



Franklin County Bar Association 2010 Calendar of Events

JULY

- 28 **CLE Program**, PBI groupcast, "From File to Trial: 8 Keys to Success in Court and Beyond," 8:30 a.m., bar office and law library. To register, contact PBI at 800-932-4637 or www.pbi.org.
- 30 **CLE Program**, PBI groupcast, "Understanding Damages and Indemnities in Commercial Contracts," 9 a.m., bar office and law library. To register, contact PBI at 800-932-4637 or www.pbi.org.

AUGUST

- 3 **CLE Program**, PBI groupcast, "Pension Problems, Pitfalls and Solutions," 8:30 a.m., bar office and law library. To register, contact PBI at 800-932-4637 or www.pbi.org.
- 5 **CLE Program**, PBI groupcast, "A Day on Real Estate," 8:30 a.m., bar office and law library. To register, contact PBI at 800-932-4637 or www.pbi.org.
- 10 **CLE Program**, PBI video replay, "The New Wave of Title Problems and How to Solve Them," 9 a.m., bar office and law library. To register, contact PBI at 800-932-4637 or www.pbi.org.
- 11 **CLE Program**, PBI video replay, "Finding Hidden Assets," 9 a.m., bar office and law library. To register, contact PBI at 800-932-4637 or www.pbi.org.

Franklin County Legal Journal

The Franklin County Legal Journal is published by the Franklin County Bar Association, 100 Lincoln Way East, Suite E, Chambersburg, PA 17201-2291. Subscriptions for the weekly advance sheets are \$35 per year.

Legal notices and all other materials must be received by noon on Monday of the week of publication. Send all materials to Carolyn Seibert-Drager, editor, at legaljournal@franklinbar.org or by mail to the above address.

POSTMASTER: Send address changes to the Franklin County Legal Journal, 100 Lincoln Way East, Suite E, Chambersburg, PA 17201-2291.

PUBLIC NOTICES

ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. All persons having claims or demands against any of said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay, to the respective personal representatives thereof or their attorneys named below.

First Publication

Estate of Irene E. Davis, late of Greencastle, Franklin County, Pennsylvania.

Personal representatives:
Darlene S. Reynolds and Gary Richard Davis
c/o R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268
Attorney:
R. Thomas Murphy
R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268

7/23,7/30,8/6/2010

Estate of Mildred M. Dell, late of Dublin Township, Huntingdon County, Pennsylvania.

Personal representatives:
JoAnne Struchen and James Dell
c/o R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268
Attorney:
Jared S. Childers
R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268

7/23,7/30,8/6/2010

Estate of Ralph C. Keiffer, late of Montgomery Township, Franklin County, Pennsylvania.

Personal representative:
Donna R. Yaros
408 Martina Drive
Chambersburg, PA 17201
Attorney:
Aaron C. Jackson
Tucker Arensberg, P.C.
P.O. Box 889
Harrisburg, PA 17108-0889

7/23,7/30,8/6/2010

Estate of Pauline E. Myers, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Evelyn Shalzer
2474 Etter Road
Chambersburg, PA 17202
Attorney:
Barbara B. Townsend
32 W. Queen St.
Chambersburg, PA 17201

7/23,7/30,8/6/2010

Estate of Ernest Edward Somers, a/k/a Ernest E. Somers, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Bernice Ledford Somers
355 Roland Ave.
Chambersburg, PA 17201
Attorney:
Jan G. Sulcove
82 W. Queen St.
Chambersburg, PA 17201

7/23,7/30,8/6/2010

Estate of William M. Trail, late of Needmore Township, Fulton County, Pennsylvania.

Personal representative:
Marion L. Trail
c/o Walker, Connor & Spang, LLC
247 Lincoln Way East
Chambersburg, PA 17201
Attorney:
David F. Spang
Walker, Connor & Spang, LLC
247 Lincoln Way East
Chambersburg, PA 17201

7/23,7/30,8/6/2010

Estate of James C. Varden Jr., late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Lisa D. Varden-Rotz
c/o R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268
Attorney:
R. Thomas Murphy
R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268

7/23,7/30,8/6/2010

Estate of Shirley J. Walck, late of Antrim Township, Franklin County, Pennsylvania.

Personal representative:
Elissa M. Parsons
514 Colonial Drive
Greencastle, PA 17225
Attorney:
Werlime & Guyer LLP
35 N. Carlisle St., Suite A
Greencastle, PA 17225

7/23,7/30,8/6/2010

PUBLIC NOTICES

Estate of Randy E. Wyand Sr., late of Antrim Township, Franklin County, Pennsylvania.

Personal representatives:
Randy E. Wyand Jr.
15108 Mercersburg Road
Greencastle, PA 17225
and
Jeremy D. Wyand
15297 Bowman Court
Greencastle, PA 17225
and
Jason C. Wyand
15297 Bowman Court
Greencastle, PA 17225

Attorney:
Paul T. Schemel
Dick, Stein, Schemel, Wine & Frey, LLP
119 E. Baltimore St.
Greencastle, PA 17225

7/23,7/30,8/6/2010

Second Publication

Estate of Sue E. Byers, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representatives:
Nora Pugh
2803 Maclay's Mill Road
Shippensburg, PA 17257
and
Faye Grove
1156 McDowell Road
St. Thomas, PA 17252
Attorney:
Steiger and Steiger
120 N. Main St.
Mercersburg, PA 17236

7/16,7/23,7/30/2010

Estate of Wilda M. Clark, late of Peters Township, Franklin County, Pennsylvania.

Personal representatives:
Randy J. Clark and Barbara Clark
3105 Path Valley Road
Fort Loudon, PA 17224
Attorney:
Steiger and Steiger
120 N. Main St.
Mercersburg, PA 17236

7/16,7/23,7/30/2010

Estate of M. Lorraine Fields, late of Guilford Township, Franklin County, Pennsylvania.

Personal representative:
William E. Fields
c/o Salzmann Hughes, P.C.
79 St. Paul Drive
Chambersburg, PA 17201
Attorney:
Nancy H. Meyers
Salzmann Hughes, P.C.
79 St. Paul Drive
Chambersburg, PA 17201

7/16,7/23,7/30/2010

Estate of Merle V. Fritz, late of Warren Township, Franklin County, Pennsylvania.

Personal representatives:
Vernon Fritz
12780 Little Cove Road
Mercersburg, PA 17236
and
Frederick Fritz
37502 Gill Ave.
Zephyrhills, FL 33541
Attorney:
Steiger and Steiger
120 N. Main St.
Mercersburg, PA 17236

7/16,7/23,7/30/2010

Estate of John Gress, a/k/a John Philip Gress, late of Waynesboro Borough, Franklin County, Pennsylvania.

Personal representative:
Laura M. Gress
254 N. Broad St.
Waynesboro, PA 17268
Attorney:
Clinton T. Barkdoll
Kulla, Barkdoll, Ullman & Painter, P.C.
9 E. Main St.
Waynesboro, PA 17268

7/16,7/23,7/30/2010

Estate of Clarence J. Marshall, late of Hamilton Township, Franklin County, Pennsylvania.

Personal representative:
Judy M. Mentzer
c/o R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268
Attorney:
Jared S. Childers
R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268

7/16,7/23,7/30/2010

Estate of Paul M. Mell, late of Franklin County, Pennsylvania.

Personal representative:
Ruth N. Stouffer
10992 Roxbury Road
P.O. Box 17
Roxbury, PA 17251
Attorney:
David W. Rahausser
157 E. Washington St.
Chambersburg, PA 17201

7/16,7/23,7/30/2010

Estate of Goldie Jean Moats, late of Washington Township, Franklin County, Pennsylvania.

Personal representative:
Myrna Fry Binkley
c/o R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268
Attorney:
Jared S. Childers
R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268

7/16,7/23,7/30/2010

PUBLIC NOTICES

Third Publication

Estate of Frances Baker, a/k/a Frances Larue Baker, a/k/a Frances L. Baker, late of Quincy Township, Franklin County, Pennsylvania.

Personal representative:
Charles E. Trite
c/o Jeffrey S. Evans
2025 E. Main St.
Waynesboro, PA 17268
Attorney:
Jeffrey S. Evans
2025 E. Main St.
Waynesboro, PA 17268

7/9,7/16,7/23/2010

Estate of Mary Faith Brown, late of Montgomery Township, Franklin County, Pennsylvania.

Personal representative:
Vicki Louise Pillis
10123 Downsville Pike
Hagerstown, MD 21740
Attorney:
Robert C. Schollaert
82 W. Queen St.
Chambersburg, PA 17201

7/9,7/16,7/23/2010

Estate of Heman E. DeUgarte, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Rosa V. Diehl
c/o Redding Law Office
19 N. Main St.
Chambersburg, PA 17201
Attorney:
Patrick J. Redding
Redding Law Office
19 N. Main St.
Chambersburg, PA 17201

7/9,7/16,7/23/2010

Estate of Jacob W. Hoffeditz, late of Peters Township, Franklin County, Pennsylvania.

Personal representative:
Lynda Pound
120 Crider Ave.
Fayetteville, PA 17222
Attorney:
Courtney J. Graham
Sponseller/Graham, LLC
223 Lincoln Way East
Chambersburg, PA 17201

7/9,7/16,7/23/2010

Estate of Earl B. Perry, late of Greene Township, Franklin County, Pennsylvania.

Personal representatives:
Kenneth J. Perry
103 Perry Road
Fayetteville, PA 17222
and
Pamela M. Knepper
6105 Nugget Way
St. Thomas, PA 17252
Attorney:
Richard K. Hoskinson
Hoskinson & Wenger
147 E. Washington St.
Chambersburg, PA 17201

7/9,7/16,7/23/2010

Estate of Julia Poe, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Sonya K. Williamson
115 Lantern Lane
Chambersburg, PA 17201
Attorney:
George E. Wenger Jr.
Hoskinson & Wenger
147 E. Washington St.
Chambersburg, PA 17201

7/9,7/16,7/23/2010

Estate of Warren E. Weaver, late of Antrim Township, Franklin County, Pennsylvania.

Personal representative:
Ornstown Bank
77 E. King St.
P.O. Box 250
Shippensburg, PA 17257
Attorney:
Richard K. Hoskinson
Hoskinson & Wenger
147 E. Washington St.
Chambersburg, PA 17201

7/9,7/16,7/23/2010

Estate of Hiroe Wilson, late of Mont Alto Borough, Franklin County, Pennsylvania.

Personal representative:
Robert E. Wilson II
c/o Jeffrey S. Evans
2025 E. Main St.
Waynesboro, PA 17268
Attorney:
Jeffrey S. Evans
2025 E. Main St.
Waynesboro, PA 17268

7/9,7/16,7/23/2010

PUBLIC NOTICES

CORPORATION NOTICE

Notice is hereby given that a corporation by the name of Allegheny Computer, Inc., has filed its Articles of Incorporation with the Pennsylvania State Department and has been organized under the provisions of the Business Corporation Law of 1988, the Act of December 21, 1988, P.L. 1444, as amended.

Allegheny Computer, Inc.
586 Fort Loudon Road
Greencastle, PA 17225

Paul T. Schemel, attorney
Dick, Stein, Schemel, Wine & Frey, LLP
13 W. Main St., Suite 210
Waynesboro, PA 17268

7/23/2010

CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed by Salzmans Hughes, P.C. for the purpose of incorporating Forrester Farms II, Inc., under the Pennsylvania Business Corporation Law of 1988.

Adam R. Schellhase, attorney
Salzmans Hughes, P.C.
79 St. Paul Drive
Chambersburg, PA 17201

7/23/2010

CORPORATION NOTICE

Notice is hereby given that a non-profit corporation by the name of Greencastle Downtown, Inc., has filed its Articles of Incorporation with the Pennsylvania State Department and has been organized under the provisions of the Non-Profit Corporation Law of 1988, the Act of December 21, 1988, P.L. 1444, as amended.

Greencastle Downtown, Inc.
217 E. Baltimore St.
Greencastle, PA 17225

Paul T. Schemel, attorney
Dick, Stein, Schemel, Wine & Frey, LLP
119 E. Baltimore St.
Greencastle, PA 17225

7/23/2010

CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 3, 2010, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 1101. The name of the corporation is Megan Martin Fitness Inc.

The purpose for this organization will be to provide personal training, group personal training, and fitness consulting.

7/23/2010

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF FRANKLIN COUNTY, PENNSYLVANIA, ORPHANS' COURT DIVISION

The following list of executors, administrators and guardian accounts, proposed schedules of distribution and notice to creditors and reasons why distribution cannot be proposed will be presented to the Court of Common Pleas of Franklin County, Pennsylvania, Orphans' Court Division, for confirmation on August 5, 2010:

BRENIZE: First and final account, statement of proposed distribution and notice to the creditors of Glenn K. Runshaw, executor of the estate of Marie E. Brenize, late of Lurgan Township, Franklin County, Pennsylvania.

PARKLAWNS: First and final account, statement of proposed distribution and notice to the creditors of U.S. Bank, National Association, resigning trustee, SCI Pennsylvania Funeral Services, Inc., d/b/a Parklawns Perpetual Care Trust Fund.

STONER: First and final account, statement of proposed distribution and notice to the creditors of Jeffrey E. Stoner, executor of the estate of Eva C. Stoner, late of Antrim Township, Franklin County, Pennsylvania.

William E. Vandrew
Clerk of the Orphans' Court Division
Franklin County, Pennsylvania

7/23,7/30/2010

COMMONWEALTH OF PENNSYLVANIA

v. IAN MICHAEL ROSE, Defendant

Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch
Criminal Action — Law, No. 1420–2009

Criminal Law, Appellate Review, Sufficiency of the Evidence, Conflicting Evidence; Reckless Endangerment, Elements, Creation of Danger; Criminal Law, Self Defense, Burden of Proof, Affirmative Proof, Continuing or Escalating Altercation, Unreasonable and Excessive Force; Criminal Law, Appellate Review, Weight of the Evidence, Waiver

1. Under Rule 606(A)(7) of the Pennsylvania Rules of Criminal Procedure, a Defendant may raise a challenge to the sufficiency of the evidence for the first time on appeal. The Court must determine whether, viewing all the evidence admitted at trial, there is sufficient evidence to allow the fact-finder to find every element of the crime beyond a reasonable doubt.
2. The Court may not substitute its judgment for that of the fact-finder. Rather, doubts regarding guilt must be resolved by the jury unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances. If the verdict is based on substantial, if conflicting, evidence, it is conclusive on appeal.
3. The facts and circumstances established by the Commonwealth need not preclude all possibility of innocence, and the elements of an offense may be found by means of wholly circumstantial evidence.
4. To be found guilty of recklessly endangering another person under 18 Pa. C.S.A. §2705 (2010), the evidence must show the Defendant recklessly engaged in conduct that placed or may have placed another person in danger of death or serious bodily injury. All four elements must be proven to sustain a conviction.
5. The Commonwealth must also prove the Defendant had an actual present ability to inflict harm and not merely the apparent ability to do so, as the creation of danger is a requirement for conviction.
6. The evidence presented by the Commonwealth at trial was clearly sufficient for the jury to find the Defendant recklessly endangered the life of Mr. Blough. Though conflicting evidence was presented, the finder of fact performed the duty of settling such conflicts, and resolved the disparate accounts of the quarrel against the Defendant.
7. Both men exited their vehicles in anger after both men engaged in a chase during which both men violated numerous traffic laws and which involved multiple risky behaviors. Mr. Blough testified the Defendant took the tire billy from him, and hit him with it even after he fell to the ground, while Blough was attempting to shield himself from the blows. Blough was observed by a witness down on his knees with the Defendant over him with a stick in his hand beating him continuously. Rose continued to beat Blough until the witness began honking his horn, at which point the Defendant stopped, dropped the tire billy, and left the scene. There was testimony Mr. Blough remained on the ground, face down, bleeding profusely.
8. As the Defendant claimed his use of force was in self defense, the Commonwealth was further required to disprove such justification defense beyond a reasonable doubt.
9. The Commonwealth may not disprove justification solely on the fact finder's disbelief of the defendant's testimony. Rather, the Commonwealth must adduce some affirmative proof that the denied fact existed.
10. There was sufficient evidence to disprove self defense, the foremost of which was the observation of the witnesses arriving at the scene that the Defendant was acting as the