

Chester County Law Reporter

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Chester County Law Reporter

(USPS 102-900)

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GRANDPARENTS' CROSS-APPEAL - 3028 EDA 2022

Grandparents' Alleged Errors claim that the trial court denied their due process rights. Because these claims required the trial court to consider those alleged rights in some depth, it is submitted that it is beneficial to first consider some background and the broader issue presented before addressing the specific Alleged Errors.

It is unclear whether Grandparents' claim a violation of their substantive or procedural due process rights, nor do they provide any detail or explanation as to how their rights were violated by the trial court's Order. The vagueness of Grandparents Alleged Errors in this regard results in a waiver of the due process issue for purposes of appeal. *See, In re A.B.*, 63 A.3d 345 (Pa. Super. 2013) (finding waiver based on lack of specificity of appellant's single statement that the trial court "erred when it failed to assure Appellant a fair hearing"); *T.T.H. v. P.L.K.*, 253 A.3d 318 (Pa. Super. 2021) (unpublished decision) (finding, *inter alia*, constitutional due process claim waived as "vague and not sufficiently specific").

If Grandparents are claiming a violation of their substantive due process rights, they have none in this case. Grandparents used 23 Pa.C.S. § 5325(2) to intervene in this matter. This Court has made clear that "Section 5325 infringes upon the right of parents to make decisions regarding the care, custody, and control of their children, a fundamental right that is protected by the Fourteenth Amendment's "due-process and equal-protection guarantees." J. & S.O. v. C.H., 206 A.3d 1171, 1175 (Pa. Super. 2019) (emphasis added) (addressing parent's due process rights under 23 Pa.C.S. § 5325(1)). "Formal notice and an opportunity to be heard are fundamental components of due process when a person may be deprived in a legal proceeding of a liberty interest, such as physical freedom, or a parent's custody of her child." Everett v. Parker, 889 A.2d 578, 580 (Pa. Super. 2005) (emphasis added). Grandparents do not have a constitutionally protected fundamental right to custody of Child. See, D.P. v. G.J.P., 636 Pa. 574, 146 A.3d 204, 213 n.13 (2016) (Grandparents' standing to seek custody is a creature of statute and they generally lack substantive rights with regard to their grandchildren.).

Grandparents may be claiming a denial of procedural due process, but this claim also lacks merit. At every step, Grandparents had all the process that was due, to wit, notice of the hearing, a meaningful opportunity to be heard, to call witnesses, and to make a record before the trial court. *T.L.G. v. J.D.G.*, 236 A.3d 1084 (Pa. Super. 2020) (unpublished) (finding that due process requires notice and opportunity to be heard at a meaningful time and in a meaningful manner). Grandparents had the ability to waive these rights and, in certain instances, effected such waiver.

Within the context of the foregoing, the trial court addresses Grandparents' Alleged Errors as follows.

GRANDPARENTS' ALLEGED ERROR #1

The Trial Court erred as a matter of law and/or abused its discretion by exceeding its adjudicatory authority under 23 Pa. C.S.A. § 5323 and violating Intervenors'

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right to due process by restricting their ability to make gifts or loans to the child where:

a. The evidence did not support a conclusion that such gifts caused or would cause peril to the child's best interests or an ongoing risk of harm to the child that would permit the court to impose conditions on a custody award; or dictate details about how a child will be raised pursuant to 23 Pa. C.S.A. § 5323(e).

The trial court did not so err. At the outset, Grandparents have engaged in this custody matter as though they are a third parent on equal footing with Mother and Father, and therefore have the same rights as a parent. This position has no support in the law of this Commonwealth. *See, D.P. v. G.J.P.*, 636 Pa. 574, 146 A.3d 204, 213 n.13 (2016) (Grandparents' standing to seek custody is a creature of statute and they generally lack substantive rights with regard to their grandchildren.). Grandparents had notice of the trial and an opportunity to be heard on the factors relevant to the analysis under 23 Pa.C.S. § 5328(c). Grandparents also had notice that their spending on Child may be at issue based on the Report.

Friends of Grandparents, the Soldolskys, informed Dr. Sheehan that "[Child] is a bit overindulged at times by her grandparents, but that this is not excessive." (Exh. J-1 at 70). Mother told Dr. Sheehan that with regard to Child, "as long as I was spending money, she was fine. As soon as I said no, she rejects, refuses to participate, or take pictures; then she calls her grandparents and they attack me." (Exh. J-1 at 25). Grandmother addressed the issue when she testified that "[w]e're grandparents. Like Jamie said, maybe, we're Switzerland. We are the ones that say for breakfast if you want a piece of chocolate, that's fine. It's that kind of a comfort where she just feels safe always." (N.T. 9/20/22 p. 162). Child was also clear in stating that with regard to obtaining items from her Grandparents, she just needs to ask and while they may occasionally say no, it is not often. (N.T. 9/22/22 p. 50).

The Court was and remains concerned that Grandparents providing gifts, trips, and otherwise spending on Child is not in her best interest. Grandmother acknowledged that Child likes "to have undivided attention at times." (Exh. J-1 at 45). Grandfather also noted that "we decide what to do in life based on [Child]." (Exh. J-1 at 49). Dr. Sheehan, in assessing Grandfather, found that "the level of temporal and emotional involvement he has in the child's life appears to be rather excessive to the point of preoccupation." (Exh. J-1 at 50).

Child wants "a mother figure but has a difficult time seeing that [in] her mom." (Exh. J-1 at 31). It appears that Grandmother may be filling that role because Child tells Mother "about her grandmother being more of a mother figure or wanting her grandmother to be her mother." (Exh. J-1 at 4). Grandfather also stated his belief that Child "sees [Grandmother] as a mother figure." (Exh. J-1 at 48). Child also told Grandmother that "you are my soul mate." (N.T. 9/20/22 p. 162).

Grandparents' gift giving and spending in the above context is concerning to the trial court and it is also a source of conflict between Mother and Child. (Exh. J-1 at

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- 25). The Supreme Court of Pennsylvania's discussion of parental spending on a child, in the context of a support matter, is instructive in the present matter. The Court stated that "the temptation for the well-off parent to buy the affection of the children, and the tendency of the children to favor the parent who provides them with a more attractive lifestyle are *factors that do not serve the best interests of the children.*" *Colonna v. Colonna*, 855 A.2d 648, 651 n.5 (Pa. 2004) (discussing, *inter alia*, the interrelationship between support and custody) (emphasis added). Based on Grandparents preoccupation with Child, Grandmother's role as a "mother figure" for Child, Grandparents providing a more attractive lifestyle, and the threat posed to Child's relationship with her Mother, the trial court found that Grandparents' continued spending on Child is a threat to her best interests.
 - b. Absent evidence of harm to the child, the spending restrictions are an extraordinary invasion into the privacy of the grandparents' home and relationship with the child.

The trial court did not so err for the reasons set forth in the subsection hereinabove.

GRANDPARENTS' ALLEGED ERROR #2

The Trial Court erred as a matter of law, abused its discretion, and/or violated the Intervenors' right to due process by failing to limit the interview of the child to inquiries reasonably related to her preference under 23 Pa. C.S.A. § 5328(a) (7) engaging instead in a wide-ranging factual inquiry without advance notice to the parties and without subsequent opportunity of the parties to challenge the assumptions being made on the basis of the child's unrebutted testimony.

The trial court did not so err. At the outset, none of the parties requested to be present for the trial court's interview of the Child. Counsel submitted proposed questions for the trial court to consider asking during the interview. (N.T. 9/22/22 p. 51). Although Father's counsel requested that the trial court discuss Child's statements during her interview, Grandparents' counsel made no such request. (N.T. 9/22/22 p. 57). When the trial court declined the request, neither party objected. (N.T. 9/22/22 p. 57-58). Having failed to raise or preserve an objection, Grandparents waived all issues related to the content of the Child's interview for purposes of appeal. Pa.R.A.P. 302(a) ("Issues not raised in the trial court are waived and cannot be raised for the first time on appeal."); *Com. Ex. Rel. Robinson by Robinson v. Robinson*, 505 Pa. 226, 233-34, 478 A.2d 800, 804 (1984) (addressing application of waiver doctrine to child custody matters); *see also*, *PCS Chadaga v. Torres*, 252 A.3d 1154, 1157-58 (Pa. Super. 2021) (finding that failure to make an objection results in a waiver of the underlying issue on appeal).

There does not appear to be a single case nor statute in the Commonwealth of Pennsylvania that limited the trial court's interview solely to the issue of the Child's preference. In fact, it would appear that such a rule would be another to the trial H.S. v. J.P.S, et al. 302 (2023)]

court's fact finding in order to determine the best interests of the Child.

The trial court's primary duty in a custody case is to determine what is in the best interests of the child. *M.G. v. L.D.*, 155 A.3d 1083, 1091 (Pa. Super. 2017). "The best-interests standard, decided on a case-by-case basis, *considers all factors which legitimately have an effect upon the child's physical, intellectual, moral and spiritual well-being.*" *Rishel v. Fuller*, 276 A.3d 223 (Pa. Super. 2022) (quoting *M.J.N. v. J.K.*, 169 A.3d 108, 112 (Pa. Super. 2017)) (emphasis added). Grandparents appear to advocate for the trial court to abdicate its duty when interviewing Child.

Finally, the factor analysis with regard to Grandparents request for custody is not set forth in 23 Pa.C.S. § 5328(a), because they obtained standing under 23 Pa.C.S. § 5325(2).9 E.g., 23 Pa.C.S. § 5328(c)(1). Even if, solely for the sake of argument, the trial court had exceeded the scope of 23 Pa.C.S. § 5328(a), Grandparents would not be aggrieved because that section is not applicable to them, and they have no standing to appeal such alleged error. Pa.R.A.P. 501.

GRANDPARENTS' ALLEGED ERROR #3

The Trial Court erred as a matter of law, abused its discretion, and/or violated the Intervenors' right to due process by restricting their right to make gifts or loans to the child where:

a. Mother did not request such relief from the Court; Intervenors were given no notice that spending restrictions might be imposed on them; and Intervenors had no warning that they needed to offer evidence about financial matters ordinarily irrelevant in child custody cases.

The trial court did not so err. Grandparents Alleged Error #3 is, essentially, a restatement of their Alleged Error #1 and the trial court incorporates it analysis of that Alleged Error herein by reference as though set forth at length.

b. The denial of due process resulted in a factual error that the child's Father and grandparents indulge her more than Mother; and cause the child to be too focused on material possessions.

The trial court did not so err for the reasons set forth in the hereinabove.

GRANDPARENTS' ALLEGED ERROR #4

The Trial Court erred as a matter of law and/or abused its discretion by modifying paragraph 5 of the Order of October 28, 2021 relating to vacations, without

⁹ Although left for another day, the provisions of 23 Pa.C.S. § 5325(2), appear constitutionally infirm as they permit litigation, such as the present, that "can itself impinge upon parental rights, especially if it becomes protracted through the appellate process." *D.P. v. G.J.P.*, 636 Pa. 574, 590, 146 A.3d 204, 213 (2016).

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delineating the reasons pursuant to 23 Pa. C.S.A. 5323(d) that would justify denying the child the ability to join her grandparents for an annual seven-day seashore vacation in a rental property, almost universally available only from Saturday to Saturday, which has been a family tradition for more than a decade.

The trial court did not so err. The trial court's primary duty in a custody case is to determine what is in the best interests of the child. *M.G. v. L.D.*, 155 A.3d 1083, 1091 (Pa. Super. 2017). "The best-interests standard, decided on a case-by-case basis, *considers all factors which legitimately have an effect upon the child's physical, intellectual, moral and spiritual well-being.*" *Rishel v. Fuller*, 276 A.3d 223 (Pa. Super. 2022) (quoting *M.J.N. v. J.K.*, 169 A.3d 108, 112 (Pa. Super. 2017) (emphasis added). The trial court fulfilled its obligation in issuing its Order.

The trial court concluded that, "although the [trial court] agrees with Dr. Sheehan's conclusion that Grandparents appear to be somewhat overbearing/enmeshed and need to work on their boundaries, it does not agree that they represent an asset as opposed to liability for Child." (Memorandum at 5) (emphasis added). Grandparents' intervention in this matter is a source of stress for Child. (Exh. J-1 at 58; N.T. 9/20/22 p. 174). According to Child, Grandparents make negative comments about Mother, but then make statements such as "oh, I'm sorry." (N.T. 9/22/22 p. 26).

Having reached the foregoing conclusions, the trial court made the following finding with regard to Grandparents custody:

Grandparents obtained an Order granting them time that ultimately interfered with Mother's custodial time and resulted in conflict by, for example, their demand that Mother yield her custodial time to make their vacation travel more convenient. Grandparents have unfettered access to [Child] during, and there is no interference with, Father's custodial time.

(Memorandum at 13). This finding is consistent with the recommendations in Dr. Sheehan's Report that Grandparents' "time with Child is sufficient and can be negotiated with Father, particularly if Mother's physical custody remans [sic] limited. They are urged to be mindful of their involvement in this case and how it may affect the child." (Exh. J-1 at 78 ¶7) (emphasis added).

The record in this matter makes clear that in the context of: Grandparents preoccupation with Child; Grandmother's role as a "mother figure" for Child; Grandparents providing a more attractive lifestyle; and the threat posed to Child's relationship with her Mother, placing limits on Grandparents' custodial time is in Child's best interests.

¹⁰ Dr. Sheehan testified regarding Grandparents enmeshment with Father and explained that "[e] nmeshment indicates that an individual or individuals are/were more intricately involved in a particular process than would be normally, you know, expected." (N.T. 9/21/22 p. 8).

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CONCLUSION

For the reasons stated above, the Final Custody Order of October 17, 2022, was the proper relief in this matter and amply supported by the record.

BY THE COURT:

January 9, 2023

/s/ Anthony T. Verwey, J.

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NOTICES

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CORPORATION NOTICE

NOTICE is hereby given that the **Certificate of Organization** has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining the Certificate of Organization pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 8913.

The name of the corporation is: **Dutch Grown Real Estate**, **LLC** and the Certificate of Organization was filed on: **September 15, 2023**.

The purpose or purposes for which it was organized are: The limited liability company shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporation may be incorporated under the Pennsylvania Business Corporation Law, as amended.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on 11/14/2023, for:

Hargobind Blue Bell Inc.

Having a registered office address of: 1196 W Lincoln Highway Coatesville, PA 19320

The corporation has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on 11/14/2023, for:

Speedyz 1790 Inc

Having a registered office address of: 1196 W Lincoln Highway

Coatesville, PA 19320

The corporation has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on the Thursday, August 10, 2023, effective Thursday, August 10, 2023 for Gum Tree Recycling dba Harris Metals, Inc. in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988. The purpose or purposes for which it was organized are: Started new business – Scrap metal recycling business.

AARON K. ZEAMER, Esquire Russell, Krafft & Gruber LLP 101 N. Pointe Boulevard Suite 202 Lancaster, PA 17601

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

BRILEY, Bruce John, a/k/a Bruce Briley, late of Kennett Square. Sharon Cosgrove, 317 S. Union Street, Kennett Square, PA 19348, care of DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, Administrator. DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, atty.

Estate of Adam E. DeShong

DeShong, Adam E. late of Devon, PA. Vicky Pyeatte DeShong, c/o John W. Richey, Esq., The Tannenbaum Law Group, 600 West Germantown Pike, Suite 400, Plymouth Meeting, PA 19462, Administratrix.

The Tannenbaum Law Group 600 West Germantown Pike Suite 400 Plymouth Meeting, PA 19462

FORMICA, Lori Petrie, late of East Brandywine Township. Brian R. Formica, care of LISA COMBER HALL, Esquire, 27 S Darlington St, West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S Darlington St, West Chester, PA 19382, atty.

GILL, Lana W., late of Borough of West Grove. Elaine Ticknor, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

GRAY, Iris C, a/k/a Iris Gray, late of West Chester. Stephen Gray, 542 Hightop Road, West Chester, PA 19380, care of DEIRDRE A. AGNEW, Esquire, 1450 East Boot Road, Building 400A, West Chester, PA 19380, Executor. DEIRDRE A. AGNEW, Esquire, Law Offices of Deirdre A. Agnew, 1450 East Boot Road, Building 400A, West Chester, PA 19380, atty.

GULATI, Krishan L., a/k/a Krishan Lal Gulati, late of Downingtown Borough. Alok K. Gulati and Rajnish K. Gulati, 29 Carlson Way, Downingtown, PA 19335, care of NICOLAS F. METER, Esquire, 1401 E. High St., Pottstown, PA 19464, Administrators. NICOLAS F. METER, Esquire, Meter Law Offices, LLC, 1401 E. High St., Pottstown, PA 19464, atty.

HAEGELE, Ruth C., late of West Goshen Township. Mark Haegele, 871 Westtown Road, West Chester, PA 19382, care of DAVID J. SCHILLER, Esquire, 530 Swede Street, Norristown, PA 19401, Executor. DAVID J. SCHILLER, Esquire, 530 Swede Street, Norristown, PA 19401, atty.

JOHNSON, Dorothy Kathleen, a/k/a Dorothy K. Johnson, late of Downingtown Borough. Claude R. Johnson, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

JOHNSON, III, James E., a/k/a James Edward Johnson, III, late of West Chester, East Goshen Township. Michell E. Downes, 20 Rosalia Circle, York, PA 17402, care of ALEXIS K. SWOPE, Esquire, 50 East Market Street, Hellam, PA 17406, Executor. ALEXIS K. SWOPE, Esquire, 50 East Market Street, Hellam, PA 17406, atty.

KELTY, Kenneth, late of East Goshen Township. Carol Freeman and Karen A. Kelty, care of CAROL R. LIVINGOOD, Esquire, P.O. Box 191, Wayne, PA 19087-0191, Executrices. CAROL R. LIVINGOOD, Esquire, Timoney Knox, LLP, P.O. Box 191, Wayne, PA 19087-0191, atty.

LEVON, Gary P., late of East Marlborough Township. Richard I. Levon, care of KARYN L. SEACE, CELA, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Administrator. KARYN L. SEACE, CELA, Esquire, Seace Elder Law, PLLC, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

LOBO, Mary Olivia, late of West Chester. Brian Leipold, 135 Cloud Place, West Chester, PA 19380, Administrator.

LORBER, June, late of Kennett Township. L. Peter Temple, care of DONALD B. LYNN JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

McCASKEY, Margaret Thompson, late of Pennsbury Township. Matthew McCaskey and Megan Johnson, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Co-Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

MORRIS, Thomas, late of West Goshen Township. Marsha Bierds, 750 E. Marshall Street Unit 403, West Chester, PA 19380, Executrix.

O'DONNELL, JR., Martin H., late of Malvern. Kelly O. Byrne, care of JAMES F. CROTTY, Esquire, 390 Colwin Court, P.O. Box 262, Blue Bell, PA 19422, Executrix. JAMES F. CROTTY, Esquire, James F. Crotty, 390 Colwin Court, P.O. Box 262, Blue Bell, PA 19422, atty.

OTT, Collin, late of Pottstown, Warwick Township. Donna Ott Gillenwater, 458 Kolb Road, Spring City, PA 19475, Executrix.

PANNELLA, SR., Richard J., late of Phoenix-ville. Richard J. Pannella, Jr., 501 Emmett Street, Phoenixville, PA 19460, care of ANYLISE C. CROUTHAMEL, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. ANYLISE C. CROUTHAMEL, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenix-ville, PA 19460, atty.

PIERCE, Jeffrey Allen, late of West Whiteland Township. Jasmine Pierce, 380 Hartford Square, West Chester, PA 19380, Administrator.

RAUDENBUSH, Mary J., a/k/a Mary Raudenbush, late of Exton, Uwchlan Township. Donald G. Raudenbush, care of MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, Executor. MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, atty.

RICH, Constance, a/k/a Connie, late of Phoenix-ville. Tina Slater, 416 11th Ave N, Lake Worth Beach, Florida, 33460, Executrix.

ESTATE OF MARIA SCHINDLER, late of Uwchlan Township, Chester County, Pennsylvania. Letters Testamentary of the Estate of the above named, MARIA SCHINDLER, Deceased, having been granted to the undersigned, all persons having claims or demands against the Estate of the said decedent are requested to make known the same, and all persons indebted to the said decedent are requested to make payment without delay, to Barbara M. Schindler, Executor, c/o Anthony Morris, Esquire, 118 W. Market Street, Suite 300, West Chester, Pennsylvania 19382-2928, Attorney.

SCHUSLER, Sheryl A., late of East Goshen Township. Matthew J. Schusler, care of STANLEY E. LUONGO, JR., Esquire, 126 West Miner Street, West Chester, PA 19382, Executor. STANLEY E. LUONGO, JR., Esquire, Luongo Bellwoar LLP, 126 West Miner Street, West Chester, PA 19382, atty.

WILSON, Kathleen F., late of Township of Schuylkill. Mary Wilson, care of JENNIFER A. HULNICK, Esquire, 300 S. High Street, West Chester, PA 19380, Executrix. JENNIFER A. HULNICK, Esquire, Eckert Ginty & Legg, LLC, 300 S. High Street, West Chester, PA 19380, atty.

WINCHESTER, James, late of Borough of Kennett Square. Benjamin I. Myers, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

2nd Publication

BRENZ, Howard R., late of East Vincent Township. Robert L. Freedman, care of REBECCA ROSENBERGER SMOLEN, Esquire, 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, Administrator CTA. REBECCA ROSENBERGER SMOLEN, Esquire, Bala Law Group, LLC, 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, atty.

CATTELL, John, late of West Bradford Township. Rick Morton, Esquire, 999 West Chester Pike, Suite 201, West Chester, PA 19382, care of RICK MORTON, Esquire, 999 West Chester Pike, Suite 201, West Chester, PA 19382, Administrator. RICK MORTON, Esquire, Ryan Morton & Imms LLC, 999 West Chester Pike, Suite 201, West Chester, PA 19382, atty.

CONDON, Alice, a/k/a Alice G. Condon and Al-

ice Godfrey Condon late of Birmingham Township. Russell F. Waters and Alison Waters Murphy, care of JOSEPH E. LASTOWKA, JR., Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executors. JOSEPH E. LASTOWKA, JR., Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

DUDT, Ruth G., a/k/a Ruth Graul Dudt, late of East Goshen Township. Brian W. Dudt, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301, Executor. CARRIE A. S. KENNEDY, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301, atty.

ELLIS, Elizabeth M., a/k/a Elizabeth Blanche McGill and Elizabeth McGill Ellis, late of Honey Brook Township. Lisa E. Betz, 2917 Oak Lane, Morgantown, PA 19543, care of MATTHEW A. BOLE, Esquire, 661 Andersen Drive, Foster Plaza 7, Ste 315, Pittsburgh, PA 15220, Executrix. MATTHEW A. BOLE, Esquire, Fiffik Law Group, P.C., 661 Andersen Drive, Foster Plaza 7, Ste 315, Pittsburgh, PA 15220, atty.

FOLKS, Laura W., late of Coatesville City. Laurie L. Folks, care of KRISTEN L. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Executrix. KRISTEN L. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

FRANCHI, Lorraine, late of West Whiteland Township. Louis F. Fortunato, care of NICHOLAS M. ORLOFF, Esquire, 1 W. Third St., Media, PA 19063, Executor. NICHOLAS M. ORLOFF, Esquire, Orloff Law, 1 W. Third St., Media, PA 19063, atty.

HERNANDEZ ORTIZ, Noel, a/k/a Noel H. Ortiz, late of Oxford, East Nottingham Township. Patricia J. Looby, 355 Redbud Drive, Oxford, PA 19363, care of KAREN E. EICHMAN, Esquire, 8 Federal Road, Suite 3, West Grove, PA 19390, Personal Representative. KAREN E. EICHMAN, Esquire, Eichman Law, PLLC, 8 Federal Road, Suite 3, West Grove, PA 19390, atty.

JAESCHKE, Luisa R., late of Birmingham Township. L. Peter Temple, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

KEENAN, Anne Elizabeth, a/k/a Anne E. Keenan, late of East Goshen Township. Katherine K. Minshall, care of MARY ANN PLANKINTON,

Esquire, 17 E. Gay St., Ste. 100, West Chester, PA 19380, Executrix. MARY ANN PLANKINTON, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay St., Ste. 100, West Chester, PA 19380, atty.

McHARG, Carol Smyser, a/k/a Carol S. McHarg, late of Pennsbury Township. Ian William McHarg, 29 Laurel Ridge Dr., Mills River, NC 28759 and Andrew M. McHarg, 1423 E. Berks St., Philadelphia, PA 19125, care of MICHAEL V. NASEEF, Esquire, 6 Ponds Edge Dr., Ste. 1, Chadds Ford, PA 19317, Executors. MICHAEL V. NASEEF, Esquire, M. Lyons Law Group LLC, 6 Ponds Edge Dr., Ste. 1, Chadds Ford, PA 19317, atty.

PENNEV, Dean, late of Chadds Ford. Flavia Richards, 101 East Gay Street Unit 3073, West Chester, PA 19380, care of MICHAEL P ROWAN, Esquire, 101 East Gay Street Unit 3073, West Chester, PA 19380, Executrix. MICHAEL P ROWAN, Esquire, Michael P. Rowan Attorney at Law, 101 East Gay Street Unit 3073, West Chester, PA 19380, atty.

PHIPPS, William, late of Pennsbury. Dorothy Phipps, 2026 West Street Road, West Chester, PA 19382, care of TIMOTHY E POSSENTI, Esquire, 3101 Chichester Avenue, Upper Chichester, PA 19061, Executrix. TIMOTHY E POSSENTI, Esquire, 3101 Chichester Avenue, Upper Chichester, PA 19061, atty.

QUIRPLE, Ann M, a/k/a Ann Marie Quirple, late of East Coventry Township. Daniel J Quirple, 904 Oak Drive, Pottstown, PA 19464, care of JOSEPH QUINN, Esquire, 192 S Hanover Street, Suite 101, Pottstown, PA 19464, Executor. JOSEPH QUINN, Esquire, Ross, Quinn & Ploppert, P.C., 192 S Hanover Street, Suite 101, Pottstown, PA 19464, atty. Estate of Ann G. Reilly aka Ann Gloria Reilly Reilly, Ann G. aka Reilly, Ann Gloria late of Westtown Twp., PA. John F. Reilly, Jr., 350 Kerrwood Drive, Wayne, PA 19087, Executor. John P. McGuire, Esq. 552 Ridge Road

RILEY, Patricia Ann, late of Caln. Charles V Daylor Jr, 129 Nevins Way, Coatesville, PA 19320, care of MICHAEL P ROWAN, Esquire, 101 East Gay Street Unit 3073, West Chester, PA 19380, Administrator. MICHAEL P ROWAN, Esquire, Michael P Rowan Attorney at Law, 101 East Gay Street Unit 3073, West Chester, PA 19380, atty.

Telford, PA 18969

ROWE, Ruth K., late of West Goshen Township. Caley A. Rowe, care of LESLEY M. MEHALICK, Esquire, 30 Cassatt Ave., Berwyn, PA 19312, Executrix. LESLEY M. MEHALICK, Esquire, McAndrews, Mehalick, Connolly, Hulse and Ryan P.C., 30 Cassatt Ave., Berwyn, PA 19312, atty.

STEELE, John E., late of East Nottingham Township. John E. Steele, Jr. and Connie S. Slauch, care of WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 East Locust Street, Oxford, PA 19363, Executors. WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 East Locust Street, Oxford, PA 19363, attv.

WHITE, Marilyn H., a/k/a Marilyn Louise Hunger, late of Tredyffrin Township. Nancy W. Hicks, care of SEAMUS M. LAVIN, Esquire, 122 S. Church St., West Chester, PA 19382, Executrix. SEAMUS M. LAVIN, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

LETTERS OF TESTAMENTARY for the Estate of Nelson White, Jr., deceased, late of Schuylkill Township, Chester County, Pennsylvania, having been granted to the undersigned on October 3, 2023, all person indebted to the Estate are requested to make immediate payment and those having claims against the Estate are requested to present them for settlement without delay to:

Lisa M. White, Executrix c/o CLIFTON R. GUISE, Esquire Halbruner, Hatch & Guise, LLP 3435 Market Street Camp Hill, PA 17011

ZEIBARI, Nevart, a/k/a Nevart Rose Zeibari and Nevart Rose Ziebari, late of Pocopson Township. Christine Davidian, 650 Timber Dr., Wayne, PA 19087, care of DENISE M. CORDES, Esquire, 206 State Rd., Media, PA 19063, Executrix. DENISE M. CORDES, Esquire, Anderson Elder Law, 206 State Rd., Media, PA 19063, atty.

3rd Publication

BRILEY, II, William J., late of Phoenixville. Leslie B. Briley, care of EVAN K. HAMBLETON, Esquire, 442 North High Street, West Chester, PA 19380, Executrix. EVAN K. HAMBLETON, Esquire, 442 North High Street, West Chester, PA 19380, atty.

DAVIS, Jane M., late of London Grove Township. Victor Dennis Troutman, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

DEWEY, Phillip Bishop, late of Kennett Town-

ship. Patricia M. Dewey, care of MICHAEL C. Mc-BRATNIE, Esquire, P.O. Box 673, Exton, PA 19341-0673, Executrix. MICHAEL C. McBRATNIE, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341-0673, atty.

EGOVILLE, Christopher, late of Tredyffrin. Sarah Egoville, 583 Weadley Road, Radnor, PA 19087, Executrix.

FARINA, Alice W., a/k/a Alice Farina, late of East Fallowfield Twp.. Michael J. Farina, 795 Buck Run Road, Coatesville, PA 19320, care of JAYNE A. GARVER, Esquire, 6723 Allentown Blvd., Harrisburg, PA 17112, Executor. JAYNE A. GARVER, Esquire, J. Garver Law PLLC, 6723 Allentown Blvd., Harrisburg, PA 17112, atty.

FORD, Constance Ann a/k/a Connie Ford, late of West Chester. Robert Ford, 157 Spring Oak Dr, Malvern, PA 19355, Executor.

HAGAN, Margaret L., late of West Whiteland Township. Leah M. Hagan, 1059 Harriman Court, West Chester, PA 19380, care of JOHN F. McK-ENNA, Esquire, 17 W. Miner St., West Chester, PA 19382, Administratrix. JOHN F. McKENNA, Esquire, MacElree Harvey LTD., 17 W. Miner St., West Chester, PA 19382, atty.

HOFFMAN, G. Robert, a/k/a George Robert Hoffman, late of Willistown Township. Robert F. Hoffman, care of ANDREW H. DOHAN, Esquire, 460 E. King Rd., Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Wisler Pearlstine, LLP, 460 E. King Rd., Malvern, PA 19355-3049, atty.

JAUSLIN-GATTI, Eleonora Sonja, a/k/a Eleonora Sonja Jauslin and Eleonora S. Jauslin-Gatti, late of Easttown Township. Sylvia E. Gelb, 17 Milyko Dr., Washington Crossing, PA 18977, care of JAMES G. LARE, Esquire, 595 Bethlehem Pike, Suite 105, Montgomeryville, PA 18936, Executrix. JAMES G. LARE, Esquire, Lare Law Firm, LLC, 595 Bethlehem Pike, Suite 105, Montgomeryville, PA 18936, atty.

KERSHNER, Mary Carol, late of Penn Township. Jennifer Everlof and Kelly Lebano, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Co-Executors. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

KUNTZLEMAN, Richard B., late of North Coventry Township. Chad S. Kuntzleman and Donna J. Henry, care of JESSICA R. GRATER, Esquire, 400 Creekside Drive, Suite 409, Pottstown, PA 19464, Executors. JESSICA R. GRATER, Esquire, Monas-

tra & Grater, LLC, 400 Creekside Drive, Suite 409, Pottstown, PA 19464, atty.

LAFFERTY, Gary Thomas, late of Penn Township. Andrew Lafferty, 1008 Regas Dr S, Atlantic Beach, FL 32233, Administrator.

LARNEY, Patrick, late of Exton. Taylor Larney, 18 Rutgers Dr, Exton, PA 19341, Executrix.

LILLEY, Charles J, late of West Chester. Richard Lilley, 259 Spicer Rd, Lynchburg, VA 24504, Administrator.

MAGILL, David R., late of East Bradford Twp.. Patricia M. Gauger, care of ANYLISE C. CROUTH-AMEL, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. ANYLISE C. CROUTHAMEL, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

McDONAUGH, James R., late of London Grove Township. James J. McDonaugh, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Executor. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

McHUGH, Helen A., late of Birmingham Township. Peter G. McHugh and Patrick J. McHugh, care of LOUIS N. TETI, Esquire, 17 W. Miner St., West Chester, PA 19381-0660, Executors. LOUIS N. TETI, Esquire, MacElree Harvey LTD., 17 W. Miner St., West Chester, PA 19381-0660, atty.

MILANI, Maria D., late of Tredyffrin Township. Patricia M. Ciervo and Joseph D. Milani, care of GUY F. MATTHEWS, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executors. GUY F. MATTHEWS, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

Mary Fernald **Myers**, late of Franklin Township, Chester County, Pennsylvania died August 14, 2023. The Executrix of the Estate is Trudy G. Myers of Lincoln University, PA.

All persons having claims or demands against the Estate of said decedent are requested to make known the same, and all persons indebted to the decedent to make payment without delay to Trudy G. Myers c/o George S. Donze, Esquire, Donze & Donze, 696 Unionville Road, Suite 6, Kennett Square, PA 19348.

NUDY, Dominick J., a/k/a Dominick J. Nudy, Sr., late of Tredyffrin Township. Dominic J. Nudy, care of JAMES M. PIERCE, Esquire, 125 Strafford

Ave., Ste. 110, Wayne, PA 19087, Executor. JAMES M. PIERCE, Esquire, Pierce Caniglia & Taylor, 125 Strafford Ave., Ste. 110, Wayne, PA 19087, atty.

SEYMOUR, Doris Anne, late of Caln Township. Sandy L. Davis, 845 Longview Lane, Gap, PA 17527, Mandy J. Seymour, 85 Merion Court, Coatesville, PA 19320, and Wendy J. Seymour, 130 E. State Street, Quarryville, PA 17566, care of KIM CARTER PATERSON, Esquire, 2703 Willow Street Pike, N., Willow Street, PA 17584, Administrators. KIM CARTER PATERSON, Esquire, Paterson Law, LLC, 2703 Willow Street Pike, N., Willow Street, PA 17584, atty.

SHELTON, Dorothy Goodwin, late of East Whiteland Township. Elizabeth Page Hinkle, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Executrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

SHERMAN, Marshall, late of Birmingham Township. Brandon Sherman, 1212 Blue Bird Court W, Bel Air, Maryland 21015, care of GLENN A. HENKEL, Esquire, 76 E Euclid Avenue Suite 300, Haddonfield, New Jersey 08033, Executor. GLENN A. HENKEL, Esquire, Kulzer & DiPadova, 76 E Euclid Avenue Suite 300, Haddonfield, New Jersey 08033, atty.

WELLMON, Edith E., late of East Goshen Township. Baxter Drew Wellmon, care of DANIELLA A. HORN, Esquire, 2202 Delancey Place, Philadelphia, PA 19103, Executor. DANIELLA A. HORN, Esquire, Klenk Law, LLC, 2202 Delancey Place, Philadelphia, PA 19103, atty.

NONPROFIT CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation – Nonprofit have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about 4/3/2023, for:

The Sunday Kids EAST COAST

804 Stonecliffe Road

Malvern, PA 19355-0306

The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

NOTICE

CIVIL ACTION
COURT OF COMMON PLEAS
CHESTER COUNTY, PA
CIVIL ACTION-LAW
NO. 2023-05100-RC
NOTICE OF ACTION IN MORTGAGE FORECLOSURE

CASCADE FUNDING MORTGAGE TRUST HB4, Plaintiff

v.
CLEO L. SMITH A/K/A CLEO LAMONT SMITH,
IN HIS CAPACITY AS EXECUTOR OF THE
ESTATE OF JUANITA R. SMITH A/K/A JUANITA
R. CHILDS A/K/A JUANITA REBECCA SMITH
A/K/A JUANITA SMITH; ET AL., Defendants

To: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS, CLAIMING RIGHT, TITLE, OR INTEREST, FROM OR UNDER JUANITA R. SMITH A/K/A JUANITA R. CHILDS A/K/A JUANITA REBECCA SMITH A/K/A JUANITA SMITH Defendant(s), 48 OLD LANCASTER ROAD A/K/A 48 OLD LANCASTER ROAD #50, DEVON, PA 19333

COMPLAINT IN MORTGAGE FORECLOSURE You are hereby notified that Plaintiff, CASCADE FUNDING MORTGAGE TRUST HB4, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of CHESTER County, PA docketed to No. 2023-05100-RC, seeking to foreclose the mortgage secured on your property located, 48 OLD LANCASTER ROAD A/K/A 48 OLD LANCASTER ROAD #50, DEVON, PA 19333.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice you must take action within twenty (20) days after the 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 LAW-YER, THIS OFFICE MAY BE ABLE TO PRO-VIDE YOU WITH THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SER-VICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Chester County Bar AssociationLawyer Referral and Information Service 15 West Gay Street West Chester PA, 19380 610-429-1500

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

A Florida professional limited liability company ATTORNEYS FOR PLAINTIFF Jonathan M. Etkowicz, Esq. ID No. 208786 133 Gaither Drive, Suite F Mt. Laurel, NJ 08054 855-225-6906

Public Notice

Appointment of New Magistrate Judge in the United States District Court for the Eastern District of Pennsylvania

The Judicial Conference of the United States has authorized the appointment of a full-time United States magistrate judge for the Eastern District of Pennsylvania at Philadelphia. The appointee may be required to preside at court sessions to be held at Reading, Philadelphia, Allentown, and Easton. The essential function of courts is to dispense justice. An important component of this function is the creation and maintenance of diversity in the court system. A community's belief that a court dispenses justice is heightened when the court reflects the community's diversity.

The duties of the position are demanding and wide-ranging, and will include, among others: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil

cases upon consent of the litigants.
The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636.

To be qualified for appointment an applicant must:

- 1. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five years;
- 2. Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
- 3. Be less than seventy years old; and
- 4. Not be related to a judge of the district court.

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the five persons it

considers best qualified. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No.

95-521, 90 Stat. 1824 (1978) (codified at 5 U.S.C. app. 4 §§ 101-

111) as implemented by the Judicial Conference of the United States. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. The current annual salary of the position is \$213,992.00. The term of office is eight (8) years.

The application is available on the court's web site at https://www.paed.uscourts.gov/ Only applicants may submit applications and applications must be received by Friday, December 15, 2023.

All applications will be kept confidential, unless the applicant consents to disclosure, and all applica-

tions will be examined only by members of the merit selection panel and the judges of the district court. The panel's deliberations will remain confidential.

Applications must be submitted by email to <u>Paed</u> <u>Apply@paed.uscourts.gov</u> with the subject line "Magistrate Judge Application." An /s/ or e-signature on the application will be accepted.

Applications will only be accepted by email. Applications sent by mail will not be considered. Due to the overwhelming number of applications expected, applicants should not contact the court regarding the status of their application.

2nd Publication of 3

TRUST NOTICE

THE ANNE E. KEENAN PERSONAL TRUST AGREEMENT U/A 9/15/2017 AMENDED AND RESTATED 5/22/2020

ANNE E. KEENAN, Deceased
Late of East Goshen Township, Chester County, PA
This Trust is in existence and all persons having
claims or demands against said Trust or decedent are
requested to make known the same and all persons
indebted to the decedent to make payment without
delay to KATHERINE K. MINSHALL, TRUSTEE,
c/o Mary Ann Plankinton, Esq., 17 E. Gay St., Ste.
100, West Chester, PA 19380,

Or to her Attorney: MARY ANN PLANKINTON GAWTHROP GREENWOOD, P.C. 17 E. Gay St., Ste. 100 West Chester, PA 19380