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CHESTER COUNTY BAR ASSOCIATION
15 West Gay Street, 2nd Floor, West Chester, Pennsylvania 19380

www.chescobar.org
lawreporter@chescobar.org

Telephone: 610/692-1889 Fax: 610/692-9546

Richard Meanix, Editor

Assistant Editor

Patrick M. McKenna, Esquire
Richard Meanix, Chairperson-Publications Committee

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In re Estate of Nalaschi, 90 A.3d 8, 15 (Pa. Super. 2014)(internal citations and quotations omitted). Alyse offered insufficient credible evidence to support her claim of a confidential relationship between Ms. Ghee and Denise.

At the time of the gifting, there was no evidence or credible testimony proving that Denise had an overmastering influence over Ms. Ghee, or that Ms. Ghee had placed complete trust in Denise's advice and sought no other counsel. In fact, Ms. Ghee had since 1999 retained Mr. Davidson as her estate attorney and relied on him to guide her through her estate decisions. Mr. Davidson credibly described Ms. Ghee in the 2011-2012 time period as a staunch, independent, robust, forceful woman of her own mind, with a very forceful personality, a "little general", strong minded, demanding, and clear. (N.T. 4/7/2021, pp. 7, 29, 55). Mr. Davidson further credibly testified that Ms. Ghee was a very independent, forthright person who, in December 2012, was living alone, driving herself, and traveling to and from Florida on her own.

In contrast to an overmastering influence by Denise, Ms. Ghee herself worked with Mr. Davidson throughout 2011 and 2012 on her estate plan. Although Mr. Davidson testified he observed that Ms. Ghee and Denise had a very close family relationship (N.T. 4/7/2021, p. 29), he further testified that it was his practice to be watchful for any evidence of undue influence and saw no such evidence from Denise. (N.T. 4/7/2021, p. 85). There was also no credible proof that Denise ever used, or was in possession of, the durable power of attorney ("POA") she was appointed by Ms. Ghee as agent under on April 26, 2011. All of the credible evidence supports the factual finding that Ms. Ghee's April 26, 2011 will and POA remained with Mr. Davidson in his file (N.T. 4/7/2021, p. 91), and that Denise never even accessed it. The mere existence of the POA was insufficient evidence, as weighed against the credible testimony, that Denise had a confidential relationship with Ms. Ghee.

Over the course of approximately a year, Ms. Ghee and Mr. Davidson considered different strategies available to accomplish Ms. Ghee's intention of precluding Alyse from successfully challenging Ms. Ghee's desired transfer of her property to Denise. Ms. Ghee herself finally decided, with Mr. Davidson's advice, that instead of waiting until her death and transferring the properties as devised under her will, she immediately would gift the properties to Denise by deed. The credible testimony established that Ms. Ghee knew of and understood the consequences of these immediate gifts and intended the transfers as they happened, before 2013.

On December 12, 2012, Mr. Davidson sent the deeds for the four subject properties by overnight delivery to Denise at the family business address, informing her by letter of the same date that the deeds would transfer title of the properties from Ms. Ghee to her. He provided instructions explaining that Ms. Ghee needed to sign the deeds in the presence of a notary public and requesting the return of the signed deeds for recording. "Generally speaking, a delivery is complete when a deed is acknowledged before a proper officer as being signed, sealed and delivered without an act, expression, or writing indicating an intention to qualify this formal

act.” *In re Cray's Estate*, 44 A.2d 286, 287 (Pa. 1945). On December 17, 2012, Ms. Ghee signed each of the four deeds before a notary public. As of that date the transfer was completed. The deeds were returned to Mr. Davidson who, thereafter, had them recorded. No credible evidence was presented to support the allegations by Alyse that the December, 2012 deed transfers were made by Denise as agent under Ms. Ghee’s POA, that the transfers were the result of a confidential relationship between Denise and Ms. Ghee, that Denise unduly influenced Ms. Ghee to make the transfers or that Ms. Ghee was mentally incapacitated or had a weakened intellect at the time of the transfers.

Lastly, even if the court erred in concluding that Alyse had not proved Denise had a confidential relationship with Ms. Ghee, such error would be harmless. Had the burden of proof shifted to Denise, as donee of the gifted properties, to prove that Ms. Ghee would have gifted the real properties to her despite a confidential relationship, Denise would have met that burden of proof. The credible facts proved by clear and convincing evidence that Ms. Ghee intended to give the subject properties to Denise. *See In re Estate of Dzierski*, 296 A.2d 716, 717-718 (Pa. 1972).

Laches

Alleged Errors 5(C), (O) and (P)

“5(C) Judge Hall erred in finding the Doctrine of laches applied. The Doctrine of Laches would not be applicable since one has to have clean hands. Denise Ghee and Joel Trigiani did not have clean hands. They took all the assets of Lysbeth Ghee and left her without funds. It was only during the 2016 initial litigation that Mr. Stretton requested the Judge to order Denise Ghee to transfer back certain funds for the support of her mother. Denise Ghee and Joel Trigiani essentially took all of the assets of Lysbeth Ghee that would be necessary for her support and gave the assets to themselves. Certainly, there was not clean hands and the Equity Doctrine of Laches should not apply.”

“5(O) For the Doctrine of Laches, Judge Hall ignored the evidence that laches were not applicable. As noted in the case of Fulton v Fulton 106 A.3d 127 (Pa. Super., 2014), the following is needed for laches:

‘The Doctrine of Laches is an equitable bar to the prosecution of stale claims and is the practical application of the maxim of those who sleep on their rights must awaken to the consequence that they have disappeared --- the question of whether laches applies is a question of law --- the question of laches itself however is factual --- and is determined by examining the circumstance of each case,’
Id 130, 131.

In Giddings v. State Board of Psychology 669 A.2d 431 (Pa. Comm. Ct., 1995),

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the Court notes that laches requires not only unjustifiable delay but also the opposing party's position of rights be prejudiced as a result of that delay, Id 434. In this case, there was no unjustifiable delay. The suit had started in 2016 but withdrawn due to lack of finances. When Ms. Colen was in a position to do so, the suit was refiled. Further, the purpose was to return the assets to Lysbeth Ghee. There was no prejudice to Denise Ghee since she took all of the assets of Lysbeth Ghee. Most importantly, Judge Hall ignored the clear legal standard that if you assert the Doctrine of Laches, one must have clean hands to do so.

'The Board held that Appellant is precluded from asserting laches because he does not assert this equitable doctrine with clean hands. We agree. The Doctrine of clean hands is grounded in the historical notion of a court of equity as a vehicle for affirmatively enforcing the requirements of conscience and good faith, and thus any willful act concerning the cause of action which rightfully can be said to transgress equitable standards of conduct is sufficient cause for closing the doors of a court of equity to one tainted with inequity. --- the clean hands doctrine does not bar relief to a party merely because his conduct in general is blame worthy, the doctrine only applies where the wrong doing directly affects the relationship subsisting between the parties and is directly connected to the matter in controversy,' Id 434, 435.

In this case, Judge Hall erred when he ignored the bad and selfish conduct of Denise Ghee and Joel Trigiani in completely stealing all of Lysbeth Ghee's assets. Judge Hall ignored the lack of clean hands. This was done in 2012 and 2013 and affected her standard of living. Denise Ghee and her husband certainly did not have clean hands. Denise Ghee had a confidential relationship, which she clearly took advantage of. Further, her elderly mother had a weakened intellect. There were serious memory issues. Therefore, Denise Ghee and Joel Trigiani should not have been allowed to assert the Doctrine of Laches because of their misconduct and lack of clean hands. Judge Hall totally ignored the doctrine of clean hands even though it was raised below. Judge Hall erred by dismissing the case on the basis of laches when the Doctrine of Laches was not applicable due to the lack of clean hands."

"5(P) Alyse Ghee therefore, respectfully contends, Judge Hall erred in dismissing the case on the Doctrine of Laches since there were no clean hands and the elements of laches were not met. Further, she contends Judge Hall erred in dismissing the case because there was a clear confidential relationship which Denise Ghee took advantage of. Judge Hall failed to discuss the confidential relationship. Further, Judge Hall erred in finding Denise Ghee and Joel Trigiani were credible when in fact the evidence showed to the contrary, particularly on the circumstances of the gift and Denise Ghee denying any knowledge of it

when in fact she was a main player. Judge Hall ignored evidence of weakened intellect, he ignored evidence of transferring all assets to Denise Ghee were hurting her position with nursing homes at the same time, and ignored the fact that this was not a normal transfer and was a result of confidential relationship.”

Alyse’s assertion that the trial court erred in finding her claims were barred by the doctrine of laches is without merit. Denise correctly raised the issue of laches as an affirmative defense and the record evidence supports the court’s conclusion that Alyse’s many years of unjustifiable delay caused prejudice to Denise and Joel.

Laches bars relief when the complaining party is guilty of want of due diligence in failing to promptly institute the action to the prejudice of another. Thus, in order to prevail on an assertion of laches, respondents must establish: a) a delay arising from petitioner’s failure to exercise due diligence; and, b) prejudice to the respondents resulting from the delay. Moreover, the question of laches is factual and is determined by examining the circumstances of each case. Unlike the application of the statute of limitations, exercise of the doctrine of laches does not depend on a mechanical passage of time.

Fulton v. Fulton, 106 A.3d 127, 131 (Pa. Super. 2014) (internal citations omitted). Laches arises when a party’s position or rights “are so prejudiced by length of time and inexcusable delay, plus attendant facts and circumstances, that it would be an injustice to permit presently the assertion of a claim against him.” *Nilon Bros. Enterprises v. Lucente*, 461 A.2d 1312, 1314 (Pa. Super. 1983). Such an injustice would occur here if Alyse were allowed to proceed.

The law is clear that the defense of laches “bars relief when the complaining party is guilty of want of due diligence in failing to promptly institute the action to the prejudice of another.” *Fulton*, supra. at 131. “For purposes of laches, the question of whether a party exercised ‘due diligence’ in pursuit of a claim is not what a party knows, but what the party may have known by use of information within the party’s reach.” *Kern v. Kern*, 892 A.2d 1 (Pa. Super. 2005). Alyse knew by April, 2014 of the subject real estate transfers.

Alyse first challenged the transfers in a petition filed in Delaware County in May of 2015. (Exhibit R-A). In that petition, Alyse sought to have Denise file an accounting as well as return the properties gifted to her by Ms. Ghee. After Denise hired counsel and expended monies in her own defense, Alyse withdrew the petition ending the case. In April 2016, Alyse filed a second petition, this time in Chester County (at docket number 1516-0782), again seeking to have Denise account for and return the properties. Denise again hired counsel, filed preliminary objections, filed an answer with new matter, and prepared for three days of scheduled hearings. Not long before the hearings were to begin, in October 2016, Alyse withdrew this second petition, providing no reason for the withdrawal and stating in her petition to

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withdraw that she would decide “when and if” to refile. Alyse presented no credible evidence that she was incapable of proceeding with the 2016 action.

It was not until September 11, 2020, six and one-half years after first knowing in April, 2014 of the subject 2012 property transfers, that Alyse filed the present Petitions. This third action again requested an accounting and return of all properties. As before, the Petitions alleged that Ms. Ghee was mentally impaired, and specifically alleged her impairment was caused by her 1995 brain tumor, twenty-five years in the past. As an indication of the unreasonable length of time which had passed since Alyse first knew of the transfers, even if Alyse had standing, the catch-all six-year statute of limitations for the initiation of civil proceedings, 42 Pa. C.S. § 5527(b), would have expired before the Petitions were filed.

In *Fulton*, the decedent had filed a complaint in 2003 against her agent for transfers he had made in 2000 and 2002 of her real property pursuant to a power of attorney. Due to a lack of activity, this case eventually was dismissed. Subsequently, in 2008, decedent died. The original executor of the decedent’s estate died in 2009. In 2011 an administratrix *d.b.n.c.t.a* was appointed and filed an action against the agent’s estate (the agent had also died in the interim) similar to the complaint decedent filed in 2003. The trial court granted the affirmative defense of laches and dismissed the administratrix’s action. The Supreme Court affirmed the trial court’s dismissal, holding that the decedent’s and her personal representatives’ inaction demonstrated a lack of due diligence sufficient to satisfy the laches doctrine. *Sub judice*, Alyse’s many years of inaction justifies the same result. Although there were two (2) short bursts of filing and activity in 2015 and 2016, Alyse withdrew those matters allowing the matter to languish while prejudice resulted to Denise and Joel. Denise and Joel presented evidence and credibly testified that in the interim, between 2016 and 2020, under the assumption that Alyse now accepted the transfers as valid, they spent significant sums of money, made material changes to the various properties, and even moved their residence into one of the properties.

Alyse alleges Denise and Joel are not entitled to claim protection from the doctrine of laches because they do not have “clean hands”. Although it is true a party seeking equitable relief must come before the court with clean hands, the credible evidence did not prove Denise and Joel lacked clean hands. “A court may deprive a party of equitable relief where, to the detriment of the other party, the party applying for such relief is guilty of bad conduct relating to the matter at issue.” *In re Estate of Aiello*, 993 A.2d 283, 288 (Pa. Super. 2010)(internal citations omitted). In support of her position, Alyse claims Denise and Joel left Ms. Ghee “without funds” and “took all of the assets”. She further states that Denise and Joel stole “all of Lysbeth Ghee’s assets” which “affected her standard of living.” All of these claims are unsupported by and conflict with the credible testimony and evidence.

In approximately the early 1980s, Ms. Ghee and Denise opened a joint account in which monies from their work income were deposited. The unrefuted testimony was that currently this account is maintained at Wells Fargo bank, holds approximately \$984,000.00 and is used only by Ms. Ghee’s guardian of the estate to pay for all of Ms. Ghee’s expenses. Ms. Ghee and Denise also opened another joint

account containing other monies of Denise and Ms. Ghee. In or about 2016, Denise also turned over one-half of these jointly held funds, approximately \$475,000.00, to Ms. Ghee's guardian of the estate. As confirmed on the record by her guardian *ad litem*, 97-year-old Ms. Ghee has ample funds to provide for her to live comfortably for the rest of her life. Therefore, contrary to Alyse's claim, the court did not find that Denise and Joel were "guilty of bad conduct" or did not have "clean hands" in their dealings with Ms. Ghee and her assets. Consequently, the court appropriately concluded that Alyse caused an unnecessary delay due to her failure to exercise due diligence, a delay that extended even beyond the applicable statute of limitation period, that Denise and Joel were prejudiced by that unnecessary delay and that Alyse's Petitions should be barred by the doctrine of laches.

Credibility

Alleged Errors 5(D),(E),(F),(G),(J),(K),(L),(M) and (P)

"5(D) Judge Hall specifically erred in finding that Denise Ghee and Joel Trigiani were credible. In fact, the evidence showed to the contrary. Denise Ghee had testified that she was not aware of the transfers and had nothing to do with them. But it was her corporate lawyer who did the transfers. Further, Lysbeth Ghee, in December of 2012, did not sign the documents in front of her lawyer. The lawyer sent the documents to Denise Ghee, who then had her mother sign the documents transferring the various real-estate properties and then the documents in January transferring the Florida house, all to Denise Ghee. Subsequently, Denise Ghee transferred some of the properties to her husband, Joel Trigiani. The fact that Denise Ghee lied about knowing about the transfers, when she played a vital role, clearly would undermine her credibility."

"5(E) Judge Hall erred in not looking at the total picture. Supposedly, these transfers were done because of some incident in Florida involving the grandchildren. But the unrefuted testimony by Paige Colen, the granddaughter, indicated that was not true. In fact, her testimony was that Denise Ghee continued to harass Lysbeth Ghee to get them to leave the Florida visit. Further, it would make absolutely no sense at all to transfer all the properties to Denise Ghee when she has no biological heirs, when the other daughter, Alyse Colen, had the three grandchildren and now several great-grandchildren of Lysbeth Ghee. All of these beneficiaries were cut out and ignored in these transfers."

"5(F) Further, the testimonies of Denise Ghee and her husband were not credible. There was testimony that the purpose was to prevent Alyse Colen from stealing all of the monies of her mother. In fact, there was no evidence of that whatsoever. The only person who stole all the monies and properties was Denise Ghee. Denise Ghee's rationale is that she took all of the assets to prevent her sister from doing so, was absurd."

“5(G) Judge Hall ignored the medical records that clearly showed in 2012 Lysbeth Ghee was having serious memory issues.”

“5(J) In support of these post-trial motions, I have attached and marked as Exhibit “B”, a copy of the Brief filed in support of Alyse Colen’s position that was filed with the Court on November 17th, 2021. This Brief summarizes the testimony and emphasizes the confidential relationship, the lack of credibility of Denise Ghee, and the fact that there was no laches issue. This Brief is incorporated by reference into these post-trial motions.”

“5(K) The decision by Judge Hall was not supported by sufficient evidence for the reasons discussed above. Further, Judge Hall erred in finding Alyse Colen not credible. The evidence and the misconduct of Denise Ghee, supported the credibility of Alyse Colen.

“5(L) Further the verdict was against the weight of the evidence for the reasons discussed above.”

“5(M) Judge Hall ignored existing case law and the confidential relationships and did not mention this in his Order. He ignored the medical notes that said that Lysbeth Ghee was highly reliant on Denise Ghee. Judge Hall ignored the fact that Denise Ghee had the power of attorney, both for health and for handling the financial matters of Lysbeth Ghee, which are factors supporting a confidential relationship. Judge Hall erred in not finding a confidential relationship existed between Denise Ghee and her mother, Lysbeth Ghee.”

“5(P) Alyse Ghee therefore, respectfully contends, Judge Hall erred in dismissing the case on the Doctrine of Laches since there were no clean hands and the elements of laches were not met. Further, she contends Judge Hall erred in dismissing the case because there was a clear confidential relationship which Denise Ghee took advantage of. Judge Hall failed to discuss the confidential relationship. Further, Judge Hall erred in finding Denise Ghee and Joel Trigiani were credible when in fact the evidence showed to the contrary, particularly on the circumstances of the gift and Denise Ghee denying any knowledge of it when in fact she was a main player. Judge Hall ignored evidence of weakened intellect, he ignored evidence of transferring all assets to Denise Ghee were hurting her position with nursing homes at the same time, and ignored the fact that this was not a normal transfer and was a result of confidential relationship.”

In each of the above issues, Alyse essentially argues that the court erred in its credibility determinations. Specifically, that the court erred in finding the testimonies of Denise, Joel, and Mr. Davidson to be credible and her own testimony not credible.

When the trial court sits as fact finder, the weight to be assigned the testimony of the witnesses is within its exclusive province, as are credibility determinations, [and] the court is free to choose to believe all, part, or none of the evidence presented. *Stokes v. Gary Barbera Enterprises, Inc.*, 783 A.2d 296, 297 (Pa.Super.2001), appeal denied, 568 Pa. 723, 797 A.2d 915 (2002).

Mackay v. Mackay, 984 A.2d 529, 533 (Pa. Super. 2009)(internal quotations omitted). In accordance with the authority assigned to it, the court found Denise, Joel and Mr. Davidson credible. The court's findings of fact are supported in the record by their testimony and evidence.

"[T]he findings of an Orphans' Court judge who hears testimony without a jury are entitled to the weight of a jury verdict." *In re Masciantonio's Estate*, A.2d 99 (Pa. 1959). This rule is particularly applicable "to findings of fact which are predicated upon the credibility of the witnesses, whom the judge has had the opportunity to hear and observe, and upon the weight given to their testimony." *Herwood v. Herwood*, A.2d 306 (Pa. 1975). Such findings of fact will be affirmed if they are supported by competent and adequate evidence, and are not predicated on capricious disbelief of competent and credible evidence. *See In re Estate of Damario*, 412 A.2d 842 (Pa. 1980). *In re Jackson*, 174 A.3d 14, 23 (Pa. Super. 2017). Here the record is replete with competent and adequate evidence in support of the court's findings of fact. The court's findings are not predicated on a capricious disbelief of competent and credible evidence. None of the material evidence offered by Alyse and her daughter, Paige Holloman, was found credible.

In 1999 Ms. Ghee, at the recommendation of her accountant, hired Mr. Davidson as her estate planning attorney. Mr. Davidson vividly described Ms. Ghee as a "staunch, independent, robust, forceful woman of her own mind." (N.T. 4/7/2021, p. 29). He further described Ms. Ghee as "A little general. Strong minded, demanding, and clear." (N.T. 4/7/2021, p. 55). Mr. Davidson testified "we used to enjoy when she came to the office. She was dressed up as though she was going to the theater with a broach and her hair – a fancy hat, and she would walk in like a little George Patton General. Very forceful....Very independent." (N.T. 4/7/2021, p. 29). Mr. Davidson testified that Ms. Ghee would drive herself to his office (N.T. 4/7/2021, p. 82). When she did she would "come to my office, ask questions, have a conversation and make decisions and we would move forward and that happened many times without Denise being there." (N.T. 4/7/2021, p. 29).

Mr. Davidson also described the evolution of Ms. Ghee's thinking as to the disposition of her property. When Ms. Ghee's relationship with Alyse soured in February, 2011, Ms. Ghee's estate plan changed. (N.T. 4/7/2021, p. 20-21). In April, 2011, Ms. Ghee named Denise the sole beneficiary under her will, her agent under the POA and her agent under her healthcare power of attorney and directive. (N.T. 4/7/2021, p. 21, 77-79). Mr. Davidson testified that Ms. Ghee had testamentary capacity at the time of the April 26, 2011 estate planning and document executions.

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(N.T. 4/7/2021, p. 77-81).

As to Ms. Ghee's reason for choosing only Denise as her heir, Mr. Davidson testified Ms. Ghee had a high degree of animosity toward Alyse and her family. She informed Mr. Davidson she wanted Denise to have all her property but was concerned that Alyse would challenge any transfer made by will, trust, or limited partnership. (N.T. 4/7/2021, p. 55). Ms. Ghee told Mr. Davidson that Alyse, as an attorney, would stop at nothing to get Ms. Ghee's assets and challenge her estate plan. (N.T. 4/7/2021, p. 55). He gave thorough testimony about the different options Ms. Ghee and he considered to accomplish Ms. Ghee's estate plan. Ms. Ghee discussed, with a reasonable degree of sophistication, transfer taxes, gift taxes and the filing of gift tax returns. (N.T. 4/7/2021, p. 22). As a result of Ms. Ghee's continued concerns about Alyse's eventual attack on her estate planning decisions, Ms. Ghee decided that the *inter vivos* transfer of the real properties was the best way to overcome Alyse's expected challenges. (N.T. 4/7/2021, pp. 21-23, 41-42).

Alyse has asserted that Mr. Davidson was biased towards Denise and Joel and should not have been found credible. She emphasized that Mr. Davidson was the corporate counsel for the family business which eventually was run by Denise. Mr. Davidson testified, however, that he only represented the business in a very limited capacity; he prepared the corporate minutes and the decennial report. (N.T. 4/7/2021, p. 70-71). He testified he had no recollection of ever being asked about corporate or business matters. (N.T. 4/7/2021, p. 70). Secondly, Alyse contends Mr. Davidson was working for Denise when he prepared the deeds transferring the properties. There was no evidence, however, that Mr. Davidson was acting at the direction of anyone other than Ms. Ghee herself. Although Denise sat in on some of Mr. Davidson's meetings with Ms. Ghee, she did not direct Ms. Ghee's estate plan and did not know Ms. Ghee had made a final decision to transfer the subject real properties to her until she received the mailed deeds from Mr. Davidson.

As noted above, Mr. Davidson gave detailed testimony as to the impetus for Ms. Ghee to transfer her properties to Denise and why she decided on immediate *inter vivos* transfers. Further supporting the credibility of Mr. Davidson, and Ms. Ghee's stated fears that Alyse would stop at nothing to challenge her estate plan, Alyse has indeed repeatedly challenged Ms. Ghee's plan. Mr. Davidson confirmed that Alyse's current litigation is the type of challenge Ms. Ghee predicted and attempted to preempt.

While Alyse submitted medical records to support her contention that Ms. Ghee was not competent to handle her financial matters and personal affairs "since before 1993" and through the 2012 gifting to Denise, no expert witness testified as to the records or in support of Alyse's contention. In fact, Alyse herself acknowledged she had no evidence to give as to Ms. Ghee's alleged lack of capacity but would rely on a medical expert to provide it. (N.T. 4/7/21, p. 121). Her counsel later acknowledged that he had tried but failed to acquire such an expert. (N.T. 10/25/2021, p. 14). "Medical records are admissible under the hearsay rules as evidence of facts contained therein but not as evidence of medical opinion or diagnosis." *Folger ex rel. Folger v. Dugan*, 876 A.2d 1049, 1055 (Pa Super. 2005)

(internal citations and quotations omitted). This court considered the facts contained in the admitted medical records when making the final decision and assigned to them the weight they deserved.

Finally, Alyse contends it is illogical that Ms. Ghee would transfer all of her property to Denise, who, unlike Alyse has no children or grandchildren. “It has always been the law of Pennsylvania that a parent does not have to leave any of his property to any of his children, irrespective of whether he likes them or dislikes them, or hates them, and he does not have to disclose his reasons for disinheriting them.” *In re Sommerville's Est.*, 177 A.2d 496, 499 (Pa. 1962). Ms. Ghee did not need reasons to gift her real estate to Denise rather than Alyse, but she certainly had them. In any event, logical or not, she disposed of her property as she alone decided.

Judicial notice of drug information from internet source

Alleged Error 5(Q)

“5(Q) Judge Hall erred in not taking Judicial Notice that the medicine taken by Lysbeth Ghee in 2012 was for treatment of Alzheimer's and memory loss.”

The court did not err when it declined to take judicial notice of internet information regarding a drug taken by Ms. Ghee because, in violation of Pa.R.E. 201(b), the alleged facts were neither “generally known within the trial court’s territorial jurisdiction”, Pa.R.E.201(b)(1), nor could “be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Pa.R.E. 201(b)(2). The court had no knowledge of this drug or the internet source of the proffered information.

The drug in question, Aricept, was described in Ms. Ghee’s medical records as a drug first prescribed to her in Florida during March of 2012. When those medical records were introduced during the October 25, 2021 hearing, Alyse’s counsel attempted to introduce as an exhibit a separate document he represented was obtained from the internet by someone in his office which described the reason(s) for the drug’s use. When an objection was raised, and in lieu of a medical doctor or other witness who could authenticate and vouch for the accuracy of the document, Alyse’s counsel requested the court to take judicial notice of the document’s information. Apart from not knowing how long Ms. Ghee took the drug or the drug dosage, and only “guessing” that Ms. Ghee took the drug at some point between 2012 and 2014, Alyse’s counsel did not represent that the source of the drug internet information was such that its accuracy could not be reasonably questioned. In fact, Alyse’s counsel never provided the source of the internet information, only that it was “obtained off of the internet for drugs.” (N.T. 10/25/2021, pp. 11-15).

Later during the October 25, 2021 hearing, Alyse’s daughter testified, in direct contradiction to the representation by Alyse’s counsel, that it was she who had obtained the Aricept document, not someone from the office of Alyse’s counsel. She testified that she had acquired the document from her brother’s wife, who was

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a pharmaceutical sales representative. Alyse's daughter acknowledged that she had no independent knowledge about the accuracy of the document, and Alyse's counsel continued to describe it as akin to information obtained by someone off the internet. (N.T. 10/25/2021, pp. 27-29). The court again declined to take judicial notice of the document information because the requirements necessary for the court to take judicial notice had not been met. In violation of Pa.R.E. 201(c)(2), the court had not been supplied with the necessary information to demonstrate that the subject drug information was generally known within the trial court's territorial jurisdiction or came from a source whose accuracy could not reasonable be questioned.

The case law pertaining to information obtained from the internet supports the court's decision. In *Commonwealth v Brown*, 839 A.2d 433 (Pa. Super. 2003), the trial court's decision to take judicial notice of distance estimates from a MapQuest internet website was reversed by the Superior Court because such internet information, in violation of Pa.R.E. 201(b), was not so reliable that its "accuracy cannot reasonable be questioned," *Id.* at 435-436. Similarly, the Commonwealth Court, in *Crocco v Pennsylvania Department of Health*, 214 A.3d 316, 323 (Pa. Super. 2019) declined to take judicial notice of internet web page information due to the unknown accuracy of that information. *Id.* at 323. Thus, both Pennsylvania intermediate appellate courts have declined to allow such unauthoritative internet information to be adopted as undisputed facts through judicial notice. If the court took judicial notice of the uses for this drug, it would have to take it for any drug defined by any internet source. The law requires more to qualify for judicial notice.

Finally, if the court committed error in refusing to take judicial notice of this information, it committed harmless error in doing so. Even if the proffered usage of Aricept was judicially noticed by the court for treating Alzheimer's disease, dementia or memory loss, that would not change the court's decision to find Mr. Davidson's testimony credible as to Ms. Ghee's keen mental faculties during the times he discussed her estate plans with her, including during her final conversations when she decided to give the subject real properties to Denise. Consequently, this issue is without merit.

Conclusion

For the foregoing reasons, it is respectfully suggested that the December 21, 2021 order be affirmed.

BY THE COURT:

March 29, 2022

Date

/s/ John L. Hall, J.

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Chester County Court of Common Pleas
 Orphans' Court Division
CALL OF THE AUDIT LIST
 THE HONORABLE JOHN L. HALL COURTROOM 1
 WEDNESDAY, OCTOBER 04, 2023 09:00 AM

JOSEPH GODLEWSKI **1522-2130**
CALL OF THE AUDIT LIST
FIRST AND FINAL ACCOUNT

RYAN M. BORNSTEIN	KAREN RICCIARDI, EXECUTOR
RYAN M. BORNSTEIN	ANNMARIE COLLINS, EXECUTOR

JOHN M. VALERIO **15-23-0334**
CALL OF THE AUDIT LIST
FIRST ACCOUNT

THOMAS J. BURKE	WILLIAM VALERIO, EXECUTOR
-----------------	---------------------------

WALTER HARVEY DUNNING **15-23-1294**
CALL OF THE AUDIT LIST
FIRST AND FINAL ACCOUNT

EUGENE A. STEGER	EUGENE A. STEGER, EXECUTOR
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COLLEEN HEALEY **15-23-1308**
CALL OF THE AUDIT LIST
FIRST AND FINAL ACCOUNT

PRO SE	ROBERT WIEGAND, II, TRUSTEE
AMY C. QUIGG	VANGUARD NATIONAL TRUST COMPANY ("VNTC"), TRUSTEE
KAREN M. STOCKMAL	

CHESTER COUNTY ANGEL **15-23-1941**
CALL OF THE AUDIT LIST
FIRST AND FINAL ACCOUNT

STACEY WILLITS MCCONNELL	I. LAWRENCE J. PERSICK, TRUSTEE
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NOTICES

*Please note: All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser unless otherwise specified. Neither the **Law Reporter** nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content. The use of the word "solicitor" in the advertisements is taken verbatim from the advertiser's copy and the **Law Reporter** makes no representation or warranty as to whether the individual or organization listed as solicitor is an attorney or otherwise licensed to practice law. The **Law Reporter** makes no endorsement of any advertiser in this publication nor is any guarantee given to quality of services offered.*

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the shareholders of **Surfer Technologies Inc.**, a Pennsylvania corporation, with an address of 557 West Uwchlan Avenue, Suite #250, Exton, PA 19341, (Chester County), have unanimously approved a proposal that the corporation voluntarily dissolve and is now engaged in winding up and settling affairs of the corporation under the provisions of Section 197 5 of the Pennsylvania Business Corporation Law of 1988, as amended.

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.

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA**

CIVIL ACTION

LAW NO. 2023-06641-NC

NOTICE IS HEREBY GIVEN that the name change petition of Rae Jones was filed in the above-named court and will be heard on Monday, December 11, 2023 at 2:00:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, September 8, 2023

Name to be changed from: Rae Jones to: Raymond John Watson Osbourne

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

1st Publication

ARNOLD, Jo Ann Joyce, a/k/a Jo Ann J. Ogborn and Jo Ann Ogborn, late of East Brandywine Township. De Anna Ousey, 270 Jefferis Road, Downingtown, PA 19335, care of DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, Executrix. DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, atty.

BAILEY, Ieva, late of East Goshen Township. Egils Malmanis, care of TERRANCE A. KLINE, Esquire, 200 E. State St., Ste. 306, P.O. Box A, Media, PA 19063, Administrator. TERRANCE A. KLINE, Esquire, Law Office of Terrance A. Kline, 200 E. State St., Ste. 306, P.O. Box A, Media, PA 19063, atty.

BARNETT, Jean Boswell, late of West Goshen Township. Brenda B. JAackson and Bronwen R. Barnett, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrices. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

BENNETT, BRUCE I., late of East Coventry Township. Bonnie W. Bennett, care of R. DOUGLAS GOOD, Esquire, 132 W. Main St., New Holland, PA 17557, Executrix. R. DOUGLAS GOOD, Esquire, Good & Harris, LLP, 132 W. Main St., New Holland, PA 17557, atty.

CORPORATION NOTICE

ANDIA PRESTIGE SERVICES, INC. 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 Inc. were filed with the Dept. of State for GI SYSTEMS, INC., a corp. organized under the PA Business Corp. Law of 1988. MacELREE HARVEY, LTD., Solicitors, 17 W. Miner St., West Chester, PA 19382

BERGERON, Robert Leo, late of Uwchlan Township. Leslie Bryant, 101 Nicolson Dr., Downingtown, PA 19335, Executor.

CLARK, Eileen M., late of Penn Township. Robert J. Clark, 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.

DeGEISO, Richard C., late of West Goshen Township. Paul DeGeiso, 3051 Thomspson Road, Telford, PA 18969, care of DENISE M. CORDES, Esquire, 27 South State Street, Newtown, PA 18940, Executor. DENISE M. CORDES, Esquire, Cordes Law LLC, 27 South State Street, Newtown, PA 18940, atty.

DEWEES, William Richard, a/k/a W. Richard Dewees and Rick Dewees, late of East Coventry Township. Constance B. Corbin-Miller, 1105 Summit Drive, Royersford, PA 19468, Executrix.

GOODMAN, Gerard J., a/k/a Jerry Goodman, late of Phoenixville. Mary T Sullivan, 750 Old Lancaster Rd. B-301, Berwyn, PA 19312, Executor.

GRAYBILL, Sally A., late of Uwchlan Township. Thomas M. Graybill, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, Firm, 311 Exton Commons, Exton, PA 19341-2450, atty.

HERNANDEZ-ALVAREZ, Jose, a/k/a Jose Hernandez Alvarez and José Hernández Álvarez, late of Kennett Township. Nilza Wise, care of CHRISTOPHER M. BROWN, Esquire, 1240 West Chester Pike, Ste. 210, West Chester, PA 19382, Executrix. CHRISTOPHER M. BROWN, Esquire, Law Offices of Christopher M. Brown, PLLC, 1240 West Chester Pike, Ste. 210, West Chester, PA 19382, atty.

HODICK, Marie K., late of West Whiteland Township. Jerry L. Johnson, 211 Folin St., Coatesville, PA 19320, Executor.

HORN, Cecilia A., late of West Bradford Township. James T. Horn, care of HARRY J. DiDONATO, Esquire, 17 W. Miner St., West Chester, PA 19382, Executor. HARRY J. DiDONATO, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

IVEY, Elizabeth, late of Willistown Township. John A. Reason, 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.

KEEN, Robert Melvin, late of East Coventry Township. Kathy K. Hodge, 1098 Schoolhouse Road, Pottstown, PA 19465, Executrix.

KEITHLEY, Kathryn Ditton, late of Tredyffrin Township. Ross Keithley, care of THOMAS E. WYLER, Esquire, 22 East Third Street, Media, PA 19063, Administrator. THOMAS E. WYLER, Esquire, Falzone & Wyler LLC, 22 East Third Street, Media, PA 19063, atty.

LIGO, Nancy Gordon, a/k/a Nancy G. Ligo, late of Kennett Township. Janet L. Robertson, 1186 Avonlea Circle, Glen Mills, PA 19342, care of SCUDDER G. STEVENS, Esquire, 6 Ponds Edge Dr., Ste. 1, Chadds Ford, PA 19317, Executrix. SCUDDER G. STEVENS, Esquire, M. Lyons Law Group LLC, 6 Ponds Edge Dr., Ste. 1, Chadds Ford, PA 19317, atty.

LONG, Robert B., late of West Chester. Ms. Sandra Long DiPasqua, 1413 Appleberry Way, West Chester, PA 19382, care of DONALD J. WEISS, Esquire, 6 Dickinson Drive, Suite 110, Chaddsford, PA 19317, Administratrix. DONALD J. WEISS, Esquire, Firm, 6 Dickinson Drive, Suite 110, Chaddsford, PA 19317, atty.

LYLES, GLORIA A., a/k/a Gloria Lyles, late of Tredyffrin Township. Earlean Susman, 610 E. Roberts St., Norristown, PA 19401, care of MARK S. HARRIS, Esquire, 920 Lenmar Dr., Blue Bell, PA 19422, Executrix. MARK S. HARRIS, Esquire, Warren, McGraw & Knowles, LLC, 920 Lenmar Dr., Blue Bell, PA 19422, atty.

MARCZYK, Charles J., late of Willistown Township. Geoffrey R. Marczyk, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, Executor. ANTHONY MORRIS, Esquire, Buckley Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, atty.

MOULDEN, Janice I., late of Oxford Borough. Adrienne R. Kinsey, 2425 W. Parris Dr., Wilmington, DE 19808, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Administratrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

Letters Testamentary have been granted in the Estate of **GIULIANA PEZZOPANE**, late of Honey Brook Township. All persons having claims or demands on the Estate are requested to make them known, and all persons indebted to the said decedent are requested to make payment without delay. Claudio Pezzopane, c/o The Law Firm of Barry S. Rabin, 797 E. Lancaster Avenue Suite 13, Downingtown

PA 19335, Personal Representative. Barry S. Rabin, 797 E. Lancaster Avenue Suite 13, Downingtown PA 19335, Attorney.

PICCONI, Christopher Anthony, late of Willistown Township. Francine D. Piccone, care of GEORGE C. ZUMBANO, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Administratrix. GEORGE C. ZUMBANO, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

PICCONI, Dante E., late of Wallace Township. Francine D. Piccone, care of GEORGE C. ZUMBANO, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. GEORGE C. ZUMBANO, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

RACITI, Andrea Arles, a/k/a Andrea A. Raciti, and Andrea Raciti, late of Chester Springs. Denise King, 14 Westhampton Drive, Wilmington, DE 19808, care of DEIRDRE A. AGNEW, Esquire, 1450 East Boot Rd, Bldg 400A, West Chester, PA 19380, Executrix. DEIRDRE A. AGNEW, Esquire, Law Offices of Deirdre A. Agnew, 1450 East Boot Rd, Bldg 400A, West Chester, PA 19380, atty.

REIHL, Muriel E., late of West Whiteland Township. Cheryl Anne Reihl, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, PINE & PINE, LLP, 104 S. Church St., West Chester, PA 19382, atty.

RUPPERT, Charles Vincent, late of Coatesville. Eileen Fox, 40 Windswept Lane, Honey Brook, PA 19344, care of Ryan J. Griffin, Esquire, 623 N. Pottstown Pike, Honey Brook, PA 19344, Executrix. Ryan J. Griffin, Esquire, Griffin and Von Urff, LLC, 623 N. Pottstown Pike, Honey Brook, PA 19344, atty.

STARKEY, Brenda A., late of Tredyffrin Township. Lynne S. Dawson, care of NEIL W. HEAD, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. NEIL W. HEAD, Esquire, Klein, Head, Barnes & wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

STEVENS, Thomas Nelson, a/k/a Thomas N. Stevens, late of London Grove Township. Diane F. Stevens, 3 Williams Way, Avondale, PA 19311, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Administratrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

TAYLOR, Stewart F., a/k/a Stewart Frazer Taylor and Stewart Taylor, late of West Bradford Township. Bruce B. Taylor, 1509 Markan Dr. NE, Atlanta, GA 30306 and Robin F. Delehanty, 51 Gordon Rd., Essex Fells, NJ 07021, care of VANCE E. ANTONACCI, Esquire, 570 Lausch Ln., Ste. 200, Lancaster, PA 17601, Administrators. VANCE E. ANTONACCI, Esquire, McNees Wallace & Nurick, LLC, 570 Lausch Ln., Ste. 200, Lancaster, PA 17601, atty.

TEETSEL, Raymond H., late of Downingtown. Lee Teetsel, care of THOMAS E. WYLER, Esquire, 22 East Third Street, Media, PA 19063, Executor. THOMAS E. WYLER, Esquire, Falzone & Wyler LLC, 22 East Third Street, Media, PA 19063, atty.

VENUTE, Nancy Ada, late of Tredyffrin Township. Deborah Anne Kapchan, care of G. ELIAS GANIM, Esquire, P.O. Box 494, Paoli, PA 19301-0494, Executrix. G. ELIAS GANIM, Esquire, McLaughlin Ganim, LTD., P.O. Box 494, Paoli, PA 19301-0494, atty.

WARLICK, Catherine Adele R., a/k/a Adele Warlick, late of Willistown Township. David R. Warlick and Alfred C. Warlick, IV, care of JAMES J. RUGGIERO, JR., Esquire, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, Administrators. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices, LLC, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, atty.

WESTPHAL, Rainer J., a/k/a Rainer John Westphal, late of Easttown Township. Stefanie Westphal Thompson, 24 Lakewood Dr., Media, PA 19063, care of W. STEVEN WOODWARD, Esquire, 1275 Drummers Ln., Ste. 210, Wayne, PA 19087-1571, Executrix. W. STEVEN WOODWARD, Esquire, Gadsden Schneider & Woodward LLP, 1275 Drummers Ln., Ste. 210, Wayne, PA 19087-1571, atty.

2nd Publication

ADAMS, Elwood L., a/k/a Elwood Leroy Adams, late of Franklin Township. Deborah Lee Davis, care of NORMAN J. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. NORMAN J. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

ANDREWS, Jane L., late of Pennsbury Township. Robert K. Andrews, Jr., 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.

ANKNEY, Bradly Keith, late of West Vincent Township. Gary W. Ankney, 14967 Pleasant Ridge

Rd., Harrisonville, PA 17228, care of BETH ANN MARSHALL, Esquire, 215 N. Olive St., Ste. 203, Media, PA 19063, Administrator. BETH ANN MARSHALL, Esquire, Knight & Moskow, PC, 215 N. Olive St., Ste. 203, Media, PA 19063, atty.

ATKINS, Timothy Scott, late of West Vincent Township. Louise Atkins, care of JAMES J. MUNNIS, Esquire, 1515 McDaniel Dr., West Chester, PA 19380, Administratrix. JAMES J. MUNNIS, Esquire, Munnis Law, 1515 McDaniel Dr., West Chester, PA 19380, atty.

BARKER, Mary E., late of Valley Township. Robert Carr, care of NORMAN J. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executor. NORMAN J. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

CAMPBELL, Carl, late of Oxford Borough. Karen C. Henry, care of WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 E. Locust Street, Oxford, PA 19363, Executrix. WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 E. Locust Street, Oxford, PA 19363, atty.

COOK, Michael N., a/k/a Michael Nolan Cook, late of Easttown Township. Stacey Lendener, care of JOHN F. MCKENNA, 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.

CREASY, Kathleen E., late of Phoenixville Borough. Kimberly Radcliffe, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Downingtown, PA 19335, Executrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Downingtown, PA 19335, atty.

DAME, Jean Patton, a/k/a Jean P. Dame, late of East Pikeland Township. Anne Dame, care of ERICA A. RUSSO, Esquire, 1001 Conshohocken State Rd., #1-300, West Conshohocken, PA 19428, Executrix. ERICA A. RUSSO, Esquire, Heckscher, Teillon, Terrill & Sager, PC, 1001 Conshohocken State Rd., #1-300, West Conshohocken, PA 19428, atty.

DeSIMONE, Elmyra Frances, late of East Whiteland Township. Mark Minicozzi and Carol Hummel, care of CYNTHIA LOVE DENGLER, Esquire, 484 Norristown Rd., Ste. 124, Blue Bell, PA 19422, Executors. CYNTHIA LOVE DENGLER, Esquire, Murphy & Dengler, 484 Norristown Rd., Ste. 124, Blue Bell, PA 19422, atty.

DONATO, Eleanor Carson, late of Tredyffrin Township. Robert R. Carson and Kathryn E. Boucher, care of STEPHEN D. POTTS, Esquire, Strafford Office Bldg. #2, 200 Eagle Rd., Ste. 106, Wayne,

PA 19087-3115, Executors. STEPHEN D. POTTS, Esquire, Herr, Potts & Potts, LLC, Strafford Office Bldg. #2, 200 Eagle Rd., Ste. 106, Wayne, PA 19087-3115, atty.

FLACK, Kathryn H., late of West Whiteland, Exton. Suzanne Gallagher and Leo Flack, Executor.

GANTZ, SR., George R., late of West Goshen Township. Joan Rimkis, 500 Sunset Hollow Rd., West Chester, PA 19380, care of CHARI M. ALSON, Esquire, 206 State Rd., Media, PA 19063, Executrix. CHARI M. ALSON, Esquire, Anderson Elder Law, 206 State Rd., Media, PA 19063, atty.

IANNI, LOUIS J., late of East Vincent Township. Helen M. Burnley, 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 Phoenixville, PA 19460, atty.

KACEY, Vivian Eloise, late of Exton. Kathleen Reed, 324 Gwynedd Court, Exton, PA 19341, Personal Representative.

KELLY, Virginia H., a/k/a Virginia Kelly, late of East Nottingham Township. Caitlin Kelly, 300 E. Evans St., Apt. L139, West Chester, PA 19380, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Administratrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

KLENK, Eleanor M., a/k/a Eleanor Klenk, late of Phoenixville Borough. Gloria C. Klenk, care of JEREMY Z. MITTMAN, Esquire, 593 Bethlehem Pike, Montgomeryville, PA 18936, Executrix. JEREMY Z. MITTMAN, Esquire, 593 Bethlehem Pike, Montgomeryville, PA 18936, atty.

MULLEN, John Edward, a/k/a John Joseph, late of Downingtown, Uwchlan Township. Jo-Anne P. Mullen, 342 Woodland Dr, Downingtown, PA 19355-3110, Executrix.

PEIRSON, Sally J., late of Spring City Borough. William Johnson, care of WILLIAM B. COOPER, III, Esquire, P.O. Box 673, Exton, PA 19341, Executor. WILLIAM B. COOPER, III, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341, atty.

SOANES, Glenn Richard, late of Easttown Township. Diana Hodnicki, 44 Berkley Rd., Devon, PA 19033, care of KENNETH C. RUSSELL, Esquire, 3500 Reading Way, Huntingdon Valley, PA 19006, Executrix. KENNETH C. RUSSELL, Esquire, Russell Law, P.C., 3500 Reading Way, Huntingdon Valley, PA 19006, atty.

SOBOTA, Patricia Murphy, a/k/a Patricia M. Sobota, late of Willistown Township. Kelly Sobota Wallace, care of JAMES J. RUGGIERO, JR., Esquire, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, Executrix. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices, LLC, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, atty.

STREET, Marilyn M., a/k/a Marilyn Mayo Street, late of West Grove Borough. Joseph A. Bellinghieri, care of JOSEPH A. BELLINGHIERI, Esquire, 17 W. Miner St., West Chester, PA 19382, Executor. JOSEPH A. BELLINGHIERI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

3rd Publication

ALAXSON, Gerald Edwin, a/k/a Jerry Alaxson, late of East Caln Township. Craig Alaxson, care of KEVIN J. RYAN, Esquire, 999 West Chester Pike, Suite 201, West Chester, PA 19382, Executor. KEVIN J. RYAN, Esquire, Ryan Morton & Imms LLC, 999 West Chester Pike, Suite 201, West Chester, PA 19382, atty.

ASHMORE, Billy C., late of West Brandywine Township. Serena Callahan, 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.

BACCINO, Brenda, a/k/a Brenda Wilcox Baccino, late of Oxford. Elyse Baccino, care of CLARE MILLINER, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executrix. CLARE MILLINER, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

BUCKWASH, Vincent, late of Pocopson Twp. Annette Buckwash, 1683 Lenni Dr., West Chester, PA 19382, Executrix.

CHANNELL, Billy C., late of New Garden Township. Amy L. Hunter, 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.

COER, Leroy R., late of West Whiteland Township. Rebecca J. Coer and Elizabeth Anne Revenis, care of GUY F. MATTHEWS, Esquire, 300 W. State

St., Ste. 300, Media, PA 19063, Executrices. GUY F. MATTHEWS, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

DETTINGER, John, a/k/a John Albert Dettinger and John A. Dettinger, late of West Goshen Township. Norman J. Pine and Jenny L. Hines, care of NORMAN J. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executors. NORMAN J. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

EDLEMAN, David B., late of North Coventry Township. Patricia A. Edleman, 87 W. Schuylkill Road, Pottstown, PA 19465, care of KENNETH E. PICARDI, Esquire, 1129 E. High St., PO Box 776, Pottstown, PA 19464-0776, Executrix. KENNETH E. PICARDI, Esquire, Yergey Daylor Allebach Scheffey Picardi, 1129 E. High St., PO Box 776, Pottstown, PA 19464-0776, atty.

GILLESPIE, Thelma M., late of Parkesburg Borough. Lyle E. Gillespie, Jr., care of DENNIS B. YOUNG, Esquire, 430 W. First Ave., Parkesburg, PA 19365, Executor. DENNIS B. YOUNG, Esquire, Firm, 430 W. First Ave., Parkesburg, PA 19365, atty.

HARRIS, Byron I., late of Kennett Square. Richard L. Grubb, Jr., care of DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, Executor. DOUGLAS W. OLSHIN, Esquire, Firm, 442 North High Street, West Chester, PA 19380, atty.

JACOBS, Alan K., a/k/a Alan Karl Jacobs, late of Spring City Borough. Lisa R. Jacobs, care of STEPHANIE SANDERSON-BRAEM, Esquire, 457 Haddonfield Rd., Ste. 100, Cherry Hill, NJ 08002-2223, Executrix. STEPHANIE SANDERSON-BRAEM, Esquire, Stradley Ronon Stevens & Young, LLP, 457 Haddonfield Rd., Ste. 100, Cherry Hill, NJ 08002-2223, atty.

KENNY, John J., late of Downingtown. Judith Kenneth, 47 Indian Pipe Drive, Wynantskill, New York 12198, care of BRIAN H. LEINHAUSER, Esquire, 433 W. Market Street, Suite 200, West Chester, PA 19382, Executrix. BRIAN H. LEINHAUSER, Esquire, MacMain Leinhausner PC, 433 W. Market Street, Suite 200, West Chester, PA 19382, atty.

KIERAS, Michael A., late of New London Township. Adam R. Kieras, 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.

LEARN, Dolores E., late of East Goshen Township. Halle J. Ruan, care of WILLIAM E. RUANE, Esquire, 72 Shawnee Rd., Ardmore, PA 19003, Administratrix. WILLIAM E. RUANE, Esquire, 72 Shawnee Rd., Ardmore, PA 19003, atty.

LILLEY, JR., Walter H., late of East Nantmeal Township. Harry Walter Lilley, care of JAMES J. MUNNIS, Esquire, 1515 McDaniel Dr., West Chester, PA 19380, Executor. JAMES J. MUNNIS, Esquire, Munnis Law, 1515 McDaniel Dr., West Chester, PA 19380, atty.

MORRISON, Faith C., a/k/a Faith Morrison, late of Kennett Township. Katherine B. Morrison, care of NIKOLAOS L. TSOUROS, Esquire, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, Executrix. NIKOLAOS L. TSOUROS, Esquire, Law Offices of Wendy F. Blecinski, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, atty.

NICEWONGER, Richard D., late of Landenberg. Daniel J. Nicewonger, care of MICHAEL R. PERNA, Esquire, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, Executor. MICHAEL R. PERNA, Esquire, Perna & Abracht, LLC, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, atty.

PEACEMAN, Marline S., late of Willistown Township. Fern L. Fishman, care of ARTHUR S. CAVALIERE, Esquire, P.O. Box 194, Lafayette Hill, PA 19444-0194, Executrix. ARTHUR S. CAVALIERE, Esquire, P.O. Box 194, Lafayette Hill, PA 19444-0194, atty.

PERLOFF, Genevieve, late of West Vincent Township. Carole L. Borden, care of MICHELLE M. FORSELL, Esquire, 570 Main Street, Pennsburg, PA 18073, Executrix. MICHELLE M. FORSELL, Esquire, Wolf, Baldwin & Associates, P.C., 570 Main Street, Pennsburg, PA 18073, atty.

PROCOPIO, Anthony Dennis, late of East Marlborough Township. Dianne Procopio, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Administratrix. NEIL E. LAND, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

RICHARDSON, Bruce W., late of Charlestown Township. Brett Haviken and Scott Richardson, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executors. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

SCHEETZ, Marilyn, late of Schuylkill Township.

Annette Kenney, 1320 Street Rd., Chester Springs, PA 19425, care of MARITA M. HUTCHINSON, Esquire, 122 S. Church St., West Chester, PA 19382, Executrix. MARITA M. HUTCHINSON, Esquire, Wetzel Gagliardi Fetter Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

SCHWANEFLUGEL, Sally C., late of West Vincent Township. Susan C. Schwaneflugel, 18 St. Andrews Lane, Glenmoore, PA 19343, care of FRANK W. HAYES, Esquire, 31 South High Street, West Chester, PA 19382, Executrix. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

SPAHN, Margaret S., late of Kennett Township. Edward L. Spahn, Jr., care of DON B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DON B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

STEWART, Scott M., late of East Marlborough Township. Veronica C. Protesto Stewart, 363 W. Street Rd., Kennett Square, PA 19348, care of REBECCA A. HOBBS, Esquire, 41 E. High Street, Pottstown, PA 19464, Administratrix. REBECCA A. HOBBS, Esquire, OWM Law, 41 E. High Street, Pottstown, PA 19464, atty.

SULLIVAN, Katherine T., late of Phoenixville. Mark Sullivan, care of ANDREW H. DOHAN, Esquire, 460 E. King Street, Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, LTD., 460 E. King Street, Malvern, PA 19355-3049, atty.

WENGER, IV, Reuben, late of West Brandywine Township. William Michael Tillman, care of JAMES C. DALTON, Esquire, P.O. Box 515, West Chester, PA 19381, Administrator. JAMES C. DALTON, Esquire, Unruh, Turner, Burke & Frees, P.C., P.O. Box 515, West Chester, PA 19381, atty.

WILMOT, Ella G., late of Pennsbury Township. Ruth E. Wilmot, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

WOODWARD, James L., a/k/a James L. Woodward, Jr., late of Paoli. Michael J. Woodward, care of JOHN R. LUNDY, Esquire, 450 N. Narberth Ave., Suite 200, Narberth, PA 19072, Executor. JOHN R. LUNDY, Esquire, Lundy Beldecos & Milby, PC, 450 N. Narberth Ave., Suite 200, Narberth, PA 19072, atty.

ZANCOSKY, Joseph Stanley, a/k/a Joseph S. Zancosky, late of Pottstown. Marie Catherine Zancosky, 1024 Heather Court, North Coventry, PA 19465, care of AMY W. SOSNOV, Esquire, 540 Swede St., Norristown, PA 19401, Executrix. AMY W. SOSNOV, Esquire, Sosnov & Sosnov, 540 Swede St., Norristown, PA 19401, atty.

FICTITIOUS NAME

Notice is hereby given, pursuant to the provisions of Act of Assembly, No. 295, effective March 16, 1983, of the filing in the office of the Department of State, of the Commonwealth of PA, at Harrisburg, PA on 8/30/23, for an Application for the conduct of business in Chester County, PA, under the assumed or fictitious name, style or designation of THE BOARDROOM. RESTAURANT & BOTTLE SHOP., with the principal place of business at 101 Bridge St., Phoenixville, PA 19460 The name and address of the entity interested in said business is Lava Hospitality Group LLC, c/o ZenBusiness Inc., Dauphin County. McCARTHY WEIDLER P.C., Solicitors, 2000 Market St., Ste. 2820, Phila., PA 19103

FICTITIOUS NAME

NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of

JDCMerch, with its principal place of business at 210 Crossings Blvd, PMB 211, Elverson, PA 19520. The application has been (or will be) filed on: Tuesday, August 22, 2023. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Carrie Lynn Elliott, Jazzily Dreaming Up Creations, LLC, 427 N Manor Rd, Elverson, PA 19520.

ASSUMED NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for registration of the assumed name Nothing Bundt Cakes for the conduct of business in Chester County, Pennsylvania, with the principal place of business being 941 Evergreen Ln., Chester Springs, PA 19425-2031, was made to the Department of State of Pennsylvania at Harrisburg, Pennsylvania, on the 8th day of September 2023, pursuant to 54 Pa.C.S. §311. The name of the entity owning or interested in the said business is Swanderful Lehigh, LLC. McNEES WALLACE & NURICK LLC
Attorneys at Law
570 Lausch Lane, Suite 200
Lancaster, PA 17601

NOTICE

Dana Marks, Esq. (205165)
FRIEDMAN VARTOLO LLP
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
T: (212) 471-5100
F: (212) 471-5150
Attorneys for Plaintiff
Firm Case No.: 220915-2

IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA

-----X
U.S. BANK TRUST NATIONAL ASSOCIATION,
AS TRUSTEE OF THE LB-CABANA SERIES IV TRUST, NO.: 2022-05616-RC
Plaintiff

vs.

ESTATE OF POLLY A. MATTISON; et al.,

Defendant(s)

-----X

NOTICE

Dear Andrea M. Fisher Fiduciary and Heir of Polly A. Mattison; Polly A. Mattison, her heirs, devisees or personal representatives and his/her/their or any of their successors in right, title, or interest; Michael Mattison Fiduciary and Heir of Polly A. Mattison; and Estate of Polly A. Mattison:

You have been sued in mortgage foreclosure on premises: Andrea M. Fisher Fiduciary and Heir of Polly A. Mattison; Polly A. Mattison, her heirs, devisees or personal representatives and his/her/their or any of their successors in right, title, or interest; Estate of Polly A. Mattison; and Michael Mattison Fiduciary and Heir of Polly A. Mattison based on defaults since, January 1, 2020. You owe \$150,620.75 plus interest.

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 PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Chester County Lawyer Referral Service
Chester County Bar Association, 15 W. Gay Street
West Chester, PA 19380
610-429-1500

Dated: September 6, 2023

FRIEDMAN VARTOLO LLP

A Limited Liability Partnership formed in
the State of New York

Attorneys for Plaintiff

S/Dana Marks, Esq.

- Adam J. Friedman, Esq. (328223)
- Catherine Aponte, Esq. (331180)
- Richard Postiglione, Esq. (328420)
- Andrew L. Markowitz, Esq. (28009)
- Charles Wohlrab, Esq. (314532)
- Dana Marks, Esq. (205165)
- Jason Greenberg, Esq. (328186)
- Jason Schwartz, Esq. (92009)
- Lauren Moyer, Esq. (320589)
- Quenten E. Gilliam, Esq. (328228)
- Renee Cohen, Esq. (306667)
- Richard J. Tracy, Esq. (327143)