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IN THIS ISSUE

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CIVIL ACTION
COURT OF COMMON PLEAS
ADAMS COUNTY, PA
CIVIL ACTION-LAW
NO. 2021-SU-552

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

AMERICAN FINANCIAL RESOUCRES, INC., A NEW JERSEY CORPORATION, Plaintiff

v.

MELISSA WALKER, IN HER CAPACITY AS HEIR OF MICHAEL W. SMITH; et al, Defendants

To: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER MICHAEL W. SMITH Defendant(s), 51 SHIRLEY TRAIL FAIRFIELD, PA 17320

COMPLAINT IN MORTGAGE
FORECLOSURE

You are hereby notified that Plaintiff, AMERICAN FINANCIAL RESOUCRES, INC., A NEW JERSEY CORPORATION, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County, PA docketed to No. 2021-SU-552, seeking to foreclose the mortgage secured on your property located, 51 SHIRLEY TRAIL FAIRFIELD, PA 17320.

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 LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
717-337-9846

Robertson, Anschutz, Schneid,
Crane & Partners, PLLC
A Florida professional limited
liability company
Attorneys for Plaintiff
Jenine Davey, Esq., ID No. 87077
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906

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IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT ACTION

CITATION TO SHOW CAUSE
NO. OC-146-2021

Estate of: Frances Marlene McLemore, Deceased

TO: Larry S. Arnold and any of his existing children

NOTICE IS HEREBY GIVEN that a Petition for Citation to Show Cause why the Court Should Not Find and Decree Larry Stephen Arnold Deceased and that All Reasonable Steps have been Taken to Determine No Children of Larry Stephen Arnold exist and Distribute Decedent's Individual Retirement Account with Edward Jones to Decedent's Estate to be Distributed Pursuant to Decedent's Last Will and Testament.

A Rule is issued upon Respondent Larry Stephen Arnold and any of his existing children to show cause why the Petitioner is not entitled to the relief requested.

Respondents shall file an Answer to Petitioner's Petition for Citation to Show Cause within twenty (20) days of publication of this Notice. If Respondents fail to file an Answer to Petitioner's Petition for Citation to Show Cause within twenty (20) days of publication of this Notice, the above court may grant Petitioner's Petition for Citation to Show Cause.

After the filing of an Answer by Respondents, further scheduling directives will be entered by the Court, if necessary.

All persons having any knowledge of the whereabouts of Larry S. Arnold or any of his existing children may file an Answer or contact the undersigned.

Amy S. Loper, Esq.
ID No. 206005
2002 South Queen Street
York, PA 17403
717-741-0099
aloper@lsafamilylaw.com

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NOTICE OF DISSOLUTION

NOTICE IS HEREBY GIVEN to all persons interested or who may be affected by PURPLE DOOR PROPERTIES, LLC, a Pennsylvania limited liability company, that the Member is now engaged in winding up and settling the affairs of said entities so that the existence of each shall be ended by the filing of a Certificate of Dissolution with the Department of State of the Commonwealth of Pennsylvania pursuant to the provisions of the Pennsylvania Limited Liability Company Act.

Barley Snyder LLP, Attorneys

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NOTICE OF CERTIFICATE
OF ORGANIZATION

NOTICE IS HEREBY GIVEN that on December 16, 2021, a Certificate of Organization for THE LOREE FOSTER TEAM LLC, was filed with the Department of State of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania, pursuant to 15 Pa. C.S.A. Section 8821. The initial registered office is 110 Boyds Hollow Road, Biglerville, PA 17307.

Linda S. Siegle, Esq.
Siegle Law
Solicitor

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BROOKVIEW SOLAR I, LLC VS. MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS AND INTERVENORS TESSA AMOSS, DWIGHT AMOSS, TRAVIS BERWAGER, MICHAEL BOCCABELLO, ALAN BUSBEY, TINA BUSBEY, LARRY COMBS, BARBARA COMBS, ANN DEGEORGE, NICHOLAS DEMAS, CHRISTINE DEMAS, THOMAS DUNCHACK, SR., THOMAS DUNCHACK, II, GLENDA GERRICK, LARRY HARTLAUB, CURTIS HAWKINS, SHERRY HAWKINS, KATHLEEN HEGAN, JOSEPH HOFMANN, PHILIP HUNT, AMANDA MARTIN, JUSTIN MARTIN, TODD MCCAUSLIN, ANGELA MCCAUSLIN, ANGELIQUE MERKSON, STEPHEN MERKSON, TOM NEWHART, CAROL NEWHART, THEA PHIPPS, JENNIFER RICKETTS, STEVEN RICKETTS, DEBORAH SANDERS, SCOTT SANDERS, SUZANNE SCHUST, EMILY SHOEY, BARBARA STEELE, MARILYN TRUSS, LARRY WOLTZ, PEGGY WOLTZ, DAVID YANCOSKY, RICHARD OGG, PATRICIA OGG, LAWRENCE R. MCLAREN AND MARCY ANN HARTLAUB, INTERVENORS

1. This land use appeal presents an issue concerning the applicable standard of review of an appeal from a municipal board's denial of an application for conditional use ("Application"), which resulted from a tie vote of the municipal board.

2. At argument, counsel for Brookview, the Board, and Counseled Intervenors agreed that the draft decisions evidenced the Board's agreement on some factual findings and disagreement on others. Counsel further suggested that the Court should apply an abuse of discretion/error of law standard of review as to those findings which were consistent in both draft decisions.

3. The various arguments urged by counsel initially raise a concern regarding the disparity between the actual certified record and the agreement of counsel.

4. The second troubling aspect of counsel's agreement concerning the overlapping findings is that the agreement is contrary to law. As recognized in **Pham** and its progeny, "[w]hen a judicial or semi-judicial body is equally divided, the subject-matter with which it is dealing must remain in status quo." … Under this reasoning, each of the two separate votes resulted in maintenance of the status quo rather than an affirmative action.

5. As counsel's agreement fills the void in the actual record without being considered "additional evidence," it would appear the Court's review is limited to an abuse of discretion and/or error of law analysis of the overlapping draft opinions. This conclusion, however, is premature as the propriety of the parties' stipulation requires further discussion.

6. There is no authority delegating the statutorily established standard of review to the agreement of counsel. As exhaustively discussed above, counsel's agreement is unsupported by the actual record and contrary to law. In essence, counsel is agreeing that findings of fact have been made by the Board where there is no indication in the record to support the same.

7. For the reasons set forth above, the Court will conduct a *de novo* review of the record in this matter.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA, 2021-SU-578, BROOKVIEW SOLAR I, LLC, APPELLANT VS. MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS, APPELLEE, TESSA AMOSS, DWIGHT AMOSS, TRAVIS BERWAGER, MICHAEL BOCCABELLO, ALAN BUSBEY, TINA BUSBEY, LARRY COMBS, BARBARA COMBS, ANN DEGEORGE, NICHOLAS DEMAS, CHRISTINE DEMAS, THOMAS DUNCHACK, SR., THOMAS DUNCHACK, II, GLENDA GERRICK, LARRY HARTLAUB, CURTIS HAWKINS, SHERRY HAWKINS, KATHLEEN HEGAN, JOSEPH HOFMANN, PHILIP HUNT, AMANDA MARTIN, JUSTIN MARTIN, TODD MCCAUSLIN, ANGELA MCCAUSLIN, ANGELIQUE MERKSON, STEPHEN MERKSON, TOM NEWHART, CAROL NEWHART, THEA PHIPPS, JENNIFER RICKETTS, STEVEN RICKETTS, DEBORAH SANDERS, SCOTT SANDERS, SUZANNE SCHUST, EMILY SHOEY, BARBARA STEELE, MARILYN TRUSS, LARRY WOLTZ, PEGGY WOLTZ, DAVID YANCOSKY, RICHARD OGG, PATRICIA OGG, LAWRENCE R. MCLAREN AND MARCY ANN HARTLAUB, INTERVENORS

Jeremy D. Frey, Esquire, Robert L. McQuaide, Esquire, Paul W. Minnich, Esquire and Christopher A. Naylor, Esquire, Attorney for Appellant
Susan J. Smith, Esquire Attorney for Appellee
Nathan C. Wolf, Esquire, Attorney for Counseled Intervenors
Lawrence R. McLaren, *pro se* Intervenor
Mary Ann Hartlaub, *pro se* Intervenor

George, P. J., January 12, 2022

OPINION

This land use appeal presents an issue concerning the applicable standard of review of an appeal from a municipal board's denial of an application for conditional use ("Application"), which resulted from a tie vote of the municipal board. Preliminary resolution of the issue is necessary in order to establish the parameters of this Court's review of the merits. As such, only the procedural posture of this litigation will be summarized as it supersedes any discussion of the underlying substantive facts relating to the merits of the appeal.

On November 13, 2019, Brookview Solar I, LLC ("Brookview") submitted an Application to the Mount Joy Township Board of Supervisors ("Board") seeking a conditional use permit for the construction of a solar panel project ("Project") in the township. Although the Board is a five-member board, one supervisor recused himself and did not participate in any of the proceedings. Subsequent to the Application, the remaining Board members held a total of 21 public hearings on the Application from January 2020 through March 2021. During the course of the hearings, the Board recognized approximately 63 parties of record. Following extensive presentation of evidence, the Board entertained closing arguments on March 24, 2021. After the public hearing concluded, the Board conducted private deliberation.[1]

On June 3, 2021, the four remaining supervisors convened at their normally scheduled public meeting to announce their decision on the Application. The minutes from the public meeting reflect that one of the supervisors made a motion to approve the Application, subject to a number of conditions, "based on the findings of fact and conclusions of law...." The motion was seconded. Thereafter, two of the supervisors voted in favor of the motion while two supervisors voted against the motion. Subsequently, according to the minutes, a motion was made and seconded to "deny the Application." During the ensuing vote, two supervisors voted in favor of the motion while two supervisors voted against it. The two supervisors who voted in favor of denying the Application were the same two who opposed the earlier motion to grant the Application. After the vote, the Township Solicitor announced that because of the tie votes the Application was denied by operation of law. Following the vote, the Board entered into an executive session to further discuss the litigation. There is no record of the Board taking any action following the executive session.

On June 7, 2021, the Board's Solicitor provided the parties with written notice of the Application's denial. The notice indicated the results of the two tie votes and included as attachments two unsigned versions of a document titled "Decision of the Mt. Joy Board of Supervisors" (collectively referred to as "draft decisions"), which the

[1] In its Brief, the Board claims deliberations transpired over six separate meetings; however, the certified record lacks any indication as to the accuracy of this representation. Nevertheless, this representation is not critical to resolution of the issue currently before the Court.

Solicitor represented were being sent "per the Board's direction." One version of the drafts represents it was prepared in support of the motion to approve the Application, while the second version indicates it was prepared in support of the motion to deny the Application.

On June 28, 2021, Brookview appealed the Board's decision to this Court. That same day, a writ of certiorari was issued directing the Board to provide the Court with a true, correct, and complete copy of the entire record. On July 19, 2021, the Board filed a return to the writ.[2] The certified record includes the notice of the denial of the Application and the "draft decisions" attached to the written decision. Neither notice of denial nor the drafts are signed by any Board members nor, on their face, do they identify the source of the work product.

Upon receipt of the notice of denial of the Application, Brookview filed the current appeal. Thereafter, 42 neighboring landowners represented by the same counsel filed Petitions to Intervene ("Counseled Intervenors") while two other neighboring property owners ("Unrepresented Intervenors"), proceeding *pro se*, sought intervention.[3] All were granted party status by agreement. The Court thereafter held a scheduling conference, which prompted a letter from the Township Solicitor to the Court on August 19, 2021.[4] In the correspondence, the Board's Solicitor represented, among other things:

> • ...the Board of Supervisors deliberated the Brookview conditional use application, drafted findings of fact on each of the objective requirements and standards and subjective criteria, and made weight of the evidence and credibility determinations....
>
> • Following the tie vote, the Board of Supervisors drafted decisions in support of the failed motions to grant with conditions and to deny the conditional use application.

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[2] The record certified by the Township included 82 documents. Curiously, it lacked both the minutes of the June 3, 2021 meeting at which the Board voted on the Application and the written notice of the decision subsequently provided to the parties. In response to Court Order, the Board has subsequently provided those records.

[3] In their Petition, Counseled Intervenors claimed "their interests will not be adequately represented by...[Mount Joy] Township."

[4] The Township Solicitor did not attend the conference but subsequently submitted the correspondence in lieu thereof. Concurrent with the entry of this decision, the correspondence shall be filed of record.

- Concurrent with the release of the written decision reflecting the tie vote, the Board of Supervisors with intent released the draft decisions in support of the failed motions to grant with conditions and to deny the conditional use application. The Board released the draft decisions for the purpose of informing the parties and the public of its findings and determinations as to weight of evidence and witness credibility.

- As reflected in the released draft decisions, the Board of Supervisors were in agreement on objective requirements, subjective criteria, and weight of the evidence and credibility determinations, except the following:

  i. Objective requirements and standards:

  402.II.(2)(a) (site plan demonstrating compliance with requirements)
  402.II.(2)(b) (glare analysis)

  ii. Subjective criteria

  1201.A.(2)(b) (written discussion demonstrating compliance with requirements)
  1201.B.(1)
  1201.B.(2)
  1201.B.(3)

  iii. Credibility determinations relating to Objectors' expert witnesses Heckman and Lahr.[5]

Following the scheduling conference, the Court scheduled argument to address this Court's standard of review. At argument, counsel for Brookview, the Board, and Counseled Intervenors agreed that the draft decisions evidenced the Board's agreement on some factual findings and disagreement on others. Counsel further suggested that the Court should apply an abuse of discretion/error of law standard of review as to those findings which were consistent in both draft

[5] Counseled Intervenors take issue with the fact that the Board never ruled on their objection to the admissibility of a glare study presented by Brookview during the hearings before the Board. Counseled Intervenors suggest that their objection should have been sustained. If correct, they conclude the Application must be denied as it did not include a glare study as required by the ordinance. This argument is preserved for the Court's review of the substantive issues on appeal.

decisions. Unrepresented Intervenors did not oppose the representations of counsel.

In addressing the Court's standard of review, it is initially important to note that the Municipalities Planning Code requires the board to render a written decision and make findings of fact on a pending application within 45 days after the last hearing before the board unless the applicant has otherwise agreed to an extension of time. 53 P.S. § 10908(9). In relevant part, the Municipalities Planning Code also provides:

> If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence.... If the record below includes findings of fact made by the governing body, board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the governing body, board or agency shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

53 P.S. § 11005-A.

Appellate interpretation of this statutory language has identified a number of principles. First, when a board does not make factual findings, the trial court may make the necessary findings of fact, even though it takes no additional evidence. ***Ford v. Zoning Hearing Bd.***, 616 A.2d 1089, 1093 (Pa. Commw. 1992); *see also* ***Faulkner v. Bd. of Adjustment***, 624 A.2d 677, 679–80 (Pa. Commw. 1993). In such instance, the trial court may review the record as a factfinder hearing the matter *de novo*. *See* ***Faulkner***, 624 A.2d at 679. Secondly, if a reviewing court takes additional evidence upon motion of either party, the reviewing court's scope of review is also *de novo*. *See* ***Mitchell v.***

Zoning Hearing Bd., 838 A.2d 819, 825 (Pa. Commw. 2003); ***Boss v. Zoning Hearing Bd.***, 443 A.2d 871, 873 (Pa. Commw. 1982). Finally, where the board makes findings of fact sufficient to address the issues and the trial court does not take any additional evidence, the court is limited to determining whether the hearing board committed an abuse of discretion or an error of law in rendering its decision. *See* ***Sanko v. Rapho Twp.***, 293 A.2d 141, 143–44 (Pa. Commw. 1972). A court may only conclude that a hearing board abused its discretion if its findings are not supported by substantial evidence. ***Marshall v. City of Philadelphia***, 97 A.3d 323, 331 (Pa. 2014).

A contextual understanding of the arguments advanced by the parties requires a summary of the respective burdens borne by each of the parties at the hearing on a conditional use application. Unless a zoning ordinance provides otherwise, a municipal body evaluating a conditional use application must do so under a two-part, burden-shifting framework:

> First, the applicant must persuade the local governing body its proposed use is a type permitted by conditional use and the proposed use complies with the requirements in the ordinance for such a conditional use. Once it does so, a *presumption* arises the proposed use is consistent with the general welfare. The burden then shifts to objectors to rebut the presumption by proving, to a *high degree of probability*, the proposed use will adversely affect the public welfare in a way *not normally expected* from the type of use.

See ***Aldridge v. Jackson Twp.***, 983 A.2d 247, 253 (Pa. Commw. 2009) (emphasis added) (internal citations omitted); ***Bailey v. Upper Southampton Twp.***, 690 A.2d 1324, 1326 (Pa. Commw. 1997). With respect to the first part of the conditional use analysis, the applicant need only make a *prima facie* case that "the plan submitted complies with all zoning requirements." *See* ***In re Richboro CD Partners, L.P.***, 89 A.3d 742, 749 (Pa. Commw. 2014), *appeal denied*, 97 A.3d 746 (Pa. 2014); ***Bailey***, 690 A.2d at 1326. With respect to the second part of the conditional use analysis, the objectors must show that the threat posed by the conditional use is "substantial" for the municipal body to deny the application, for "[t]he fact that a use is permitted as a conditional use evidences a legislative decision that the particular

type of use is consistent with the zoning plan and presumptively consistent with the health, safety and welfare of the community." *See* ***Bailey***, 690 A.2d at 1326; ***In re Cutler Grp., Inc.***, 880 A.2d 39, 42 (Pa. Commw. 2005).

With this summary of authority relating to the appropriate standard of review in a land use appeal and the respective burdens before a tribunal considering a conditional use application, it is necessary to further frame the issue in the context of the Board's current action. Instantly, the Board evenly divided in their vote to approve the Application and in a subsequent vote to deny the Application. The legal effect of the initial tie vote was first addressed by Pennsylvania appellate courts in ***Giant Food Stores, Inc. v. Zoning Hearing Board of Whitehall Township***, 501 A.2d 353 (Pa. Commw. 1985). In ***Giant Foods***, the two-member township zoning board split their vote on a variance request submitted by the landowner. Thereafter, the zoning officer issued a letter to the landowner that characterized the divided vote as a denial of the landowner's variance request. The landowner subsequently filed a mandamus complaint against the zoning board asking the court to mandate a deemed approval of the variance request; the landowner argued that the divided vote constituted the failure of the board to reach a decision within 45 days as required by 53 P.S. § 10908(9). The trial court denied the request for a mandamus order, prompting a subsequent appeal to the Commonwealth Court. In affirming the trial court's denial of the mandamus order, the Commonwealth Court concluded "[t]he divided vote of the board has precisely the same effect as a divided vote in an appellate court. It constitutes an affirmance of the denial of the application." ***Id.*** at 355 (citing ***Windisch v. Babcock & Wilcox Co.***, 195 A.2d 369 (Pa. 1963)). Concluding a decision had therefore been made, the court found denial of mandamus relief was proper. ***Id.*** at 356.

The issue once again presented itself to the Commonwealth Court in ***Danwell Corp. v. Zoning Hearing Board of Plymouth Township***, 529 A.2d 1215 (Pa. Commw. 1987). In ***Danwell***, two members of a four-member zoning hearing board voted in favor of a special exception application; the other two members voted against the same. Thereafter, the landowner was advised that the Application had been denied by written notice signed by only two of the four members. The landowner filed a mandamus action asking the court to order a deemed approval of its application, arguing the zoning board failed

to issue a written decision within the statutory time period. Citing ***Giant Food***, *supra*, the trial court dismissed the landowner's complaint. In affirming the trial court, the Commonwealth Court recognized that a tie vote by an evenly divided appellate tribunal such as a zoning hearing board is the equivalent of "leaving in effect the negative administrative response which the landowner had appealed to the board." ***Danwell***, 529 A.2d at 1217.

The vitality of the ***Giant Food*** and ***Danwell*** decisions recently has been affirmed by the Commonwealth Court in ***Pham v. Upper Marion Township Zoning Hearing Board***, 113 A.3d 879 (Pa. Commw. 2015). In ***Pham***, the property owners appealed the trial court's affirmation of the zoning hearing board's denial of a variance application. In denying the application, the zoning hearing board issued a 32-paragraph decision containing 25 findings of fact and seven conclusions of law. The decision recognized that two members of the four-member board voted in favor of the request and two members voted in opposition. The written findings of fact, conclusions of law, and decision were signed by all four members of the zoning hearing board. On appeal, the property owners questioned whether the board's decision was supported by substantial evidence and was adequate for appellate review.

The ***Pham*** Court initially confirmed that a tie vote of a zoning hearing board conveyed to the applicant in a timely writing is a valid decision. The court reasoned that "[w]hen a judicial or semi-judicial body is equally divided, the subject-matter with which it is dealing must remain in status quo." ***Id.*** at 888 (citing ***Giant Food***, 501 A.2d at 356). In resolving the question as to whether the zoning hearing board's decision was supported by substantial evidence, the ***Pham*** Court concluded that the signatures of all four board members evidenced findings made by all board members and the findings made by the board were sufficient to trigger appellate review. ***Id.*** at 893. The zoning hearing board's denial of the application was affirmed on the basis that a tie vote decision is valid as a matter of law and the findings of fact upon which all board members agreed were sufficient to address the substantive issues raised in the appeal. ***Id.***

The question unresolved by ***Pham*** but present currently is the appropriate standard of review to be applied by an appellate court where the hearing board evenly split on its factual findings. In the

alternative, if the agreement of the parties concerning the Board's consensus on the overlapping findings in the draft decisions is accepted, the unresolved question concerns the appropriate standard of review on appeal where the Board's findings are insufficient to fully address the substantive issues before the Court.

In analyzing these issues, it is necessary to determine the impact of the Board's "draft findings" on this Court's standard of review and whether the draft findings, if accepted as being the will of a majority of the Board, are sufficient to resolve the substantive issues presented. In this regard, Brookview suggests that the respective draft findings include a significant number of common factual findings agreed upon by all Board members. They point out that the draft findings supporting the motion to approve the conditional use and the draft findings supporting the motion to deny the Application differ in only ten of the 78 findings contained in both drafts. Although it recognizes that neither of the motions and respective draft findings garnered a majority vote, Brookview reasons that when taking the motion to approve the Application and the motion to deny the Application collectively, the votes reflect the intent of each of the four Board members to find the facts that are consistent in each of the drafts. Thus, they conclude the entire Board agreed to the 68 findings of fact that overlap between the respective findings accompanying each of the motions. They further suggest that the draft findings that are not consistent in both drafts are, in essence, a nullity. Brookview argues, based on the authority of ***Pham***, that where an application is denied by application of law due to a tie vote of the board and the decision is supported by factual findings made by a majority of the board, an appellate court's review is limited to determining whether the board abused its discretion and/or made an error of law.

Brookview claims the draft findings that overlap between the two decisions are sufficient to find compliance by Brookview with the objective criteria of the ordinance. Brookview further urges that the areas of dispute between the two draft findings evidence the Board's failure to find any noncompliance with the objective standards of the ordinance or the presentation of sufficient evidence by the objectors to overcome the presumption that the ordinance's conditional use criteria are consistent with the health, safety, and general welfare of the community. Under this scenario, Brookview argues the Board abused its discretion where sufficient factual findings were made to

support compliance with the objective standards of the ordinance and there were no factual findings sufficient to overcome the presumption that accompanies their compliance with objective standards. In sum, Brookview argues that an abuse of discretion and/or error of law standard is applicable; sufficient findings of fact have been made by a majority of the Board thereby precluding the Court from *de novo* review; and, based upon the findings upon which the majority of the Board agreed, it is clear the Board committed an abuse of discretion in denying the Application.

In their brief, counsel for the Board agrees with Brookview that the overlapping findings in the two drafts reflect the "unanimous agreement" of the Board as to the issues addressed in the findings. The Board claims, pursuant to ***Pham***, that an abuse of discretion/error of law standard should be applied by the appellate tribunal to those overlapping findings. The Board further suggests that any conflicting "draft findings" should be considered only for informational purposes in weighing whether the Board abused its discretion.[6] The Board takes no stance on whether the overlapping findings were sufficient to permit the Court to resolve the substantive issues on appeal.

Finally, Counseled Intervenors also agree that the findings that are identical in both draft decisions should be accepted by the Court as representing the factual findings of a majority of the Board. Additionally, Counseled Intervenors agree that the ten findings that differ are null and void as not being supported by a majority of the Board. Counseled Intervenors further concur that the Commonwealth Court's decision in ***Pham*** limits this Court's review to an abuse of discretion/error of law standard. Contrary to the conclusion urged by Brookview, however, Counseled Intervenors argue that the overlapping draft findings support denial of the Application on the basis that the findings are insufficient to establish Brookview's satisfaction of

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[6] The Board's brief is unclear as it reads:

> Because the tie vote 'does not reflect an affirmative action' of the Board, the Board submits that the standard of review should be applied to those discrete findings and conclusions on which the Board [*sic*] disagreed. Unlike ***Pham***, the Board considered both a motion to grant with conditions and a motion to deny the Application. As each motion resulted in vote in favor by only two of the four Supervisors, the Court would be informed by consideration of the alternative findings and conclusions articulated in the decisions drafted in support of the motion to grant the Application and to deny the Application.

Board's Brief 8.

the objective criteria for a conditional use as set forth in the Township's ordinance. In essence, Counseled Intervenors agree with Brookview that this Court's standard of review of the Board's action is an abuse of discretion/error of law standard; the overlapping draft findings of fact constitute findings by a majority of the Board; and, directly in contrast with Brookview's argument, that the lack of a finding by the majority concerning an objective requirement in the ordinance has the effect of a negative finding, thereby supporting the Board's denial of the Application by operation of law. In making this argument, Counseled Intervenors appear to abandon any claim that Brookview's project will adversely affect the public welfare in a way not normally expected.

The sum result of the parties' respective positions is that they agree this Court's review should be limited to an abuse of discretion/error of law standard. They differ, however, in their interpretation of the Board's failure to make a majority finding on the single objective criterion in dispute. Brookview argues the lack of finding on an ordinance requirement means the absence of any Board finding that the Application did not meet the ordinance criteria, thereby mandating the Application's approval. Counseled Intervenors argue the lack of finding on the ordinance requirement evidences the Board's failure to find compliance by the Application with the ordinance, a failure which is fatal to the Application's approval. The Board takes no position.

The various arguments urged by counsel initially raise a concern regarding the disparity between the actual certified record and the agreement of counsel. As previously mentioned, counsel have agreed the factual findings that are identical between the two draft findings of fact may be considered by the Court as findings adopted by a majority of the Board.[7] This agreement is apparently based upon the belief that the respective votes of the Board members collectively establish findings agreed upon by all Board members, even though two Board members voted in favor of the findings in a motion to approve the Application with conditions while the remaining two

[7] During the drafting of this Opinion, on December 23, 2021, the parties presented a document titled "Stipulation" in which counsel agreed the Court "shall" accept the overlapping findings "as those which all four supervisors approved." Interestingly, there has not been any amended certification from the Board in response to the writ of certiorari evidencing the Board took official action in support of the Stipulation.

Board members voted on the draft findings in a motion to deny the Application. The difficulty with accepting the parties' agreement, however, is it is not factually apparent in or supported by the record.

Initially, the findings that the parties ask the Court to adopt are self-described as "drafts." On their face, the "drafts" do not contain any indication of adoption by anyone as they are unsigned. This deficiency standing alone might not normally be fatal as Pennsylvania case law recognizes that the Municipalities Planning Code does not indicate "who must sign a" written decision on a land use application or whether it "must be signed at all." ***Vacca v. Zoning Hearing Bd.***, 475 A.2d 1329, 1331 (Pa Commw. 1984) (quoting ***Hill v. Lower Saucon Twp. Zoning Hearing Bd.***, 456 A.2d 667, 669 (Pa. Commw. 1983)). However, unlike ***Vacca***, where a unanimous decision left no question as to the position of individual tribunal members, the issue currently under review involves an equally divided vote and multiple unsigned "drafts" of factual findings. Importantly, with the exception of the current representation from counsel, there is no indication in the record as to which supervisors, if any, adopted which draft decision.

The minutes from the public meeting at which the votes on the Application occurred do little to clarify this issue. Although the minutes acknowledge that the motion to approve the Application was accompanied by draft findings, they do not include any mention of draft findings in the motion to deny the Application.[8] Thus, while it is clear that the motion in affirmance of the Application took into account proposed findings of fact, the same is not true in regard to the motion to deny the Application. Indeed, there is not even mention in the minutes of a second draft of findings. This lack of evidence on the record, coupled with the lack of signatures upon the draft findings,

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[8] The minutes recounting the Board's respective votes read as follows:

> Brookview Solar I Conditional Use Application for Solar Energy Decision. Mr. Patterson moved, seconded by Mr. Gormont, that, **based on the findings of fact and conclusions of law**, the Board of Supervisors of Mount Joy Township to approve the application for a conditional use for a solar energy use as described in the Application and at public hearing, subject to the following conditions....
>
> Chairman Gormont and Supervisor Patterson voted yes, Supervisors Mazer and Scholle voted no. Mr. Mazer moved, seconded by Mr. Scholle to deny the application. Supervisors Mazer and Scholle voted yes, Chairman Gormont and Supervisor Patterson voted no.

June 3, 2021 Mount Joy Township Supervisors Workshop Meeting (emphasis added)

unquestionably reveals a paucity of any evidence in the certified record in support of counsel's agreement.[9] This reality is significantly different from the facts in ***Pham***, where the record reflected that a majority of the board affirmatively agreed on factual findings.

A second troubling aspect of counsel's agreement concerning the overlapping findings is that the agreement is contrary to law. As recognized by ***Pham*** and its progeny, "[w]hen a judicial or semi-judicial body is equally divided, the subject-matter with which it is dealing must remain in status quo." ***Giant Food***, 501 A.2d at 356. A tribunal's tie vote is a lack of action as neither side constitutes a majority that "can perform an affirmative act changing, or which may change, an existing condition." ***Id.*** Under this reasoning, each of the two separate votes resulted in maintenance of the status quo rather than an affirmative decision. More succinctly put, lack of an affirmative action plus lack of an affirmative action equals no action.[10] Counsel's agreement to circumvent this established legal principle by defining two inactions as an affirmative act cannot succeed.[11]

Finally, the manner in which the Board procedurally conducted the respective votes is puzzling. As previously discussed, and as acknowledged by the Board, the tie vote on the motion to approve the Application with conditions effectively denied the Application. Therefore, any further action on the Application was unnecessary. Nevertheless, the Board took an additional vote on the subsequent motion to deny the Application. This second vote, however, was a legal nullity as a motion to deny an application which has previously been denied has no legal impact. The Board, acting as a quasi-judicial

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[9] In reaching this conclusion, the Court is aware that Pennsylvania law provides that a board may properly issue a written decision on a land use appeal subsequent to the actual vote at a public meeting. *See, e.g.*, ***Smith v. Hanover Zoning Bd.***, 78 A.3d 1212, 1213 (Pa. Commw. 2013). The circumstance, such as presented in ***Smith***, where a board issues a written decision following a vote by a majority of the board, is quite different from the current circumstance where a decision is entered by operation of law due to a tie vote. In the first instance, it is reasonable to conclude that the findings of fact accompanying the written decision carry the imprimatur of the majority voting in favor of the decision. However, in the latter circumstance, as is the case presently, there is no clear indication as to who adopted which findings as a majority of the Board did not reach agreement on a decision.

[10] As more precisely evidenced by basic mathematics: zero plus zero equals zero.

[11] Indeed, contrary to suggestion of counsel, it can be argued that there are no overlapping or consistent findings made by the Board as each of the Board members, at one time or another, voted **against** each of the overlapping findings.

body, should "not render decisions in the abstract or offer purely advisory opinions." ***Harris v. Rendell***, 982 A.2d 1030, 1035 (Pa. Commw. 2009) (quoting ***Pittsburgh Palisades Park, LLC v. Commonwealth***, 888 A.2d 655, 659 (Pa. 2005)). Such an action is only appropriate "where the underlying controversy is real and concrete, rather than abstract." ***City of Philadelphia v. Commonwealth***, 838 A.2d 566, 577 (Pa. 2003). Under the mootness doctrine, "an actual case or controversy must be extant at all stages of review...." ***Pub. Def.'s Off. v. Venango Cnty. Ct. of Common Pleas***, 893 A.2d 1275, 1279 (Pa. 2006) (quoting ***Pap's A.M. v. City of Erie***, 812 A.2d 591, 599–600 (Pa. 2002)). Thus, the subsequent vote to deny the Application, even if for the purpose of allowing an elected official to publicly state their position, has no legal meaning in this appeal; the decision that is the subject of the appeal is the Board's tie vote on the motion to approve the decision with conditions because that vote effectively denied the Application. Consequently, the findings which purportedly followed the initial vote have similarly failed to garner the support of a majority of the Board.

In light of the foregoing, the draft findings, standing alone, can neither factually nor legally be interpreted to be indicative of the Board's intent. It is therefore necessary to consider whether this conclusion is altered by counsel's agreement. Initially, it must be noted counsel's stipulation, in and of itself, does not constitute the taking of additional evidence sufficient to trigger *de novo* review under Section 11005-A of the Municipalities Planning Code. Although that section requires the reviewing court to make its own findings of fact concerning a land use application where additional evidence is received by the reviewing court, appellate authority has distinguished between stipulations that pertain only to legal issues and those that relate to factual issues. Matters presented in stipulations that "raise[] only legal issues as opposed to factual issues [are] not the type of additional evidence that shifts [an appellate court's] review from abuse of discretion or error of law" to *de novo* review. *See* ***Appeal of Facciolo***, 269 A.2d 699, 702 (Pa. 1970). Here, the matters contained in the stipulation had absolutely nothing to do with the factual grounds for granting or denying the conditional use. Rather, counsel's agreement relates solely to a legal question concerning the parameters of the record subject to the Court's review. As

such, counsel's agreement does not constitute additional evidence impacting this Court's standard of review.

As counsel's agreement fills the void in the actual record without being considered "additional evidence," it would appear the Court's review is limited to an abuse of discretion and/or error of law analysis of the overlapping draft findings. This conclusion, however, is premature as the propriety of the parties' stipulation requires further discussion. In doing so, I am mindful that "any legitimate agreement ...between (attorneys) is sacrosanct and should be observed without equivocation." ***Marmara v. Rawle***, 399 A.2d 750, 753 (Pa. Super. 1979) (quoting ***In re Pittsburgh Rys. Co.***, 121 F. Supp. 948, 949 (W.D. Pa. 1954)). Nevertheless, the weight to be accorded by the courts to private agreements is not without limit. Stipulations that improperly affect the jurisdiction of the court or are a contravention of preemptory statutory requirements are not binding on the court. *See* ***Marmara***, 399 A.2d at 753; *see also* ***Wayda v. Wayda***, 576 A.2d 1060, 1067 (Pa. Super. 1990) ("Parties are free to bind themselves by stipulation on all matters not affecting the jurisdiction and prerogatives of the court.").

Applying this guidance instantly, I find that it is the Court's review of the certified record that guides the determination of this Court's review as it has specifically been defined by statute. 53 P.S. § 10908(9). There is no authority delegating the statutorily established standard of review to the agreement of counsel. As exhaustively discussed above, counsel's agreement is unsupported by the actual record and contrary to law. In essence, counsel is agreeing that findings of fact have been made by the Board where there is no indication in the record to support the same.[12] In essence, the parties, through counsel's agreement, are asking the Court to ignore statutory provisions and long-standing appellate caselaw that establishes this Court's scope of review by redefining the Board's actions in a manner not otherwise evidenced in, and perhaps contrary to, the record. Interestingly, the parties have not cited any legal authority for such

[12] A similar scenario could involve the parties before an appellate court asking for the application of an abuse of discretion standard to agreed-upon findings of fact by a trial court that were not clearly set forth in the record. In such instance, remand to the trial court would be a likely result. Instantly, remand is not appropriate as the Board has already indicated its inability to reach a majority decision.

an action. This Court, therefore, will refuse the parties' invitation and rather apply existing case law and statutory direction. This authority, as discussed above, leads to the conclusion that the majority of the Board did not agree on any findings of fact, thereby requiring the Court to make its own findings of fact based upon the record. 53 P.S. § 11005-A; ***Koutrakos v. Zoning Hearing Bd.***, 685 A.2d 639, 641 (Pa. Commw. 1996).

Even if this Court were to accept counsel's agreement that the overlapping findings of fact should be considered as having been adopted by the full Board, the conclusion that this Court's review is *de novo* remains unaltered. As mentioned, all parties agree that the draft findings differ on whether the Application meets the objective requirements of the relevant township ordinance.[13] Thus, unlike the board in ***Pham***, the Board in this case has not made a finding on an issue critical to the substantive question before this Court. Although the Municipalities Planning Code provides guidance in instances where: (1) additional evidence is taken by the court, (2) findings of fact are made by a municipal board and additional evidence is not taken, and (3) where findings of fact are not made by the municipal board, the Code does not address circumstances where findings of fact are made by the board but are insufficient to address all issues presented by the appeal.

Although all parties agree as to a lack of a factual finding necessary to assess the Application's compliance with ordinance standards and further agree that the lack of such a finding should not alter an abuse of discretion/error of law review by this Court, they disagree concerning the impact of this void on this Court's review of the substantive issues. As mentioned, Brookview suggests that the lack of a factual finding concerning the applicant's compliance with ordinance requirements is the equivalent of the lack of a finding of noncompliance.

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[13] Section 402.II.(2)(b) of the Mount Joy Township Zoning Ordinance provides that the application for a zoning permit for the solar energy system shall include glare analysis demonstrating, through siting or mitigation measures, that any glare produced by the solar energy system will not have an adverse impact. The draft decisions disagree as to whether the site plan offered by Brookview demonstrated compliance with the requirements set forth in the ordinance. Thus, unlike ***Pham***, where a majority of the municipal board agreed upon specific factual findings sufficient to adequately address the substantive issues presented to the appellate court, the current overlapping findings are silent on a critical consideration under the objective standards of the ordinance as the Board did not garner a majority on the standard at issue.

On the other hand, Counseled Intervenors argue that the lack of findings should be interpreted as a failure on the part of the applicant to meet ordinance standards. Both of these arguments are nonsensical.

Expanding Brookview's argument to its logical conclusion would require that any time a board fails to make findings of fact, the failure to do so is equivalent to the board's affirmative finding of evidence sufficient to support approval of the application. Such a conclusion, however, is contrary to the Code, which directs that where there is a lack of findings by the board, the matter be remanded to the board for necessary findings. 53 P.S. § 10908(9). Brookview has failed to cite any authority that persuades this Court to ignore clear statutory instruction.

Similarly, Counseled Intervenors' argument that the Board's lack of agreement on a necessary objective standard is the equivalent of a finding of non-compliance with the ordinance by the Application is contrary to existing law concerning the legal meaning of a tie vote by a municipal board. Legal precedent as far back as ***Marshall*** considers a tie vote by a municipal board as being maintenance of the status quo; i.e., a lack of affirmative action by the Board: it has never been defined as an actual rejection of a necessary factual finding. Thus, the Court will treat this void as it actually is: the lack of any finding on a necessary requirement for a conditional use approval under the ordinance. Similar to the argument advanced by Brookview, Counseled Intervenors have failed to cite any authority sufficient to persuade this Court to reach a different position.

This case, therefore, presents the question of first impression as to the court's standard of review in a land use appeal where a tie vote of the board results in a deemed denial of an application for conditional use and the board's finding of fact do not fully address the substantive issue before the court. Absent appellate authority to the contrary, I see no reason to apply a different standard of review to circumstances where a board's findings are insufficient to resolve the substantive issue from a circumstance where the board fails to make any findings of fact. In both instances, the Board inadequately addressed the factual issues before it. Adopting a mixed standard of review in instances where partial but insufficient findings are made by the board will create unnecessary complexity and potential

inconsistency in achieving final judgment.[14] Rather, similar to instances where the board does not make findings of fact, statutory law directs that the common pleas court "shall make its own findings of fact based on the record below...." 53 P.S. § 11005-A. Thus, even accepting the parties' Stipulation, the end result is the same.

For the reasons set forth above, the Court will conduct a *de novo* review of the record in this matter. As all parties have indicated they do not intend to introduce additional evidence, a briefing schedule will be set by the Court.

ORDER OF COURT

AND NOW, this 12th day of January, 2022, it is hereby Ordered that Appellant shall file a brief in support of their appeal within sixty (60) days of the date of this Order. Appellee, including Intervenors, shall file a responsive brief within ninety (90) days of the date of this Order. Argument shall be held on April 22, 2022 at 10:00 a.m. in Courtroom No. 1, fourth floor of the Adams County Courthouse. Issues to be briefed include:

1. The admissibility of the glare study submitted by Brookview;
2. Whether the admissible evidence presented before the Board establishes a *prima facie* case that the proposed use complies with the requirements of the zoning ordinance as they relate to a conditional use; and
3. Whether admissible evidence establishes substantial evidence that the proposed use will adversely affect the public welfare in a way not normally expected from the type of use.

[14] It is not difficult for one to imagine the Pandora's box that could be opened should a common pleas court be required to make an individual determination as to which standard of review is applicable to each of the 78 individual findings of fact (the number present in the current litigation) and thereafter apply the respective standard applicable to each in analyzing the merits of the substantive issues on appeal. Presumably, the same evaluation would be necessary by an appellate court reviewing the common pleas court's decision.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or administration to the persons named. All persons having claims or demands against 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 executors or administrators or their attorneys named below.

FIRST PUBLICATION

ESTATE OF DORIS E. CORBIN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Dennis H. Corbin, 25 South Reynolds Street, Gettysburg, PA 17325; Kathleen A. Corbin, 185 Confederate Drive, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, Inc. Law Office, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF LESA E. FARACI, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Stephen A. Myers, 756 Fish & Game Road, East Berlin, PA 17316

Attorney: Thomas R. Nell, Esq., 130 W. King Street, Box 1019, East Berlin, PA 17316

ESTATE OF JOHN C. GALLOWAY a/k/a JOHN CARROLL GALLOWAY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administratrix: Nancy R. Galloway, c/o Scott A. Ruth, Esq., 123 Broadway, Hanover, PA 17331

Attorney: Scott A. Ruth, Esq., 123 Broadway, Hanover, PA 17331

ESTATE OF RICHARD B. SMYERS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Administrators: Stephen W. Smyers, 515 Old Mill Road, Gettysburg, PA 17325; Terri E. Black, 3620 Fishing Creek Valley Road, Harrisburg, PA 17112

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ESTATE OF PHYLLIS L. SNYDER a/k/a PHYLLIS LOUISE SNYDER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Administratrices: Kelly L. Burnette and Tracy L. Smith, c/o Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 340 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 340 Pine Grove Commons, York, PA 17403

SECOND PUBLICATION

ESTATE OF MICHAEL E. BERWAGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

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ESTATE OF MICHAEL A. KLUNK, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administratrix: Carly A. Klunk, 908 Penn Avenue, Apt 702, Pittsburgh, PA 15222

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ESTATE OF GEORGE RUSSELL KOONTZ a/k/a G. RUSSELL KOONTZ, DEC'D

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ESTATE OF ROBERT C. MALLETTE, SR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Joanne M. Hobbs, 25 Chapman Road, Fairfield, PA 17320

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ESTATE OF TERRENCE RAYMOND McGRATH a/k/a TERRENCE R. McGRATH, DEC'D

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ESTATE OF WILLIAM J. REDDING, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

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ESTATE OF DANIEL D. SUMMERS, DEC'D

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ESTATE OF JOYCE ELIZABETH TRESSLER, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

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THIRD PUBLICATION

ESTATE OF JOYCE A. EICHOLTZ, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Co-Executors: Steven D. Eicholtz and Linda K. Carey, c/o Todd A. King, Esq., Salzmann Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

Attorney: Todd A. King, Esq., Salzmann Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

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THIRD PUBLICATION CONTINUED

ESTATE OF DIANNE M. HOLLINGER, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Administrators: Thristin S. James, and Lee E. Hollinger, c/o Amy S. Loper, Esq., The Family Law Practice of Leslie S. Arzt, LLC, 2002 South Queen Street, York, PA 17403

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ESTATE OF ROBERT J. MIDKIFF a/k/a ROBERT JAMES MIDKIFF, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Rachel E. Repcik a/k/a Rachel E. Repcik-Pitts a/k/a Rachel E. Pitts, c/o Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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ESTATE OF LEAH C. MILLER a/k/a LEAH CATHERINE MILLER, DEC'D

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ESTATE OF CHARLES L. PLANK a/k/a CHARLES LEROY PLANK, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

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ESTATE OF CHRISTINE WOLF POOLE a/k/a CHRISTINE W. GERRICK, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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ESTATE OF LEE ANN TARANT, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

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ESTATE OF JACK TORRES a/k/a JACK VINCENT TORRES, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Administratrix: Rosanne Torres Calure, 13519 Allnutt Lane, Highland, MD 20777

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