

York Legal Record

A Record of Cases Argued and Determined in the Various Courts of York County

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YORK, PA, THURSDAY, OCTOBER 8, 2015

No. 27

CASES REPORTED

MEMORIAL MINUTE FOR ANGELA DOBRINOFF-BLAKE CALLED

Page 41

ONEWEST BANK N.A. V. MELINDA SUE HUGHES, KNOWN SURVIVING HEIR OF ROBERT H. RIFE, DECEASED
MORTGAGOR AND REAL OWNER AND UNKNOWN SURVIVING HEIRS OF ROBERT H. RIFE, DECEASED
MORTGAGOR AND REAL OWNER

Page 42



Dated Material Do Not Delay

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September 10, 2015

TO: Members of the York County Bar Association

FROM: Andrew J. Miller, President

BY REASON OF THE DEATH OF
ANGELA DOBRINOFF-BLAKE
AND TO SHOW OUR RESPECT BY ADOPTING
A MINUTE IN HONOR OF HER MEMORY
A SPECIAL MEETING OF THE
YORK COUNTY BAR ASSOCIATION
HAS BEEN CALLED
FOR FRIDAY, October 16, 2015
NOTE: LOCATION
AT 11:00 A.M. IN THE CEREMONIAL COURTROOM #2
YORK COUNTY ADMINISTRATIVE CENTER, 28 East Market Street

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OneWest Bank N.A. v. Melinda Sue Hughes, Known Surviving Heir of Robert H. Rife, Deceased Mortgagor and Real Owner and Unknown Surviving Heirs of Robert H. Rife, Deceased Mortgagor and Real Owner

No. 2015-SU-001411-06

Mortgage Foreclosure – Preliminary Objections

1. Defendants filed Preliminary Objections to the Complaint in Mortgage Foreclosure claiming that Plaintiff failed to comply with Pa.R. Civ.P. 1019(h) and (i) because it did not attach a copy of the Adjustable Rate Note and because Plaintiff did not state a reason for not attaching the same.
2. Defendants claimed that Plaintiff's Complaint is in violation of Pa.R. Civ.P. 1028(a)(2) for failure to conform to the Pennsylvania Rules of Civil Procedure and should be dismissed.
3. The Court held that in its Complaint in Mortgage Foreclosure, Plaintiff satisfied the requirements of Pennsylvania Rule of Civil Procedure 1147(a) in their entirety. Plaintiff was not required to attach a copy of the Note or state a reason for not attaching the same. Plaintiff sufficiently complied with the rules of civil actions, specifically Pa.R.Civ.P. 1019(h) and (i). Therefore, its Complaint conformed with Pennsylvania Rule of Civil Procedure 1028(a)(2) and will not be dismissed.
4. The Court OVERRULED Defendants' Preliminary Objections to the Complaint.

In the Court of Common Pleas of York County, Pennsylvania, Civil Division; OneWest Bank N.A. v. Melinda Sue Hughes, Known Surviving Heir of Robert H. Rife, Deceased Mortgagor and Real Owner and Unknown Surviving Heirs of Robert H. Rife, Deceased Mortgagor and Real Owner; Mortgage Foreclosure – Preliminary Objections

APPEARANCES:

ATTORNEYS OF MCCABE, WEISBERG & CONWAY, P.C.
For the Plaintiff

ZACHARY NAHASS, ESQUIRE
For the Defendants

OPINION

Before this Court for disposition are the Preliminary Objections, filed by Melinda Sue Hughes and Adam Hughes (hereinafter, "Defendants"), to OneWest Bank N.A.'s (hereinafter, "Plaintiff") Complaint in Mortgage Foreclosure seeking to foreclose its mortgage against the real property located at 3701 Jefferson Road, Glen Rock, PA 17327. Defendants claim that Plaintiff failed to comply with Pa.R.Civ.P. 1019(h) and (i) because it did not attach a copy of the Adjustable Rate Note and because Plaintiff did not state a reason for not attaching the same. Defendants claim that Plaintiff's Complaint is in violation of Pa.R.Civ.P. 1028(a)(2) for failure to conform to the Pennsylvania Rules of Civil Procedure and should be dismissed. Defendants' Preliminary Objections are OVERRULED.

FACTUAL AND PROCEDURAL HISTORY

Plaintiff filed a Civil Action Complaint in Mortgage Foreclosure on April 23, 2015, seeking a judgment against Defendants. In its complaint, Plaintiff alleged that Defendants are the Known and Unknown Surviving Heirs of Robert H. Rife, Deceased Mortgagor and Real Owner.

On January 3, 2007, Robert H. Rife made, executed, and delivered a Home Equity Conversion Mortgage to Financial Freedom Senior Funding Corporation, a subsidiary of Indymac Bank, F.S.B., upon the premises of 3701 Jefferson Road, Glen Rock, PA 17327 (hereinafter, "the property"). This mortgage is recorded in the Office of the Recorder of York County in Mortgage Book 1867, Page 6709. On January 3, 2007, Robert H. Rife also executed an Adjustable Rate Note (hereinafter, "Note") secured by the mortgage. Plaintiff is in possession of the Note and holds the Note with

the right to enforce it.

On September 25, 2009, Financial Freedom Senior Funding Corporation assigned the mortgage to Mortgage Electronic Registration Systems, Inc., its successors or assigns, as nominee for Financial Freedom Acquisition LLC. The Assignment of Mortgage is recorded in the Office of the Recorder of York County in Mortgage Book 2048, Page 4549.

On August 6, 2014, Mortgage Electronic Registration Systems, Inc., its successors or assigns, as nominee for Financial Freedom Acquisition LLC assigned the mortgage to Plaintiff. This Assignment of Mortgage is recorded in the Office of the Recorder of York County in Mortgage Book 2295, Page 2278.

On July 7, 2014, Robert H. Rife died. By terms of the mortgage, all sums due and owing thereunder are now due and payable by reason of death. The total amount due is \$141,453.26. This amount is the sum of the Principal Balance (\$104,887.69), Interest through April 30, 2015, plus monthly interest thereafter which may adjust in accordance with the terms of the Note and mortgage (\$25,135.79), Mortgage Insurance Premiums (\$8,429.78), and the Monthly Servicing Fees (\$3,000.00).

On July 8, 2015, Defendants filed Preliminary Objections requesting that the Court dismiss Plaintiff's Complaint for failure to conform with Pennsylvania Rule of Civil Procedure 1028(a)(2). Plaintiff filed an Answer to and a Memorandum of Law in Opposition to Defendants' Preliminary Objections on July 17, 2015. Defendants filed a Brief in Support on July 20, 2015. On August 3, 2015, Plaintiff filed a Praecipe to List for One-Judge Disposition in order to consider and dispose of Defendants' Preliminary Objections without oral argument. This matter was assigned to the undersigned on September 3, 2015.

DISCUSSION

Preliminary objections should be granted in cases that are "clear and free from doubt." *Pennsylvania AFL-CIO ex rel. George v. Commonwealth*, 563 Pa. 108, 114, 757 A.2d 917, 920 (2000) (citing *Bower v. Bower*, 531 Pa. 54, 57, 611 A.2d 181, 182 (1992)). The court must generally accept as true all well and clearly pled facts, together with such reasonable inferences as may be drawn from those facts, but not the pleader's conclusions or averments of law. *Santiago v. Pennsylvania National Mutual Casualty Insurance Company*, 418 Pa. Super. 178, 184-85, 613 A.2d 1235, 1238-39 (1992).

A proper ground for a preliminary objection is a pleading's failure to conform to law. *See* Pa.R.Civ.P. 1028(a)(2). The law governing pleadings requires "[w]hen any claim or defense is based upon an agreement, the pleading shall state specifically if the agreement is oral or written." Pa.R. Civ.P. 1019(h). "If the agreement is in writing, it must be attached to the pleading." *Id.* Furthermore, "[w]hen any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient so to state, together with the reason, and to set forth the substance in writing." Pa.R.Civ.P. 1019(i).

An action of mortgage foreclosure is governed by additional, mortgage action-specific, rules. Pennsylvania Rule of Civil Procedure 1141 controls the interaction between the rules of general civil actions and the rules of mortgage foreclosures. It states, "[e]xcept as otherwise provided in this chapter, the procedure in the action [of mortgage foreclosure] shall be in accordance with the rules relating to a civil action." Pa.R.Civ.P. 1141 (emphasis added). Read plainly, it directs that rules governing general civil actions must yield to rules specific to actions of mortgage foreclosure.

In a mortgage foreclosure action, the pleader must set forth six items in its complaint: (1) the parties to and the date of the mortgage, and of any assignments; (2) a description of the land subject to the mortgage; (3) the names, addresses and interest of the defendants in the action and that the present real owner is unknown if the real owner is not made a party; (4) a specific averment of default; (5) an itemized statement of the amount due; and (6) a demand for judgment for the amount due. Pa.R.Civ.P. 1147(a). Accordingly, if a mortgage foreclosure action contains all six items, it shall be deemed compliant with Pennsylvania Rules of Civil Procedure 1019(h), (i), and 1028(a)(2). Notably absent from this list is a requirement that the pleader attach the property's promissory note to the complaint.

The Pennsylvania Superior Court addressed this exact issue in *Bank of New York Mellon v. Johnson*. In *Johnson*, the Appellee did not attach the promissory note to its mortgage foreclosure action. *Bank of New York Mellon v. Johnson*, --- A.3d ---, 2015 PA Super 174 (Aug. 19, 2015). The Appellant moved for default judgment, arguing that a mortgage foreclosure complaint must include the promissory note. *Id.* The Appellant argued that a failure to attach the promissory note rendered the complaint

deficient. *Id.* The Superior Court disagreed. *Id.* It concurred with the trial court's finding that "a complaint in a mortgage foreclosure does not need to include the original promissory note." *Id.* It concluded that the Appellee's complaint was sufficient because it contained all of the information required by Rule 1147(a). *Id.*

In the present case, Plaintiff: (1) identified the Defendant as Melinda Sue Hughes and Unknown Surviving Heirs of Robert H. Rife, Deceased Mortgagor and Real Owner and explained the protracted chain of mortgage assignments and recordings, including the places of record of mortgage, as outlined in detail above; (2) included a description of the land at issue within the attached Exhibit "A"; (3) set forth the names and address of Defendants, which address is the same address as the property at issue; (4) stated that, per the terms of the mortgage, all sums due and owing are now due and payable by reason of the death of Robert H. Rife, Deceased Mortgagor and Real Owner; (5) included an itemized statement of the amounts due; and (6) demanded *in rem* judgment in the sum of \$141,453.26.

In its Complaint in Mortgage Foreclosure, Plaintiff satisfied the requirements of Pennsylvania Rule of Civil Procedure 1147(a) in their entirety. Plaintiff was not required to attach a copy of the Note or state a reason for not attaching the same. Plaintiff sufficiently complied with the rules of civil actions, specifically Pa.R.Civ.P. 1019(h) and (i). Therefore, its Complaint conformed with Pennsylvania Rule of Civil Procedure 1028(a)(2) and will not be dismissed.

CONCLUSION

Having reviewed the record in the context of Defendants' Preliminary Objections, the Court will overrule them as set forth in this Opinion. The Defendants are ordered to file an Answer to Plaintiff's Complaint in Mortgage Foreclosure within twenty (20) days. An order consistent with this Opinion will be entered.

BY THE COURT

JOHN W. THOMPSON, JUDGE

**IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA
CIVIL DIVISION**

No. 2015-SU-001411-06

Preliminary Objections

OneWest Bank N.A.
Plaintiff

v.

Melinda Sue Hughes, Known Surviving Heir of Robert H. Rife,
Deceased Mortgagor and Real Owner
and

Unknown Surviving Heirs of Robert H. Rife, Deceased
Mortgagor and Real Owner
Defendants

Appearances:

For Plaintiff: Attorneys of McCabe, Weisberg & Conway, P.C.
For Defendants: Zachary E. Nahass, Esquire

ORDER

AND NOW, this _____ day of September, 2015, upon consideration of the Preliminary Objections to Plaintiff's Complaint in Mortgage Foreclosure presented by Defendants, Melinda Sue Hughes and Adam Hughes, and upon consideration of Plaintiff's response in opposition thereto, it is ordered that Defendants' Preliminary Objections are OVERRULED. The Defendants are ordered to file an Answer to Plaintiff's Complaint in Mortgage Foreclosure within twenty (20) days from the date of this Order.

A copy of this Order and supporting Opinion is to be served upon counsel for the parties, as required by law.

BY THE COURT:

JOHN W. THOMPSON, JUDGE

10.08.2015-1t

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are required to make known the same, and all persons indebted to said estate are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF ELDON A. AKERLEY, JR., DECEASED**

Late of Penn Twp., York County, PA.
Personal Representatives: Julie Akerley, 618 Eichelberger St., Hanover, PA 17331 and Shelia Jordan, 236 S. Hickory Lane, New Oxford, PA 17350
Attorney: G. Steven McKonly, Esquire, 119 Baltimore Street, Hanover, PA 17331 10.08-3t

ESTATE OF MANUEL ANDRADE, JR., DECEASED

Late of Dover Twp., York County, PA.
Co-Executors: Eric M. Andrade, 16 Kester Drive, Edison, NJ 08817 and Stacey M. Andrade Thatcher, 14 Veeder Lane, Bayville, NJ 08721
Attorney: Gilbert G. Malone, Esquire 10.08-3t

ESTATE OF TERESA ANN CLARK a/k/a TERESA A. CLARK, DECEASED

Late of Manchester Twp., York County, PA.
Executor: Robert James Gross, c/o 135 North George Street, York, PA 17401
Attorney: Sharon E. Myers, Esquire, CGA Law Firm, PC, 135 North George Street, York, PA 17401 10.08-3t

ESTATE OF MARTIN LEROY CULVER, DECEASED

Late of Eppers, York County, PA.
Administrator: Mark A. Culver, 4 Carriage Road, New Cumberland, PA 17070
Attorney: Theresa L. Shade Wix, Esquire, Wix, Wenger & Weidner, 4705 Duke Street Harrisburg, PA 17109-3041 10.08-3t

ESTATE OF SHARON SUE CULVER, DECEASED

Late of Eppers, York County, PA.
Executor: Mark A. Culver, 4 Carriage Road New Cumberland, PA 17070
Attorney: Theresa L. Shade Wix, Esquire, Wix, Wenger & Weidner, 4705 Duke Street Harrisburg, PA 17109-3041 10.08-3t

ESTATE OF WALLACE FREMONT, DECEASED

Late of Washington Township, York County, PA.
Executor: Kim F. Fortunato, c/o 135 North George Street, York, PA 17401
Attorney: Margaret W. Driscoll, Esquire, CGA Law Firm, PC, 135 North George Street, York, PA 17401 10.08-3t

ESTATE OF MICHAEL SETH GEORGIO, DECEASED

Late of Lower Windsor Twp., York County, PA.
Administrator: Jennifer R. Martin c/o FrancePaskey, 2675 Eastern Boulevard, York, PA 17402
Attorney: Edward A. Paskey, Esquire, FrancePaskey, 2675 Eastern Boulevard, York, PA 17402 10.08-3t

ESTATE OF ESTHER D. GRAHAM, a/k/a ESTER D. GRAHAM, DECEASED

Late of Lower Windsor Twp., York County, PA.
Co-Executrices: Vicki R. Howard, Bonita L. Sharp, and Susie E. Flinchbaugh, c/o Andrea S. Anderson, Esq., 901 Delta Road, Red Lion, PA 17356
Attorney: Andrea S. Anderson, Esquire, 901 Delta Road, Red Lion, PA 17356 10.08-3t

ESTATE OF DONALD C. GRONER, DECEASED

Late of Spring Garden Twp., York County, PA.
Executor: Ricky Alvin Gold a/k/a Rick A. Gold, c/o Morris & Vedder, 32 N. Duke St., P. O. Box 149, York, PA 17405
Attorney: Christopher M. Vedder, Esquire, Morris & Vedder, 32 N. Duke St., P. O. Box 149, York, PA 17405 10.08-3t

ESTATE OF OWEN H. NAGLE, DECEASED

Late of Dover Twp., York County, PA.
Administrator-Executor: Arthur O. Nagle, c/o 50 East Market Street, Hellam, PA 17406
Attorney: Donald B. Swope, Esquire, 50 East Market Street, Hellam, PA 17406 10.08-3t

ESTATE OF JAMES A. NEIDERER, a/k/a JAMES ARTHUR NEIDERER, a/k/a JAMES NEIDERER, DECEASED

Late of Penn Twp., York County, PA.
Executor: John A. Donnelly, 1381 Beck Mill Road, Hanover, PA 17331 10.08-3t

ESTATE OF ROBERT G. SCHAALE, DECEASED

Late of Spring Grove Borough and West Manchester Twp., York County, PA.
Executor: Robert W. Runk, 134 Rhonda Dr., York, PA 17408 10.08-3t

ESTATE OF J. KENNETH SNYDER, DECEASED

Late of Warrington Twp., York County, PA.
Executor: James E. Snyder, 108 Old Limekiln Lane, Newport, PA 17074
Attorney: Duane P. Stone, Esquire, STONE, DUNCAN & LINSENBACH, PC., 3 N. Baltimore Street, Dillsburg, PA 17019 10.08-3t

ESTATE OF MARILYN J. TOGGAS, DECEASED

Late of West Manchester Twp., York County, PA.
Co-Executors: Steven M. Toggas and David S. Toggas, c/o Goldfein and Joseph, P.C., 138 East Market Street, York, PA 17401
Attorneys: Leo E. Gribbin, Esquire and Gillian A. Woodward, Esquire, Goldfein and Joseph, P.C., 138 East Market Street, York, PA 17401 10.08-3t

ESTATE OF BRENDA A. WAMPLER a/k/a BRENDA ANN WAMPLER DECEASED

Late of West Manchester Twp., York County, PA.

Executor: Fulton Bank, N.A., One Penn Square, P.O. Box 7989, Lancaster, PA 17604, Attn: Gerri L. Caldwell, Vice President
Attorney: David M. Laucks, Esquire, LAUCKS & LAUCKS, P.C. 105 W. Broadway, Red Lion, PA 17356 10.08-3t

ESTATE OF BENJAMIN F. WEAVER, III, DECEASED

Late of Springettsbury Twp., York County, PA.
Administrator: Robert Cummings, Jr., c/o Marshall & Smith, P.C. 46 East Philadelphia Street, York, PA 17401
Attorney: Jeffrey C. Marshall Esquire, Marshall & Smith, P.C. 46 East Philadelphia Street, York, PA 17401 10.08-3t

ESTATE OF ANDERSON WILCOX, DECEASED

Late of Shrewsbury Twp., York County, PA.
Administrators: Mary Jane Goodling and Pauline Forry, Administrators, c/o Jeffrey T. Bitzer, Esquire, Attorney for the estate. One West Market Way, York, PA 17401
Attorney: Jeffrey T. Bitzer, Esquire, One West Market Way, York, PA 17401 10.08-3t

ESTATE OF ANTHONY J. ZORBAUGH, DECEASED

Late of York City, York County, PA.
Executor: James A. Zorbaugh, 50 Rosemary Court, Manchester, PA 17345
Attorney: Susan R. Emmons, Esquire, 2200 Esbshade Road, York, PA 17408-4138 10.08-3t

ESTATE OF CONNIE J. ZORBAUGH, DECEASED

Late of York City, York County, PA.
Executor: James A. Zorbaugh, 50 Rosemary Court, Manchester, PA 17345
Attorney: Susan R. Emmons, Esquire, 2200 Esbshade Road, York, PA 17408-4138 10.08-3t

SECOND PUBLICATION**ESTATE OF ROLDA E. BECKER a/k/a ROLDA E. ARNOLD, DECEASED**

Late of Penn Twp., York County, PA.
Co-Executors: William S. Arnold, Sr., 507 Weavertown Rd., Myerstown, PA 17067 and Edward W. Arnold, 25 Baugher Dr., Hanover, PA 17331
Attorney: Keith R. Nonemaker, Esquire, Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331 10.01-3t

ESTATE OF FRANK J. BONITATI, DECEASED

Late of York City, York County, PA.
Executrix: Jacqueline Zemaitis, a/k/a Jacqueline S. Zematis, c/o Richard R. Reilly, Esquire, 54 North Duke Street, York, PA 17401
Attorney: Richard R. Reilly, Esquire, 54 North Duke Street, York, PA 17401 10.01-3t

ESTATE OF THOMAS W. BUSS, DECEASED

Late of Newberry Twp., York County, PA.
Executor: Richard E. Buss, 65 Kise Mill

Road, York Haven, PA 17370
 Attorney: P. Daniel Altland, Esquire, 350 S.
 Sporting Hill Road, Mechanicsburg, PA
 17050 10.01-3t

ESTATE OF CHARLES E. CRIM,
 DECEASED
 Late of Springettsbury Twp., York County, PA.
 Executrix: Stephanie T. Crim, 480 Maywood
 Rd., York, PA 17402
 Attorney: John W. Stitt, Esquire, 1434 W.
 Market Street, York, PA 17404 10.01-3t

ESTATE OF HOMER L. DODSON,
 DECEASED
 Late of Springettsbury Twp., York County, PA.
 Executor: Donald L. Dodson, c/o 135 North
 George Street, York, PA 17401
 Attorney: Sharon E. Myers, Esquire, CGA
 Law Firm, PC, 135 North George Street,
 York, PA 17401 10.01-3t

ESTATE OF JANE E. DRAUDE, DECEASED
 Late of Springettsbury Twp., York County, PA.
 Executor: Richard G. Draude, c/o Robert M.
 Strickler, Esquire, 110 South Northern
 Way, York, PA 17402
 Attorney: Robert M. Strickler, Esquire, 110
 South Northern Way, York, PA 17402
 10.01-3t

ESTATE OF AUDREY I. FLINCHBAUGH,
 DECEASED
 Late of York Twp., York County, PA.
 Executrix: Wendy M. Innerst, c/o Eveler &
 DeArment LLP, 2997 Cape Horn Rd.,
 Suite A-6, Red Lion, PA 17356
 Attorney: Eveler & DeArment LLP,
 2997 Cape Horn Rd., Suite A-6, Red Lion,
 PA 17356 10.01-3t

ESTATE OF DONALD EUGENE FREY, JR.,
 DECEASED
 Late of Windsor Borough, York County, PA.
 Administratrix: Melanie L. Watts, 170
 Greenbriar Road, York Springs, PA 17372
 Attorney: John C. Zepp, III, Esquire, P.O.
 Box 204, York Springs, PA 17372 10.01-3t

ESTATE OF BONNIE L. KENNEY,
 DECEASED
 Late of York Twp., York County, PA.
 Executor: David W. Kenney, c/o 340 Pine
 Grove Commons, York, PA 17403
 Attorney: Erik D. Spurlin, Esquire, Elder
 Law Firm of Robert Clofine, 340 Pine
 Grove Commons, York, PA 17403 10.01-3t

ESTATE OF NELDA J. KLINE, DECEASED
 Late of West Manchester Twp., York County, PA.
 Executor: Ronald P. Kline, c/o 135 North
 George Street, York, PA 17401
 Attorney: Timothy Bupp, Esquire, CGA Law
 Firm, PC, 135 North George Street, York,
 PA 17401 10.01-3t

ESTATE OF ROBERT VAN LOON a/k/a
 ROBERT F. VAN LOON, DECEASED
 Late of York Twp., York County, PA.
 Executrix: Melinda L. Baker, c/o Richard
 R. Reilly, Esquire, 54 North Duke Street,
 York, PA 17401
 Attorney: Richard R. Reilly, Esquire, 54
 North Duke Street, York, PA 17401
 10.01-3t

ESTATE OF MARY L. McILVAIN, DECEASED
 Late of York City, York County, PA.
 Executor: Scott L. McIlvain, c/o Richard R.
 Reilly, Esquire, 54 North Duke Street,
 York, PA 17401
 Attorney: Richard R. Reilly, Esquire, 54
 North Duke Street, York, PA 17401
 10.01-3t

ESTATE OF B. JOAN MEISENHOLDER,
 a/k/a BETTY JOAN MEISENHOLDER,
 DECEASED
 Late of Manchester Twp., York County, PA.
 Executor: Dan A. Meisenholder and John S.
 Meisenholder c/o MPL LAW FIRM, LLP,
 137 East Philadelphia Street, York, PA
 17401-2424
 Attorney: Edward A. Stankoski, Jr., Esquire,
 MPL LAW FIRM, LLP, 137 East
 Philadelphia Street, York, PA 17401-2424
 10.01-3t

ESTATE OF ANNA E. MILLER, DECEASED
 Late of Spring Garden Twp., York County, PA.
 Co-Executrices: Deanna B. Nolder and Carol
 M. Daugherty, c/o Richard R. Reilly,
 Esquire, 54 North Duke Street, York, PA
 17401
 Attorney: Richard R. Reilly, Esquire, 54
 North Duke Street, York, PA 17401
 10.01-3t

ESTATE OF MARION L. MILLER,
 DECEASED
 Late of West Manchester Twp., York County, PA.
 Executrix: Judy M. Bortner, c/o 48 South
 Duke Street, York, PA 17401
 Attorney: Bruce C. Bankenstein, Esquire, 48
 South Duke Street, York, PA 17401
 10.01-3t

ESTATE OF NANCY C. ROSEBERRY,
 DECEASED
 Late of Manchester Twp., York County, PA.
 Executor: Michael C. Roseberry, c/o Gettle
 & Veltri, 13 East Market Street, York, PA
 17401
 Attorney: Gregory E. Gettle, Esquire, Gettle
 & Veltri, 13 East Market Street, York, PA
 17401 10.01-3t

ESTATE OF HARVEY J. RUPPERT, JR.,
 DECEASED
 Late of Warrington Twp., York County, PA.
 Executors: Nancy L. Burgard, 328
 Coffeetown Road, Dillsburg, PA 17019
 and Barry L. Ruppert, 184 Wellsville
 Road, Wellsville, PA 17365
 Attorney: Jan M. Wiley, Esquire, Of Counsel,
 STONE, DUNCAN & LINSENBACH,
 PC, 3 N. Baltimore Street, Dillsburg, PA
 17019 10.01-3t

ESTATE OF CAROL ANN RUSSELL,
 DECEASED
 Late of Dallastown Borough, York County, PA.
 Executor: Scott A. Harper, c/o S. HARPER
 LAW, 1701 W. Market Street, York, PA
 17404
 Attorney: Scott A. Harper, Esquire, S.
 HARPER LAW, 1701 W. Market Street,
 York, PA 17404 10.01-3t

ESTATE OF ROBERT G. SHAFFER,
 DECEASED
 Late of Carroll Twp., York County, PA.

Executor: Keith A. Shaffer, c/o Law Offices
 of Craig A. Diehl, 3464 Trindle Road,
 Camp Hill, PA 17011
 Attorney: Craig A. Diehl, Esquire, CPA, Law
 Offices of Craig A. Diehl, 3464 Trindle
 Road, Camp Hill, PA 17011 10.01-3t

ESTATE OF SARAH PULLEY TOOMEY,
 DECEASED
 Late of York Twp., York County, PA.
 Executor: Ellen Toomey Campbell, c/o
 Kenneth L. Eckard, Esquire, 180 Darlene
 Street, York, PA 17402-5053
 Attorney: Kenneth L. Eckard, Esquire, 180
 Darlene Street, York, PA 17402-5053
 10.01-3t

NOTICE

Luceille B. Hagarman, Settlor of a revocable
 Trust Agreement, died on September 2, 2015, a
 resident of Manchester Township, York County,
 Pennsylvania. Letters Testamentary have been
 granted to the undersigned. The undersigned is
 also the Trustee of the Trust. All persons indebted
 to the said Estate or Trust shall make payment
 without delay and all persons having claims
 against the Estate or Trust shall present them
 without delay to:

The Bryn Mawr Trust Company,
 Executor/Trustee
 1 E. Chocolate Ave, Suite 200
 Hershey, PA 17033

or to:

Attorney: Kendra A. Mohr, Esquire,
 Patmebaker & Mohr, P.C., 4000 Vine St,
 Suite 101, Middletown, PA 17057 10.01-3t

THIRD PUBLICATION

ESTATE OF GEORGINE M. BORTNER,
 DECEASED
 Late of West Manchester Twp., York County, PA.
 Executor: Marlin C. Bortner, c/o 120 Pine
 Grove Commons, York, PA 17403
 Attorney: Robert Clofine, Esquire, Elder Law
 Firm of Robert Clofine, 120 Pine Grove
 Commons, York, PA 17403 09.24-3t

ESTATE OF FRANCIS E. BOTHELL,
 DECEASED
 Late of Windsor Twp., York County, PA.
 Co-Administrators: Michele L. Anderson
 and Kenton E. Bothell, c/o Andrea S.
 Anderson, Esq., 901 Delta Road, Red
 Lion, PA 17356
 Attorney: Andrea S. Anderson, Esquire, 901
 Delta Road, Red Lion, PA 17356 09.24-3t

ESTATE OF BEVERLY E. BRADY,
 DECEASED
 Late of Penn Twp., York County, PA.
 Administratrices: Amanda T. Weaver and
 Kathie L. Grove, c/o Elinor Albright
 Rebert, Esquire, 515 Carlisle Street,
 Hanover, PA 17331
 Attorney: Elinor Albright Rebert, Esquire,
 515 Carlisle Street, Hanover, PA 17331
 09.24-3t

ESTATE OF KAREN E. BRAY, DECEASED
 Late of Dover Twp., York County, PA.
 Executor: Richard W. Bray, c/o Stock and

- Leader, Susquehanna Commerce Center
East, 221 West Philadelphia Street, Suite
600, York, PA 17401-2994
Attorney: MacGregor J. Brillhart, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite E600, York, PA
17401-2994 09.24-3t
- ESTATE OF LORETTA L. BRILLHART,
DECEASED
Late of Spring Garden Twp., York County, PA.
Executors: Carl R. Brillhart and Ronald L.
Brillhart, c/o 120 Pine Grove Commons,
York, PA 17403
Attorney: Robert Clofine, Esquire, Elder Law
Firm of Robert Clofine, 120 Pine Grove
Commons, York, PA 17403 09.24-3t
- ESTATE OF CHARLES A. BROWN,
DECEASED
Late of Chanceford Twp., York County, PA.
Executrix: Sandra J. Greiman, c/o John R.
Elliott, Esquire, Anstine & Sparler, 117 E.
Market St., York, PA 17401
Attorney: John R. Elliott, Esquire, Anstine &
Sparler, 117 E. Market St., York, PA 17401
09.24-3t
- ESTATE OF NANCY M. CONNER a/k/a
NANCY MAE CONNER, DECEASED
Late of Dallastown Borough, York County, PA.
Co-Executors: Mitchell B. Conner and
Michelle A. Schreckengas, c/o 48 South
Duke Street, York, PA 17401
Attorney: Bruce C. Bankenstein, Esquire, 48
South Duke Street, York, PA 17401
09.24-3t
- ESTATE OF RICHARD E. DAY, DECEASED
Late of Monaghan Twp., York County, PA.
Personal Representative: Laurie J.
Houser, c/o Keystone Elder Law P.C.,
555 Gettysburg Pike, Suite C100,
Mechanicsburg, PA 17055
Attorney: Jessica F. Greene, Esquire,
Keystone Elder Law P.C., 555 Gettysburg
Pike, Suite C100, Mechanicsburg, PA
17055 09.24-3t
- ESTATE OF ROY E. DEARDORFF, DECEASED
Late of York Twp., York County, PA.
Executors: Sandra Lou Bender, c/o John F.
Markel, 327 Locust Street, Columbia, PA
17512
Attorney: John F. Markel, Esquire, Nikolaus
& Hohenadel, 327 Locust Street,
Columbia, PA 17512 09.24-3t
- ESTATE OF MARIE E. FILBEY, DECEASED
Late of Springettsbury Twp., York County, PA.
Executor: Roxanne E. Reisinger, c/o Robert
M. Strickler, Esq., 110 South Northern
Way, York, PA 17402
Attorney: Robert M. Strickler, Esquire, 110
South Northern Way, York, PA 17402
09.24-3t
- ESTATE OF DAVID F. KANE a/k/a DAVID
FRANCIS KANE, SR., DECEASED
Late of North Hopewell Twp., York County, PA.
Co-Executrix: Donna L. Roubal, c/o Stock
and Leader, Susquehanna Commerce
Center East, 221 West Philadelphia Street,
Suite 600, York, PA 17401-2994
Attorney: Jody A. Leighty, Esquire, STOCK
AND LEADER, Susquehanna Commerce
Center East, 221 West Philadelphia Street,
Suite E600, York, PA 17401-2994 09.24-3t
- ESTATE OF JOHN E. LEHR, DECEASED
Late of Spring Garden Twp., York County, PA.
Administrator-Executor: Gregory C. Lehr
and Douglas G. Lehr, c/o Kearney
Galloway, LLC, 2002 S. Queen St., York,
PA 17403
Attorney: Jennifer A. Galloway, Esquire,
2002 S. Queen St., York, PA 17403
09.24-3t
- ESTATE OF RONALD A. MATARESE,
DECEASED
Late of Spring Garden Twp., York County, PA.
Administrator-Executor: David E. Matarese,
424 Sarah Woods Drive, Red Lion, PA
17356 09.24-3t
- ESTATE OF ESTHER R. McFADDEN,
DECEASED
Late of Franklin Twp., York County, PA.
Executor: Richard R. Knock, c/o Craig A.
Hatch, Esq., HALBRUNER, HATCH &
GUISE, LLP, 2109 Market Street, Camp
Hill, PA 17011
Attorney: Craig A. Hatch, Esquire,
HALBRUNER, HATCH & GUISE, LLP,
2109 Market Street, Camp Hill, PA 17011
09.24-3t
- ESTATE OF SHARON K. MCKINSEY a/k/a
WEEZIE MCKINSEY & SHARON KAY
MCKINSEY, DECEASED
Late of Chanceford Twp., York County, PA.
Administratrix: Christina Becker, c/o Karen
Conn Mavros, Esq., 2444 Huntingdon
Pike, Huntingdon Valley, PA 19006
Attorney: Karen Conn Mavros, Esquire,
Howland, Hess, Guinan, Torpey, Cassidy
& O'Connell, LLP, 2444 Huntingdon Pike,
Huntingdon Valley, PA 19006 09.24-3t
- ESTATE OF JAMES S. MILLER, II, DECEASED
Late of York City, York County, PA.
Co-Executors: Roberta M. Kokkinakos and
Shane M. Stambaugh, 1031 W. Poplar St.,
York, PA 17404
Attorney: John W. Stitt, Esquire, 1434 W.
Market Street, York, PA 17404 09.24-3t
- ESTATE OF LENA M. REICHART,
DECEASED
Late of Hanover Borough, York County, PA.
Executor: Randy C. Reichart, c/o Elinor
Albright Rebert, Esquire, 515 Carlisle
Street, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esquire,
515 Carlisle Street, Hanover, PA 17331
09.24-3t
- ESTATE OF PAUL E. SHAFER, DECEASED
Late of Jackson Twp., York County, PA.
Administrator-Executor: Bradley L. Shaffer,
c/o Jeffrey R. Bellomo, Esq., 3030 East
Market Street, York, PA 17402
Attorney: Jeffrey R. Bellomo, Esquire, 3030
East Market Street, York, PA 17402
09.24-3t
- ESTATE OF DORIS E. SHELLEY,
DECEASED
Late of Windsor Twp., York County, PA.
Administrator-Executor: Eric J. Shelley,
c/o Jeffrey R. Bellomo, Esq., 3030 East
Market Street, York, PA 17402
Attorney: Jeffrey R. Bellomo, Esquire, 3030
East Market Street, York, PA 17402
09.24-3t
- ESTATE OF PHYLLIS E. STEPHENS
a/k/a PHYLLIS E. RUNKLE STEPHENS,
DECEASED
Late of Red Lion Borough, York County, PA.
Co-Executors: Kristi L. Hawn, 2740 Tara
Lane, York, PA 17408 and Sheri L. Beisel,
644 W. College Avenue, York, PA 17401
Attorney: David M. Laucks, Esquire,
LAUCKS & LAUCKS, P.C., 105 W.
Broadway, Red Lion, PA 17356 09.24-3t
- ESTATE OF KEITH R. STOUCH a/k/a KEITH
RICHARD STOUCH, DECEASED
Late of Springettsbury Twp., York County, PA.
Executrix: Catherine A. Stouch, c/o 100 East
Market Street, York, PA 17401
Attorney: Alex E. Snyder, Esquire, Barley
Snyder, LLP, 100 East Market Street, York,
PA 17401 09.24-3t
- ESTATE OF ALBERT L. VANZWOL,
DECEASED
Late of Hanover Borough, York County, PA.
Executor: Kevin Christopher VanZwol,
c/o Elinor Albright Rebert, Esquire, 515
Carlisle Street, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esquire,
515 Carlisle Street, Hanover, PA 17331
09.24-3t
- ESTATE OF DAISY MARIAN WALKER,
DECEASED
Late of Fairview Twp., York County, PA.
Administrator-Executor: Vicki L. Shoffner,
424 Clover Street, Etters, PA 17319
Attorney: Robert M. Walker, Esquire, 3810
Market Street, Camp Hill, PA 17011
09.24-3t
- ESTATE OF ALLAN NELSON YOUNG, III,
DECEASED
Late of Springettsbury Twp., York County, PA.
Administratrix: Margaret Young, c/o Stock
and Leader, Susquehanna Commerce
Center East, 221 West Philadelphia Street,
Suite 600, York, PA 17401-2994
Attorney: MacGregor J. Brillhart, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite E600, York, PA
17401-2994 09.24-3t

CIVIL NOTICES

ACTION TO QUIET TITLE

To Emory F. Reese and Sallie E. Reese, their heirs, assigns, successors, devisees, administrators, and executors. You are notified that the plaintiff, Christopher T. Mahoney and Joan Barrett, have commenced an Action to Quiet Title against you entered to 2015-SU-002801-93 in the Court of Common Pleas of York County, Pennsylvania, which you are

required to defend. This action concerns the land here described: Situate in Warrington Township, York County, containing 4.310 acres of land, more or less, and identified as Tax Map Parcel 49-NF-98A. By Paul C. Siegrist, Esq., Attorney for Plaintiff. 3. N. Baltimore St. Dillsburg, PA 17019. (717) 432-2089. 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 without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO 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 ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. MidPenn Legal Services, 256 Eat Market Street, York, Pennsylvania 17403. Telephone number 1-800-299-6599.

10.08-3t Solicitor

FICTITIOUS NAME

Notice is hereby given a certificate was or will be filed under the Fictitious Name Act approved May 24, 1945 in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Jeffrey E. Progin, 1711 Weeping Willow LN. Dover, PA 17315, are the only person(s) owning or interested in a business, the character of which is: Home Improvements and Residential Constuction, and that the name, style and designation under which said business is and will be conducted is: CARLGIN HOME IMPROVEMENTS, LLC., and the location where said business is and will be located is: 1711 Weeping Willow LN, Dover, PA 17315.

10.08-1t Solicitor

Notice is hereby given that on the 24th day of September, 2015, a certificate has been filed under Section 311 of the Act 1982-295 (54 Pa. C.S. Section 311), the Fictitious Name Act, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Country Home Settlement Service, LLC is the only entity owning or interested in a business, the character of which is to provide settlement services for real estate transactions and that the name, style and designation under which said business is and will be conducted is Deedworks Title and the location where said business is and will be located is 1911 E. Market St., York, PA 17402

10.08-1t Douglas H. Gent
Solicitor

Notice is hereby given that an Application for Registration of Fictitious Name was filed July 24, 2015, under the Fictitious Name Act, approved May 24, 1945, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Legacy Innovations, LLC is the only entity owning or interested in a business, the character of which is product development for the custom car industry. The name, style and designation under which said business is and will be conducted is In Depth Concepts. The location where said business is and will be located is 1807 Andrew Street, York, PA 17404.

10.08-1t MARC ROBERTS, ESQUIRE
Solicitor

Notice is hereby given that an Application for Registration of Fictitious Name was filed June 25, 2015, under the Fictitious Name Act, approved May 24, 1945, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Medicare Compliance Professionals, LLC is the only entity owning or interested in a business, the character of which is consulting with healthcare providers to assure regulatory compliance. The name, style and designation under which said business is and will be conducted is Medicare Consulting Professionals. The location where said business is and will be located is 1800 North Hills Road, #405, York, PA 17406.

10.08-1t MARC ROBERTS, ESQUIRE
Solicitor

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 311 of the Fictitious Names Act, Act of December 16, 1982, P. L. 1309, as amended, 54 Pa.C.S. Section 311, of the filing with the Corporation Bureau, Department of State, Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on September 4, 2015 of an application for the registration of a fictitious name for the conducting of business under the assumed or fictitious name of:

Premier Boat/RV Indoor Storage

The principal office of the business is: 165 Chestnut Grove Road, Dillsburg, PA 17019. The name of the person or responsible entity who is a party to the registration is: Lamens Irrigation Systems, Inc., a Pennsylvania corporation, with a registered address of 53 Tannery Road, Dillsburg, PA 17019.

Keith O. Brenneman
Law Office of Keith O. Brenneman, P.C.
Mechanicsburg, Pennsylvania

10.08-1t Solicitor

SHERIFF'S SALE

CIVIL ACTION LAW
COURT OF COMMON PLEAS
YORK COUNTY

Number 2010-SU-004786-06

LSF8 Master Participation Trust

v.
Marshall D. Burkins Jr and Lisa M. Burkins

**NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY**

TO: Lisa M. Burkins

Your house (real estate) at **203 Dooley Road, Delta, Pennsylvania 17314** is scheduled to be sold at Sheriff's Sale on **December 7, 2015 at 2:00 p.m.** in the Sheriffs Office, York County Judicial Center, 45 North George Street, York, PA 17401 to enforce the court judgment of \$329,000.29 obtained by LSF8 Master Participation Trust 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:

1. The sale will be canceled if you pay to LSF8 Master Participation Trust the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE
YOUR PROPERTY
AND YOU HAVE OTHER RIGHTS
EVEN IF THE SHERIFF'S SALE DOES
TAKE PLACE**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.
2. You may be able to petition the Court to set aside the sale if the bid price was

grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.
4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.
7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

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 INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERRAL SERVICE
ASSOCIATION DE LICENCIADOS
Lawyer Referral Service
137 East Market Street
York, Pennsylvania 17401
(717) 854-8755**

**McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400,
Phila., PA 19109,
215-790-1010**

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Managing Editor (Name and complete mailing address) CAROLYN J. PUGH 2002 S. QUEEN ST. YORK, PA 17403					
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Full Name			Complete Mailing Address		
YORK COUNTY BAR ASSOCIATION			137 E. MARKET ST YORK, PA 17401		
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None					
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	(2) Free or Nominal Rate In-County Copies Included on PS Form 3541	4	2
	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)	—	—
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f. Total Distribution (Sum of 15c and 15e)		133	132
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))		—	—
h. Total (Sum of 15f and g)		133	132
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If the publication is a general publication, publication of this statement is required. Will be printed in the 10/8/2015 issue of this publication. Publication not required.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner Date

[Signature] 10/1/2015

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