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Kuders v. Kuders

Custody – Petition to stay – Local rules – Authority of conciliator – Best interest factors
– Due process violation

1. Primary physical custody is the right to assume physical custody of the child for the majority of the time.
2. In judicial districts utilizing an initial non-record proceeding, i.e., office conference, if an agreement is not finalized by the conclusion of the proceeding, the conference officer shall promptly notify the court that the matter should be listed for trial. The trial before the court shall be de novo.
3. The appointment of professionals to assist the courts in domestic relations matters in Pennsylvania has been codified since at least 1929.
4. Appointed professionals, be they masters, hearing officers, or conciliators, have played an important role in the function of the family division of the Chester County Court of Common Pleas for decades.
5. The court may not appoint a hearing officer for the claims of legal custody, sole physical custody, primary physical custody, shared physical custody, or paternity.
6. A conciliator is often referred to as hearing officers within the Chester County Courts. The term conciliator is also synonymous with the term conference officer.
7. A trial judge and not a master or hearing officer may make determinations related to primary physical custody matters.
8. Statutory law and the Pennsylvania Supreme Court mandate that matters relating to primary physical custody be heard by a trial judge.
9. The polestar of any child custody dispute is to reach a decision which serves the best interest of the child and factors to be considered in arriving such a determination include the child's physical, intellectual, emotional, and spiritual wellbeing. This is true whether the matter was initiated by a complaint in custody or petition for modification.
10. The best-interests standard, decided on a case-by-case basis, considers all factors which legitimately have an effect upon the child's physical, intellectual, moral and spiritual well-being.
11. In evaluating whether a modification of custody is in a child's best interest, the court has an obligation to consider all relevant factors that could affect the child's wellbeing.
12. In determining the best interests of a child in a custody matter, a court is required to consider the factors set forth in 23 Pa. C.S. § 5328(a).
13. Once the factors have been considered, a court may award: (a) shared physical custody; (b) primary physical custody; (c) partial physical custody; (d) sole physical custody; (e) supervised physical custody; (f) shared legal custody; or (g) sole legal custody.
14. Pursuant to Section 23 Pa.C.S. § 5323(a), the award of primary physical custody to either parent is always a possible outcome, despite what the parties may have requested.

15. The custody procedure employed in Chester County permitted the Conciliator to produce a recommendation to be entered as temporary order after the office conference and without a record hearing in contravention of Rule 1915.4-3, which requires the matter to be listed for trial when no agreement is reached.
16. Notwithstanding the clear prohibitions on a conciliator, hearing officer, or master addressing primary physical custody, the Chester County Local Rules also provide for conciliator recommendations that change primary custody.
17. Whether the matter involves partial custody or primary custody, where there is no agreement, the Chester County Local Rules do not require the conciliator to notify the court that the matter should be listed for trial, but rather sets forth a series of procedural steps that must be satisfied in order for a litigant to have an opportunity for their day in court. Should a litigant fail to properly navigate this process, the order submitted by the conciliator and signed by a judge shall automatically become a Final Order of the Court.
18. The rules governing the adoption of local rules make clear that local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.
19. A rules committee is empowered to, at any time, recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.
20. Where the Local Rules are in direct conflict with a statewide rule of procedure and Act of Assembly, the rule is invalid.
21. Formal notice and an opportunity to be heard are fundamental components of due process when a person may be deprived in a legal proceeding of a liberty interest, such as physical freedom, or a parent's custody of a child.
22. Denying a party the right to a de novo hearing in a custody matter denies that party due process.
23. Local Rules which allow the entry of a custody order that changes primary physical custody based on a non-record proceeding in the absence of a trial de novo before a judge violate Due Process rights.
24. Father filed a Petition to Stay a Temporary Custody Order Pursuant to C.C.R.C.P. 206.4(c)(2) and 1915.13.A.(b).3. Mother filed an answer to the Petition to Stay, and thereafter, a limited record was made, and argument was heard by the Court. The Court *Held*, that the temporary custody order was vacated, and that the parties must follow the terms of custody agreed to in the January 30, 2023 Protection from Abuse Order until further order of the Court.

P.McK.

C.C.P. Chester County, Civil Action – Law, No. 2020-03281-CU; Michael Kuders v. Amanda Kuders

Michael Rovito for father

Julie Potts for mother

Verwey, J., April 14, 2023:-

[71 Ches. Co. Rep. **Kuders v. Kuders**

MICHAEL KUDERS	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CHESTER COUNTY, PENNSYLVANIA
v.	:	NO. 2020-03281-CU
AMANDA KUDERS	:	CIVIL ACTION
Defendant	:	

MEMORANDUM OPINION AND ORDER

Plaintiff, Michael Kuders (“Father”), filed a Petition to Stay the February 21, 2023, Temporary Custody Order Pursuant to C.C.R.C.P. 206.4(c)(2) and 1915.13.A.(b).3 (“Petition to Stay”) on March 7, 2023.¹ Defendant, Amanda Kuders (“Mother”), filed an answer to the Petition to Stay on March 23, 2023. A limited record was made, and argument was heard on April 6, 2023.

The parties are divorced and are the natural parents of three children, C.K., age 11, and twins, M.K. and C.K., age 10.

On December 9, 2020,² a custody order was entered that provided for the parties to have equally shared physical and legal custody of the children (“December 2020 Order”).

On May 10, 2021,³ a stipulated order was entered that modified the Christmas morning schedule and transportation provisions of the December 9, 2020, Order (“May 2021 Order”).

On January 12, 2023, Mother filed a petition seeking protection from abuse (“PFA Action”) and obtained a temporary order the same day granting her temporary custody of the children.⁴

On January 25, 2023, Father petitioned to modify custody (“Petition to Modify”). Mother did not answer the Petition to Modify.⁵

On January 30, 2023, the parties entered a consented order in the PFA Action, without admission, prohibiting contact between the parties for one year, except as

¹ On February 21, 2023, Father presented a Motion to Stay to Family Court Administration for scheduling. On February 24, 2024, Father filed the same Motion to Stay with the Prothonotary. Thereafter, when Father’s counsel was advised to refile the matter as a petition, the within Petition to Stay was filed.

² The Order was signed on December 9, 2020, and docketed on December 10, 2020.

³ The Order was signed on May 10, 2021 and docketed on May 12, 2021.

⁴ Also on January 12, 2023, Father petitioned the court for the termination of Mother’s alimony award in the parties’ divorce action. Father alleged that Mother was cohabitating. Mother denies the same. When Mother filed the PFA Action, she alleged that she had recently learned that Father was surveilling her residence 24/7. Father alleges that Mother was advised of his surveillance in November 2022. Our resolution of the Petition to Stay is not dependent upon the truth or falsity of the parties’ assertions.

⁵ That Mother filed no answer is simply noted as no answer is required under the Rules. No inference is drawn from Mother’s failure to answer.

related to custody (“January 2023 Order”). This order reinstated the December 2020 Order and May 2021 Order, with modification as to the location of custody exchanges, implementation of a third party to facilitate custody communications, and specification that Father’s phone contact with the children would be through one child’s cell phone.

On February 15, 2023, a non-record custody conciliation took place before Custody Conciliator Laura Baker (“Conciliator”) pursuant to Pa.R.Civ.P. 1915.4-3⁶ and C.C.R.C.P. 1915.5.B. The only open matter was Father’s Petition to Modify, in which he sought unspecified modification in the best interest of the children. No agreement was reached between the parties at conciliation.

On February 16, 2023, the Conciliator recommended entry of a Temporary Order reducing Father’s custodial time from seven overnights in a fourteen-day period to two overnights and awarding Mother primary physical custody.⁷ The Conciliator also recommended the appointment of a psychologist to conduct a custody evaluation. (Temporary Order, ¶ 7). The recommendation was disseminated to counsel for the parties on February 17, 2023, and entered as a Temporary Order by Judge Katherine B.L. Platt on or about February 22, 2023.

C.C.R.C.P. 1915.4.A.(b)(2) provides that “[a]ll temporary orders for custody shall include the following language”:

NOTICE: UNLESS A DEMAND FOR TRIAL, A CERTIFICATE OF TRIAL READINESS AND A PRE-TRIAL STATEMENT HAVE BEEN FILED, THIS ORDER SHALL BECOME A FINAL ORDER OF COURT WITHIN 90 DAYS OF THE MOST RECENT CONCILIATION CONFERENCE ...

This language was manually crossed-out by persons unknown and therefore stricken from the Temporary Order. (Temporary Order, p. 5)

Father raises the following issues in his petition. First, the order is titled “Temporary,” but no review date has been scheduled. Instead, the Temporary Order recites:

This matter is scheduled for a review conciliation conference on **[TBD – attorneys shall contact Family Court to schedule a review conciliation conference when the Custody Evaluation is complete.]**

⁶ Rule 1915.4-3 provides in relevant part:

(a) Non-Record Proceedings. In judicial districts utilizing an initial non-record proceeding, i.e., office conference, if an agreement is not finalized by the conclusion of the proceeding, *the conference officer shall promptly notify the court that the matter should be listed for trial. ...*

(b) Trial. The trial before the court shall be de novo. The court shall hear the case and render a decision within the time periods set forth in Pa.R.C.P. No. 1915.4.

Pa.R.Civ.P. 1915.4-3 (emphasis added).

⁷ “Primary physical custody” is “[t]he right to assume physical custody of the child for the majority of the time.” 23 Pa. C.S. § 5322.

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(Temporary Order, ¶ 8.P) (emphasis in original).

Second, the determination to remove Father’s shared physical custody was made by the Conciliator in a non-record proceeding where Father did not have the ability to confront and cross-examine witnesses.

Third, the determination to remove Father’s shared physical custody was made by the Conciliator without delineating the reasons for the decision on the record, during the conference, or in a written decision, in contravention of 23 Pa.C.S. § 5323(d).⁸

Fourth, Father’s shared physical custody has been removed for an indeterminate amount of time and is based on factors outside of Father’s control.

Fifth, the determination to remove Father’s shared physical custody was made by a Temporary Order where Father’s ability to seek redress from the court by a demand for trial has been removed.

Sixth, for the reasons set forth, Father contends that he has been deprived of due process.

Seventh, permitting the Temporary Order to remain in place changes the status quo and creates a “new” status quo, which, Father argues, will harm his relationship with the children, and the correction of which as some future date would be the equivalent of seeking to “unring the bell.”⁹

Oral argument was heard on April 6, 2023. Father’s arguments may be distilled down to three issues. First, the Conciliator had no authority to consider a change in primary physical custody. Second, Chester County’s Local Rules, specifically C.C.R.C.P. 1915.4.A(b)-(c) and C.C.R.C.P. 1915.5.B, are invalid and unenforceable. Third, the procedures set forth in Chester County’s Local Rules resulted in a denial of Father’s Due Process right to a trial de novo before a judge.

Mother’s argument appears to stand on four points in support of denying Father’s request for relief. First, Chester County’s Local Rules empower the Conciliator to address a change in primary physical custody and issue a proposed order to be signed by a judge. Second, Chester County’s Local Rules are valid because they work in tandem rather than in conflict with statutory requirements and the Pennsylvania Rules of Civil Procedure. Third, the procedures used in Chester County work, and therefore should not be disturbed. Fourth, Father’s having the opportunity to offer argument before the court satisfies the Due Process requirements in this case.

Father submitted a brief on April 6, 2023 and Mother submitted a brief on April 13, 2023.

⁸ 23 Pa.C.S. § 5323(d) provides:

(d) Reasons for award.--The court shall delineate the reasons for its decision on the record in open court or in a written opinion or order.

⁹ It does not appear that Father had an opportunity to raise these issues in a record proceeding before a court, prior to the issuance of the Temporary Order.

DISCUSSION

The January 2023 Order, based on an agreement of the parties, incorporated the terms of the December 2020 Order and May 2021 Order, with a modification regarding custody exchanges. The agreement makes clear to the court that neither party considered the other to be a threat to the children requiring action by a court. Between the time the January 2023 Order was issued and February 15, 2023, no petition for special relief was filed indicating the need for an immediate change in the agreed to custody arrangement in the best interests of the children.

After the *nonrecord* conciliation conference at which no agreement was reached by the parties, a recommended custody order issued granting Mother primary physical custody. The recommended custody order, bereft of analysis and a record to substantiate the recommendation, provided no basis for this court or any court to conclude that it is in the best interests of the children to change the status quo and grant Mother primary physical custody. There is no evidence that Father poses a threat to the health, safety, or welfare of the children. There is no evidence that the custody factors set forth in 23 Pa.C.S. § 5328(a) weigh in favor of Mother. A casual observer may for good reason view this process and outcome as arbitrary.

There is no evidence that the best interests of the children required a change of the status quo as it existed prior to the February 15, 2023 conciliation, pending a trial on the merits of Father's Petition for Modification. Based on the foregoing, the court is satisfied that the best interests of the children will not be adversely impacted in any way by the discussion and order that follows.

Authority of the Conciliator

Mother argues, without benefit of citation to a statute, case, or Rule of statewide application, that the conciliation process and the ability of conciliators to hear any custody matter in Chester County is fully authorized because the Domestic Relations Rules Committee issued a letter stating that the Local Rules "are not inconsistent with the statewide Rules of Civil Procedure" and that an administrative order was issued certifying that the Local Rules are authorized and approved. This position fails for a number of reasons. First, Mother's position is contrary to law of this Commonwealth. Second, there is no evidence that the issues raised by Father were ever considered by the Committee or the court, which may have taken a different view of the proposed Local Rules. Third, the court is unable to find a single case that supports a finding that a letter from a committee and a certification issued as a matter of course, bars this court from considering the legal rights of Father.

The appointment of professionals to assist the courts in domestic relations matters in Pennsylvania has been codified since at least 1929. Section 36 of the Act of May 2, 1929, P.L. 1237 (repealed) ("The court may ... upon motion of either party, appoint a master to take testimony and return the same to court."). Language providing for the appointment of professionals was, at the outset, broad and appeared to apply to any matter before the court that was related to a divorce action, including custody. *Id.*

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Appointed professionals, be they masters, hearing officers, or conciliators,¹⁰ have also played an important role in the function of the family division of the Chester County Court of Common Pleas for decades. *See*, C.C.R.C.P. 1133(a)(1) (January 4, 1974) (addressing the appointment of masters in divorce matters).

In 1959, the Pennsylvania Legislature changed the role of appointed professionals by allowing their appointment “to hear testimony on some or all issues, *except issues of custody*, paternity and support . . .” Section 3 of the Act of December 30, 1959, P.L. 2055 (repealed) (emphasis added). Thereafter, courts, including the Chester County Court of Common Pleas, did not permit the delegation of questions regarding custody to a master. *Harris v. Harris*, 50 Pa.D.&C.2d 728, 730–31 (C.P. Bucks 1970); C.C.R.C.P. 1133(a)(1) (January 4, 1974) (The court “may, except as to the issues of custody, paternity and support, appoint a master . . .”). Despite the clear prohibition, Local Rules adopted in 1989 required that “references to a hearing in Pa.R.C.P. No. 1915.5 shall be construed as referring to the conference before the custody conciliator.” C.C.R.C.P. 1915.5.A(1)(A) (June 9, 1989). The 1989 Local Rules also purported to grant conciliators broad powers including recommendation “to the court that interim or temporary custody orders be entered.” C.C.R.C.P. 1915.5.B (June 9, 1989).

The Pennsylvania Legislature maintained the prohibition on appointing professionals in custody matters when it updated the Domestic Relations Act in 1990. Section 2 of the Act of December 19, 1990, P.L. 1240, 23 Pa.C.S. § 3321 (allowing a court to “appoint a master to hear testimony on all or some issues, except issues of custody and paternity . . .”). It was not until 1994 that Pa.R.Civ.P. 1920.91(3) was adopted and suspended 23 Pa.C.S. § 3321 insofar as it prohibits the appointment of hearing officers in partial custody or visitation matters. Despite the modification, the Commonwealth of Pennsylvania still prohibited a hearing officer or master from addressing issues of primary physical custody.

In *Van Dine v. Gyuriska*, 713 A.2d 1104, 1105 (Pa. 1998), a father petitioned the court for primary physical custody of the parties’ children. A master was appointed to hear the matter. Father refused to participate in that proceeding before the master. Thereafter, the master filed a report and recommendation to which father filed exceptions, which included a claim that the hearing violated the prohibition on masters hearing matters involving primary physical custody. The trial court affirmed the master’s report and denied father’s request for a trial. On appeal to the Superior Court, the trial court’s order was affirmed.

Father appealed to the Supreme Court. In reversing the Superior Court and remanding the case to the trial court, the Supreme Court noted that a master may hear partial custody and visitation matters, but “there is no similar provision allowing a master to hear primary physical custody issues.” *Id.* at 1105. The court further noted that partial suspension of 23 Pa. C.S. § 3321, with regard to partial custody and visitation, “makes it clear that a trial judge and not a master or hearing officer may make determinations related to primary physical custody matters.” *Id.* The court

¹⁰ This matter specifically addresses a conciliator although they are often referred to as hearing officers within the Chester County Courts. The term conciliator is also synonymous with the term conference officer for purposes of this discussion. *See*, Pa.R.Civ.P. 1915.1(b) (Definitions).

concluded that,

Issues related to child custody are of paramount importance to our society. This court, in suspending part of § 3321, specifically declined to suspend that section as it relates to custody. Thus, the law dictates that matters relating to custody are to be heard by a trial judge. Accordingly, appellant in the instant matter was entitled to a *de novo* hearing as a matter of law, and as such the lower courts abused their discretion when they failed to give him this right.”

Id. at 1105-1106.

In *Littman v. Van Hoek*, 789 A. 2d 280, 282 (Pa.Super. 2001), a father filed a petition for modification seeking primary physical custody of his son. A master presided over a series of hearings and recommended that, *inter alia*, father be granted primary physical custody of his son. The court then signed an order incorporating the masters report and recommendation. Mother appealed and asserted that the master did not have statutory authority to hear father’s petition seeking primary physical custody. In vacating the trial court’s order, the Superior Court found that “both statutory law and our Supreme Court mandate that matters relating to primary physical custody be heard by a trial judge. The master who was appointed to hear this matter, therefore, *did not have the statutory authority to do so.*” *Id.* at 282 (emphasis added). *See also*, Pa.R.Civ.P. 1920.51(a)(2) (“the court shall not appoint a hearing officer ... for the claims of legal custody, sole physical custody, primary physical custody, shared physical custody, or paternity.”).

In the present matter, it cannot be denied that by permitting the Conciliator’s recommendation, which awards Mother primary physical custody, to be imposed as a Temporary Order, the Conciliator has heard and disposed of matters relating to primary physical custody, despite a clear prohibition.¹¹

Validity of Local Rules

In the present matter Father did not seek a specific type of relief, but rather petitioned for a modification of custody “in the best interests of the children.” Petition to Modify at p. 2. Whether seeking primary physical custody or partial custody, “the polestar of any child custody dispute is to reach a decision which serves the ‘best interest’ of the child ... factors to be considered in arriving such a determination include the child’s physical, intellectual, emotional, and spiritual wellbeing.” *Beers v. Beers*, 493 A.2d 116, 117-118 (Pa.Super. 1985) (citations omitted). This is true whether the matter was initiated by a complaint in custody or petition for modification. *M.G. v. L.D.*, 155 A.3d 1083, 1091 (Pa.Super. 2017). “The best-interests standard, decided on a case-by-case basis, considers all factors which legitimately have an effect upon the child’s physical, intellectual, moral and spiritual well-being.” *Rishel v. Fuller*,

¹¹ To be clear, the Conciliator in this matter was faithful to the obligations set forth in the Local Rules in the performance of her duties.

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276 A.3d 223 (Pa.Super. 2022) (quoting *M.J.N. v. J.K.*, 169 A.3d 108, 112 (Pa.Super. 2017)); *Johns v. Cioci*, 865 A.2d 931, 937 (Pa.Super. 2004) (“[I]n evaluating whether a modification of custody is in a child’s best interest, the court has an obligation to consider all relevant factors that could affect the child’s wellbeing.”).

In determining the best interests of a child in a custody matter, a court is *required* to consider the factors set forth in 23 Pa. C.S. § 5328(a). *Vicalvi v. Flakker*, 280 A.3d 1 (Pa.Super. 2022) (unreported) (Trial court is required to consider all Section 5328(a) factors when ordering any form of custody.); *Graves v. Graves*, 265 A.3d 688 (Pa.Super. 2021) (vacating custody order based on, *inter alia*, trial court’s failure to consider all of the factors set forth in 23 Pa.C.S. § 5328(a)); *D.T.M. v. K.B.*, 2019 WL 4415742 (Pa.Super. 2019) (unreported) (vacating trial court’s custody order adopting hearing officer’s recommendation for award of custody under Rule 1915.4-2, for failure to address factors set forth in 23 Pa.C.S. § 5328(a)). Once the factors have been considered, a court may award: (1) shared physical custody; (2) primary physical custody; (3) partial physical custody; (4) sole physical custody; (5) supervised physical custody; (6) shared legal custody; or (7) sole legal custody. 23 Pa.C.S. § 5323(a). Pursuant to Section 5323(a), the award of primary physical custody to either parent, is *always* a possible outcome, despite what the parties may have requested.

Chester County appears to have filed a certification with the Domestic Relations Procedural Rules Committed addressing Judicial District Alternative Hearing Procedures as of May 13, 2022, that partial custody proceedings are conducted in accordance with Rule 1915.4-3, which provides in relevant part:

(a) Non-Record Proceedings. In judicial districts utilizing an initial non-record proceeding, i.e., office conference, if an agreement is not finalized by the conclusion of the proceeding, the conference officer shall promptly notify the court that the matter should be listed for trial. . . .

(b) Trial. The trial before the court shall be *de novo*. The court shall hear the case and render a decision within the time periods set forth in Pa.R.C.P. No. 1915.4.

In the present case and pursuant to Rule 1915.4-3, when no agreement was reached, the matter was required to be listed for trial. However, the procedure employed in Chester County permitted the Conciliator to produce a recommendation to be entered as temporary order after the office conference and without a record hearing.

Despite the clear requirements of Rule 1915.4-3, in Chester County if no agreement is reached by the parties, the Local Rule directs that an order “recommended by the custody conciliator shall issue.” C.C.R.C.P. 1915.5.B(f). The conciliator is then required to submit the recommended order “to the Court for approval.” *Id.* These provisions are in direct conflict with Rule 1915.4-3 in that they do not require that the matter be set for trial, but rather mandate that a recommended order be issued by the conciliator. *Compare*, Pa.R.Civ.P. 1915.4-3, *and* C.C.R.C.P. 1915.5.B(f). The recommended orders mandated by C.C.R.C.P. 1915.5.B(f), once signed by a judge,

become a final order of court unless a series of procedural steps are taken by a litigant to secure a trial before a judge. C.C.R.C.P. 1915.4.A.

Notwithstanding the clear prohibitions on a conciliator, hearing officer, or master addressing primary physical custody, the Local Rules also provide for conciliator “[r]ecommendations that change primary custody”. C.C.R.C.P. 1915.5.B.(f)(2)(i); *and compare*, 23 Pa.C.S. § 3321; Pa.R.Civ.P. 1920.51(a)(2)(ii); *Van Dine v. Gyuriska*, 713 A.2d 1104, 1105 (Pa. 1998); *Littman v. Van Hoek*, 789 A. 2d 280, 282 (Pa.Super. 2001). This Local Rule sets forth a procedure for those occasions when the conciliator’s recommendation “will result in a change in primary custody that is not agreed upon by the parties.” *Id.* Whether the matter involves partial custody or primary custody, where there is no agreement the Local Rules do not require the conciliator to notify the court that the matter should be listed for trial, but rather sets forth a series of procedural steps that must be satisfied in order for a litigant to have an opportunity for their day in court. *Id.* Should a litigant fail to properly navigate this process, the order submitted by the conciliator and signed by a judge, “shall automatically become a Final Order of the Court” C.C.R.C.P. 1915.4.A(b). This remains the case even after a decision by the Superior Court that was critical of the conciliation procedures in Chester County.

In *Connelly v. Connelly*, 266 A.3d 638, *2 n.11 (Pa.Super. 2021) (unreported), a case originating in Chester County, the central issue before the Superior Court was whether an order, recommended by a custody conciliator after conciliation and signed by a judge in accordance with the Local Rules, was a final order for purposes of appeal. The recommended order signed by the court did not include any recitation of factual findings or assessment of the 16 custody factors set forth in 23 Pa. C.S. § 5328(a). The Superior Court concluded that because no adjudicatory proceeding took place before a trial court, the order could not be a final appealable order. *Id.* at **7. The court also noted that because Chester County has certified that its proceedings are conducted in accordance with Pa.R.Civ.P. 1915.4-3, “the hearing officer’s recommendation could not become an order of court absent a *de novo* trial before the trial court.” *Id.* at **2 n.11, **8.

The rules governing the adoption of local rules make clear that “[l]ocal rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.” Pa.R.J.A. 103(d)(2). A rules committee is empowered to, at any time, “recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.” *Id.* Contrary to the mandate set forth in the Pa.R.J.A., C.C.R.C.P. 1915.4.A and 1915.5.B are burdened with multiple direct conflicts.¹² Where, as here, the Local Rules are in direct conflict with a statewide rule of procedure and Act of Assembly, the rule is invalid. *Marino v. Rhodes*, 270 A.3d. 521, 527 (Pa.Super. 2022)(“It is axiomatic that if a local rule conflicts with a statewide procedure, the local rule is invalid.”).

¹² Mother’s reliance on the Explanatory Comment to Pa.R.Civ.P. 1915.4-1 to support her position that there is no conflict between the Local Rules and the Pa.R.Civ.P. is misplaced. That commentary, which addresses alternatives for partial physical custody “is not part of the rule text, but may be used in construing the rule text.” Pa.R.Civ.P. 129. The provisions of Pa.R.Civ.P. 1915.4 also do not provide a safe harbor for the Local Rules at issue in this matter. The general provisions of Rule 1915.4 must be read *in pari materia* with and yield to the specific provisions of Rules 1915.4-3 and Pa.R.Civ.P. 1920.51(a)(2)(ii). *See*, Pa.R.Civ.P. 131 (Rules in Pari Materia); Pa.R.Civ.P. 132 (Particular Controls General).

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Denial of Due Process

“Formal notice and an opportunity to be heard are fundamental components of due process when a person may be deprived in a legal proceeding of a liberty interest, such as physical freedom, or a parent’s custody of her child.” *Everett v. Parker*, 889 A.2d 578, 580 (Pa.Super. 2005). Denying a party the right to a de novo hearing in a custody matter denies that party due process. *A.H. v. C.M.*, 58 A.3d 823, 827 (Pa.Super. 2012). In the present matter, the Local Rules, which allow the entry of a custody order that changed primary physical custody based on a nonrecord proceeding and in the absence of a trial de novo before a judge, violated Father’s Due Process rights.

The constitutional right to a de novo custody trial cannot be waived simply by missing a procedural step in the Local Rules. The law in the Commonwealth, even in the civil context is well settled in that:

[c]onstitutional rights can be waived.” However, “[w]e are unaware of any constitutional right that can be waived by operation of a rule of procedure that does not explicitly provide for the waiver.” Rather, “any [such] waiver must be knowing, intelligent and voluntary.” “[I]n order for the waiver to be voluntary, it must be ‘an intentional relinquishment or abandonment of a known right.’ ” A waiver is knowing and intelligent if the right holder is aware of both the nature of the right and the risk of forfeiting it.

Pennsylvania Liquor Control Bd. v. Beh, 215 A.3d 1046, 1056–57 (Pa.Cmwlt. 2019) (quoting *Chester Housing Authority v. Polaha*, 173 A.3d 1240, 1250-51 (Pa.Cmwlt. 2017)). In the present matter, Father did not make a knowing and intelligent waiver of his right to a de novo custody trial on his Petition to Modify Custody and the change in primary custody based on a nonrecord hearing before the Conciliator was a denial of his Due Process rights.

ORDER

AND NOW, this 14th day of April, 2023, after hearing and consideration of the briefs submitted by the parties, it is hereby ORDERED and DECREED, that:

1. The February 22, 2023, Temporary Custody Order is VACATED.
2. The parties shall follow the terms of custody agreed to in the January 30, 2023 Protection from Abuse Order until further order of this court.

BY THE COURT:

/s/ Anthony T. Verwey, J.

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NOTICES

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

CIVIL ACTION

LAW NO. 2023-03308-NC

NOTICE IS HEREBY GIVEN that the name change petition of Chander Shekher Kathuria was filed in the above-named court and will be heard on Monday, July 31, 2023 at 2:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.
Date of filing the Petition: Friday, May 12, 2023
Name to be changed from: Chander Shekher Kathuria to: Chander Shekher
Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

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

CIVIL ACTION

LAW NO. 2023-03078-NC

NOTICE IS HEREBY GIVEN that the name change petition of Debbi Anne Morello was filed in the above-named court and will be heard on Monday, June 12, 2023 at 2:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.
Date of filing the Petition: Thursday, May 4, 2023
Name to be changed from: Debbi Anne Morello to: Debra Ann Morello
Any person interested may appear and show cause,

if any they have, why the prayer of the said petitioner should not be granted.
Mary E. Lawrence, Esquire
MacElree Harvey Ltd
17 W. Miner St
West Chester, PA 19381

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

CIVIL ACTION

LAW NO. 2023-01684-NC

NOTICE IS HEREBY GIVEN that the name change petition of Madison Peri Smith was filed in the above-named court and will be heard on Monday, June 26, 2023 at 2:00 PM, in Courtroom 1 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.
Date of filing the Petition: Friday, March 10, 2023
Name to be changed from: Madison Peri Smith to: Cameron Taylor Smith
Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

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

CIVIL ACTION

LAW NO. 2023-00487-NC

NOTICE IS HEREBY GIVEN that the name change petition of Jovany Alexis Ulloa was filed in the above-named court and will be heard on Monday, June 5, 2023 at 2:00 PM, in Courtroom 8 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.
Date of filing the Petition: Tuesday, January 24, 2023
Name to be changed from: Jovany Alexis Ulloa to: Jovany Alexsy Ulloa
Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on the Tuesday, April 4, 2023 for ERC HAULING, INC. in accordance with the provisions of the Pennsylvania Business Corporation Law of

1988.

VINCENT CAROSELLA, JR.
Carosella & Associates, P.C.
882 S. Matlack Street
Suite 101
West Chester, PA 19382

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on the Tuesday, April 4, 2023 for MIKE'S SERVICE HAULING, INC. in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

VINCENT CAROSELLA, JR.
Carosella & Associates, P.C.
882 S. Matlack Street
Suite 101
West Chester, PA 19382

CORPORATION NOTICE

Endura IV Solutions, P.C. has been incorporated under the provisions of Chapter 29 of the Pennsylvania Business Corporation law of 1988 as a Professional Corporation.

Lamb McErlane PC
24 E. Market St.
P.O. Box 565
West Chester, PA 19382.

DISSOLUTION NOTICE

NOTICE IS HEAREBY GIVEN that the board of directors of Emilia Wojtyla Shelter Bolivia, a Pennsylvania nonprofit corporation, with address of 963 North Penn Drive, West Chester, PA 19380, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under provisions of Section 5975 of Title 15 Corporations and Unincorporated Associations.

Katherine Cartagena Orochi, President
13 W Summerfield Ave.
Collingswood, NJ 08108

ESTATE NOTICES

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

1st Publication

BRITT, Shawn P., late of Phoenixville. Jeremy Z. Mittman, Esq., 593 Bethlehem Pike, Montgomeryville, PA 18936, Administrator. JEREMY Z. MITTMAN, Esquire, The Law Office of Jeremy Z. Mittman, 593 Bethlehem Pike, Montgomeryville, PA 18936, atty.

BUCHAKJIAN, Edward, late of Willistown Township. Barbara Moore, 64 Yale Rd., Havertown, PA 19083, Executrix. ANDREW V. GUILFOIL, Esquire, 41 E. Front St., Media, PA 19063, atty.

BURRICHTER, P. Paul, a/k/a Peter Paul Burrichter, late of West Chester. Dennis J. Burrichter, 131 Hampstead Drive, Ambler, PA 19002, Executor.

CALDWELL, Edward A., late of Kennett Square. Gaila Ciccارنة, 293 Longview Lane, Kennett Square, PA 19348, Administrator.

CIARLONE, Matthew T., late of East Brandywine Township. Rose Ciarlone, care of BRUCE W. LAVERTY, Esquire, 1398 Wilmington Pike, Suite B, West Chester, PA 19382, Administratrix. BRUCE W. LAVERTY, Esquire, Laverty, Abele & Russell, LLC, 1398 Wilmington Pike, Suite B, West Chester, PA 19382, atty.

GERHART, John S., late of Phoenixville. Kathryn V. Rudderow, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

GHEE, Lysbeth, late of Kennett Township. Denise Ghee, care of MARC L. DAVIDSON, Esquire, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, Executrix. MARC L. DAVIDSON, Esquire, Davidson & Egnor, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, atty.

GOOD, Reita G., late of East Bradford Township. Sandra L. Good and James R. Good, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executors. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester,

PA 19382, atty.

HERSHEY, Eva F., a/k/a Eva Fisher Hershey, late of Upper Oxford Township. Carol J. Hershey, 221 Howarth Road, Media, PA 19063, Executor. JACQUELYN S. GOFFNEY, Esquire, Law Office of Elizabeth T. Stefanide Esquire, 339 W. Baltimore Avenue, Media, PA 19063, atty.

HILTON, Doris I., late of East Fallowfield. Lawrence E. Hilton, III, 375 Buck Run Road, East Fallowfield, PA 19320, Executor. ANITA F. O'MEARA, Esquire, The O'Meara Law Firm, P.O. Box 209, Unionville, PA 19375, atty.

HOLLINGER, Dale R., late of West Brandywine Township. Jennifer Keller, 1484 Sugartown Rd., Paoli, PA 19301, Executrix. JANNA M. PELLETIER, Esquire, 535 N. Church St., Ste. 309, West Chester, PA 19380, atty.

KUESPERT, Cynthia H., a/k/a Cynthia Kuespert, late of Pennsbury Township. David H. Burt, care of MARY ANN PLANKINTON, Esquire, 3711 Kennett Pike, Ste. 100, Wilmington, DE 19807, Executor. MARY ANN PLANKINTON, Esquire, Gawthrop Greenwood, P.C., 3711 Kennett Pike, Ste. 100, Wilmington, DE 19807, atty.

LAGROTTERIA, John, late of West Goshen Township. Debra Jean Lagrotteria and Josephine Charles, care of NORMAN J. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executrices. NORMAN J. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

LAHR, Harriet Belle, late of West Caln Township. Tracy H. Lahr Calvert, 103 Debbie Dr., Coatesville, PA 19320 and Eric T. Lahr, 1690 Telegraph Rd., Honey Brook, PA 19344, Executors. STEPHANIE P. KALOGREDIS, Esquire, Lamb McErlane, P.C., 24 E. Market St., P.O. Box 565, West Chester, PA 19381, atty.

MAGEE, James A., late of West Whiteland Township. Jean Marie Langdon, care of JOHN C. HOOK, Esquire, 30 Valley Stream Parkway, Malvern, PA 19355, Executrix. JOHN C. HOOK, Esquire, Stradley Ronon Stevens & Young, LLP, 30 Valley Stream Parkway, Malvern, PA 19355, atty.

MAGERS, John Christopher, late of East Nottingham Township. Sandra S. Magers, 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.

MAITLAND, Alice McWilliams, late of West Brandywine Township. Robert R. Fleck, Jr., 4 Mi-

chael Court, Coatesville, PA 19320 & Stephen H. Morrison III, 11 Cochran Drive, Coatesville, PA 19320, Executor.

MAURER, Daniel, late of Berwyn. Barbara Maurer, 750 Old Lancaster Avenue, Apt. B310, Berwyn, PA 19312, Administrator.

MORAN, John P., a/k/a John Patrick Moran and John Moran, late of West Chester Borough. Patrick J. Moran, care of ROBERT B. SHOEMAKER, JR., Esquire, 1800 E. Lancaster Ave., Ste. L, Paoli, PA 19301, Administrator. ROBERT B. SHOEMAKER, JR., Esquire, 1800 E. Lancaster Ave., Ste. L, Paoli, PA 19301, atty.

NGUYEN, Quang Kimbui, a/k/a Jacqueline Nguyen, late of Sadsbury Township. Phuoc Hong Le, 801 Timber Drive, Coatesville, PA 19320, Executor. PATRICK J. SCHAEFFER, Esq. & LAURA E. BAYER, Esquire, Trinity Law, 1681 Kenneth Road, Suite 2, York, PA 17408, atty.

NGUYEN, Lieng Van, a/k/a Lieng Nguyen, late of Sadsbury Township. Phuoc Hong Le, 801 Timber Drive, Coatesville, PA 19320, Executor. PATRICK J. SCHAEFFER, Esq. & LAURA E. BAYER, Esquire, Trinity Law, 1681 Kenneth Road, Suite 2, York, PA 17408, atty.

REMINGTON, Frances, late of Kennett Square. Jeanne M. Hanson, 532 Ruxton Drive, Wilmington, DE 19809, Executor. DENISE D. NORDHEIMER, Esquire, Denise Nordheimer, 2001 Baynard Boulevard, Wilmington, DE 19802, atty.

SHAW, Brian Scott, a/k/a Brian S. Shaw, Brian Shaw, late of Warwick Township. Juliana T. Kligmann & Linda J. Dennis, 2454 Haromnyville Road, Elverson, PA 19520, Administrators.

VELAZQUEZ, Victor Castaneda, late of Avondale. Irene Ayllon Mendiola & Yulissa Castaneda, care of MICHAEL R. PERNA, Esquire, 610 Miller Hill, P.O. Box 96, Kennett Square, PA 19348, Administrator. MICHAEL R. PERNA, Esquire, Perna & Abracht, LLC, 610 Miller Hill, P.O. Box 96, Kennett Square, PA 19348, atty.

VILLONE, Carmin, late of West Marlborough Township. Herbert Miller, care of GEORGE S. DONZE, Esquire, 696 Unionville Road, Suite 6, Kennett Square, PA 19348, Executor. GEORGE S. DONZE, Esquire, Donze & Donze, 696 Unionville Road, Suite 6, Kennett Square, PA 19348, atty.

WILENT, Rita P., late of Dowingtown. Joseph DiCroce, care of STANLEY E. LUONGO, JR., Esquire, 126 West Miner Street, West Chester, PA 19382, Executor. STANLEY E. LUONGO, JR., Es-

quire, Luongo Bellwoar LLP, 126 West Miner Street, West Chester, PA 19382, atty.

WINCKELMAN, Stephen R., late of Charles-town Township. Stephen E. Winckelman and Cynthia E. Winner, care of JAMES J. RUGGIERO, JR., Esquire, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, Executors. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices, LLC, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, atty.

WOOD, Doris A., late of Pennsbury Township. Cheryl H. Wood and Anne G. Wood, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

2nd Publication

BEAROFF, Lynn Marie, a/k/a Lynn M. Bearoff and Lynn Bearoff, late of Tredyffrin Township. David J. Bearoff, care of ADAM L. FERNANDEZ, Esquire, Blue Bell Executive Campus, 460 Norristown Rd., Ste. 110, Blue Bell, PA 19422-2323, Executor. ADAM L. FERNANDEZ, Esquire, Wisler Pearlstone, LLP, Blue Bell Executive Campus, 460 Norristown Rd., Ste. 110, Blue Bell, PA 19422-2323, atty.

BORIG, Walter A., late of West Brandywine Township. Donald A. Borig, 7194 Yare St., Glen Allen, VA 23059, Executor. JANET SATTERTHWAITTE, Esquire, Gawthrop Greenwood, PC, 17 E. Gay St., Ste. 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

BRADFORD, Freddia T., late of Coatesville City. Charles E. Bruce, 925 West Chestnut Street, Coatesville, PA 19320, Executor. ALAN J. JARVIS, Esquire, 101 Birch Drive, Downingtown, PA 19335, atty.

BROADBELT, C. Norman, a/k/a Clarence Norman Broadbelt, late of Birmingham Township. Michael Edward Lee, 307 Lea Dr., West Chester, PA 19382, Executor. JANET SATTERTHWAITTE, Esquire, Gawthrop Greenwood, PC, 17 E. Gay St., Ste. 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

BROPHY, JR., Alfred L., a/k/a Alfred Laurence Brophy, Jr., late of West Goshen Township. Alfred L. Brophy, III, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executor. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

CARLTON, JR., Robert Thomas, a/k/a Robert

T. Carlton, late of Tredyffrin Township. Patricia M. Carlton, 80 Upper Gulph Rd., Wayne, PA 19087-2441, Executrix. BAYARD H. GRAF, Esquire, Graf & Graf, P.C., 175 Strafford Ave., Ste. 230, Wayne, PA 19087, atty.

CULGAN, Frances V., late of Kennett Township. Margaret F. Culgan, 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.

DiORIO, Ralph A., late of Valley Township. Rosemarie C. DiOrio, 319 Gossell Ln., Valley Township, PA 19320, Executrix. WAYNE C. BUCKWALTER, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

GEIST, John P., late of Birmingham Township. Thomas A. Geist, care of TRISHA W. HALL, Esquire, 1201 N. Market St., 20th Fl., Wilmington, DE 19801, Executor. TRISHA W. HALL, Esquire, Connolly Gallagher LLP, 1201 N. Market St., 20th Fl., Wilmington, DE 19801, atty.

HALL, Karlie Adele, late of Kennett Township. Jeanette A. Hall, 1322 West Chester Pike, Apt. P7, West Chester, PA 19382 & John J. Hall, 18631 Belmont Drive, Culter Bay, FL 33157, Administrators. KEVIN T. VITELLI, Esquire, 813 S New Street, West Chester, PA 19382, atty.

HIGGINS, Myrtle L., a/k/a Myrtle Higgins, late of Willistown Township. Ward D. Higgins, care of SALLY A. FARRELL, Esquire, 17 W. Miner St., West Chester, PA 19382, Executor. SALLY A. FARRELL, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

HOLLISTER, Nancy A., late of West Brandywine Township. Deborah J. Holister, 12 Lawn Ave., Eagleville, PA 19403, Executrix. JOHN F. MCKENNA, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

IREY, JR., John J., late of East Pikeland. Lynn Ann Betley, 1247 Township Line Road, Phoenixville, PA 19460 & Michael J. Betley, Sr., 1247 Township Line Road, Phoenixville, PA 19460, Executors. STEPHEN I. BAER, Esquire, Baer Romain & Ginty LLP, 1288 Valley Forge Road, Suite 63, Phoenixville, PA 19460, atty.

KAUFFMAN, Anna S., late of Honey Brook Township. Benuel R. King & Levi R. King, care of ASHLEY GLICK, Esquire, 131 W. Main Street, New Holland, PA 17557, Executors. ASHLEY GLICK, Esquire, Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557, atty.

KING, JR., Richard O., late of West Brandywine Township. Michele L. King, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Administratrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

LEHRER, Leila, late of Warwick Township. Sander Lehrer, 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.

LESSIG, Eva M., late of Kennett Square Borough. Steven R. Lessig, care of JEFFREY C. GOSS, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602, Executor. JEFFREY C. GOSS, Esquire, Brubaker Connaughton Goss & Lucarelli LLC, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602, atty.

MORGAN, Helen Powell, a/k/a Helen Louise Black, Helen P. Morgan and Helen Louise Powell, late of East Pikeland Township. Jeffrey P. Morgan, care of FRANQUI-ANN RAFFAELE, Esquire, 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773, Executor. FRANQUI-ANN RAFFAELE, Esquire, Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773, atty.

NEWMAN, JR., Albert H., late of East Brandywine Township. Albert H. Newman, III, 30 Long View Road, East Fallowfield, PA 19320, Executor. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Higheay, Thorndale, PA 19372, atty.

NORCINI, Ethel B., a/k/a Missy Norcini, late of Tredyffrin Township. Marcia Norcini, care of CYNTHIA J. RAYMOND, Esquire, Four Glenhardie Corporate Center, 1255 Drummers Ln., Ste. 105, Wayne, PA 19087, Executrix. CYNTHIA J. RAYMOND, Esquire, Four Glenhardie Corporate Center, Four Glenhardie Corporate Center, 1255 Drummers Ln., Ste. 105, Wayne, PA 19087, atty.

PHILLIPS, Ruth Mary, a/k/a Ruth M. Phillips, late of West Bradford Township. Gordon W. Good, 3460 Lincoln Highway, Thorndale, PA 19372, Executor. WILLIAM T. KEEN, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

RASPEN, Fred J., a/k/a Frederick Joseph Raspen and Jay Raspen, late of East Coventry Township. Pe-

ter E. Bort, 101 Lindenwood Dr., Ste. 225-G, Malvern, PA 19355, Executor. PETER E. BORT, Esquire, Bort Law, 101 Lindenwood Dr., Ste. 225-G, Malvern, PA 19355, atty.

REINHART, Marlin Eugene, late of West Chester. Leonard Reinhart, 102 Goshen Road, West Chester, PA 19380, Executor.

SCHANE, Roy, late of West Caln. Robert Schane, 103 Schane Lane, Honey Brook, PA 19344, Executor.

SCHOCK, Carolyn B., a/k/a Carolyn L. Schock and Carolyn Schock, late of West Goshen Township. Todd A. Schock, care of RACHEL FITOUSSI, Esquire, 62 W. Princeton Rd., Bala Cynwyd, PA 19004, Executor. RACHEL FITOUSSI, Esquire, 62 W. Princeton Rd., Bala Cynwyd, PA 19004, atty.

SIKORSKI, Catherine M., a/k/a Catherine Sikorski, Cathy M. Sikorski and Cathy Sikorski, late of East Goshen Township. Patricia Dougherty, care of DAVID S. WORKMAN, Esquire, 200 S. Broad St., Ste. 600, Philadelphia, PA 19102, Executrix. DAVID S. WORKMAN, Esquire, Astor Weiss Kaplan & Mandel, LLP, 200 S. Broad St., Ste. 600, Philadelphia, PA 19102, atty.

WENDELER, Ruth L., late of West Whiteland Township. Peggy A. Altemueller, care of ANDREW H. DOHAN, Esquire, 460 E. King Road, Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, LTD., 460 E. King Road, Malvern, PA 19355-3049, atty.

WILSON, Robert F., a/k/a Robert Frank Wilson, late of Elk Township. Joan E. Loewenstein, 29450 Andrew Jackson Dr., Millsboro, DE 19966, Executrix. SANDRA M. LIBERATORI, Esquire, Rick Stock Law, 933 N. Charlotte St., Ste. 3B, Pottstown, PA 19464, atty.

3rd Publication

ALBRIGHT, Joan, late of Elverson Borough. Ronald J. Albright, 15 Meadow Springs Lane, Oley, PA 19547, Executor.

BAILEY, Velma F., late of West Grove Borough. Judith A. Napieralski, care of WILLIAM J. GALLAGHER, Esquire, 209 E. State St., Kennett Square, PA 19348, Executrix. WILLIAM J. GALLAGHER, Esquire, MacElree Harvey, LTD., 209 E. State St., Kennett Square, PA 19348, atty.

BLANCHARD, Richard C., late of Pennsbury Township. David C. Blanchard, 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.

BLANCHARD, Barbara L., late of Pennsbury Township. David C. Blanchard and Randall S. Blanchard, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

BLEVINS, Timothy J., late of South Coventry Township. Nathan W. Blevins, care of PETER GIANGIULIO, Esquire, P.O. Box 567, Unionville, PA 19375, Administrator. PETER GIANGIULIO, Esquire, P.O. Box 567, Unionville, PA 19375, atty.

BREUNINGER, Peter August, a/k/a Peter Breuninger, late of Willistown Township. Thomas F. Toscani, 400 Berwyn Park, 899 Cassatt Rd., Ste. 320, Berwyn, PA 19312, Administrator DBNCTA. THOMAS F. TOSCANI, Esquire, Toscani, Stathes & Zoeller, LLC, 400 Berwyn Park, 899 Cassatt Rd., Ste. 320, Berwyn, PA 19312, atty.

BUCKWALTER, Gloria D., late of East Coventry Township. Mary G. Fogal, care of DAVID G. GARNER, Esquire, 635 East High Street, Suite 2, Pottstown, PA 19464, Executrix. DAVID G. GARNER, Esquire, 635 East High Street, Suite 2, Pottstown, PA 19464, atty.

CASAGRANDE, Louise Dunleavy, late of Penn Township. Keith Dunleavy, care of MICHAEL A. BRESLOW, Esquire, 1001 Conshohocken State Rd., Ste. 1-300, West Conshohocken, PA 19428, Executor. MICHAEL A. BRESLOW, Esquire, Heckscher, Teilon, Terrill & Sager, P.C., 1001 Conshohocken State Rd., Ste. 1-300, West Conshohocken, PA 19428, atty.

CHONG, Alexander, late of South Coventry Township. Angelina M. Wheeler-Chong, 2307 St Andrews Circle, Melbourne, FL 32901, Executor. JOSEPH F. LEESON, III, Esquire, Leeson & Leeson, 70 E Broad St., PO Box 1426, Bethlehem, PA 18016-1426, atty.

CLARK, Jessie Fay, late of West Whiteland Township. Douglas J. Clark, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

CLAY, Janis M., a/k/a Janis C. Clay, late of West Chester Borough. Kathy A. Talley, 416 Roseanna Avenue, Wilmington, DE 19803, Executrix. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

COBLE, Beatrice R., late of Honey Brook Town-

ship. Signe C. McCallum, 914 Briarwood Circle, Downingtown, PA 19335, Executor. KATHLEEN K. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

DIETZ, Richard F., late of Pennsbury Township. David A. Dietz, 311 Mackenzie Drive, West Chester, PA 19380, Executor. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PPA 19372, atty.

DIMONTE, Frederick J., a/k/a Frederick Joseph Dimonte, late of Pocopson. Elaine M. Dimonte, 6 Tullamore Drive, West Chester, PA 19382 & Susan D. Consalvi, 127 Tanbark Drive, Greentown, PA 18426, Executrices. MARGARET O'NEILL, Esquire, Margaret O'Neill LLC, 1450 Boot Rd., Bldg 400, Suite D, West Chester, PA 19380, atty.

DOAN, JR., Earl A., a/k/a Earl Amos Doan, Jr., late of East Fallowfield Township. Randy E. Doan, 2845 Strasburg Road, East Fallowfield, PA 19320 & Lisa G. Doan-Harley, 175 Weston Drive, East Fallowfield, PA 19320, Executors. WILLIAM T. KEEN, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

GONSORICK, Barbara A., a/k/a Barbara Gonsorick, late of West Brandywine Township. Dana M. Kramer, 1107 Clover Hill Drive, West Chester, PA 19382 & John M. Gonsorick, #7 Lenape Drive, Morgantown, PA 19543, Executors. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

HAAS, Aldeth S., late of Franklin Township. Cindy Ann Dunphy, 103 Hoffecker Rd., Phoenixville, PA 19460 and John Myron Haas, 1713 New London Rd., Landenberg, PA 19350, Executors. JAMES C. KOVALESKI, Esquire, OWM Law, 41 E. High St., Pottstown, PA 19426, atty.

HEFFNER, Marian L., a/k/a Marian Leona Heffner, late of Warwick Township. Sheila M. Heffner, care of LINDA KLING, Esquire, 131 W. Main Street, New Holland, PA 17557, Executor. LINDA KLING, Esquire, Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557, atty.

HENRICKSEN, JR., Gerhard C., a/k/a Gerhard C. Henricksen, late of East Caln Township. Lisa H. Paulson, care of MARILYN SEIDE MITCHELL, Esquire, 200 Eagle Rd., Ste. 106, Wayne, PA 19087, Executrix. MARILYN SEIDE MITCHELL, Esquire, Herr, Potts & Potts, 200 Eagle Rd., Ste. 106, Wayne, PA 19087, atty.

HIMES, James J., late of West Whiteland Township. Daniel Molino, care of DANIELLE M.

YACONO, Esquire, 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773, Executor. DANIELLE M. YACONO, Esquire, Hamburg, Rubin, Mullin Maxwell & Lupin, PC, 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773, atty.

HORIKAWA, Herbert Jun, late of Honey Brook. Joyce Horikawa, 716 Old Lancaster Road, Bryn Mawr, PA 19010, Executor.

JARVIS, Kathryn Lois, a/k/a Kathryn L. Jarvis, late of East Pikeland Township. Kristin Fraidenburgh, care of RYAN J. GRIFFIN, CPA, Esquire, 623 N. Pottstown Pike, Exton, PA 19341, Executor. RYAN J. GRIFFIN, CPA, Esquire, James B. Griffin, P.C., 623 N. Pottstown Pike, Exton, PA 19341, atty.

JOHNSON, Priscilla Jane, late of Kennett Township. Cynthia Jo Braden, 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.

LATSKO, Andrew J., late of Honey Brook Township. Stacey Willits McConnell, 24 E. Market St., P.O. Box 565, West Chester, PA 19381, Executrix. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, P.C., 24 E. Market St., P.O. Box 565, West Chester, PA 19381, atty.

MALONE, Ann E., late of Kennett Square. Douglas W. Olshin, 442 North High Street, West Chester, PA 19380, Administrator.

SAYLOR, Michael H., late of Landenberg. Michele L. McCleary, care of MICHAEL R. PERNA, Esquire, 610 P.O. Box 96, Kennett Square, PA 19348, Executor. MICHAEL R. PERNA, Esquire, Perna & Abracht, LLC, 610 P.O. Box 96, Kennett Square, PA 19348, atty.

TUPPENY, Janet M., a/k/a Janet Tuppeny, late of West Nantmeal Township. Shirley A. Brown, 108 Ednas Lane, Honey Brook, PA 19344, Executor. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

VAN LOAN, Adrienne Thompson, a/k/a Madeline Adrienne Van Loan, Audrey Van Loan, late of East Whiteland Township. Roland Van Loan, Jr., 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.

VERISH, Margaret Ann, a/k/a Margaret A. Verish, Margaret Verish, late of Westtown Township. John Andrew Verish, 220 North Edmonds Avenue,

Havertown, PA 19083, Executor. THERESE L. MONEY, Esquire, Law Office Therese L. Money, LLC, 1022 Old Wilmington Pike, West Chester, PA 19382, atty.

VIRGILIO, Richard Rocco, late of New London Township. Carol Ann Virgilio, 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.

NOTICE

Chester County

Court of Common Pleas

Number: 2023-02468-RC

Notice of Action in Mortgage Foreclosure

Longbridge Financial, LLC, Plaintiff v. Michael A.

Czapla, Jr., Known Surviving Heir of Ronald K.

Czapla, Douglas J. Czapla, Known Surviving Heir

of Ronald K. Czapla, and Unknown Surviving Heirs

of Ronald K. Czapla, Defendants

TO: Unknown Surviving Heirs of Ronald K. Czapla.

Premises subject to foreclosure: 544 Red Fox Lane,

Wayne, Pennsylvania 19087. NOTICE: 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 with-

out you and a judgment may be entered against you

without further notice for the relief requested by the

Plaintiff. You may lose money or property or other

rights important to you. You should take this notice

to your lawyer at once. If you do not have a lawyer,

go to or telephone the office set forth below. This

office can provide you with information about hiring

a lawyer. If you cannot afford to hire a lawyer, this

office may be able to provide you with information

about agencies that may offer legal services to elig-

ible persons at a reduced fee or no fee. Lawyer Ref-

erral Service, Chester County Bar Association, 15

W. Gay Street, West Chester, Pennsylvania 19380,

(610) 429-1500. McCabe, Weisberg & Conway,

LLC, Attorneys for Plaintiff, 1420 Walnut St., Ste.

1501, Phila., PA 19102, 215-790-1010

NOTICE

Reverse Mortgage Funding LLC
PLAINTIFF
VS.

Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Charles S. Hendry, deceased
DEFENDANT
COURT OF COMMON PLEAS

CIVIL DIVISION
CHESTER COUNTY
NO: 2022-03863-RC

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Charles S. Hendry, deceased

436 North Wawaset Road
West Chester, PA 19382

Your house (real estate) at:
436 North Wawaset Road, West Chester, PA 19382
Parcel ID: 50-09-0028

is scheduled to be sold at Sheriff's Sale at <https://www.bid4assets.com/chestercopasherrifssales> on July 20, 2023 at 11:00AM to enforce the court judgment of \$283,649.70 obtained by Reverse Mortgage Funding LLC against you.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

The sale will be cancelled if you pay back to Reverse Mortgage Funding LLC the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due.

To find out how much you must pay, you may call: LOGS Legal Group, LLC. (610) 278-6800.

PLEASE NOTE a Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 20 days after the filing of the schedule.

Sheriff Sale of Real Estate

By virtue of the within mentioned writs directed to Sheriff Fredda L. Maddox, the herein-described real estate will be sold at public on-line auction via Bid4Assets, by accessing URL www.bid4assets.com/chestercopasheriffsales, on **Thursday, June 15th, 2023 at 11AM.**

Notice is given to all parties in interest and claimants that the Sheriff will file with the Prothonotary and in the Sheriff's Office, both located in the Chester County Justice Center, 201 W Market Street, West Chester, Pennsylvania, Schedules of Distribution on **Monday July 17th, 2023.** Distribution will be made in accordance with the Schedules unless exceptions are filed in the Sheriff's Office within ten (10) days thereafter.

N.B. Ten percent (10%) of the purchase money must be paid at the time of the on-line sale. Payment must be made via Bid4Assets. The balance must be paid within twenty-one (21) days from the date of sale via Bid4Assets.

FREDDA L. MADDOX, SHERIFF

1st Publication of 3

SALE NO. 23-6-168

Writ of Execution No. 2022-00243

DEBT \$44,656.98

ALL THAT CERTAIN lot or piece of ground situate in the Township of East Whiteland, County of Chester, and Commonwealth of Pennsylvania bounded and described according to a Land Development Plan for Bentley Developers Inc. of "North Ridge" made by Edward B. Walsh & Associates, Inc. Civil Engineers 705 Springdale Drive, Exton, Pennsylvania 19341, (610) 363-1360, Dated 6/30/1993, last revised 1/6/1994, and Recorded as Plan # 12574, and further revised 4/4/1993, to add As-

Built Information for Units 26-35 and 41-44, 5/30/1995 to add As-Built Information for Units 30-35, and 7/28/1995 to add As-Built Information for Units 11-16 and 36-40, 10/12/1995 to add As-Built Information for Units 7-10; 12/14/1995 to add As-Built Information for Units 1-6, and 1/18/1996 to add As-Built Information for Units 17-20 and 21-25, as follows, to wit:

BEGINNING at an interior point, a corner, in the line of Unit 8, thence extending partly along Open Space and along same, South 09 degrees 10 minutes 00 seconds East 39.30 feet to a point in the line of Open Space, thence extending along same, South 80 degrees 50 minutes, 00 seconds West 25.10 feet to a point, thence extending still along same, North 09 degrees 10 minutes 00 seconds West 37.30 feet to a point, thence extending still along Open Space, North 80 degrees 50 minutes 00 seconds East, 13.00 feet to a point, thence extending still along same, North 09 degrees 10 minutes 00 seconds West 2.00 feet to a point, thence extending, still along the line of Open Space, North 80 degrees 50 minutes 00 seconds East 12.10 feet to the point of beginning.

BEING Unit 7 on said Plan.

TOGETHER with and subject to those certain easement rights as set forth in a Declaration of Easement for right of way access, as set forth in Record Book 1742, Page 566, being a 70 foot wide access easement and utility easement for Parcel B extending Northeastwardly from Old Lincoln Highway across the above described premises (Parcel A) as shown on the above mentioned plan, and a Declaration of Easement for storm water management as set forth in Record Book 1742, Page 552.

UNDER AND SUBJECT, nevertheless, to the terms, covenants, restrictions, conditions and easements set forth in a Declaration of Covenants, Restrictions and Easements for Northridge, as amended from time to time, and the By-laws and the Rules and Regulations of the Northridge Commu-

nity Association, as amended from time to time.

BEING the same premises which David L. Guy, Unmarried, by Deed dated October 6, 1997 and recorded February 27, 1998 in the Chester County Recorder of Deeds Office in Book 4307, Page 986, granted and conveyed unto Nadin R. Bazirgianian, in fee.

BEING CHESTER COUNTY PARCEL # 42-5-28

PLAINTIFF: Northridge Community Association, Inc.

VS

DEFENDANT: **Nadin R. Bazirgianian**

SALE ADDRESS: 113 Weybridge Drive, Malvern, PA 19355

PLAINTIFF ATTORNEY: **JAMES D. DOYLE, ESQ. 610-696-8225**

SALE NO. 23-6-169

Writ of Execution No. 2022-06763

DEBT \$185,013.61

ALL THAT CERTAIN lot or parcel of land, Situate on the Northerly side of West Chester Road in the Township of East Fallowfield, County of Chester, and Commonwealth of Pennsylvania, known as Lot No. 6 on Plan of Lots designated as "Ridge View Manor", bounded and described in accordance with a Survey thereof made October 1, 1950, by Howard H. Ranck, R.S., as follows, to wit:

BEGINNING at a point in the State Highway leading from Coatesville to West Chester, said point being located a distance of 535.00 feet Eastwardly from a corner of lands now or late of Warren S. Henderson and Harriet M. Henderson, and land now or late of David P. Stringer; thence by other lands now or late of said Henderson, the following three (3) courses and distances: (1) North 07 degrees 45 minutes East, 200.00 feet to an iron pin; (2) thence South

82 degrees 15 minutes East, 100.00 feet to an iron pin; and (3) thence South 07 degrees 45 minutes West, 200.00 feet to a point in the aforesaid Highway; thence along in the same, by land now or late of Ashmore C. Johnson, North 82 degrees 15 minutes West, 100.00 feet to the place of BEGINNING.

CONTAINING 20,000 square feet (0.4591 acres), more or less.

UNDER AND SUBJECT to existing covenants, conditions, easements, restrictions, and reservations of record, including, but not limited to, those set forth in Deed Book Q-23, Page 456; Modification Agreement in Deed Book 97, Page 30, Access Easement in Deed Book 5986, Page 330; and any subsequent amendments thereto.

BEING THE SAME PREMISES WHICH John Vandenberg and Debra A. Martin, now known as Debra A. Vandenberg, husband and wife, by Deed dated May 20, 2004 and subsequently recorded May 27, 2004 in and for the Office of the Recorder of Deeds of Chester County in Record Book 6169, Page 729, granted and conveyed onto Bruce Holloway, in fee, as tenant in severalty.

BEING UPI NO. 47-2-10

PLAINTIFF: Susan Holloway Hardie

VS

DEFENDANT: **Bruce Holloway**

SALE ADDRESS: 2075 West Chester Road, East Fallowfield Township, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **ROBERT J. CAREY, ESQ. 610-933-0878**

SALE NO. 23-6-170

Writ of Execution No. 2017-06505

DEBT \$20,388.74

ALL THAT CERTAIN lot or piece of ground with the buildings and improve-

ments, thereon erected, hereditaments and appurtenances, Situate in the Township of Willistown, County of Chester, State of Pennsylvania.

Tax Parcel No.: 54-3-22.26

PLAINTIFF: Great Valley School District

VS

DEFENDANT: **Michael B. Bem & United States of America**

SALE ADDRESS: 11 Harvey Lane, Willistown Township, PA 19355

PLAINTIFF ATTORNEY: **PORTNOFF LAW ASSOCIATES, LTD. 484-690-9300**

SALE NO. 23-6-171

Writ of Execution No. 2021-03713

DEBT \$3,159.34

ALL THAT CERTAIN lot or parcel of ground together with the South half of a block of two brick dwelling houses, Situate and known as #145 Strode Avenue, in the City of Coatesville, County of Chester, Commonwealth of Pennsylvania.

Tax Parcel No.: 16-9-343

PLAINTIFF: Coatesville Area School District

VS

DEFENDANT: **Joshua Lucas**

SALE ADDRESS: 145 Strode Avenue, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **PORTNOFF LAW ASSOCIATES, LTD. 484-690-9300**

SALE NO. 23-6-172

Writ of Execution No. 2020-06264

DEBT \$5,176.27

ALL THAT CERTAIN tract of land known as the John Wesley Cook lots situated in Caln Township, Chester County, Pennsyl-

vania.

Tax Parcel No.: 39-4D-2

PLAINTIFF: Coatesville Area School District

VS

DEFENDANT: **Sheila Ann Plank**

SALE ADDRESS: 622 Bondsville Road W., Caln Township, PA 19335

PLAINTIFF ATTORNEY: **PORTNOFF LAW ASSOCIATES, LTD. 484-690-9300**

SALE NO. 23-6-173

Writ of Execution No. 2017-06157

DEBT \$387,891.42

ALL THAT CERTAIN lot or piece of ground situate in the Township of New Garden, County of Chester and State of Pennsylvania bounded and described according to a Plan of "Sherwood Pines" Sections I and II, made by George E. Register, Jr. and Sons, Inc., Registered Land Surveyors, Kennett Square, PA dated 4/6/1982 and last revised 7/7/1982 and recorded 12/1/1982 in Chester County in Plan No. 4203, as follows, to wit:

BEGINNING at a point on the cul-de-sac, at the end of Little John Circle, at a corner of Lot No. 19 on said Plan; thence extending from said beginning point along Lot No. 19, South 06 degrees, 50 minutes 33 seconds East, 176.82 feet to a point on the Northerly right of way line of the Route 1 By-pass; thence extending along the same, the two following courses and distances; (1) South 83 degrees 09 minutes 27 seconds West, 115.20 feet to a point and (2) South 89 degrees 29 minutes 00 seconds West, 183.86 feet to a point, a corner of Lot No. 1; thence extending along the same, North 67 degrees 03 minutes 18 seconds East, 185.75 feet to a point, on the cul-de-sac at the end of Little John Circle, aforesaid; thence extending along the same, the three following

courses and distances: (1) on a line curving to the left, having a radius of 50.00 feet, the arc distance of 135.86 feet to a point of reverse curve; (2) on a line curving to the right, having a radius of 25.00 feet, the arc distance of 21.03 feet to a point of tangent and (3) North 66 degrees 00 minutes East 6.66 feet to the first mentioned point and place of beginning.

BEING Lot #20 on said Plan.

BEING Parcel Number: 60-1-37.22

PLAINTIFF: Wells Fargo Bank, National Association, as Trustee for Structured Asset Mortgage Investments II Inc., Greenpoint Mortgage Funding Trust 2006-AR3, Mortgage Pass-Through Certificates, Series 2006-AR3

VS

DEFENDANT: **Glenn Hall & Joann Hall**

SALE ADDRESS: 5 Little John Circle, Avondale, PA 19311

PLAINTIFF ATTORNEY: **ECKERT SEAMANS CHERIN & MELLOTT, LLC 215-851-8429**

SALE NO. 23-6-174

Writ of Execution No. 2022-09640

DEBT \$333,035.80

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN EAST-TOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

PARCEL NUMBER: 55-3J-79

IMPROVEMENTS thereon: a residential property

PLAINTIFF:DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R3

VS

DEFENDANT: **BARRY G. MAYNARD A/K/A BARRY MAYNARD**

SALE ADDRESS: 139 Chester Road, Devon, PA 19333

PLAINTIFF ATTORNEY: **ROBERTSON,ANSCHUTZ, SCHNEID, CRANE & PARTNERS, PLLC 855-225-6906**

SALE NO. 23-6-175

Writ of Execution No. 2022-08489

DEBT \$163,249.50

All that certain piece or parcel or Tract of land situate in the Township of West Bradford, Chester County, Pennsylvania, and being known as 1137 Halls Lane, West Chester, Pennsylvania 19380

Tax Parcel Number: 50-6-8.5

PLAINTIFF: Loancare, LLC

VS

DEFENDANT: **Lynnor G. Schoff**

SALE ADDRESS: 1137 Halls Lane, West Chester, PA 19380

PLAINTIFF ATTORNEY: **MCCABE, WEISBERG & CONWAY, LLC 215-790-1010**

SALE NO. 23-6-176

Writ of Execution No. 2020-04760

DEBT \$147,646.07

PROPERTY SITUATE IN TOWNSHIP OF VALLEY

UPI PARCEL NO: 38-5G-21

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: MIDFIRST BANK

VS

DEFENDANT: HALEIGH GILDER-SLEEVE

SALE ADDRESS: 24 Green Street, Coatesville, PA 19320

PLAINTIFF ATTORNEY: KML LAW GROUP, P.C. 215-627-1322

SALE NO. 23-6-177

Writ of Execution No. 2022-01939

DEBT \$354,758.26

Property to be sold is situated in the Township of Upper Uwchlan, County of Chester and State of Pennsylvania.

Tax Parcel No.: 3201 00220300

IMPROVEMENTS thereon: a residential dwelling or lot (if applicable)

PLAINTIFF: U.S. Trust National Association, as Trustee of the Lodge Series III Trust VS

DEFENDANT: Nathan Paul & United States of America

SALE ADDRESS: 555 Font Road, Downingtown, PA 19335

PLAINTIFF ATTORNEY: DANA MARKS, ESQ. 212-471-5100

SALE NO. 23-6-178

Writ of Execution No. 2022-07684

DEBT \$62,802.72

ALL THAT CERTAIN, MESSAGE, LOT OR PIECE OF LAND SITUATE ON, IN THE TOWNSHIP OF WEST BRANDYWINE, COUNTY OF CHESTER, STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED, AS FOLLOWS, TO WIT:

All that certain tract of land on which is built a dwelling known as 630 Reeceville Road (Lot #32), Friendship Village, with the hereditaments and appurtenances, situ-

ate in the Township of West Brandywine, County of Chester and State of Pennsylvania, bounded and described according to a new survey made by D.M. Rogers, Registered Surveyor, April 25, 1962, as follows:

Beginning at a point in the center line of Friendship Road, said point being North 86 degrees, 15 minutes East for a distance of 260 feet from a railroad spike marking the intersection of the center line of Holly Road and the center line of Friendship Road; thence along the center line of Friendship Road (40 feet wide) North 86 degrees, 15 minutes East for a distance of 65.14 feet to a roof nail; thence along the center line of Reeceville Road (40 feet wide) South 52 degrees, 59 minutes East for a distance of 98.58 feet to a spike; thence leaving Reeceville Road and going along the East line of Lot No. 32 South 17 degrees 32 minutes West for a distance of 21.215 feet to an iron pipe and South 17 degrees, 32 minutes West for the remaining distance of 209.745 feet to an iron pipe; thence along the South line of Lot No. 32 North 73 degrees 57 minutes 40 seconds West for a distance of 90 feet to an iron pipe, thence along the West line of Lot No. 32, North 2 degrees 50 minutes East for a distance of 230.60 feet to an iron pipe and by the same bearing 20.13 feet to the place of beginning.

Containing 30,528.71 square feet of land, be the same more or less.

BEING THE SAME PROPERTY CONVEYED TO WALTER J. GRANT AND BARBARA A. GRANT, HIS WIFE WHO ACQUIRED TITLE, AS TENANTS BY THE ENTIRETY, BY VIRTUE OF A DEED FROM FRANK G. SWARNER, JR. AND CAROL BARTONE SWARNER, HIS WIFE, DATED AUGUST 1, 1978, RECORDED AUGUST 3, 1978, AT DEED BOOK J53, PAGE 571, OFFICE OF THE RECORDER OF DEEDS, CHESTER COUNTY, PENNSYLVANIA.

INFORMATIONAL NOTE: WALTER J. GRANT DIED MAY 1, 2019, AND

THROUGH TENANCY BY THE ENTIRETY ON THE ABOVE DEED ALL OF HIS INTEREST PASSED TO BARBARA A. GRANT.

PARCEL NO.: 29-07L-0033

PLAINTIFF: KeyBank, NA, s/b/m First Niagara Bank, NA

VS

DEFENDANT: **Kelly Powell, as Administrator of the Estate of Barbara A. Grant**

SALE ADDRESS: 630 Reeceville Road, West Brandywine, AKA Coatesville, PA 19320

PLAINTIFF ATTORNEY: **MANLEY DEAS KOCHALSKI LLC 614-220-5611**

SALE NO. 23-6-179

Writ of Execution No. 2022-09451

DEBT \$320,860.18

ALL THAT CERTAIN tract of land SITUATED in Westtown Township, Chester County, Pennsylvania, bounded and described according to a new survey made by J.W. Harry, Civil Engineer, October 09, 1941 and ALL THAT CERTAIN tract of land, Situate in the Township of Westtown, County of Chester and State of Pennsylvania, which according to a survey made by J. Vernon Keech. The improvements thereon being known as 959 South Matlack Street, West Chester, Pennsylvania 19382.

BEING the same premises that RHW-1, Dated April 17, 1991, conveyed to Laura Schera, in fee by Deed dated March 27, 2017 and recorded on April 18, 2017 with the Chester County Recorder of Deeds at Deed Book 9525, Page 182, Instrument Number 11538145.

Tax Parcel: 67-4-74

PLAINTIFF: NewRez LLC d/b/a Shellpoint Mortgage Servicing

VS

DEFENDANT: **Laura Schera**

SALE ADDRESS: 959 South Matlack Street, West Chester, PA 19382

PLAINTIFF ATTORNEY: **JACQUELINE F. MCNALLY, ESQ. 850-422-2520**

SALE NO. 23-6-180

Writ of Execution No. 2022-04167

DEBT \$217,960.96

ALL THAT CERTAIN tract or lot of land SITUATE in the Township of West Caln, County of Chester and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin n the public road, known as Sandy Hill Road, a corner of land now or late of Adam J. Gregor and Ruth A. Gregor; THENCE along in said road, North 07 degrees 30 minutes 00 seconds East, 456 feet to a corner; THENCE leaving said road, by land now or late of Emera Gregor, of which this was a part, North 82 degrees 30 minutes 0 seconds West, 349 feet to an iron pin on the Eastern side of the Drive to dwelling; THENCE along the Eastern side of said Drive, South 31 degrees 00 minutes 00 seconds East, 586.4 feet to the point and place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Beverly A. Gregor by Deed dated 10/12/2004 from Beverly A. Gregor as Executrix of the Estate of John C. Gregor, deceased, and recorded in the Chester County recorder of Deeds office on 10/19/2004 in Book 6312, Page 447 as Doc Id: 10470615.

UPI # 28-05-0042

PLAINTIFF: US Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for VRMTG Asset Trust

VS

DEFENDANT: **Unknown Heirs, successors, assigns and all persons, firms or as-**

socations claiming right, title or interest from or under the Estate of Beverly A. Gregor

SALE ADDRESS: 501 N. Sandy Hill Road, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **PARKER MC-CAY PA 856-596-8900**

SALE NO. 23-6-181

Writ of Execution No. 2021-00708

DEBT \$226,187.12

PROPERTY SITUATE IN TOWNSHIP OF CALN

UPI PARCEL NO: 39-4G-66

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: US BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS INDENTURE TRUSTEE FOR LEGACY MORTGAGE ASSET TRUST 2019-G57

VS

DEFENDANT: **JAMES L. BUTTERFIELD & JENNIFER L. KERRICK**

SALE ADDRESS: 3301 Windsor Lane, Thorndale. PA 19372

PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

SALE NO. 23-6-182

Writ of Execution No. 2018-10310

DEBT \$312,160.16

PROPERTY SITUATE IN TOWNSHIP OF HONEY BROOK

TAX PARCEL # 22-8-158

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: THE BANK OF NEW

YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-12 C/O Carrington Mortgage Services, LLC

VS

DEFENDANT: **BRENDA A. HOAGLAND AKA BRENDA HOAGLAND & R. MARK HOAGLAND AKA R. HOAGLAND**

SALE ADDRESS: 390 Greison Road A/K/A 374 Cupola Road, Honey Brook, PA 19344

PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

SALE NO. 23-6-183

Writ of Execution No. 2019-09218

DEBT \$425,201.41

PROPERTY SITUATE IN TOWNSHIP OF WEST BRADFORD

TAX PARCEL # 50-5-43

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: REVERSE MORTGAGE SOLUTIONS, INC.

VS

DEFENDANT: **THOMAS A. GOODING**

SALE ADDRESS: 1432 Crestmont Drive, Downingtown, PA 19335

PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

SALE NO. 23-6-184

Writ of Execution No. 2022-06085

DEBT \$210,382.58

PROPERTY SITUATE IN BOROUGH OF PARKESBURG

TAX PARCEL # 08-05-0154
IMPROVEMENTS thereon: a residential dwelling
PLAINTIFF: PENNYMAC LOAN SERVICES, LLC
VS

DEFENDANT: **LEE ANN MONTGOMERY & KRISTIAN A. SCHULTZ**

SALE ADDRESS: 501 West 2nd Avenue, Parkesburg, PA 19365

PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

SALE NO. 23-6-186

Writ of Execution No. 2022-07943

DEBT \$114,126.10

ALL THAT CERTAIN message or dwelling and lot or pieces of land situate at Leopard in Easttown Township, Chester County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in a public road leading from Leopard to Berwyn, a corner of land belonging to the Easttown School District; thence along said Leopard and Berwyn Road South 44° 45' West, 126.1 feet to a corner of land of J.E. Worrall Estate: thence along said Worrall's land North 26° 30' West, 200.1 feet; thence still by Worrall's land North 63° 30' East, 119.4 feet to a point in the Westerly line of aforesaid School property; and thence along the same South 26° 30' East, 159.6 to the place of BEGINNING.

CONTAINING 0.493 of an acre more or less.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the

hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest property, claim and demand whatsoever of him, the said Grantor, as well as law as in equity, of, in, and to the same.

BEING THE SAME PREMISES which The Estate of William A. Singley, Jr., by executor Eric Christopher Singley, by Deed dated 7/21/2009 and recorded 9/28/2009 in the Office of the Recorder of Deeds in and for Chester County in Deed Book 7781, Page 73, granted and conveyed unto Eric Christopher Singley.

PARCEL NO.: 55-4-57

IMPROVEMENTS thereon: a residential property

PLAINTIFF: CITIZENS BANK, N.A. S/B/M TO CITIZENS BANK OF PENNSYLVANIA

VS

DEFENDANT: **Christine M. Singley & Eric Christopher Singley**

SALE ADDRESS: 670 Leopard Road, Berwyn PA 19312

PLAINTIFF ATTORNEY: **GREGORY JAVARDIAN, LLC 215-942-9690**

SALE NO. 23-6-187

Writ of Execution No. 2022-07709

DEBT \$725,399.42

ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE IN POCOPSON TOWNSHIP, COUNTY OF CHESTER AND STATE OF PENNSYLVANIA DESCRIBED ACCORDING TO A SUBDIVISION MADE FOR MRS. JANE JOFOPOULOS BY YORKOS ENGINEERING CO., DATED 1/20/1970 AND RECORDED IN THE RECORDER OF DEEDS OFFICE AT WEST CHESTER ON 7/1/1970 IN PLAN BOOK 35, PAGE

15 AS FOLLOWS, TO WIT:

SALE NO. 23-6-188

Writ of Execution No. 2022-08249

DEBT \$167,661.47

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF A UNNAMED 50 FEET WIDE PUBLIC ROAD, A CORNER OF LOT #9 ON SAID PLAN, SAID POINT MEASURED THE FOLLOWING COURSES AND DISTANCES OF NORTH 73 DEGREES 28 MINUTES 30 SECONDS, EAST 227.70 FEET FROM A POINT A CORNER OF LANDS NOW OR LATE OF JOHN D. WRIGHT; THENCE EXTENDING FROM SAID BEGINNING POINT ALONG SAID LOT #9, NORTH 1 DEGREE 7 MINUTES 29 SECONDS EAST, 482.85 FEET TO A POINT IN LINE OF LANDS NOW OR LATE OF JOHN CULIT; THENCE ALONG SAME SOUTH 1 DEGREES 46 MINUTES 50 SECONDS EAST, 195.74 FEET TO A POINT IN LINE OF LOT #7, ON SAID PLAN; THENCE ALONG THE SAME SOUTH 1 DEGREE 8 MINUTES 42 SECONDS WEST, 423.83 FEET TO A POINT ON THE NORTHWEST SIDE OF THE UNNAMED 50 FEET WIDE PUBLIC ROAD; THENCE ALONG SAME THE TWO FOLLOWING COURSES AND DISTANCES, TO WIT:

BEING the same premises which SECRETARY OF HOUSING AND URBAN DEVELOPMENT by Deed dated June 12, 2009 and recorded in the Office of the Recorder of Deeds of Chester County on June 25, 2009 at Book 7704, Page 985 Instrument Number 10938241 granted and conveyed unto Lauretta M. Kintigh.

PARCEL NO.: 63-03-0086.100

PLAINTIFF: Mortgage Assets Management, LLC

VS

DEFENDANT: **Lauretta M. Kintigh**

SALE ADDRESS: 1779 Holmes Drive, West Chester, PA 19382

PLAINTIFF ATTORNEY: **STERN & EISENBERG, PC 215-572-8111**

ALL THAT CERTAIN LOT OR PIECE OF GROUND WITH THE EASTERMOST HALF OF A DOUBLE FRAMED DWELLING THEREON ERECTED, SITUATED ON THE SECOND AVENUE IN THE BOROUGH OF PARKERSBURG, COUNTY OF CHESTER AND COMMONWEALTH OF PENNSYLVANIA, BEING THE LANDS FORMERLY OF ROY C. HARTWIG, ET UX, AS SHOWN ON PLAN OF SURVEY FOR THE SECOND AVENUE GROUP, WHICH PLAN IS ATTACHED AS EXHIBIT A TO AN AGREEMENT OF CORRECTION, FILED IN THE OFFICE FOR THE RECORDING OF DEEDS, IN AND FOR CHESTER COUNTY, PENNSYLVANIA, IN RECORD BOOK 6374, PAGE 126.

BEGINNING AT A POINT IN THE CENTERLINE OF SECOND AVENUE, 389.35 FEET EAST OF THE INTERSECTION OF THE CENTER LINE OF CHURCH STREET AND SECOND STREET; THENCE FROM THE SAID POINT OF BEGINNING, SOUTH 4 DEGREES 33 MINUTES 00 SECONDS EAST ON THE LINE RUNNING THROUGH THE CENTER OF A DOUBLE FRAME DWELLING, 224.51 FEET TO A POINT; THENCE ALONG LANDS OF NOW OR LATE OF SAMUEL M. AND DOROTHY A. HANDY NORTH 80 DEGREES 25 MINUTES 10 SECONDS EAST, 50.19 FEET TO A POINT; THENCE NORTH 4 DEGREES 33 MINUTES 00 SECONDS WEST, 220.11 FEET OT A POINT IN THE CENTER LINE OF SAID SECOND AVENUE; AND THENCE ALONG SAID CENTER LINE OF SOUTH 85 DEGREES 27 MINUTES 00 SECONDS WEST, 50 FEET TO THE FIRST MENTIONED POINT AND PLACE OF BEGINNING.

BEING the same premises which Jay S.

Bieler by Deed dated May 29, 2018 and recorded in the Office of the Recorder of Deeds of Chester County on May 30, 2018 at Instrument Number 11609221 granted and conveyed unto Laura N. Merklinger.

Parcel Number: 08-06-0052

PLAINTIFF: Lakeview Loan Servicing, LLC

VS

DEFENDANT: **Laura N. Merklinger**

SALE ADDRESS: 52 East 2nd Avenue, Parkesburg, PA 19365

PLAINTIFF ATTORNEY: **STERN & EISENBERG, PC 215-572-8111**

SALE NO. 23-6-189

Writ of Execution No. 2014-03168

DEBT \$5,638.05

ALL THAT CERTAIN lot or parcel of ground situate in Upper Uwchlan Township, Chester County, Pennsylvania

Tax Parcel No.: 32-1-8.2

PLAINTIFF: Upper Uwchlan Township

VS

DEFENDANT: **David P. Debenedictis & Carol L. Hughes**

SALE ADDRESS: 281 Greenridge Road, Glenmoore, PA 19343

PLAINTIFF ATTORNEY: **WARREN E. KAMPF 484-873-2781**

SALE NO. 23-6-192

Writ of Execution No. 2022-09722

DEBT \$262,457.54

Property situate in the BOROUGH OF PARKESBURG, CHESTER County, Pennsylvania being

BLR# 8-5-440

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: FREEDOM MORTGAGE CORPORATION

VS

DEFENDANT: **MATTHEW J BORTNER & KARA A BORTNER**

SALE ADDRESS: 406 W 8th Avenue, Parkesburg, PA 19365

PLAINTIFF ATTORNEY: **BROCK & SCOTT, PLLC 844-856-6646**

SALE NO. 23-6-193

Writ of Execution No. 2017-01885

DEBT \$136,659.10

Property situate in the CITY OF COATESVILLE, CHESTER County, Pennsylvania being

BLR# 16-07-0222.010

IMPROVEMENTS thereon: a residential dwelling

PLAINTIFF: HBSC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR NOMURA ASSET ACCEPTANCE CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AP3

VS

DEFENDANT: **FRANCIS SCHNERING & LISA SCHNERING**

SALE ADDRESS: 811 Oak Street, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **BROCK & SCOTT, PLLC 844-856-6646**

SALE NO. 23-6-194

Writ of Execution No. 2022-08912

DEBT \$120,124.20

Property situate in the TOWNSHIP OF
COATESVILLE, CHESTER County,
Pennsylvania, being

BLR# 1610-0042-0000

IMPROVEMENTS thereon: a residential
dwelling

PLAINTIFF: FREEDOM MORTGAGE
CORPORATION

VS

DEFENDANT: **TERRY ANDERSON**

SALE ADDRESS: 136 S 3rd Avenue,
Coatesville, PA 19320

PLAINTIFF ATTORNEY: **BROCK &
SCOTT, PLLC 844-856-6646**

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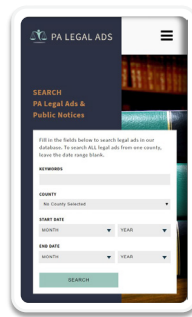
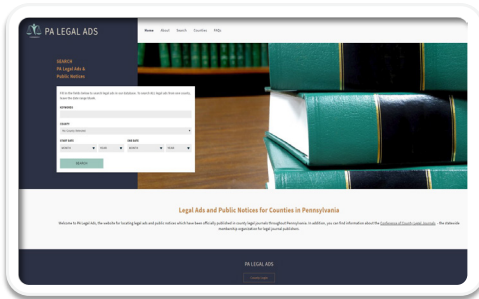
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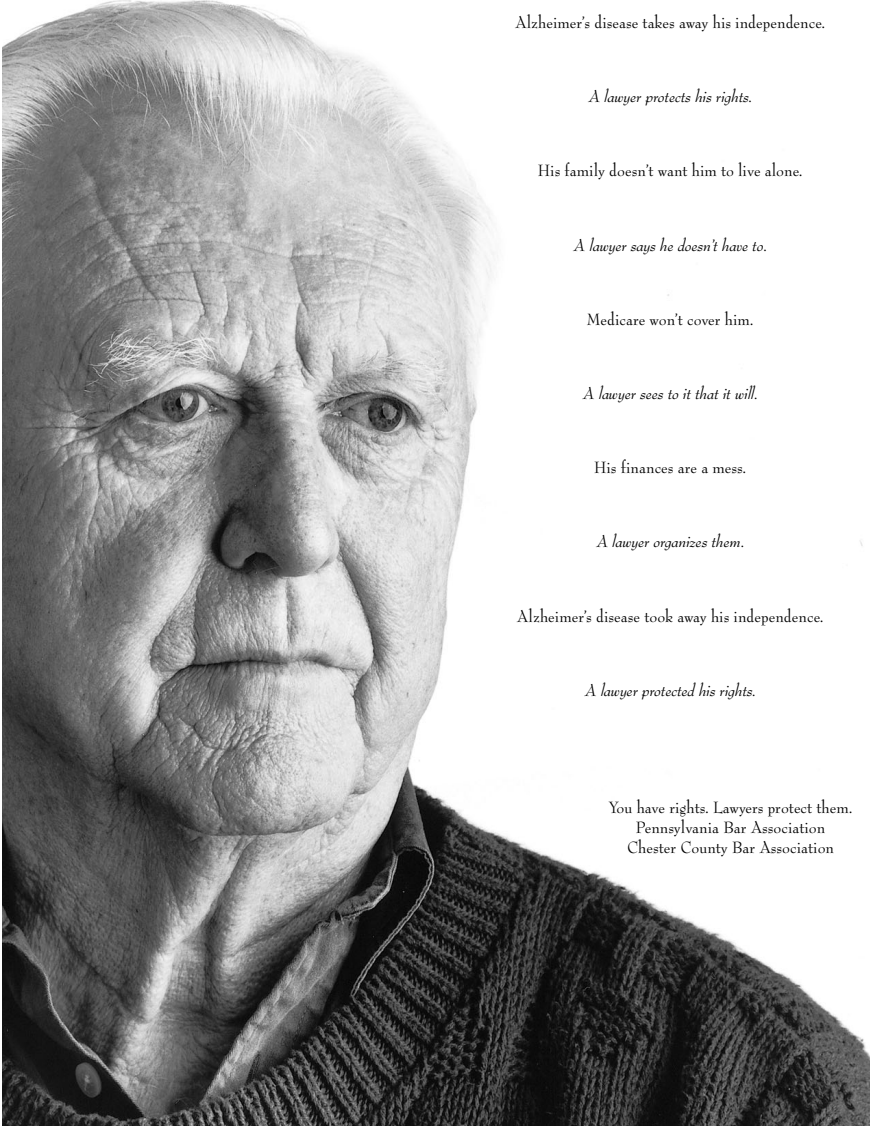
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