any Defendants are so detained.
2. Prior to detaining a prisoner at the Carbon County Correctional Facility under this Rule, the arresting agency shall contact the facility to ascertain that adequate detention facilities are available for temporary detention in accordance with this Rule. If no detention facilities are available at the facility, the arresting agency shall notify the on-call Magisterial District Judge through the Communication Center of that fact and a preliminary arraignment shall be required prior to detention or commitment to Prison.
  3. The arresting agency detaining the Defendant shall provide the Magisterial District Judge with copies of the Criminal Complaint, of the Affidavit of Probable Cause in support thereof, and a copy of the Bail Information Sheet for Overnight Arraignments regarding the defendant's criminal record and flight risk, and the officer's bail recommendation, by depositing the same at the Carbon County Correctional Facility and faxing copies to the Magisterial District Court Office. The arresting agency shall be responsible to deliver or mail within twenty-four (24) hours all original documents to the Magisterial District Court office who issued the warrant or within whose jurisdiction the offense occurred.
  4. The arresting officer(s) need not appear at the Preliminary Arraignment provided the documents identified in paragraph (B) (3) are provided. In the alternative, the arresting officer may appear at the Preliminary Arraignment in lieu of prior submission of these documents; however, no person shall be detained under this rule without the completion and submission of a completed criminal Complaint and Affidavit of Probable Cause. A copy shall be delivered to the Carbon County Correctional Facility and a copy faxed to the Magisterial District Court office for the Judge's use.

Effective August 1, 2006  
Revision effective April 1, 2016

5. The provisions of this Rule allowing for temporary detention of prisoners shall not apply to the performance of any other duties of the on-duty Magisterial District Judge during the hours of 8:00 P.M. to 8:00 A.M.
6. The Carbon County Correctional Facility shall identify a detention area for prisoners so detained in accordance with the Standard Operating Procedures of the Carbon County Correctional Facility for temporary detention of individuals at the Prison.
7. The Carbon County Correctional Facility is directed to make available to the on-duty Magisterial District Judge appropriate space or advanced communication technology availability between the hours of 8:00 A.M. and 9:00 A.M. to perform the Preliminary Arraignment at the Prison.
8. Upon completion of the Preliminary Arraignment, the detention authorized by this Rule shall terminate and the person detained shall be processed in accordance with the Orders of the Magisterial District Judge at the Preliminary Arraignment or, if no Preliminary Arraignment has been done, the person shall be released from detention and the arresting agency shall arrange for the Preliminary Arraignment of the person otherwise in accordance with the Rules of Criminal Procedure.
9. If the Preliminary Arraignment is conducted by advanced communication technology, upon completion of the Preliminary Arraignment, copies of all commitment orders, bail orders, etc. shall be faxed from the Magisterial District Judge to the Carbon County Correctional Facility and the originals mailed to the Carbon County Correctional Facility on the next regular business day. If the Preliminary Arraignment is conducted at the Correctional Facility, original documents shall be provided to the Carbon County Correctional Facility at the time of the Preliminary Arraignment.

Effective August 1, 2006  
Revision effective April 1, 2016

C. Nothing in this Rule shall alter the requirements of Carbon County Local Criminal Rules of Procedure 202 regarding approval of search warrant application by attorney for the Commonwealth and Rule 507 regarding approval of police complaints and arrest warrant affidavits by the Attorney for the Commonwealth.

Effective August 1, 2006  
Revision effective April 1, 2016