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CASES REPORTED

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CENTER and YASMEEN AHMED, M.D., Defendants

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**BRIANNA LANTZY, Plaintiff v.
WELLSPAN URGENT CARE CENTER
and YASMEEN AHMED, M.D.,
Defendants**

Corporate Liability – Negligent Supervision

No. 2008 – SU – 2575-01

1. Plaintiff brought this medical malpractice action. Defendant, an urgent care center, filed a Demurrer on Plaintiff's claims for corporate liability and negligent supervision. The Court sustained the demurrer on the corporate count and denied preliminary objections to the negligent supervision count.

In the Court of Common Pleas of York County Pennsylvania; **BRIANNA LANTZY, Plaintiff v. WELLSPAN URGENT CARE CENTER and YASMEEN AHMED, M.D., Defendants.** Corporate Liability – Negligent Supervision.

COUNSEL OF RECORD:

STEVEN D. STAMBAUGH, Esq.
For the Plaintiff

JAMES W. SAXTON, Esq. &
KAREN E. MINEHAN, Esq.
For the Defendants

BORTNER, J., September 8, 2009

OPINION

FACTS AND PROCEDURAL HISTORY

Plaintiff, Brianna Lantzy, is an adult individual residing in Red Lion, Pennsylvania. Defendant, WellSpan Urgent Care Center, ("WellSpan") is a business operating at 1101 South Edgar Street in York, Pennsylvania. Defendant, Yasmeen Ahmed, M.D., is a medical doctor practicing at WellSpan's 1101 South Edgar Street location.

On June 3, 2006, Plaintiff went to the WellSpan Urgent Care Center to treat a stomach illness. Dr. Ahmed examined Ms. Lantzy and recommended IV fluids and an injection for her nausea. After several unsuccessful attempts by a nurse to place the IV in Ms. Lantzy's arm, the nurse was able to place the IV in Ms. Lantzy's right hand. When the IV was placed, blood squirted all over the nurse's pants. Ms. Lantzy requested that the injection be done through the IV rather than through her buttocks. The nurse stated that the injection could be administered through the IV, but that a doctor must do it.

Dr. Ahmed re-entered the room and advised Ms. Lantzy that she would administer an injection of Phenergan through the IV. Dr. Ahmed pressed the hold button on the IV and inserted the syringe. As Dr. Ahmed administered the Phenergan, Ms. Lantzy expressed concern that she did not like Phenergan because of a prior experience where it caused a burning sensation entering her body. Dr. Ahmed continued to administer the injection, but Ms. Lantzy felt no burning and believed the Phenergan was backing up in the IV tube. Ms. Lantzy expressed concern about the Phenergan backing up. Dr. Ahmed indicated that this was not a problem and pressed the run button on the IV. The entire dose of Phenergan was then released into Ms. Lantzy's arm causing a severe burning sensation from Ms. Lantzy's hand to her neck. Ms. Lantzy became lightheaded, dizzy, and disoriented while experiencing tightness and pain in her chest.

Ms. Lantzy told Dr. Ahmed that her arm felt like it was on fire and she could not breathe. After Ms. Lantzy made this statement multiple times, Dr. Ahmed kinked the IV tube and instructed Plaintiff's roommate to "go get someone right away." The roommate returned with an EMT. When questioned about where the nurse was, the EMT stated that the nurse went home to change her pants. Dr. Ahmed and the EMT then stripped the tape from Ms. Lantzy's hand and removed the IV.

Ms. Lantzy developed phlebitis and deep vein thrombosis in her right arm. Ms. Lantzy also claims she suffers from mental anguish, discomfort, inconvenience, distress, loss of life's pleasures, humiliation, embarrassment, disfigurement, and a sense of impaired health and well being.

On May 30, 2008, Ms. Lantzy filed a Praecipe for a Writ of Summons with the Office of the Prothonotary of York County. Certificates of merit were filed on August 25, 2008. Pursuant to a rule to file a complaint, Ms. Lantzy filed a Complaint on October 14, 2008. On April 22, 2009, Defendant WellSpan filed preliminary objections to the Complaint along with a brief in support thereof. On July 22, 2009, Ms. Lantzy responded to the preliminary objections. On August 6, 2009, WellSpan filed a reply brief and a praecipe to list the case for one-judge disposition. Oral argument was requested but the Court denies that request because the arguments contained in the briefs are sufficient.

DISCUSSION

I. Standard

When considering the legal sufficiency of the complaint, the court must accept all mate-

rial averments of the plaintiff as true. See *Lerner v. Lerner*, 954 A.2d 1229, 1234 (Pa. Super. Ct. 2008); *Schwarzwaelder v. Fox*, 895 A.2d 614, 618 (Pa. Super. Ct. 2006). The court may only grant the demurrer if “the law says with certainty that no recovery is possible . . . under any theory of law.” *Id.* Furthermore, if any doubt exists as to whether the demurrer should be sustained, it must be resolved in favor of overruling the demurrer. *Mistick, Inc. v. Northwestern Nat’l Cas. Co.*, 806 A.2d 39, 42 (Pa. Super. Ct. 2002).

II. Analysis

This case involves a question as to whether a corporate negligence or other negligence action can be brought against a professional corporation operating an urgent care center. We will first undertake a brief history of hospital liability in Pennsylvania.

The Supreme Court of Pennsylvania, in *Flagiello v. Pennsylvania Hospital*, reversed the long-standing hospital immunity. Prior to 1965, hospitals in Pennsylvania were immune from tort liability because they functioned similarly to charitable organizations.¹ *Thompson v. Nason Hosp.*, 591 A.2d 703, 706, 707 (Pa. 1991). The nature of hospitals changed, however, to “highly sophisticated corporations operating primarily on a fee-for-service basis.” *Id.* at 706. Due to this change, the Supreme Court abolished the doctrine of charitable immunity as it applied to hospitals. *Flagiello v. Pennsylvania Hosp.*, 208 A.2d 193, 208 (Pa. 1965). Since the *Flagiello* decision, the Supreme Court and Superior Court adopted the theories of vicarious liability and ostensible agency as they apply to hospitals. *Thompson*, at 707; *Tonsic v. Wagner*, 329 A.2d 497 (Pa. 1974); *Capan v. Divine Providence Hosp.*, 430 A.2d 647 (Pa. Super. Ct. 1980). In *Thompson*, the Supreme Court extended hospital liability to include claims based on corporate negligence. *Thompson*, at 707. Unlike vicarious liability and ostensible agency, the theory of corporate negligence does not require proof that any third party was negligent. *Id.*

A. Corporate Negligence

Under the corporate negligence theory, a hospital has four general duties:

(1) a duty to use reasonable care in the maintenance of safe and adequate facilities and equipment . . . ; (2) a duty to select and retain only competent physicians . . . ; (3) a duty to oversee all persons who practice medicine within its walls as to patient care . . . ; and (4) a duty to formulate, adopt and enforce adequate rules and policies to ensure quality care for the patients”

Id. (internal citations omitted). These duties flow directly to the patient and liability does not depend on the negligence of a third party. *Id.* The adoption of corporate negligence as a basis of liability was, in part, a “recognition of the corporate hospital’s role in the total health care of its patients.” *Id.* at 708.

In *Sutherland v. Monongahela Valley Hospital*, the Superior Court refused to extend the theory of corporate negligence to a physician’s office. *Sutherland v. Monongahela Valley Hosp.*, 856 A.2d 55, 61-62 (Pa. Super. Ct. 2004). The Court reasoned that the underlying policy considerations were not present because the physician’s office did not have the same role in the total health care of its patients. See *id.* The Court also rejected vicarious liability of the employer because there was no evidence of negligence on the part of the employee. *Id.* at 62. The *Sutherland* decision does not prohibit claims based on vicarious liability or ostensible agency.

Plaintiff argues that it should be permitted to maintain a suit for corporate negligence against WellSpan because “it is quite possible that Defendant Urgent Care Center is, in fact, a wholly owned, managed, controlled, directed and supervised subsidiary of the WellSpan Medical Group” which includes York Hospital. (Pl.’s Br. in Opp. to Prelim. Obj. at 6-7.) As noted by WellSpan, facts regarding the arranging and coordinating of a patient’s total health care have not been alleged in the Complaint. Even presuming all of the allegations are true, the Court cannot find that Defendant WellSpan is a hospital or other entity engaged in the total health care of its patients. Therefore, to the extent Count I is based on a theory of corporate negligence, the preliminary objection will be sustained.

B. Negligent Supervision

In *Yee v. Roberts*, the Superior Court recognized that a dental practice can be directly liable for negligent supervision. *Yee v. Roberts*, 878 A.2d 906, 914 (Pa. Super. Ct. 2005). In so recognizing direct liability based on negligent supervision, the *Yee* Court cited the *Sutherland* decision but did not expressly overrule it. *Yee v. Roberts*, 878 A.2d 906, 914 (Pa. Super. Ct. 2005). The only way to reconcile the two cases is to presume that the law views negligent supervision and corporate negligence as two separate causes of action although they appear to embody similar principles. See *Korber v. Weaver*, No. 08-SU-6278, slip op. at 7-8 (Pa. Ct. Com. Pl., York Cty., Aug. 25, 2009). Presuming both *Yee* and *Sutherland* are good law, an action for negligent supervision must be cognizable whereas an action for corporate negligence is not.

As noted above, the court may only grant the demurrer if “the law says with certainty that no recovery is possible . . . *under any theory of law.*” *Schwarzwaelder*, at 618. Since an action for negligent supervision is cognizable, the Court must determine if Count I sufficiently alleges a cause of action for negligent supervision. Section 317 of the Restatement (Second) of Torts, as adopted by the Supreme Court of Pennsylvania, lays out the theory of negligent supervision. *See Dempsey v. Walso Bureau, Inc.*, 246 A.2d 418, 419-420 (Pa. 1968).

A master is under a duty to exercise reasonable care to control his servant while acting outside the scope of his employment as to prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them, if

- (a) the servant
 - (i) is upon the premises in possession of the master or upon which the servant is privileged to enter only as his servant, or
 - (ii) is using the chattel of the master, and
- (b) the master
 - (i) knows or has reason to know that he has the ability to control his servant, and
 - (ii) knows or should know of the necessity and opportunity for exercising such control.

REST. (2D) TORTS § 317.²

The Complaint alleges that Dr. Ahmed was acting as an agent within the scope of her employment. (Compl. ¶¶ 11, 12, 16.) The Doctor was on the property of WellSpan and it can be reasonably inferred that she was using WellSpan’s equipment. (*See* Compl. ¶¶ 2-3, 7-12.) As the principal in the relationship, WellSpan should have known it had the ability to control its agents.

It appears that Dr. Ahmed was acting within the scope of her employment. However, Ms. Lantzy may plead a cause of action in the alternative in the event Dr. Ahmed is found not to have acted within the scope of their employment.³ *See* PA. R. CIV. P. 1020(c). Therefore, Ms. Lantzy has stated a valid claim for negligent supervision.

CONCLUSION

For the foregoing reasons, this Court will SUSTAIN in part and DENY in part Defendant’s Preliminary Objections.

BY THE COURT

MICHAEL E. BORTNER, JUDGE

Date: September 8, 2009

ORDER

AND NOW, this 8th day of September 2009, upon consideration of the Preliminary Objections filed on behalf of Defendant, WellSpan Urgent Care Center, all responses thereto, and all matters of record, it is hereby Ordered that the Preliminary Objections are GRANTED in part and DENIED in part. The preliminary objections are SUSTAINED to the extent that Count I alleges liability based on corporate negligence. Plaintiff is given 20 days to amend the Complaint to allege facts sufficient to sustain a claim for corporate negligence. The preliminary objections are DENIED to the extent that Count I alleges liability based on negligent supervision.

BY THE COURT,

MICHAEL E. BORTNER, JUDGE

FOOTNOTES

¹ The original charitable immunity arose only in claims against eleemosynary institutions, which included hospitals. *Knecht v. St. Mary’s Hosp.*, 140 A.2d 30, 31 (Pa. 1958); *Fire Ins. Patrol v. Boyd*, 15 A. 533, 557 (Pa. 1888).

² Negligent supervision applies where the agent acts outside his scope of employment; whereas, vicarious liability imposes liability for the acts of an agent, which acts are within the scope of employment. *See, e.g., Tallarico v. Autenreith*, 31 A.2d 906, 907 (Pa. 1943). Vicarious liability is not at issue here because it is pled in Count II to which no preliminary objections were filed.

³ The claim in Count I is listed as a “Professional Negligence” claim, rather than “corporate negligence” or “negligent supervision;” therefore, the Court will allow the claim if either theory of negligence is supported by the facts alleged in the Complaint.

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FIRST PUBLICATION

SHIRLEY A. BAKER late of West Manchester Twp., York Co., PA, deceased. Pamela J. Jackson, 37 Chesapeake Estates, Thomasville, Pennsylvania 17364, Executrix. Joseph C. Korsak, Esquire, Attorney. 2-4-3t

DIANE F. BERWAGER late of Penn Twp., York Co., PA, deceased. Gary S. Peklo, 3685 Park Ave., Ellicott City, MD 21043, Executor. G. Steven McKonly, Esquire, Attorney. 2-4-3t

URSULA IRMA MARGARET BOETZELEN late of Spring Garden Twp., York Co., PA, deceased. Marc Roberts, 149 East Market Street, York, PA 17401, Executor. Marc Roberts, Esquire, Attorney. 2-4-3t

ALMEDA G. BOYD late of Dallastown Borough, York Co., PA, deceased. Bonnie L. Keller, c/o 120 Pine Grove Commons, York, PA 17403, Executrix. Elder Law Firm of Robert Clofine. Robert Clofine, Esquire, Attorney. 2-4-3t

HELEN M. BURKE late of Chanceford Twp., York Co., PA, deceased. Patsy A. Burke and Reynold L. Burke, c/o 2997 Cape Horn Rd., Suite A-6, Red Lion, PA 17356, Executors. Eveler & Eveler LLC, Attorney. 2-4-3t

CAROLYN S. CAGLE late of Spring Grove Borough, York Co., PA, deceased. Karen S. Leland, c/o 29 East Philadelphia Street, York, PA 17401, Administratrix. Blake & Gross, LLC. Kurt A. Blake, Esquire, Attorney. 2-4-3t

RUTH E. CAROTHERS late of North Hopewell Twp., York Co., PA, deceased. Teresa Ann Breneman, c/o 2997 Cape Horn Rd., Suite A-6, Red Lion, PA 17356, Executrix. Eveler & Eveler LLC, Attorney. 2-4-3t

MILDRED A. COTTINGHAM late of Springettsbury Twp., York Co., PA, deceased. Carol L. Cottingham, 113 Shelbourne Drive, York, PA 17403, Executrix. Gregory H. Gettle, Esquire, Attorney. 2-4-3t

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CLARA C. HILLEGASS late of West Manchester Twp., York Co., PA, deceased. Larry Lucabaugh, 1885 Shiloh Drive, York, PA 17408 and Nancy Crawford, 703 Harman Avenue, Hanover, PA 17331, Executrices. Gilbert G. Malone, Esquire, Attorney. 2-4-3t

RICHARD PAUL HOETH, JR., a/k/a RICHARD P. HOETH, JR. late of Manchester Twp., York Co., PA, deceased. Richard Paul Hoeth, Sr., & Joann Hoeth, 5250 Board Road, Mt. Wolf, PA 17347, Executors. Martin Miller, Esquire, Attorney. 2-4-3t

TERRY LEE INGRAM late of Mount Wolf Borough, York Co., PA, deceased. Edward P. Seeber, Suite C-400, 555 Gettysburg Pike, Mechanicsburg, PA 17055, Administrator. James, Smith, Dietterick & Connelly, LLP. Edward P. Seeber, Esquire, Attorney. 2-4-3t

ALICE L. KELLY late of Fairview Twp., York Co., PA, deceased. Craig A. Kelly and Sharon K. Kelly, c/o 3901 Market Street, Camp Hill, PA 17011-4227, Co-Executors. COYNE & COYNE, P.C. Lisa Marie Coyne, Esquire, Attorney. 2-4-3t

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KARIN E. MCGOWAN late of West Manchester Twp., York Co., PA, deceased. Manufacturers and Traders Trust Company, c/o Anna M. Lamond, Vice President, 21 East Market Street, York, PA 17401, Executor. STOCK AND LEADER. Thomas M. Shorb, Esquire, Attorney. 2-4-3t

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Lion, PA 17356, Executor. Eveler & Eveler LLC, Attorney. 2-4-3t

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DONALD H. WALTER late of Penn Twp., York Co., PA, deceased. Donna T. Keith, 29 Timber Lane, Hanover, PA 17331 and Sandra M. Blocher, 455 Bankert Road, Hanover, PA 17331, Executrices. Guthrie, Nonemaker, Yingst & Hart. Keith R. Nonemaker, Esquire, Attorney. 2-4-3t

KENNETH H. WELSH late of Penn Twp., York Co., PA, deceased. Robert A. Zorbaugh, 195 W. Hoke St., Spring Grove, PA 17362 and Helen R. Zorbaugh, 195 W. Hoke St., Spring Grove, PA 17362, Executors. Guthrie, Nonemaker, Yingst & Hart. Matthew L. Guthrie, Esquire, Attorney. 2-4-3t

SECOND PUBLICATION

STEFAN K. ALEXANDROV late of Hanover Borough, York Co., PA, deceased. Maria T. Alexandrov, c/o 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, Executrix. McNeese Wallace & Nurick LLC. Richard W. Stevenson, Esquire, Attorney. 1-28-3t

NANCY M. BAIR late of Springettsbury Twp., York Co., PA, deceased. Robert J. Bair and Patti B. Millington, 480 Quaker Dr., York, PA 17402, Co-Executors. Gregory H. Gettle, Esquire, Attorney. 1-28-3t

BETTY L. BRENNER late of Springettsbury Twp., York Co., PA, deceased. Michele L. Smith and Suzanne H. Griest, c/o 129 East Market Street, York, PA 17401, Co-Executrices. Suzanne H. Griest, Esquire, Attorney. 1-28-3t

LEROY J. DUBBS late of New Freedom Borough, York Co., PA, deceased. Gail Kohler, 1280 Ruxton Road, York, PA 17403, Executrix. STOCK AND LEADER. Ronald L. Hershner, Esquire, Attorney. 1-28-3t

JACK R. DUNCAN late of Jackson Twp., York Co., PA, deceased. Steven R. Duncan, c/o 138 East Market Street, York, PA 17401, Executor. Goldfein & Joseph. Leo E. Gribbin, Esquire, Attorney. 1-28-3t

JACQUELYN M. ERB a/k/a JACQUELYN MARCH ERB late of Hanover Borough, York Co., PA, deceased. Andrea M. Erb, 232 Broadway, Hanover, PA 17331 and Joseph E. Erb, Jr., 213 East Middle Street, Hanover, PA 17331, Co-Executors. Stonesifer and Kelley, P.C. 1-28-3t

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LLOYD M. HESS late of Penn Twp., York Co., PA, deceased. Ellise M. Moynahan, 27 Pigeon Hill Park Rd., Hanover, PA 17331, Executrix. Guthrie, Nonemaker, Yingst & Hart. Keith R. Nonemaker, Esquire, Attorney. 1-28-3t

ANNA BELLE JANES late of West Manheim Twp., York Co., PA, deceased. Sue Ellen J. Shay, 2685 Baltimore Pike, Hanover, PA 17331, Executrix. Crabbs & Crabbs. John M. Crabbs, Esquire, Attorney. 1-28-3t

HAROLD KEYTON late of the Fairview Twp., York Co., PA, deceased. Robert J. Keyton, 838

Old Forge Road, New Cumberland, PA 17070, Executor. Caldwell & Kearns, P.C. Elizabeth H. Feather, Esquire, Attorney. 1-28-3t

DONALD D. KISER a/k/a DONALD DONOHUE KISER late of North York Borough, York Co., PA, deceased. Shonna F. Kiser, c/o 129 East Market Street, York, PA 17401, Executrix. Griest, Himes, Herrold, Schaumann, Ferro, LLP. Laurence T. Himes, Jr., Esquire, Attorney. 1-28-3t

WOODROW E. LEFFLER, SR. late of North Codorus Twp., York Co., PA, deceased. Woodrow E. Leffler, Jr., 1493 Clayoma Ave., York, PA 17408, Executor. John W. Stitt, Esquire, Attorney. 1-28-3t

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GLENN D. REISINGER late of Dover Twp., York Co., PA, deceased. Shirley M. Reisinger, P.O. Box 129, Dover, PA 17315, Executrix. Griest, Himes, Herrold, Schaumann, Ferro LLP. John C. Herrold, Esquire, Attorney. 1-28-3t

LAWRENCE F. RIZZUTO late of West York Borough, York Co., PA, deceased. Peggy Ann Rizzuto, 1501 W. Philadelphia St., York, PA 17404, Executrix. John W. Stitt, Esquire, Attorney. 1-28-3t

LOUISE M. RUBY late of Springettsbury Twp., York Co., PA, deceased. Lois Ann Miller, c/o 2997 Cape Horn Rd., Suite A-6, Red Lion, PA 17356, Executrix. Eveler & Eveler LLC, Attorney. 1-28-3t

ANNA A. SHAFFER late of Springettsbury Twp., York Co., PA, deceased. Brian C. Shaffer and Robin D. Shaffer, c/o 120 Pine Grove Commons, York, PA 17403, Executors. Elder Law Firm of Robert Clofine. Robert Clofine, Esquire, Attorney. 1-28-3t

HAROLD E. SHEELY a/k/a HAROLD EDWARD SHEELY late of Hanover Borough, York Co., PA, deceased. Deborah Ann Sheely, c/o 4 High Street, Hanover, PA 17331, Executrix. Scott A. Ruth, Esquire, Attorney. 1-28-3t

RICHARD T. SNYDER late of Newberry Twp., York Co., PA, deceased. Glenn E. Snyder, c/o 135 North George St., Ste. #213, York, PA 17401, Executor. Peter J. Mangan, Esquire, Attorney. 1-28-3t

RAYMOND V. STRICKLER late of York Twp., York Co., PA, deceased. John D. Miller, Jr. and David E. Miller, c/o 137 East Philadelphia Street, York, PA 17401-1424, Co-Personal Representatives. Miller, Poole & Lord, LLP. John D. Miller, Jr., Esquire, Attorney. 1-28-3t

FRED WALKER late of West York Borough, York Co., PA, deceased. Shane R. Walker, c/o 119 East Market St., York, PA 17401, Executor. Ream, Carr, Markey & Woloshin LLP. Audrey E. Woloshin, Esquire, Attorney. 1-28-3t

RUTH A. WISOTZKEY a/k/a RUTH ADELE WISOTZKEY late of Hanover Borough, York Co., PA, deceased. Richard Francis Wisotzkey, 904 Sherwood Street, Hanover, PA 17331, Executor. MOONEY & ASSOCIATES. John J. Mooney, III, Esquire, Attorney. 1-28-3t

THIRD PUBLICATION

FAIRIE I. BAKER late of Carroll Twp., York Co., PA, deceased. Darlene F. Klinedinst, 280 Big Rock Drive, Dover, PA 17315 or Thomas H. Baker, 5 York Rd., York Haven, PA 17370, Executors. The Wiley Group, P.C. Jan M. Wiley, Esquire, Attorney. 1-21-3t

RUTH E. BAPTISTI late of Carroll Twp., York Co., PA, deceased. Gene A. Baptisti, 700 Mumper Lane, Dillsburg, PA 17019, Executor. The Wiley Group, P.C. Jan M. Wiley, Esquire, Attorney. 1-21-3t

RICHARD A. BECKER a/k/a RICHARD A. BECKER, SR. late of Lower Windsor Twp., York Co., PA, deceased. Danyiel J. Cleckley and Richard A. Becker, Jr., c/o 901 Delta Road, Red Lion, PA 17356, Co-Administrators. Andrea S. Anderson, Esquire, Attorney. 1-21-3t

MARY T. CLINTON late of Springettsbury Twp., York Co., PA, deceased. Deanna J. Brehm, 153 Rustic Drive, Shippensburg, PA 17257, Administratrix. Eugene R. Campbell, Esquire, Attorney. 1-21-3t

JOHN R. FELIX late of Dillsburg Borough, York Co., PA, deceased. Robert Q. Felix, 515 Stoney Run Road, Dillsburg, PA 17019, Executor. Jane M. Alexander, Esquire, Attorney. 1-21-3t

WILLIAM R. FOLCOMER late of N. Codorus Twp., York Co., PA, deceased. Valerie Therrien Elliott, c/o 1157 Eichelberger Street, Suite 4, Hanover, PA 17331, Administratrix. Law Offices of Douglas H. Gent. Linda S. Siegle, Esquire, Attorney. 1-21-3t

LUELLA RUTH FORRY a/k/a LUELLA R. FORRY late of Hanover Borough, York Co., PA, deceased. Robert E. Forry, c/o 1157 Eichelberger Street, Suite 4, Hanover, PA 17331, Executor. Law Offices of Douglas H. Gent. Douglas H. Gent, Esquire, Attorney. 1-21-3t

KATHRYN E. FRITZ late of York Twp., York Co., PA, deceased. Gloria Jean Becker and Henry B. Leader, c/o 221 West Philadelphia St., Suite 600E, York, PA 17401-2994, Co-Executors. STOCK AND LEADER. Thomas M. Shorb, Esquire, Attorney. 1-21-3t

WELLS GEMBERLING late of York City, York Co., PA, deceased. Barney Gorin, 465 Golden Ash Mews, Gaithersburg, MD 20878, Executor. Fred E. Kilgore, Esquire, Attorney. 1-21-3t

MARY L. KEENER late of Windsor Twp., York Co., PA, deceased. David L. Keener and Jeffrey E. Keener, 465 Burkholder Road, Red Lion, PA 17356, Co-Executors. Eugene R. Campbell, Esquire, Attorney. 1-21-3t

HELEN J. LANDIS late of Fairview Twp., York Co., PA, deceased. Susan K. Landis, Mary J. Umphred and Karen L. Goss, c/o 130 State Street, Harrisburg, PA 17101, Administratrices. Marvin Beshore, Esquire, Attorney. 1-21-3t

JOANNE D. LEWIS late of Springfield Twp., York Co., PA, deceased. Wanda Grim, Sherry Lewis and Dwayne Lewis, c/o 48 South Duke Street, York, PA 17401, Executors. Manifold & Bankenstein. Bruce C. Bankenstein, Esquire, Attorney for Estate. 1-21-3t

GRACE P. LINCH late of Dover Twp., York Co., PA, deceased. Sidney K. Linch, c/o 135 North George Street, York, PA 17401, Executor. CGA Law Firm, PC. Richard K. Konkel, Esquire, Attorney. 1-21-3t

GERALDINE R. MOORE a/k/a GERALDINE ROMAINE MOORE late of York City, York Co., PA, deceased. Brenda R. Garretson, c/o 48 South Duke Street, York, PA 17401, Executrix. Manifold & Bankenstein. Bruce C. Bankenstein, Esquire, Attorney. 1-21-3t

CONSTANCE MARIE MORRIS late of York Co., PA, deceased. Lawrence A. Morris, 546 River Road, Delta, PA 17314, Executor. 1-21-3t

CLEON G. MORRISON late of Wrightsville Borough, York County, PA, deceased. Diane L. Sheriff and Larry D. Morrisson, c/o 120 Pine Grove Commons, York, PA 17403, Executors.

The Elder Law Firm of Robert Clofine. Erin J. Miller, Esquire, Attorney. 1-21-3t

TREVA R. MYERS late of Manchester Twp., York Co., PA, deceased. Marcia Ann Hallman, 321 N. Main St., Manchester, PA 17345, Executrix. John W. Stitt, Esquire, Attorney. 1-21-3t

WILLIAM R. RALL late of Spring Garden, York Co., PA, deceased. Cristy A. Weigel, c/o 110 South Northern Way, York, PA 17402, Executrix. Griffith, Strickler, Lerman, Solymos & Calkins. Robert M. Strickler, Esquire, Attorney. 1-21-3t

HELEN M. RENDA late of West Manchester Twp., York Co., PA, deceased. Carol A. Renda, c/o 2025 E. Market Street, York, PA 17402, Executrix. Richard H. Mylin, III, Esquire, Attorney. 1-21-3t

ANDRE G. RICHARD a/k/a ANDY RICHARD late of Conewago Twp., York Co., PA, deceased. Norma A. Richard, c/o 2025 E. Market Street, York, PA 17402, Executrix. Richard H. Mylin, III, Esquire, Attorney. 1-21-3t

RAYMOND J. ROHE late of Hanover Borough, York Co., PA, deceased. Susan J. Rizer, 322 Pleasant St., Hanover, PA 17331, Administratrix. Guthrie, Nonemaker, Yingst & Hart. D.J. Hart, Esquire, Attorney. 1-21-3t

CASSANDRA E. SAVITZ a/k/a CASSANDRA EYSTER SAVITZ late of York Twp., York Co., PA, deceased. Gerald L. Savitz, c/o 1735 Market St., 51st Fl., Phila., PA 19103, Executor. Ballard Spahr LLP. Lindsey P. Erme, Esquire, Attorney. 1-21-3t

WENDY LEE SHIVE late of Dover Borough, York Co., PA, deceased. Heather E. Draggoo, c/o 1157 Eichelberger Street, Suite 4, Hanover, PA 17331, Administratrix. Law Offices of Douglas H. Gent. Linda S. Siegle, Esquire, Attorney. 1-21-3t

WILLIAM T. SHOLLEY, JR. late of Carroll Twp., York Co., PA, deceased. Sarah E. Kutz, c/o 1011 Mumma Road, Suite 201, Lemoyne, PA 17043, Executrix. David H. Radcliff, Esquire, Attorney. 1-21-3t

CHARLES EVANS SIPE a/k/a CHARLES E. SIPE late of Springettsbury Twp., York Co., PA, deceased. Darlene E. Still, c/o 910 South George Street, York, PA 17403, Administrator. Bellomo & Platt, LLC. Nathan C. Platt, Esquire, Attorney. 1-21-3t

DOROTHY M. SPRIGG a/k/a DOROTHY E. SPRIGG late of York City, York Co., PA, deceased. Marguerite L. Rupp, 2843 Tonys Drive, York, PA 17408, Personal Representative. Puhl, Eastman & Thrasher. Harold A. Eastman, Esquire, Attorney. 1-21-3t

ORPHAN'S COURT

To All legatees creditors and person interested:

Notice is hereby given that the following accounts have been filed in the office of the Clerk of Orphans' Court Division for confirmation and distribution of the balance therein shown to the creditors, legatees next to kin, heirs and others legally entitled thereto on February 10, 2010 at 9:00 a.m and will be called in the order named for audit and distribution by said Court, in Courtroom No. 6, on the 6th floor of the York County Judicial Center at 45 North George St. in the City of York, Pennsylvania.

1. HERBST – The First and Final Account of Sylvia D. Riddle and Lynn E. Herbst, Co-Executors of the Last Will and Testament and Codicil of Everett S. Herbst, Late of Winterstown Borough, York County, Pennsylvania, deceased, 6709-0503. (David M. Laucks, Esq.)

2. BECKER – The First and Final Account of Betty Jane March, Executrix of the Last Will and Testament of Emma J. Becker, Late of Dover Township, York County, Pennsylvania, deceased, 6709-0889. (John M. Hamme, Esq.)

3. GRAHAM – The First and Final Account of Shelby J. Frey, Sheila M. Runkle, and Georgia L. Reider, Co-Executrices of the Last Will and Testament of Vera M. Graham, Late of Lower Windsor Township, York County, Pennsylvania, deceased, 6709-0835. (David M. Laucks, Esq.)

4. PARDUE – The First and Final Account of David E. Miller, Executor of the Last Will and Testament of Guyla M. Pardue, Late of Spring Garden Township, York County, Pennsylvania, deceased, 6709-0632. (Marc Roberts, Esq.)

5. JENKINS – The First and Final Account of Algard P. Shaffer, Executor of the Last Will and Testament of Marvin D. Jenkins, Late of Loganville Borough, York County, Pennsylvania, deceased, 6708-1762. (D. Reed Anderson, Esq.)

6. AZOR – The First and Final Account of Bernade Azor, Administratrix of the Estate of Eugene Azor, Late of West York Borough, York County, Pennsylvania, deceased. 6709-0308. (David A. Mills, Esq.)

FILED IN THE OFFICE OF THE CLERK OF ORPHANS' COURT DIVISION OF THE COMMON PLEAS COURT, YORK COUNTY, PENNSYLVANIA ON OR BEFORE January 13, 2010

BRADLEY C. JACOBS

COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA,
ORPHANS' COURT DIVISION

1-28-2t

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CIVIL NOTICES

DANIEL SCHMIEG, Esquire

2-4-1t

Attorney for Plaintiff

ACTION IN MORTGAGE FORECLOSURE

BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2006, GSAMP TRUST 2006-HE5

vs.

MICHAEL T. MCDOWELL & MARIA L. MCDOWELL

NO. 2009-SU-002549-06

NOTICE TO: MICHAEL T. MCDOWELL & MARIA L. MCDOWELL

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY"

ALL THAT following described lot of ground situate, lying and being in FAWN GROVE Borough, County of YORK Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

Being Premises: 40 WEST MAIN STREET AKA 40 MAIN STREET, FAWN GROVE, PA 17321

Improvements consist of residential property. Sold as the property of MICHAEL T. MCDOWELL & MARIA L. MCDOWELL Parcel # 61-000-01-0086.00-00000

Your house (real estate) at 40 WEST MAIN STREET AKA 40 MAIN STREET, FAWN GROVE, PA 17321 is scheduled to be sold at the Sheriff's Sale on APRIL 12, 2010 at 2:00PM., at the YORK County Courthouse to enforce the Court Judgment of \$186,904.60 obtained by, BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2006, GSAMP TRUST 2006-HE5 (the mortgagee), against your Prop. sit. in FAWN GROVE Township, County of YORK, and State of Pennsylvania.

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard Suite 1400
Philadelphia, PA 19103-1814
Phone (215)563-7000, Ext 1533
Fax (215)563-7009

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for the holders of Morgan Stanley Asset-Backed Certificates, Series 2007-1 4708 Mercantile Drive Ft. Worth, TX 76137, Plaintiff

v.

CARLOS D. SIMMONS and YOLANDA D. SIMMONS 440 North Burberry Lane Mount Wolf, PA 17347 10402 Slocum Court Clinton, MD 20735, Defendants

NO. 2009-SU-004536-06

NOTICE OF SALE OF REAL PROPERTY

TO: CARLOS D. SIMMONS and YOLANDA D. SIMMONS, Defendants, 440 North Burberry Lane Mount Wolf, PA 17347

Your house (real estate) at 440 North Burberry Lane, Mount Wolf, PA 17347 is scheduled to be sold at the Sheriff's Sale on April 12, 2010 at 2:00 P.M. in the York County Judicial Center, 45 North George Street, York, PA, to enforce the court judgment of 274,112.59, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATE IN THE TOWNSHIP OF EAST MANCHESTER, YORK COUNTY, PENNSYLVANIA, BEING IDENTIFIED AS LOT 7 SHOWN ON A PLAN OF LOTS KNOWN AS ASBURY PINES, FINAL SUBDIVISION PLAN, AS PREPARED BY STAHLMAN & STAHLMAN, INC., YORK, PA, DRAWING NO. A-02-027, DATED 10/11/04, AND RECORDED AT THE YORK COUNTY RECORDER OF DEEDS OFFICE IN PLAN BOOK 1778; PAGE 230, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST SIDE OF NORTH BURBERRY LANE APPROXIMATELY 706.32 FEET NORTHWEST FROM THE CENTERLINE INTERSECTION OF ABBY DRIVE AND BURBERRY LANE, SAID POINT ALSO MARKING THE NORTHWEST CORNER OF LOT 84 ON PLAN OF ASBURY PINES, FINAL SUBDIVISION PLAN HEREIN-ABOVE MENTIONED; THENCE ALONG THE NORTH SIDE OF LOT 6 THE FOLLOWING BEARING AND DISTANCE; SOUTH 31 DEGREES 34 MINUTES 49 SECONDS WEST FOR A DISTANCE OF

141.00 FEET TO AN POINT; THENCE ALONG LANDS NOW OR FORMERLY OF BENJAMIN F. SMITH, NORTH 54 DEGREES 25 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 115.57 FEET TO A POINT; THENCE ALONG THE SOUTH SIDE OF LOT 8 NORTH 30 DEGREES 12 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 120.09 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY OF NORTH BURBERRY LANE; THENCE ALONG THE WESTERN RIGHT-OF-WAY OF NORTH BURBERRY LANE AND A CURVE TO THE LEFT HAVING A RADIUS OF 580.00 FEET, ARC LENGTH OF 69.32 FEET, AND A CHORD OF SOUTH 63 DEGREES 12 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 69.28 FEET TO A POINT; THENCE ALONG THE SAME RIGHT-OF-WAY LINE SOUTH 66 DEGREES 38 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 49.62 FEET TO A POINT AND THE PLACE OF BEGINNING.

CONTAINING 0.3464 ACRE OR 15,088 SQ. FT. OF LAND.

SUBJECT TO A STORM WATER DRAINAGE EASEMENT LOCATED IN THE REAR YARD AREA AS SHOWN ON THE ABOVE MENTIONED PLAN.

BEING KNOWN AS: 440 North Burberry Lane, Mount Wolf, PA 17347

PROPERTY ID NO.: 26-18-7

TITLE TO SAID PREMISES IS VESTED IN CARLOS D. SIMMONS AND YOLANDA D. SIMMONS, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY BY DEED FROM ASBURY PINES PARTNERS, LLC, TITLED OWNER DATED 1/26/07 RECORDED 2/1/07 IN DEED BOOK 1872 PAGE 5244.

UPI# 260001800070000000

UDREN LAW OFFICES, P.C.

MARK J. UDREN, STUART WINNEG, LORRAINE DOYLE, ALAN M. MINATO, CHANDRA M. ARKEMA
111 Woodcrest Rd., Ste. 200
Cherry Hill, NJ 08003
856-482-6900

2-4-1t Attorneys for Plaintiff

ONEWEST BANK FSB, Plaintiff vs.
DERON J. GARRITY and
MICHELLE S. GARRITY, Defendants

NO: 2009-SU-4605-06

**NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY**

TO: Deron J. Garrity and Michelle S. Garrity, Defendants, whose last known address is 474 Countryside Road, Seven Valleys, PA 17360.

Your house (real estate) at: 474 Countryside Road, Seven Valleys, PA 17360, 47-9-61, is scheduled to be sold at Sheriff's Sale on June 14, 2010 at: York County Judicial Center, 45 North George Street, York, PA 17401, at 2:00PM to enforce the court judgment of \$456,591.00 obtained by OneWest Bank FSB against you. PROPERTY DESCRIPTION: ALL THAT CERTAIN UNIT NO. 61 OF LOGAN'S RESERVE, A PLANNED COMMUNITY (THE "COMMUNITY") SUCH COMMUNITY BEING LOCATED PARTLY IN SPRINGFIELD TOWNSHIP AND PARTLY IN LOGANVILLE BOROUGH, YORK COUNTY, PENNSYLVANIA, WHICH UNIT IS DESIGNATED IN THE DECLARATIN OF COVENANTS AND RESTRICTIONS FOR LOGAN'S RESERVE, A PLANNED COMMUNITY (THE "DECLARATION") AND DECLARATION PLATS AND PLANS RECORDED AS AN EXHIBIT THERETO IN THE OFFICE OF THE YORK COUNTY RECORDER OF DEEDS IN IDENTIFICATION NUMBER 2004045223 RECORD BOOK 1653, PAGE 8882, TOGETHER WITH ANY AND ALL AMENDMENTS THERETO.

**NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT
THIS SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action: 1. The sale will be cancelled if you pay back to OneWest Bank FSB the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call:(610)278-6800. 2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause. 3. You may be able to stop the sale through other legal proceedings. 4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice below on how to obtain an attorney.) YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE. 5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling (610)278-6800. 6. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property. 7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 717-771-9601. 8. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened. 9. You have a right to remain in the property until

the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you. 10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule. 11. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

York County Lawyer Referral Service, 137 E. Market St., York, PA 17401, (717)854-8755

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

SHAPIRO & DeNARDO, LLC

CHRISTOPHER A. DeNARDO
3600 HORIZON DRIVE, SUITE 150
KING OF PRUSSIA, PA 19406
610-278-6800

2-4-1t Atty. for Plaintiff

SUNTRUST MORTGAGE, INC.

vs.

ZACHARY A. WASHINGTON &
SHERRON D. WASHINGTON

NO. 2008-SU-005401-06

NOTICE TO: SHERRON D. WASHINGTON

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY"

ALL THAT following described lot of ground situate, lying and being in WINDSOR Township, County of YORK Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

Being Premises: 795 CLYDESDALE DRIVE,
YORK, PA 17402

Improvements consist of residential property. Sold as the property of ZACHARY A. WASH-

INGTON & SHERRON D. WASHINGTON
Parcel # 53-000-33-024.00-00000

Your house (real estate) at 795 CLYDESDALE DRIVE, YORK, PA 17402 is scheduled to be sold at the Sheriff's Sale on APRIL 12, 2010 at 2:00PM., at the YORK County Courthouse to enforce the Court Judgment of \$321,913.30 obtained by, SUNTRUST MORTGAGE, INC. (the mortgagee), against your Prop. sit. in WINDSOR Township, County of YORK, and State of Pennsylvania.

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard Suite 1400
Philadelphia, PA 19103-1814
Phone (215)563-7000, Ext 1533
Fax (215)563-7009

DANIEL SCHMIEG, Esquire

2-4-1t Attorney for Plaintiff

WELLS FARGO BANK, NA

Vs.

RICHARD J. WOOD, II.,

Heir Of The Estate Of Richard J. Wood

MICHAEL WOOD, RICHARD J. WOOD, II.,

Heir Of The Estate Of Richard J. Wood

GREGORY WOOD, RICHARD J. WOOD, II.,

Heir Of The Estate Of Richard J. Wood

UNKNOWN HEIRS, SUCCESSORS,

ASSIGNS, AN ALL PERSONS, FIRMS, OR,

ASSOCIATIONS CLAIMING RIGHT, TITLE

OR INTEREST FROM OR UNDER RICHARD
J. WOOD, DECEASED

NO. 2008-Su-004524-06

NOTICE

TO Richard J. Wood, II., Heir Of The Estate Of Richard J. Wood, Michael Wood, Richard J. Wood, II., Heir Of The Estate Of Richard J. Wood, and Gregory Wood, Richard J. Wood, II., Heir Of The Estate Of Richard J. Wood:

You are hereby notified that on September 17, 2008, Plaintiff, Wells Fargo Bank, NA, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of York County Pennsylvania, docketed to No. 2008-Su-004524-06. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 765 conewago Creek road, Manchester, PA 17345 whereupon your property would be sold by the Sheriff of York County.

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

NOTICE

2-4-1t

Solicitor

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

YORK COUNTY
LAWYER REFERRAL SERVICE
YORK LEGAL REFERRAL
137 EAST MARKET STREET
YORK, PA 17401
717-854-8755 x201

PHELAN HALLINAN & SCHMIEG, LLP.
Suite 1400
One Penn Center @ Suburban Station
Philadelphia, PA 19103-1814
215-563-7000
Main Fax: 215-563-3826

2-4-1t

Solicitor

**ARTICLES OF INCORPORATION –
NONPROFIT CORPORATION**

NOTICE is hereby given that Articles of Incorporation were filed with the Commonwealth of Pennsylvania.

The name of the nonprofit corporation is THE HOLY SPIRIT FILLED BELIEVERS CHURCH, INC.

The corporation has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 22, 1988.

STEPHEN HUNTER

NOTICE is hereby given that JEFFERSON CARNIVAL INCORPORATED has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania Act dated December 22, 1988.

LARRY E. BAUGHER

2-4-1t

Solicitor

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on January 27, 2010, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is PRESBYTERIAN SENIOR LIVING HOUSING MANAGEMENT CORPORATION.

The purpose for which it will be organized is any and all activities, including but not limited to management of low-income housing within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

McNEES WALLACE & NURICK LLC

DAVID E. GRUVER

2-4-1t

Solicitor

CERTIFICATE OF ORGANIZATION

NOTICE is hereby given that on January 12, 2010, a Certificate of Organization for RESUWRECKTION AUTO BODY, LLC, was filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania pursuant to 15 Pa.C.S.A. Section 8913. The initial registered office for Resuwrecktion Auto Body, LLC, is 1415 Marburg Road, Spring Grove, PA 17362.

DOROTHY LIVADITIS, Esquire

1-28-3t

Solicitor

DISSOLUTION NOTICE

NOTICE is hereby given to all persons interested or who may be affected that THE WAGNER SOURCE, INC. a Pennsylvania Corporation, having a registered address at 211 Clearview Road, Hanover, PA 17331 is about to file Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania and that its Board of Directors is now engaged in winding up and settling the affairs of the corporation so that its corporate existence shall be ended by the issuance of a Certificate of Dissolution under the Pennsylvania Business Corporation Law of 1988.

STONESIFER AND KELLEY, P.C.

2-4-1t

Solicitor

FICTITIOUS NAME

NOTICE is hereby given that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on January 14, 2010, pursuant to the Fictitious Name Act, Act No. 1982-295, setting forth that Factory Grinding Service, Inc., 2623 Whiteford Road, Whiteford, MD 21160 is the only entity engaged in or interested in the business, the character of which is for the purpose of the sale and service of food service equipment and that the name, style and designation under which said business is and will be conducted is EAST COAST FOOD EQUIPMENT, INC. and the location where said business will be located is 570 Industrial Drive, Lewisberry, PA 17339.

LEO WALLACE, Esquire

2-4-1t

Solicitor

A large multi-state insurance defense firm is seeking to expand its commercial and transactional business department in its Harrisburg office. The firm is looking for a highly motivated attorney and/or a corporate law group with a portable book of business that will create cross marketing opportunities. Attorneys or legal business departments with experience in healthcare law, professional licensure, PUC, taxation, corporate transactions, and creditor bankruptcy or similar practice groups are preferred.

**Please send inquires to
hbfirm@gmail.com**

*All communications
will remain confidential.*

LEGAL SECRETARY/ PARALEGAL:

Local law firm has immediate opening for an experienced legal secretary/paralegal with a minimum of 3 to 5 years experience working in family law. Applicants must have strong communication skills, be extremely organized and have the ability to multi-task. Legal experience is required. Excellent benefits package to include medical, dental and vision coverage, 401(k), Paid Time Off (PTO) and paid holidays. Salary will be commensurate with experience. Please email resume to info@cmlaw1.com for immediate consideration.



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David A. Mills, Esquire

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