

# York Legal Record

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

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## CASES REPORTED

IN RE: YORK COUNTY TAX CLAIM BUREAU

Petition to Set Aside Judicial Sale

Page 35

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KATHLEEN AMES-BROOKER, Plaintiff v. SOUTHERN REGIONAL POLICE COMMISSION, Defendant

Preliminary Objections - Law Enforcement Officers' Safety Act ("LEOSA")

Page 36

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IN RE: YORK COUNTY TAX CLAIM BUREAU  
No. 2014-TU-4-17

Petition to Set Aside Judicial Sale

1. The Court granted Petitioner's Petition to Set Aside Judicial Sale due to lack of service on both Petitioner and the Petitioner's mortgage company.

In the Court of Common Pleas of York County, Pennsylvania, Civil Division; IN RE: YORK COUNTY TAX CLAIM BUREAU; Petition to Set Aside Judicial Sale

APPEARANCES

DAVID B. SCHAUMANN, Esquire  
For the Petitioner

WILLIAM T. HAST, Esquire  
For the York County Tax Claim Bureau

OPINION GRANTING AMENDED OBJECTION  
TO JUDICIAL SALE IN THE FORM OF PETITION  
TO SET ASIDE JUDICIAL SALE

On July 23, 2014, Petitioner Richard A. Washington filed Objection to Judicial Sale in the Form of Petition to Set Aside Judicial Sale. Petitioner is the owner of real estate located at 469 South Pershing Avenue in the City of York. On July 5, 2014, the property was sold by the York County Tax Claim Bureau at Judicial Sale to Respondent Jose L. Marrero, Jr. The Tax Office attempted to serve Petitioner and Petitioner's mortgage company without success. Specifically, the Tax Office served Petitioner at a prior address of his and served the defunct Waypoint Bank instead of its successor, and the current mortgage holder, Santander Bank. Both the Tax Office and the City of York have served Petitioner with tax notices and other notices at his current business address with success, but did not do so in this case. Santander Bank has numerous local branches but none of those were served. The Notices that the Tax Office attempted to send were returned and marked "Not Found" by the Sheriff's office. The Tax Office thereafter made no attempt to locate Petitioner or the mortgage holder.

Following the filing of the Objections, the Court entered a Rule to Show Cause why the sale should not be vacated on September 8, 2014. The Rule stayed all proceedings in this action and set forth a time period to complete depositions. Despite the stay, Mr. Marrero sold the property to Jeffrey L. Harris, Jr. On September 22, 2014, Petitioner filed Amended Objection to Judicial Sale in the Form of Petition to Set Aside Judicial Sale so as to include both Mr. Marrero and Mr. Harris in this action. No Respondent ever filed an Answer in response to the Ruler issued by this Court. Depositions were however conducted and the transcripts thereof will be made part of the record.

**Discussion**

"[I]t is a momentous event under the United States and the Pennsylvania Constitutions when a government subjects a citizen's property to forfeiture for the non-payment of taxes." *Tracy v. Chester County, Tax Claim Bureau*, 489 A.2d 1334, 1339 (Pa. 1985). The Pennsylvania Supreme Court has held that strict adherence to provisions of the Real Estate Tax Sale Law should not result in punishing those who failed to pay their taxes "through oversight or error." *Id.* (quoting *Ross Appeal*, 76 A.2d 749, 753 (Pa. 1950)). This is in contrast to parties who are "willful, persistent and long standing tax delinquents." *Id.* The forfeiture of an owner's property based on failure to pay taxes is an extreme remedy as "the purpose of tax sales [are] not to strip the taxpayer of his property but to insure the collection of taxes." *Id.* (quoting *Hess v. Westerwick*, 76 A.2d 745, 748 (Pa. 1950)). Accordingly, "while the courts cannot turn a blind eye to individuals failing in their legal obligation to pay property taxes, the courts must carefully scrutinize the sales of their property." *Constantino v. Carbon County Tax Claim Bureau*, 895 A.2d 72, 76 (Pa. Commw. Ct. 2006).

The Supreme Court has also held "that where a taxing authority intends to conduct a sale of real property because of nonpayment of taxes, it must

notify the record owner of property by personal service or certified mail, and where the mailed notice has not been delivered because of an inaccurate address, the authority must make a reasonable effort to ascertain the identity and whereabouts of the owner(s)." *Tracy v. Chester County, Tax Claim Bureau*, 507 Pa. 288, 489 A.2d 1334, 1338-1339 (1985). The Supreme Court further continues that "[t]he collection of taxes, however, may not be implemented without due process of law that is guaranteed in the Commonwealth and federal constitutions; and this due process, as we have stated here, requires at a minimum that an owner of land be actually notified by government, if reasonably possible, before his land is forfeited by the state. Reasonable efforts to effect actual notice were not carried out in this case, and the tax sale of this property must be set aside." *Id.* The requirement that reasonable efforts to locate the property owners is codified at 72 P.S. § 5860.607a(a).

In addition, the Commonwealth Court has determined that "[p]ursuant to Section 602(e) of the Tax Sale Law, a county tax sale bureau, at least 30 days before the date of a tax sale, must serve notice of the sale on each owner by United States certified mail, restricted delivery, return receipt requested, postage prepaid. 72 P.S. § 5860.602(e)(1). If return receipt is not received from each owner, then at least 10 days before the sale, notice must be given to each owner who failed to acknowledge the first notice by first class mail, proof of mailing, at each owner's last known address. 72 P.S. § 5860.602(e)(2).

In this case, Petitioner did not receive notice of the sale. The Tax Office sent the notice to Petitioner's prior address, despite the fact that the Tax Office itself, as well as the City of York, has utilized Petitioner's current business address to serve tax and other notices upon Petitioner. After failing to serve Petitioner at his prior address, the Tax Office did not make any reasonable effort to locate Petitioner, despite the fact that he could be easily located. Per his deposition, Petitioner makes it clear that had he received the notice he would have paid the delinquent taxes. His failure to pay was therefore not willful or deliberate.

In addition, the Tax Office failed to serve Petitioner's mortgage company. The Tax Office served the non-existent Waypoint Bank. Waypoint Bank was a local bank and the Tax Office should have known, or could have easily discovered, that it had been succeeded by Santander Bank. Despite the fact that Santander has multiple locations in York, the Tax Office failed to give the mortgage holder notice of the sale.

In conclusion, as a result of the Tax Office's failure to comply with the applicable law and notice requirements, the Court will **GRANT** the Amended Objection to Judicial Sale in the Form of Petition to Set Aside Judicial Sale filed on September 22, 2014. An Order consistent with this Opinion will be entered. The Court will also make the depositions conducted in this case part of the record.

BY THE COURT

Stephen P. Linebaugh, President Judge

Dated: January 29, 2015

IN THE COURT OF COMMON PLEAS OF  
YORK COUNTY, PENNSYLVANIA

IN RE: YORK COUNTY TAX CLAIM BUREAU

No. 2014-TU-4-17

CIVIL ACTION - LAW

APPEARANCES:

DAVID B. SCHAUMANN, Esquire  
For the Petitioner

WILLIAM T. HAST, Esquire  
For the York County Tax Claim Bureau

**ORDER GRANTING AMENDED OBJECTION  
TO JUDICIAL SALE IN THE FORM OF PETITION  
TO SET ASIDE JUDICIAL SALE**

AND NOW, this 29th day of January 2015, in accordance with the attached Opinion, the Amended Objection to Judicial Sale in the Form of Petition to Set Aside Judicial Sale filed on September 22, 2014 is **GRANTED**. The depositions conducted in this case are hereby made part of the record in this case.

Copies of this Order and Opinion shall be forwarded to counsel of record and to Mr. Joseph L. Marrero, 622 Linden Avenue, York, PA 17404 and Mr. Jeffrey Harris, 158 S. Findlay Street, York, PA 17402.

BY THE COURT

\_\_\_\_\_  
Stephen P. Linebaugh, President Judge

02.26.2015-1T

**KATHLEEN AMES-BROOKER, Plaintiff v. SOUTHERN REGIONAL POLICE COMMISSION, Defendant  
No. 2014-SU-003105-45**

**Preliminary Objections - Law Enforcement Officers' Safety Act ("LEOSA")**

1. Plaintiff filed a Complaint requesting that Defendant be directed to provide her with a retired law enforcement officer identification card.
2. Defendant filed Preliminary objections in the nature of a motion to strike Count I of the Complaint for legal insufficiency of the pleading (demurrer).
3. The Court denied Defendant's Preliminary Objections to the Complaint.

**In the Court of Common Pleas of York County, Pennsylvania;  
KATHLEEN AMES-BROOKER, Plaintiff v. SOUTHERN REGIONAL POLICE COMMISSION, Defendant; Preliminary Objections - Law Enforcement Officers' Safety Act ("LEOSA")**

APPEARANCES:

Keith E. Kendall, Esquire  
Counsel for the Plaintiff

Susan R. Friedman, Esquire  
Counsel for the Defendant

**OPINION IN SUPPORT OF ORDER  
OVERRULING PRELIMINARY OBJECTIONS**

This matter is before the Court on the Preliminary Objections filed by the Defendant, Southern Regional Police Commission.

**I. BACKGROUND**

The Plaintiff, Kathleen Ames-Brooker, initiated this matter by filing a Complaint requesting that Defendant be directed to provide her with a retired law enforcement officer identification card.

In 2004, the Law Enforcement Officers' Safety Act ("LEOSA") was signed into law. It permits two classes of persons to carry concealed firearms in any jurisdiction in the United States, regardless of state or local law, with limited exceptions: (1) a "qualified law enforcement officer"; and (2) a "qualified retired law enforcement officer". LEOSA exempts qualified current and retired law enforcement officers from state and local laws which prohibit carrying concealed firearms when traveling from state to state. LEOSA was amended in 2010, including changes to the re-

quirements for a retired officer to be eligible to carry a concealed firearm.

In response to LEOSA, Pennsylvania passed the Retired Law Enforcement Identification Act ("RLEIA"), which was signed into law in December of 2005. 53 P.S. § 753.1 et. seq. RLEIA allows for a concealed carry permit to be issued to retired law enforcement officers to travel throughout the country with a firearm. Pursuant to RLEIA, the Municipal Police Officers Education and Training Commission ("Commission") was assigned responsibility of establishing uniform identification cards for retired law enforcement officers and a method of conducting annual firearms qualifications for these individuals. RLEIA requires that specific information be included on the identification and qualification cards. 53 P.S. §§753.4, 753.5. The Commission was also required to promulgate rules and regulations necessary to carry out the provisions of RLEIA. 53 P.S. § 753.7.

The final regulations for RLEIA were adopted on September 12, 2009, and are published in the Pennsylvania Bulletin at 37 Pa. Code § 221.1 et. seq. The term "qualified retired law enforcement officer is defined the same as under federal law at 18 U.S.C. § 926C(c) (relating to carrying of concealed firearms by qualified retired law enforcement officers). 37 Pa. Code § 221.2. The federal statute defines "qualified retired law enforcement officer" as an individual who:

- (1) separated from service in good standing from service with a public agency as a law enforcement officer;
- (2) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
- (3)(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or
- (B) separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;
- (5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or
- (B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);
- (6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (7) is not prohibited by Federal law from receiving a firearm.

18 U.S.C. § 926C(c). An identification card may only be issued to an individual who meets the definition of a retired law enforcement officer. 37 Pa. Code §221.21. Section 221.22 establishes the requirements for identification card contents, while Section 221.23 establishes the requirements for identification card issuance, stating in part that "[a] public agency shall provide each retired law enforcement officer with an identification card, within 60 days of the officer's retirement, provided the officer has paid the requisite fee." 37 Pa. Code §221.23(a). There are also specific eligibility, content, and issuance requirements for qualification cards. 37 Pa. Code

§§221.31-221.33.

Although there are provisions for the Commission to challenge the issuance of an identification or qualification card, there are no provisions for an applicant to challenge the denial of either card.

Plaintiff was hired by Defendant Southern Regional Police Commission (also known as Southern Police Commission or “SPC”) on or about May 20, 1991. Complaint, ¶3. On or about May 2, 2012, the parties finalized a Settlement Agreement wherein the parties agreed that Plaintiff was deemed to retire on April 14, 2012 from employment with SPC. Complaint, ¶4. A copy of the Settlement Agreement is attached to the Complaint as Exhibit “A”. The Agreement states that Plaintiff’s employment with SPC had previously been terminated on May 24, 2011. The Agreement also states that Plaintiff filed a grievance pursuant to the collective bargaining agreement between Plaintiff’s union and the SPC, a charge of discrimination with the Pennsylvania Human Relations Commission, and claim for unemployment compensation benefits with the Pennsylvania Department of Labor and Industry which was denied and on appeal with the Commonwealth Court of Pennsylvania. Agreement, p. 1-2. Plaintiff agreed to withdraw and settle all of her claims against SPC, and all potential claims, except for a workers’ compensation claim with the Pennsylvania Bureau of Workers’ Compensation. *Id.*, p. 2-3; 5-8. In exchange, the parties agreed that Plaintiff was deemed to have been on unpaid medical leave from May 24, 2011 until April 14, 2012, when she was deemed to be retired.

The Agreement states that Plaintiff is entitled to benefits directly from the Pennsylvania Municipal Retirement System (“PMRS”), but that she is not entitled to retirement fringe benefits from the SPC. *Id.*, p. 3-4. It does not specifically state whether Plaintiff was deemed to have retired in good standing.

Plaintiff filed her Complaint in Mandamus on or about September 5, 2014. She alleges that she meets the definition of a retired law enforcement officer as defined by federal law and Pennsylvania’s Retired Law Enforcement Identification Act, including the required length of service with powers of investigation and arrest, retirement in good standing unrelated to mental instability, entitlement to retirement benefits, and that she was not prohibited by federal law from receiving or possessing a firearm. Complaint, ¶¶11-15. Plaintiff alleges that, pursuant to the RLEIA, Defendant was obligated to perform the ministerial duty of providing her with an identification card after requesting the card and paying the required fee. Complaint, ¶16. Plaintiff further alleges that her employment opportunities have been denied or impeded by Defendant’s refusal to provide Plaintiff with an identification card.

Defendant filed its Preliminary Objections and a brief in support thereof on September 30, 2014. There are two objections, both in the nature of a motion to strike Count I of the Complaint for legal insufficiency of the pleading (demurrer). Defendant first argues that a mandamus action is inappropriate, because the head of the public agency or the police commissioner is performing a discretionary act as opposed to a ministerial act when granting or denying an identification card. Preliminary Objections, ¶¶5-11. Defendant’s second objection argues that Plaintiff did not qualify for an identification card because she did not retire in good standing and because her retirement was due in part to mental instability. *Id.*, ¶¶13-18. These arguments are based upon the facts and findings involved in Plaintiff’s unemployment compensation claim, as well her workers’ compensation claim, where she claimed to have suffered from depression and anxiety. See Defendant’s Brief in Support of Preliminary Objections, p. 9. Defendant’s second objection also argues that Plaintiff is not entitled to the identification card because she did not pay the requisite fee within 60 days of her retirement. Preliminary Objections at ¶19. In conclusion, Defendant argues that “Plaintiff cannot show that her claim for relief is so clear that the SPC has no choice but to issue her the Card because Plaintiff cannot show that she is a qualified individual as per the relevant regulations.” *Id.* at ¶20.

Plaintiff filed an Answer to the Preliminary Objections and brief on or about November 5, 2014. Plaintiff challenged Defendant’s argument that a mandamus action was inappropriate, and argued again that she meets the definition of a retired law enforcement officer who retired in good standing for reasons other than mental instability. See Plaintiff’s Brief in Support of Answer to Preliminary Objections.

Defendant filed a reply brief on or about November 12, 2014, arguing again that mandamus was inappropriate, because the issuance of the identification card was discretionary, and because Plaintiff’s right to relief is not clearly established.

Defendant filed a Praecipe for One Judge Disposition on or about November 26, 2014, and the Preliminary Objections were submitted to the undersigned on December 3, 2014.

## II. DISCUSSION

### A. Standard of Review

When considering preliminary objections contesting the legal sufficiency of a pleading, all well-pleaded, material, relevant facts set forth in that pleading are admitted as true, as well as all reasonable inferences which may be deduced from those facts. *Allegheny County v. Commonwealth*, 490 A.2d 402, 408 (Pa. 1985). The pleader’s conclusions or averments of law are not considered to be admitted as true by a demurrer. *Id.* Preliminary objections seeking the dismissal of a claim may be sustained only in cases that are free and clear from doubt, and it must appear with certainty that the law would not permit recovery based on the facts averred. *Swisher v. Pitz*, 868 A.2d 1228, 1230 (Pa. Super.2005), quoting *Reeves v. Middletown Athletic Ass’n*, 866 A.2d 1115, 1122 (Pa. Super.2004). In deciding preliminary objections in the nature of a demurrer, testimony or other evidence outside the complaint may not be considered by the court in disposing of the legal issues presented by the demurrer. *Mellon Bank, N.A. v. Fabinyi*, 650 A.2d 895, 899 (Pa. Super. 1994).<sup>1</sup>

If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections. *Wawa, Inc. v. Alexander J. Litwornia & Associates*, 817 A.2d 543, 544 (Pa. Super.2003). If the facts as pleaded state a claim for which relief may be granted under any theory of law, then there is sufficient doubt to require the preliminary objection in the nature of a demurrer to be rejected. *Baker v. Cambridge Chase, Inc.*, 725 A.2d 757, 764 (Pa. Super. 1999).

Mandamus is considered an “extraordinary remedy”. *Allegheny County v. Commonwealth, supra*, at 409. “A mandamus action will compel official performance of a ministerial act when the plaintiff establishes a clear legal right, the defendant has a corresponding duty, and there is no appropriate remedy at law.” *Maute v. Frank*, 670 A.2d 737, 739 (Pa. Cmwlth. 1996), citing *Delaware River Port Authority v. Thornburgh*, 493 A.2d 1351 (Pa. 1985); *Adamo v. Cini*, 656 A.2d 576 (Pa. Cmwlth. 1995).

### B. Whether the issuance of an identification card is discretionary, and whether the mandamus action must be dismissed.

In arguing that the decision of whether or not to issue an identification card is within the discretion of the SPC, Defendant quotes the following language from the Pennsylvania Code:

An identification card shall only be issued to an individual who meets the following conditions:

- (1) Retired in good standing, for reasons other than mental instability, from service with a public agency as a law enforcement officer as determined by the current head of that agency. ...

Defendant’s Brief in Support of Preliminary Objections, p. 4-5 (citing 37 Pa. Code §221.21(1)). A review of Section 221.21 indicates that it was amended on December 6, 2014, after the Preliminary Objections were filed. The section no longer includes subparagraphs, and simply states as follows:

An identification card shall only be issued to an individual who meets the definition of a retired law enforcement officer.

37 Pa. Code §221.21. The reason for the amendment to this section and others is explained in the Pennsylvania Bulletin, and states in part:

...

The amendments to §§ 221.21 and 221.31 (relating to eligibility) are necessary to bring them into conformance with the 2010 amendments to LEOSA, specifically changes to section 3, regarding carrying of concealed firearms by qualified retired law enforcement officers.

...

For the sake of consistency and clarity, the Commission believes that the regulations should be amended to reflect the 2010 amendments to LEOSA. This will serve to make the regulations consistent, as they already define a retired law enforcement officer in § 221.2 (relating to definitions) as a “qualified retired law enforcement officer as defined in 18 U.S.C. § 926C(c) (relating to carrying of concealed firearms by qualified retired law enforcement officers).” This is also the definition used in section 3 of the act (53 P.S. § 753.3). The amendment will also further the intent of the original legislation, which was enacted to specifically address the Federal mandate. See section 2 of the act (53 P.S. § 753.2).

The Commission believes that issuance of identification cards to Federally eligible individuals will be furthered by amending the regulations and removing ambiguity.

...

Sections 221.21 and 221.31 are amended to be consistent in all respects with section 3 of LEOSA. This is accomplished by amending these sections to track the current Federal law by specifically referencing the definition of “retired law enforcement officer.” Section 221.21 has been amended by deleting paragraphs (1)—(5) and stating the individual must meet the definition of “retired law enforcement officer.” Section 221.31 was also amended to include a similar requirement and language was added to renumbered paragraph (3)(iii) and (iv).

44 Pa.B. 7550. The language cited by Defendant indicating more discretion on the part of an agency to determine whether an individual qualifies for an identification card has been removed in order to bring the regulation into conformity with LEOSA, RLEIA, and other parts of the Pennsylvania Code. In addition, Section 753.4(a) of the RLEIA states as follows:

**General rule.**—Subject to the payment of the fee, if any, imposed under subsection (c):

(1) A law enforcement agency shall provide each officer, upon retirement, with a retired law enforcement identification card.

(2) At any time after an officer retires, upon request of the officer, a law enforcement agency shall provide the retired law enforcement officer with a retired law enforcement identification card.

53 P.S. § 753.4. Both the Code and the RLEIA statute indicate that the law enforcement agency is required to issue the identification card as long as the individual requesting the card qualifies as a retired law enforcement officer. As discussed *supra*, the RLEIA uses the same definition of “qualified retired law enforcement officer” as the federal law, 18 U.S.C. § 926C(c).

Plaintiff’s Complaint avers that she meets the definition of a retired law enforcement officer, including employment as a law enforcement officer for the required period of time, retirement in good standing for reasons other than mental instability, entitlement to retirement benefits from the PMRS, and without being prohibited by federal law from receiving a firearm. Accepting all facts set forth in the pleading and the exhibits attached to it (the Settlement Agreement) as true, we cannot say with certainty that Plaintiff is not permitted to seek relief via a mandamus action, particularly in light of the amended language of 37 Pa. Code § 221.21, as well as the language of 53 P.S. § 753.4 and the definition contained in § 753.3. Based upon the facts as averred, we also cannot say that the Complaint has not established that Plaintiff has a clear legal right to receive an identification card, and that Defendant was not required to perform a ministerial act by issuing the card to Plaintiff as a retired law enforcement officer.

In addition, a mandamus action could be appropriate under these circumstances when a request for an identification card has been denied, because there is no alternative remedy under the law. See *Maute v. Frank, supra*. Pennsylvania law directs that statutory remedies be exhausted before any common law or equitable remedies are pursued:

In all cases where a remedy is provided or a duty is enjoined or anything is directed to be done by any statute, the directions of the statute shall be strictly pursued, and no penalty shall be inflicted, or anything done agreeably to the common law, in

such cases, further than shall be necessary for carrying such statute into effect.

1 Pa.C.S.A. § 1504. Equity has no jurisdiction to inquire into a controversy where to do so would obviate a statutory procedure provided by the legislature for its resolution. *Calabrese v. Collier Tp. Municipal Authority*, 240 A.2d 544, (Pa. 1968).

As noted above, although the RLEIA allows the Municipal Police Officers Education and Training Commission to challenge the issuance of an identification card, 37 Pa. Code § 221.25, there is no alternative remedy under the statute or code for an applicant who wants to challenge the denial of a card. For this reason, and applying the proper standard of review for preliminary objections, we find that Plaintiff’s Complaint is legally sufficient and that she is permitted to pursue a mandamus action, and we will overrule Defendant’s first objection.

### C. Whether Plaintiff retired in good standing for reasons other than mental instability, and whether Plaintiff is time-barred from receiving an identification card.

Defendant’s second objection raises three issues. First, Defendant argues that Plaintiff did not retire in good standing, as evidenced by her termination, the denial of her unemployment compensation claim, the Referee’s Decision/Order, the affirmation of the Decision/Order by the Unemployment Compensation Board of Review, and Plaintiff’s subsequent appeal of the denial to the Commonwealth Court. Defendant also notes Plaintiff’s grievance filed pursuant to the collective bargaining agreement and her charge of discrimination with the Pennsylvania Human Relations Commission as evidence that she did not retire in good standing. See Defendant’s Brief in Support of Preliminary Objections, p. 6-8.

The term “good standing” is not defined by LEOSA, RLEIA or the code. Looking at the facts averred in the Complaint, and particularly the attached Settlement Agreement, we see that Plaintiff’s retirement was not stated to be in good standing or otherwise. Although the Agreement refers to Plaintiff’s initial termination, the denial of her unemployment compensation claim, and the findings of the Referee, it also states that the matter was on appeal with the Commonwealth Court. Since this was one of the matters that was settled as part of the Agreement prior to a more definitive resolution on appeal, we are reluctant to look to this as evidence that Plaintiff’s retirement was not in good standing. In addition, we are in agreement with Plaintiff that a finding of misconduct by an Unemployment Compensation Referee or the Unemployment Compensation Review Board, or a record of misconduct or reprimands by an employer during the course of employment, does not necessarily mean that an employee cannot ultimately retire in good standing. See Plaintiff’s Brief in Support of Answer to Preliminary Objections, p. 6-7.

We are also in agreement with Plaintiff regarding her collective bargaining grievance and charge of discrimination with the Human Relations Commission. We believe that using a plaintiff’s decision to fight perceived workplace discrimination as a basis for finding that her retirement was not in good standing would set a bad precedent, and could have a chilling effect on others who might want to bring charges of discrimination in the future.

We note that the Settlement Agreement states that Plaintiff is entitled to benefits from the PMRS. Agreement, p. 3. Although the requirement of a non-forfeitable right to retirement benefits was also removed from the language of 37 Pa. Code § 221.21, along with the language granting the agency discretion in determining good standing, we believe that the entitlement to retirement benefits is still an indication that the retirement was in good standing.

The next issue raised by Defendant is whether Plaintiff’s retirement was due in part to mental instability. Defendant argues that such alleged mental instability is evidenced by Plaintiff’s agreement to be considered on unpaid medical leave prior to the time of her official retirement, and her Complaint with the PHRC alleging that she suffered from stress-related anxiety and depression. Defendant’s Brief in Support of Preliminary Objections, p. 9. We look to LEOSA’s definition of “qualified retired law enforcement officer” for an explanation of how mental instability is determined:

...  
(c) As used in this section, the term “qualified retired law enforcement officer” means an individual who--  
...

(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);

...

18 U.S.C. § 926C. Defendant does not indicate that Plaintiff was found by a qualified medical professional employed by the SPC to be unqualified “for reasons relating to mental health”, nor does the Settlement Agreement include an acknowledgement by Plaintiff that she is not qualified under the law for reasons relating to mental health. Under LEOSA and RLEIA, allegations contained in a PHRC complaint are insufficient to establish mental instability for purposes of denying an identification card.

Defendant’s third argument is that Plaintiff’s request was time-barred because she waited longer than sixty (60) days to submit the requisite fee. Defendant refers to 37 Pa. Code §221.23(a) in support of its argument, which states as follows:

A public agency shall provide each retired law enforcement officer with an identification card, within 60 days of the officer’s retirement, provided the officer has paid the requisite fee.

We do not agree with Defendant’s interpretation of this provision, which does not state that an applicant is barred from receiving the card if he or she does not pay the fee within 60 days of retirement. Rather, the provision only appears to require an agency to provide the card within 60 days if an officer applies for the card immediately upon retirement. We would also direct the Defendant’s attention to the language of 53 P.S. § 753.4(a), *supra*, which states in part as follows:

Subject to the payment of the fee, if any, imposed under subsection (c):

...

(2)At any time after an officer retires, upon request of the officer, a law enforcement agency shall provide the retired law enforcement officer with a retired law enforcement identification card.

We find this language to be clear and unambiguous. A retired law enforcement officer may request an identification card *at any time after an officer retires*, and an applicant is not barred from receiving the card if she makes such a request more than 60 days after retirement.

For the reasons discussed above, looking to the averments contained in the Complaint, the terms of the attached Settlement Agreement, the plain meaning of the statutes and the code, and the explanation for the amendments to the code, we will overrule Defendant’s second objection.

**III. CONCLUSION**

Based upon the foregoing, we will issue the attached Order overruling Defendant’s Preliminary Objections in their entirety.

**BY THE COURT**

**JOHN W. THOMPSON, JR., JUDGE**

Date: \_\_\_\_\_

were not part of the Complaint, to which Plaintiff responds. Although we address those arguments to a certain extent, our review is limited to a determination of whether the objections meet the standard for sustaining objections in the nature of a motion to strike (demurrer).

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

No. 2014-SU-003105-45

Civil Action-Equity in Mandamus

KATHLEEN AMES-BROOKER,  
Plaintiff

v.

SOUTHERN REGIONAL POLICE COMMISSION,  
Defendant

APPEARANCES:

Counsel for the Plaintiff: Keith E. Kendall, Esquire  
Counsel for the Defendant: Susan R. Friedman, Esquire

**ORDER OVERRULING PRELIMINARY OBJECTIONS**

AND NOW, this \_\_\_\_\_ day of February, 2015, it is hereby **ORDERED** and **DIRECTED** Defendant’s Preliminary Objections are **OVERRULED**, for the reasons stated in the Opinion that accompanies this Order.

Pursuant to Pa.R.C.P. 1028(d), Defendant shall have twenty (20) days to file a responsive pleading after receiving notice of this Order.

The prothonotary shall provide notice of this Order as required by law.

**BY THE COURT**

**JOHN W. THOMPSON, JR., JUDGE**

02.26.2015-1T

**Footnotes:**

<sup>1</sup> Defendant’s brief includes arguments involving allegations and facts that

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## 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 ETHEL E. BOYER, DECEASED  
Late of Springfield Twp., York County, PA.  
Executrix: Elizabeth A. Emenheiser a/k/a  
Elizabeth A. Zellers, c/o Stock and Leader,  
Susquehanna Commerce Center East, 221  
W. Philadelphia Street, Suite 600, York,  
PA 17401-2994  
Attorney: Jody A. Leighty, Esquire, Stock  
and Leader, Susquehanna Commerce  
Center East, 221 W. Philadelphia Street,  
Suite E600, York, PA 17401-2994 02.26-3t
- ESTATE OF JASON S. CAREY, DECEASED  
Late of Fairview Twp., York County, PA.  
Executor: Brian H. Carey, c/o Lisa Marie  
Coyne, Esquire, COYNE & COYNE, P.C.,  
3901 Market Street, Camp Hill, PA 17011-  
4227  
Attorney: Lisa Marie Coyne, Esquire,  
COYNE & COYNE, P.C., 3901 Market  
Street, Camp Hill, PA 17011-4227 02.26-3t
- ESTATE OF JOHN S. DRAKE, III,  
DECEASED  
Late of Newberry Twp., York County, PA.  
Co-Administrator-Executor: Melinda Drake,  
216 7<sup>th</sup> St., New Cumberland, PA 17070  
02.26-3t
- ESTATE OF BENJAMIN C. EATON,  
DECEASED  
Late of East Hopewell Twp., York County,  
PA.  
Co-Executors: Cindy Argie and Linda Trout,  
c/o P.O. Box 312, Stewartstown, PA 17363  
Attorney: Laura S. Manifold, Esquire, P.O.  
Box 312, Stewartstown, PA 17363 02.26-3t
- ESTATE OF OF LOVICE I. ENGLERT,  
DECEASED  
Late of West Manchester Twp., York County,  
PA.  
Co-Executors: Susan I. Graver, Jane I.  
Englert and James B. Englert, 1105 Drexel  
St, York PA 17404  
Attorney: John W. Stitt, Esquire, 1434 W.  
Market Street, York, PA 17404 02.26-3t
- ESTATE OF BETTY M. EYSTER,  
DECEASED  
Late of West Manchester Twp., York County,  
PA.  
Co-Executrices: Lora Jean Ruppert and Vicki  
Ann Kochenour, c/o Stock and Leader,  
Susquehanna Commerce Center East, 221  
W. Philadelphia Street, Suite 600, York,  
PA 17401-2994
- Attorney: Thomas M. Shorb, Esquire, Stock  
and Leader, Susquehanna Commerce  
Center East, 221 W. Philadelphia Street,  
Suite E600, York, PA 17401-2994 02.26-3t
- ESTATE OF PAUL A. FUSCO, DECEASED  
Late of North Codorus Twp., York County, PA.  
Executor: Michael P. Fusco, 2706 Myers Rd.,  
Spring Grove, PA 17362  
Attorney: Matthew L. Guthrie, Esquire,  
Guthrie, Nonemaker, Yingst & Hart, LLP,  
40 York Street, Hanover, PA 17331  
02.26-3t
- ESTATE OF DOROTHY A. GREENAWAY,  
DECEASED  
Late of Hanover Borough, York County, PA.  
Co-Executors: David L. Greenaway, Jr., 405  
Maryland Ave., Essex, MD 21221 and  
Steven James Greenaway, 275 Allegheny  
Ave., Hanover, PA 17331  
Attorney: Keith R. Nonemaker, Esquire,  
Guthrie, Nonemaker, Yingst & Hart, LLP,  
40 York Street, Hanover, PA 17331  
02.26-3t
- ESTATE OF DONALD G. HASER,  
DECEASED  
Late of West Manheim Twp., York County, PA.  
Executor: Edward A. Haser, 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 02.26-3t
- ESTATE OF GRANT R. KLINE, DECEASED  
Late of Monaghan Twp., York County, PA.  
Executor: Mary Beth Rank, c/o Gingrich,  
Smith, Klingensmith & Dolan  
Attorney: Kevin D. Dolan, Esquire, Gingrich,  
Smith, Klingensmith & Dolan, 222 S.  
Market St., Suite 201, P.O. Box 267,  
Elizabethtown, PA 17022 02.26-3t
- ESTATE OF EUGENE H. KREBS,  
DECEASED  
Late of York City, York County, PA.  
Executor: Annabelle E. Worley, 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 02.26-3t
- ESTATE OF PHILIP SHERATON LEIPHART,  
III, DECEASED  
Late of Lower Windsor Twp., York County,  
PA.  
Administratrix: Marilyn K. Leipart, c/o 2025  
E. Market Street, York, PA 17402  
Attorney: Richard H. Mylin, III, Esquire,  
2025 E. Market Street, York, PA 17402  
02.26-3t
- ESTATE OF LINN S. LIGHTNER,  
DECEASED  
Late of York County, PA.  
Executor: Allison L. Phillips, c/o Michael  
Cherewka, Esquire, 624 North Front  
Street, Wormleysburg, PA 17043  
Attorney: Michael Cherewka, Esquire,  
624 North Front Street,  
Wormleysburg, PA 17043 02.26-3t
- ESTATE OF JAMES C. LIVESAY, JR.,  
DECEASED  
Late of Shrewsbury Borough, York County, PA.  
Executor: Ronald N. Rohrbaugh, c/o Stock  
and Leader, Susquehanna Commerce  
Center East, 221 W. Philadelphia Street,  
Suite 600, York, PA 17401-2994  
Attorney: Jody A. Leighty, Esquire, Stock  
and Leader, Susquehanna Commerce  
Center East, 221 W. Philadelphia Street,  
Suite E600, York, PA 17401-2994  
02.26-3t
- ESTATE OF TERRY L. LOUGH a/k/a  
TERRY LANCE LOUGH, DECEASED  
Late of Chanceford Twp., York County, PA.  
Executor: Terry Wayne Lough, 2303  
Woodbine Road, Airville, PA 17302  
Attorney: David M. Laucks, Esquire,  
LAUCKS & LAUCKS, P.C., 105 W.  
Broadway, Red Lion, PA 17356 02.26-3t
- ESTATE OF JERE L. MACKLEY, DECEASED  
Late of Wrightsville Borough, York County,  
PA.  
Administrator-Executor: Stephanie Mackley,  
c/o Trinity Law, 145 East Market Street,  
York, PA 17401  
Attorney: Matthew D. Menges, Esquire,  
Trinity Law, 145 East Market Street, York,  
PA 17401 02.26-3t
- ESTATE OF DANIEL J. MARECKI,  
DECEASED  
Late of Penn Twp., York County, PA.  
Executor: Daniel J. Marecki, Jr., 5920 Belle  
Vista Avenue, Baltimore, Maryland 21206  
Attorney: Stonesifer and Kelley, P.C., 209  
Broadway, Hanover, Pennsylvania 17331  
02.26-3t
- ESTATE OF EARL MUNDIS a/k/a  
LAWRENCE EARL MUNDIS, DECEASED  
Late of York Twp., York County, PA.  
Executors: Wayne A. Mundis and Lawrence  
E. Mundis Jr. c/o 25 North Duke Street  
Suite 202, York, Pa 17401  
Attorney: Charles J. Long, Esquire,  
SMITH, ANDERSON, BAKER & LONG,  
25 North Duke Street Suite 202,  
York, Pa 17401 02.26-3t
- ESTATE OF MONROE NEWMAN a/k/a  
MONROE OSCAR NEWMAN, DECEASED  
Late of York City, York County, PA.  
Executors: Steven P. Solow & Jean E.  
Simons, c/o Karen M. Stockmal, Esq.,  
1055 Westlakes Dr., Ste. 300, Berwyn, PA  
19312  
Attorney: Karen M. Stockmal, Esquire, KMS  
Law Offices, 1055 Westlakes Dr., Ste. 300,  
Berwyn, PA 19312 02.26-3t
- ESTATE OF JUNE F. PLUNKERT,  
DECEASED  
Late of Penn Twp., York County, PA.  
Executor: Janet F. Arendt, c/o Paul G. Lutz,  
Esquire, 110 South Northern Way, York,  
Pennsylvania 17402  
Attorney: Paul G. Lutz, Esquire, 110 South  
Northern Way, York, PA 17402 02.26-3t
- ESTATE OF IRVIN P. SHIFLETT a/k/a  
IRVIN PAYNE SHIFLETT SR. and IRVIN P.  
SHIFLETT SR., DECEASED  
Late of Codorus Twp., York County, PA.  
Administrator C.T.A.: Gary L. Landis, 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 02.26-3t

**ESTATE OF RICHARD L. SLAGLE,  
 DECEASED**

Late of Jackson Twp., York County, PA.  
 Executor: Richard L. Slagle, II, c/o Paul G.  
 Lutz, Esquire, 110 South Northern Way,  
 York, PA 17402  
 Attorney: Paul G. Lutz, Esquire, 110 South  
 Northern Way, York, PA 17402 02.26-3t

**ESTATE OF CHARLES L. STAMBAUGH,  
 DECEASED**

Late of Jackson Twp., York County, PA.  
 Executrix: Deborah C. Shaub, c/o 48 South  
 Duke Street, York, PA 17401  
 Attorney: Bruce C. Bankenstein, Esquire, 48  
 South Duke Street, York, PA 17401  
 02.26-3t

**ESTATE OF JOAN E. STERN, DECEASED**

Late of Windsor Twp., York County, PA.  
 Executrix: Tina M. Lucabaugh, 15  
 Burkholder Road, Red Lion, PA 17356  
 Attorney: David M. Laucks, Esquire,  
 LAUCKS & LAUCKS, P.C., 105 W.  
 Broadway, Red Lion, PA 17356 02.26-3t

**ESTATE OF ROY C. STINE, DECEASED**

Late of Dover Twp., York County, PA.  
 Executrix: Sandra Inners Strathmeyer, 230  
 Zeigler Road, Dover, PA 17315  
 Attorney: Peter J. Carfley, Esquire 02.26-3t

**ESTATE OF ROSE M. WALTERS,  
 DECEASED**

Late of North Codorus Twp., York County,  
 PA.  
 Executor: Sherri A. Reed, c/o John M.  
 Hamme, Esq., The Hamme Law Firm,  
 LLC, 1946 Carlisle Road, York, PA 17408  
 Attorney: John M. Hamme, Esquire, The  
 Hamme Law Firm, LLC, 1946 Carlisle  
 Road, York, PA 17408 02.26-3t

**ESTATE OF GENEVIEVE WIDMAIER,  
 DECEASED**

Late of Penn Twp., York County, PA.  
 Executrix: Margaret A. Howell, c/o Elinor  
 Albright Rebert, Esq., 515 Carlisle Street,  
 Hanover, PA 17331  
 Attorney: Elinor Albright Rebert, Esquire,  
 515 Carlisle Street, Hanover, PA 17331  
 02.26-3t

**ESTATE OF DARNELL W. WILSON,  
 DECEASED**

Late of Wrightsville Borough, York County,  
 PA.  
 Administratrix: Kelsey Wilson, c/o Andrew  
 S. Rusniak, Esq., McNees Wallace &  
 Nurick LLC, 570 Lausch Lane, Suite 200,  
 Lancaster, PA 17601  
 Attorney: Andrew S. Rusniak, Esquire,  
 McNees Wallace & Nurick LLC,  
 570 Lausch Lane, Suite 200,  
 Lancaster, PA 17601 02.26-3t

**ESTATE OF RUTH M. WOOD, DECEASED**

Late of New Freedom Borough, York County,  
 PA.  
 Executor: David W. Wood, c/o Michael R.  
 Caum, Esquire, P.O. Box 272, Shrewsbury,

PA 17361  
 Attorney: Michael R. Caum, Esquire, P.O.  
 Box 272, Shrewsbury, PA 17361 02.26-3t

**ESTATE OF KENNETH S. ZIMMERMAN,  
 DECEASED**

Late of Lower Windsor Twp., York County,  
 PA.  
 Co-Administrators: Alaina M. Rosa and  
 Maggie A. Zimmerman, c/o 129 E. Market  
 St., York, Pa. 17401  
 Attorney: John C. Herrold, Esquire, Griest,  
 Himes, Herrold, Reynosa LLP, 129 East  
 Market Street, York, PA 17401 02.26-3t

**ESTATE/TRUST NOTICE**

All persons having claims or demands against  
 the Estate of Andrew J. Beard, deceased, late of  
 York Township, York County, Pennsylvania, are  
 requested to present the same without delay to  
 Kyle Beard, Executor, pursuant to 20 Pa.C.S. §  
 3162.

Kyle Beard, Administrator  
 c/o Stock and Leader  
 221 W. Philadelphia Street, Suite 600  
 York, PA 17401-2994

In addition, all persons having claims or  
 demands against the Andrew Jason Beard  
 Irrevocable Needs Trust, dated April 10, 2007,  
 are requested to present the same without delay  
 to Gary L. Landis and David Beard, Trustees,  
 pursuant to 20 Pa.C.S. § 7755.

Gary Landis and David Beard, Trustees  
 c/o Stock and Leader  
 221 W. Philadelphia Street, Suite 600  
 York, PA 17401-2994

**STOCK AND LEADER**

MacGregor J. Brillhart, Attorney 02.26-3t

**TRUST NOTICE**

The undersigned Trustee under the Revocable  
 Trust Agreement of Romaine C. Dutterer dated  
 June 10, 1997, hereby gives notice of the death  
 of Romaine C. Dutterer, late of Penn Township,  
 York County, Pennsylvania, on September  
 26, 2014. All persons indebted to Romaine C.  
 Dutterer or to the Revocable Trust Agreement  
 of Romaine C. Dutterer dated June 10, 1997 are  
 requested to make payment without delay, and  
 those having claims against the same shall make  
 them known to the Trustee at P.O. Box 308,  
 4242 Carlisle Pike, Camp Hill, Pennsylvania  
 17001-0308.

Trustee: PNC Bank, National Association

Attorney: Elinor Albright Rebert, Esquire  
 515 Carlisle Street  
 Hanover, Pennsylvania 17331  
 02.26-3t

**SECOND PUBLICATION**

**ESTATE OF EDWARD A. ALEX, DECEASED**

Late of West Manchester Twp., York County,  
 PA.  
 Executrix: Peggy A. Alex, 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 02.19-3t

**ESTATE OF MARGARET I. BOYER,  
 DECEASED**

Late of York Twp., York County, PA.  
 Executrix: Joan W. Walters, 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 02.19-3t

**ESTATE OF GEORGE H. BROWN,  
 DECEASED**

Late of Hanover Borough, York County, PA.  
 Executors: Saranda A. Elder and Robert K.  
 Brown, c/o Elinor Albright Rebert, Esq.,  
 515 Carlisle Street, Hanover, PA 17331  
 Attorney: Elinor Albright Rebert, Esquire,  
 515 Carlisle Street, Hanover, PA 17331  
 02.19-3t

**ESTATE OF LILLIAN R. COLDREN,  
 DECEASED**

Late of Springettsbury Twp., York County,  
 PA.  
 Executrix: Janet C. Myers, 200 Andover  
 Avenue, Reading, PA 19609  
 Attorney: Elizabeth K. Morelli, Esquire,  
 5 Hearthstone Court, Suite 201,  
 Reading, PA 19606 02.19-3t

**ESTATE OF HARVEY DENNIS, DECEASED**

Late of West Manchester Twp., York County, PA.  
 Executrix: Pamela Primas, 15309 Holly Hill  
 Drive, Dumfries, VA 22025  
 Attorney: David J. Lenox, Esquire, 8 Tristan  
 Drive, Suite 3, Dillsburg, PA 17019  
 02.19-3t

**ESTATE OF STEPHEN M. ELICKER,  
 DECEASED**

Late of Jackson Twp., York County, PA.  
 Co-Administrators: Melissa J. Stough and  
 Susan L. Elicker, c/o Richard R. Reilly,  
 Esq., 54 N. Duke St., York, PA 17401-  
 1402  
 Attorney: Richard R. Reilly, Esquire, 54 N.  
 Duke St., York, PA 17401-1402 02.19-3t

**ESTATE OF MAVIS A. HERMAN,  
 DECEASED**

Late of Newberry Twp., York County, PA.  
 Executor: John S. Herman, II, c/o Richard  
 J. Seneca, Esq., Seneca Law, P.O. Box  
 333, 680 Yorktown Road, Lewisberry, PA  
 17339  
 Attorney: Richard J. Seneca, Esquire, Seneca  
 Law, P.O. Box 333, 680 Yorktown Road,  
 Lewisberry, PA 17339 02.19-3t

**ESTATE OF JAMIE B. HOWARD,  
 DECEASED**

Late of Newberry Twp., York County, PA.  
 Executrix: Wendy S. Kramer, c/o Turo  
 Robinson Attorneys at Law, 129 South Pitt  
 Street, Carlisle, PA 17013  
 Attorney: James M. Robinson, Esquire, Turo  
 Robinson Attorneys at Law, 129 South Pitt  
 Street, Carlisle, PA 17013 02.19-3t

**ESTATE OF PATRICIA M. JONES,  
 DECEASED**

Late of Springettsbury Twp., York County,  
 PA.

- Executrix: Cindy L. Acworth, c/o 129 E. Market St., York, PA 17401  
 Attorney: John C. Herrold, Esquire, Griest, Himes, Herrold, Reynosa LLP, 129 East Market Street, York, PA 17401 02.19-3t
- ESTATE OF ANNE ETTA NUSSBAUM, DECEASED  
 Late of York City, York County, PA.  
 Executor: Allen Nussbaum, c/o 100 East Market Street, York, PA 17401  
 Attorney: Harry J. Rubin, Esquire, Barley Snyder, LLP, 100 East Market Street, York, PA 17401 02.19-3t
- ESTATE OF ROMEO J. PAGLIA, DECEASED  
 Late of Hopewell Twp., York County, PA.  
 Executor: Anthony J. Paglia, c/o P.O. Box 312, Stewartstown, PA 17363  
 Attorney: Laura S. Manifold, Esquire, P.O. Box 312, Stewartstown, PA 17363 02.19-3t
- ESTATE OF OF PATTI RIVAL, a/k/a PATTI J. RIVAL, a/k/a PATRICIA J. RIVAL, DECEASED  
 Late of Spring Garden Twp., York County, PA.  
 Executrix: Stephanie M. Sullivan, a/k/a Stephanie Ann Monte Sullivan, 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 02.19-3t
- ESTATE OF ELSIE JANE SCHREIBER, DECEASED  
 Late of Spring Garden Twp., York County, PA.  
 Executor: Gregory E. Gettle, c/o Gettle & Veltri, 13 East Market Street, York, PA 17401  
 Attorney: Jeffrey A. Gettle, Esquire, Gettle & Veltri, 13 East Market Street, York, PA 17401 02.19-3t
- ESTATE OF OF ELEANOR K. SKOGMAN a/k/a ELEANOR FLORENCE SKOGMAN, DECEASED  
 Late of East Hopewell Twp., York County, PA.  
 Executrix: Judith A. Hamm, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
 Attorney: D. Reed Anderson, Esquire, Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 02.19-3t
- ESTATE OF ESTHER M. SMITH a/k/a ESTHER S. SMITH, DECEASED  
 Late of Windsor Twp., York County, PA.  
 Executrix: Cheryl Ann Migliarini, 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 02.19-3t
- ESTATE OF RUTH K. SMOTKIN, a/k/a RUTH SMOTKIN, DECEASED  
 Late of Spring Garden Twp., York County, PA.  
 Executors: Myra E. Smotkin-Doughty and Mark L. Smotkin, c/o 2025 E. Market Street, York, PA 17402  
 Attorney: Richard H. Mylin, III, Esquire, 2025 E. Market Street, York, PA 17402 02.19-3t
- ESTATE OF MICHAEL D. SZUMACHOWSKI, DECEASED  
 Late of North Codorus Twp., York County, PA.  
 Administrator: Gregory E. Szumachowski, 4091 N. Rohrbaugh Rd, Seven Valleys, PA 17360  
 Attorney: John W. Stitt, Esquire, 1434 W. Market Street, York, PA 17404 02.19-3t
- ESTATE OF ROBERT P. SZUMACHOWSKI, DECEASED  
 Late of North Codorus Twp., York County, PA.  
 Administrator: Gregory E. Szumachowski, 4091 N. Rohrbaugh Rd, Seven Valleys, PA 17360  
 Attorney: John W. Stitt, Esquire, 1434 W. Market Street, York, PA 17404 02.19-3t
- ESTATE OF SARAH ANN THOMAS, DECEASED  
 Late of York City, York County, PA.  
 Executrix: Wendi A. Macneal, 1271 Taxville Road, York, PA 17408  
 Attorney: Ann R. Levin, Esquire 02.19-3t
- ESTATE OF EDMUND L. VEGA, DECEASED  
 Late of Jackson Twp., York County, PA.  
 Administrator: David D. Vega, c/o Richard R. Reilly, Esq., 54 N. Duke St., York, PA 17401-1402  
 Attorney: Richard R. Reilly, Esquire, 54 N. Duke St., York, PA 17401-1402 02.19-3t
- ESTATE OF RUTH N. WEAVER, DECEASED  
 Late of Wrightsville Borough, York County, PA.  
 Administrator: Benjamin F. Weaver, III, c/o MARSHALL & SMITH, PC, 46 East Philadelphia Street, York, PA 17401  
 Attorney: Jeffrey C. Marshall, Esquire, MARSHALL & SMITH, PC, 46 East Philadelphia Street, York, PA 17401 02.19-3t
- ESTATE OF ALVERTA A. WISE, a/k/a ALVERTA ARLENE BORTNER, DECEASED  
 Late of West Manchester Twp., York County, PA.  
 Executor: Marlin C. Bortner, c/o Richard R. Reilly, Esq., 54 N. Duke St., York, PA 17401-1402  
 Attorney: Richard R. Reilly, Esquire, 54 N. Duke St., York, PA 17401-1402 02.19-3t
- ESTATE OF KENNETH E. BAIR, 5100 Owteway Place, Wilmington, NC 28409  
 Attorney: Matthew L. Guthrie, Esquire, Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331 02.12-3t
- ESTATE OF DOROTHY R. BUSER, DECEASED  
 Late of Manchester Twp., York County, PA.  
 Executrix: Sherry L. Angell-Weirich, AKA Sherry L. Angell, c/o Richard R. Reilly, Esq., 54 N. Duke St., York, PA 17401-1402  
 Attorney: Richard R. Reilly, Esquire, 54 N. Duke St., York, PA 17401-1402 02.12-3t
- ESTATE OF DANA GREGORY DAILEY, DECEASED  
 Late of York City, York County, PA.  
 Executor: Andrea Pike, 4117 Colony Woods Dr., Greenville, NC 27834 02.12-3t
- ESTATE OF NATHALIE R. ENGD AHL, a/k/a NATHALIE M. ENGD AHL, DECEASED  
 Late of Spring Garden Twp., York County, PA.  
 Co-Executors: Lee F. Engdahl and Ellen E. Ehlenbeck, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
 Attorney: Thomas M. Shorb, Esquire, Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 02.12-3t
- ESTATE OF NORMA M. FLINCHBAUGH, DECEASED  
 Late of York Twp., York County, PA.  
 Executrix: Susan M. McDowell, 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 02.12-3t
- ESTATE OF DOROTHY M. GATTON, a/k/a DOROTHY GATTON, DECEASED  
 Late of West Manchester Twp., York County, PA.  
 Co-Executrices: Judith Ann Swords and Debra K. Gatton, c/o GARBER & GARBER, 40 South Duke St., York, PA 17401-1402  
 Attorney: John M. Garber, Esquire, GARBER & GARBER, 40 South Duke St., York, PA 17401-1402 02.12-3t
- ESTATE OF BARBARA GILDER, DECEASED  
 Late of Carroll Twp., York County, PA.  
 Executrix: Natalie Geiger, 11 Kingswood Drive, Mechanicsburg, PA 17055  
 Attorney: Jeffrey R. Boswell, Esquire, Boswell, Tintner & Piccola, 315 N. Front Street, Harrisburg, PA 17101 02.12-3t
- ESTATE OF JOHN A. GOLGAN, DECEASED  
 Late of West Manchester Twp., York County, PA.  
 Executor: Alan and Beverly Naylor, 215 S. Fourth St., PO Box 662, Mount Wolf, PA 17347  
 Attorney: Marc Roberts, Esquire 02.12-3t

### THIRD PUBLICATION

- ESTATE OF OZELLA V. ALT LAND, DECEASED  
 Late of Hanover Brgh., York County, PA.  
 Co-Executrices: Judy Smith, 539 Pumping Station Rd., Hanover, PA 17331; and Leona Kaiser, 509 High St., Hanover, PA 17331  
 Attorney: Keith R. Nonemaker, Esquire, Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331 02.12-3t
- ESTATE OF DELORES M. BAIR, DECEASED  
 Late of North Codorus Twp., York County, PA.

ESTATE OF J. WILMER GRAY, a/k/a JOHN WILMER GRAY, DECEASED

Late of East Hopewell Twp., York County, PA.  
Co-Executors: Christina M. Grim, Randy L. Gray, and John W. Gray, Jr. c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
Attorney: Jody A. Leighty, Esquire, Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 02.12-3t

ESTATE OF CLAIR E. HARDY, DECEASED  
Late of Carroll Twp., Dillsburg, York County, PA.

Executor: Clair D. Hardy, 193 Ore Bank Road, Dillsburg, PA 17019  
Attorney: Jan M. Wiley, Esquire, Of Counsel, STONE, DUNCAN & LINSNBACH, PC, 3 N. Baltimore Street, Dillsburg, PA 17019 02.12-3t

ESTATE OF J. BENJAMIN HARTMAN, DECEASED

Late of Monaghan Twp., York County, PA.  
Executor: Victoria H. Aronoff, 6507 Windmere Road, Harrisburg, PA 17111  
Attorney: John M. Eakin, Esquire, 1 W. Main Street, Mechanicsburg, PA 17055 02.12-3t

ESTATE OF BERTHA E. HERTZLER, DECEASED

Late of York Twp., York County, PA.  
Executor: Carolyn Hoffman, AKA Carolyn F. Hoffman, c/o 25 North Duke Street, Suite 202, York, PA 17401  
Attorney: Charles J. Long, Esquire, SMITH, ANDERSON, BAKER & LONG, 25 North Duke Street, Suite 202, York, PA 17401 02.12-3t

ESTATE OF TREVA D. HOKE, a/k/a TREVA MAY HOKE, DECEASED

Late of Penn Twp., York County, PA.  
Executrix: Nancy L. Kinard, 321 Frederick St., Hanover, PA 17331  
Attorney: Keith R. Nonemaker, Esquire, Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331 02.12-3t

ESTATE OF JANE M. HORN, DECEASED  
Late of Spring Garden Twp., York County, PA.

Executor: Jeffrey L. Horn, 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 02.12-3t

ESTATE OF ELIZABETH K. HUBBARD, a/k/a ELIZABETH MARIE HUBBARD, DECEASED

Late of Penn Twp., York County, PA.  
Co-Executors: Samuel A. Gates and Mark Sandoe, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331  
Attorney: Samuel A. Gates, Esquire, Gates & Gates, P.C., 250 York Street, Hanover, PA 17331 02.12-3t

ESTATE OF ERNEST R. HYSON, DECEASED

Late of Red Lion Brgh., York County, PA.

Executor: James R. Hyson, 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 02.12-3t

ESTATE OF HERMAN M. KEMPSKE, DECEASED

Late of York Twp., York County, PA.  
Administratrix C.T.A.: Marilyn Patricia Taylor, c/o Richard R. Reilly, Esq., 54 N. Duke St., York, PA 17401-1402  
Attorney: Richard R. Reilly, Esquire, 54 N. Duke St., York, PA 17401-1402 02.12-3t

ESTATE OF ANNE C. KENNEY, DECEASED  
Late of New Freedom Brgh., York County, PA.

Executrix: Margaret Mioduszewski, 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 02.12-3t

ESTATE OF CURVIN W. KINDIG, JR., DECEASED

Late of West Manchester Twp., York County, PA.  
Executrix: Cheryl A. Kindig, 4140 Lewisberry Road, York, PA 17404  
Attorney: Keith A. Hassler, Esquire, 9 North Beaver Street, York, PA 17401 02.12-3t

ESTATE OF NORMA I. KLUNK, a/k/a NORMA ISABEL KLUNK, DECEASED

Late of York City, York County, PA.  
Co-Executors: Alan L. Blouse, 1081 Sundale Drive, York, PA 17402; Bernard J. Klunk, 3041 Bitternut Blvd, York, PA 17404; and Barbara J. Sprenkle, 11 Woodstone Ct., York, PA 17402  
Attorney: David M. Laucks, Esquire, LAUCKS & LAUCKS, P.C., 105 W. Broadway, Red Lion, PA 17356 02.12-3t

ESTATE OF CAROL C. LA VALLEE, DECEASED

Late of Penn Twp., York County, PA.  
Executor: David Bruce La Vallee, 17208 Emerson Drive, Silver Spring, MD 20905  
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331 02.12-3t

ESTATE OF LANCE MARSHALL, DECEASED

Late of York Twp., York County, PA.  
Executrix: Romaine L. Marshall, c/o 129 E. Market St., York, PA 17401  
Attorney: John C. Herrold, Esquire, Griest, Himes, Herrold, Reynosa LLP, 129 East Market Street, York, PA 17401 02.12-3t

ESTATE OF J. CALVIN McCULLOUGH, a/k/a JAMES C. McCULLOUGH, DECEASED

Late of Penn Twp., York County, PA.  
Executrix: Denise E. Ruth, c/o Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331  
Attorney: Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331 02.12-3t

ESTATE OF ADELA E. MILLER, DECEASED  
Late of Shrewsbury Brgh., York County, PA.

Executor: J. Lamar Miller, 5069 School St., Glenville, PA 17329  
Attorney: Matthew L. Guthrie, Esquire,

Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York St., Hanover, PA 17331 02.12-3t

ESTATE OF BONNIE J. MUMMERT, DECEASED

Late of York Twp., York County, PA.  
Executor: Dwight E. Smith, 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 02.12-3t

ESTATE OF DOLORES C. PARKER, DECEASED

Late of Manheim Twp., York County, PA.  
Executor: Carl F. Parker, III and Dorothy A. Lutz, c/o 294 Dew Drop Road, York, PA 17402  
Attorney: Amanda Snoke Dubbs, Esquire, 294 Dew Drop Road, York, PA 17402 02.12-3t

ESTATE OF LATIMER J. POFF, JR., DECEASED

Late of Lower Windsor Twp., York County, PA.  
Executrix: Genevieve L. Holzer, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
Attorney: J. Ross McGinnis, Esquire, Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 02.12-3t

ESTATE OF DALE C. REED, DECEASED  
Late of Springettsbury Twp., York County, PA.

Administrator: Good News Consulting, Inc., c/o 294 Dew Drop Road, York, PA 17402  
Attorney: Amanda Snoke Dubbs, Esquire, 294 Dew Drop Road, York PA 17402 02.12-3t

ESTATE OF WALTER RENTZEL, JR., a/k/a WALTER R. RENTZEL, JR., DECEASED

Late of York City, York County, PA.  
Executrix: Ethel M. Fitzkee, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
Attorney: MacGregor J. Brillhart, Esquire, Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 02.12-3t

ESTATE OF MARK C. RIBEIRO, a/k/a MARK C. RIBEIRO, SR., DECEASED

Late of New Freedom Brgh., York County, PA.  
Executor: Mark C. Ribeiro, Jr., c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
Attorney: Jody A. Leighty, Esquire, Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 02.12-3t

ESTATE OF CHARLES P. ROLAND, DECEASED

Late of Penn Twp., York County, PA.  
Executor: Scott C. Roland, 307 Primrose Lane, Hanover, PA 17331  
Attorney: Keith R. Nonemaker, Esquire, Guthrie, Nonemaker, Yingst & Hart, LLP,

40 York St., Hanover, PA 17331 02.12-3t  
 ESTATE OF WALTER D. RUDISILL, JR.,  
 a/k/a W. DAVID RUDISILL, JR., DECEASED  
 Late of Springfield Twp., York County, PA.  
 Executor: Carol A. Rudisill, c/o MPL LAW  
 FIRM, LLP, 137 East Philadelphia Street,  
 York, PA 17401-2424  
 Attorney: John D. Miller, Jr., Esquire, MPL  
 LAW FIRM, LLP, 137 East Philadelphia  
 Street, York, PA 17401-2424 02.12-3t

ESTATE OF JACK M. SCHUSTER,  
 DECEASED  
 Late of Spring Garden Twp., York County, PA.  
 Executor: Richard R. Reilly, c/o Richard R.  
 Reilly, Esq., 54 N. Duke Street, York, PA  
 17401-1402  
 Attorney: Richard R. Reilly, Esquire, 54 N.  
 Duke Street, York, PA 17401-1402 02.12-3t

ESTATE OF ELEANOR R. SNYDER,  
 DECEASED  
 Late of Manchester Twp., York County, PA.  
 Executrix: Burdine T. Koch, 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 02.12-3t

ESTATE OF DAVID W. THOMAS,  
 DECEASED  
 Late of Hanover Brgh., York County, PA.  
 Executrix: Betsy E. Thomas, 220 Smeach  
 Drive, Hanover, PA 17331  
 Attorney: Stonesifer and Kelley, P.C., 209  
 Broadway, Hanover, PA 17331 02.12-3t

ESTATE OF BARBARA D. UREY,  
 DECEASED  
 Late of Franklin Twp., York County, PA.  
 Executor: Gregory N. Urey, 1147 S.  
 Mountain Road, Dillsburg, PA 17019  
 Attorney: Ronald M. Katzman, Esquire,  
 GOLDBERG KATZMAN, P.C., 4250  
 Crums Mill Road, PO Box 6991,  
 Harrisburg, PA 17112 02.12-3t

ESTATE OF JAMES JULIUS VANSKIVER,  
 JR., DECEASED  
 Late of East Manchester Twp., York County,  
 PA.  
 Executors: Lorun Christine Austin, c/o  
 Law Offices of Douglas H. Gent, 1157  
 Eichelberger Street, Suite 4, Hanover, PA  
 17331  
 Attorney: Douglas H. Gent, Esquire,  
 Law Offices of Douglas H. Gent, 1157  
 Eichelberger Street, Suite 4, Hanover, PA  
 17331 02.12-3t

ESTATE OF LILLIAN I WEIBLEY,  
 DECEASED  
 Late of Springettsbury Twp., York County,  
 PA.  
 Co-Executors: Dennis W. Weibley, 55 Mt.  
 Hebron Rd., Mt. Wolf, PA 17347 and Kent  
 D. Weibley, 1250 Tower Road, York, PA  
 17406  
 Attorney: D. Michael Craley, Esquire 02.12-3t

ESTATE OF DARRELL O. WILLIAMS,  
 DECEASED  
 Late of Dover Twp., York County, PA.

Executrix: Jane A. Williams, 3570 Partridge  
 Drive, Dover, PA 17315  
 Attorney: Steven E. Grubb, Esquire,  
 GOLDBERG KATZMAN, P.C., 4250  
 Crums Mill Road, PO Box 6991,  
 Harrisburg, PA 17112 02.12-3t

kenstein, Esq.)

FILED IN THE OFFICE OF THE CLERK  
 OF ORPHANS' COURT DIVISION OF  
 THE COMMON PLEAS COURT, YORK  
 COUNTY, PENNSYLVANIA ON OR  
 BEFORE FEBRUARY 11, 2015.

**BRADLEY C. JACOBS**  
 COURT OF COMMON PLEAS OF  
 YORK COUNTY, PENNSYLVANIA,  
 ORPHANS' COURT DIVISION

02.19-2t

**ORPHAN'S COURT DIVISION  
 AUDITING NOTICE**

To All legatees creditors and person interested:  
 Notice is hereby given that the following  
 accounts have been filed in the office of the Clerk  
 of Orphans' Court Division for confirmation and  
 distribution of the balance therein shown to the  
 creditors, legatees next to kin, heirs and others  
 legally entitled thereto on **March 11, 2015 at  
 9:00 a.m.** and will be called in the order named  
 for audit and distribution by said Court, in  
**Courtroom No. 3, on the 6th floor of the York  
 County Judicial Center at 45 North George  
 St. in the City of York, Pennsylvania.**

**1. BRENNER – The First and Final Account  
 of Andrea L. Wertz, Executrix of the Last  
 Will and Testament of Mary E. Brenner, Late  
 of East Manchester Township, York County,  
 Pennsylvania, deceased, 6712-0513. (Joel O.  
 Sechrist, Esq.)**

**2. STANCIEL – The First and Final Account  
 of Lloyd A. Stanciel, Administrator of the Es-  
 tate of Nancy E. Stanciel, Late of Shrewsbury  
 Township, York County, Pennsylvania, de-  
 ceased, 6714-0394. (Gilbert G. Malone, Esq.)**

**3. WALKER – The First and Final Account  
 of Terry L. Walker, Cindy J. Riedel and  
 Kathy S. Jordan, Co-Executors of the Last  
 Will and Testament of A. Mary Walker, Late  
 of Springettsbury Township, York County,  
 Pennsylvania, deceased, 6713-0554. (David  
 M. Laucks, Esq.)**

**4. HAMEL – The First and Final Account  
 of Cynthia K. Lawson, Executrix of the Last  
 Will and Testament of Dorothy M. Hamel  
 a/k/a Dorothy Marie Hamel a/k/a Dorothy  
 Hamel, Late of Hopewell Township, York  
 County, Pennsylvania, deceased, 6713-1441.  
 (David M. Laucks, Esq.)**

**5. WOLF – The First and Final Account of  
 Steven M. Merrick, Executor of the Last Will  
 and Testament of Susan Hantz Wolf a/k/a Su-  
 san H. Wolf, Late of Lower Windsor Town-  
 ship, York County, Pennsylvania, deceased,  
 6714-0249. (Christopher M. Vedder, Esq.)**

**6. STRAUSBAUGH – The First and Fi-  
 nal Account of Norma J. Stoner and Dean  
 L. Strausbaugh, Co-Administrators of the  
 Estate of Timothy G. Strausbaugh, Late of  
 Codorus Township, York County, Pennsyl-  
 vania, deceased, 6714-0515. (Bruce C. Ban-**

**CIVIL NOTICES****ACTION IN MORTGAGE  
FORECLOSURE**COURT OF COMMON PLEAS OF  
YORK COUNTY

NO. 2014-SU-004364-06

CARRINGTON MORTGAGE SERVICES,  
LLC  
1610 E. St. Andrew Place, Suite B150  
Santa Ana, CA 92705  
Plaintiff

v.

SHIRLEY MOISE MORETA  
707 West Princess Street  
York, PA 17404  
Defendant**CIVIL ACTION –  
MORTGAGE FORECLOSURE****NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE**

**ADVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea a visado que si usted no se defiende, la corte toma ra medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante

y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros de rechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO . ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO**

York Lawyer Referral Service  
137 E. Market St., York 17401  
(717) 854-8755MARTHA E. VON ROSENSTIEL, P.C.  
Martha E. Von Rosenstiel, Esquire  
/ No. 52634  
Heather Riloff, Esquire / No. 309906  
Jeniece D. Davis, Esquire / No. 208967  
649 South Avenue, Suite 7  
Secane, PA 19018  
(610) 328-2887  
Attorneys for Plaintiff  
35905CFC-ZP

02.26-1t

Solicitor

**NOTICE OF ACTION IN MORTGAGE  
FORECLOSURE IN THE COURT OF  
COMMON PLEAS OF YORK COUNTY,  
PENNSYLVANIA  
CIVIL ACTION – LAW**

COURT OF COMMON PLEAS

CIVIL DIVISION

YORK COUNTY

No. 2014-SU-004101-06

SANTANDER BANK, N.A.  
Plaintiff

vs.

ROBERT F. KUNICKI A/K/A ROBERT  
KUNICKI  
Defendant**NOTICE**To ROBERT F. KUNICKI A/K/A ROBERT  
KUNICKI

You are hereby notified that on November 24, 2014, Plaintiff, SANTANDER BANK, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of YORK County Pennsylvania, docketed to No. 2014-SU-004101-06. Wherein Plaintiff seeks to foreclose on the mortgage secured on your

property located at 1007 OLD FORGE ROAD, LEWISBERRY, PA 17339-9561 whereupon your property would be sold by the Sheriff of YORK County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

**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 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 ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Notice to Defend:  
Lawyer Referral Service  
York Legal Referral  
137 East Market Street  
York, PA 17401  
Telephone (717) 854-8755 x201

02.26-1t

Solicitor

**NOTICE OF ACTION IN MORTGAGE  
FORECLOSURE IN THE COURT OF  
COMMON PLEAS OF YORK COUNTY,  
PENNSYLVANIA  
CIVIL ACTION – LAW**

COURT OF COMMON PLEAS

CIVIL DIVISION

YORK COUNTY

No. 2014-SU-004052-06

WELLS FARGO BANK, NA  
Plaintiff

vs.

OBIDIKE A. LINTON  
Defendant**NOTICE**

To OBIDIKE A. LINTON

You are hereby notified that on November 21, 2014, Plaintiff, WELLS FARGO BANK, NA, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against

you in the Court of Common Pleas of YORK County Pennsylvania, docketed to No. 2014-SU-004052-06. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 2273 WALNUT BOTTOM ROAD, YORK, PA 17408-9412 whereupon your property would be sold by the Sheriff of YORK County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

**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 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 ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Notice to Defend:  
Lawyer Referral Service  
York Legal Referral  
137 East Market Street  
York, PA 17401  
Telephone (717) 854-8755 x201

02.26-1t Solicitor

In The Court of Common Pleas  
of York County, Pennsylvania  
Civil Action-Law  
No. 2014-SU-004025-06

Notice of Action in Mortgage Foreclosure  
The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2004-27CB, Mortgage Pass Through Certificates Series 2004-27CB, Plaintiff vs. Stanley J. Mehosky and Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Edward S. Mehosky, deceased, Defendant(s)  
To the Defendant(s), Stanley J. Mehosky and Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Edward S. Mehosky, deceased: TAKE NOTICE THAT THE Plaintiff, The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2004-27CB, Mortgage Pass Through Certificates Series 2004-27CB, has filed an action Mortgage

Foreclosure, as captioned above.

**NOTICE**

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS 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 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 ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

York County Lawyer Referral Service  
137 E. Market St., York, PA 17401

CHRISTOPHER A. DeNARDO, BRADLEY J. OSBORNE & CHANDRA M. ARKEMA, LEEANE O. HUGGINS & SARAH K. McCAFFERY, Attys. for Plaintiff  
Shapiro & DeNardo, LLC  
3600 Horizon Dr., Ste. 150  
King of Prussia, PA 19406  
610-278-6800

02.26-1t Solicitor

**ACTION TO QUIET TITLE**

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY CIVIL ACTION - LAW**

**No. 2015-SU-000377-93**

**ACTION TO QUIET TITLE**

**COUNTY OF YORK, and THE CITY OF YORK, as Amicable interested party Plaintiffs**

vs.

**WILLIAM PENN, his heirs, successors and assigns, and all persons claiming right, title or interest from, through or under him, generally, THE CITY OF YORK and COUNTY OF YORK Defendants**

**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.

Lawyer Referral Service of  
The York County Bar Association  
(Attorney Connections)  
York County Bar Center  
137 East Market Street  
York, Pennsylvania 17401  
Telephone No. (717) 854-8755

02.26-1t Solicitor

**ARTICLES OF INCORPORATION**

NOTICE is hereby given that an article of incorporation was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on December 17, 2014 under the Pennsylvania Corporation law of 1988. The name of the corporation is **JOYFUL GARDEN RESTAURANT INC;** and the initial registered office is located at 320 E. Philadelphia Street, York, PA 17403

02.26-1t Solicitor

**CHANGE OF NAME**

NOTICE is hereby given that Emily S. Fry, Mother of ADDISON MACKENZIE COX, has filed a petition with the Court of Common Pleas of York County, Pennsylvania, requesting the entry of a decree changing her daughter's name to ADDISON MACKENZIE FRY.

The hearing on said petition is set for **Monday, March 23, 2015, at 2:00 p.m.** in Courtroom No. 3, Sixth Floor, York County Judicial Center, 45 N. George St., York, Pennsylvania, when and where all interested parties may appear and show cause, if any they have, why the petition should not be granted.

MORRIS & VEDDER, LLP  
CLYDE W. VEDDER, ESQUIRE  
Attorney for Petitioner

02.26-1t Solicitor

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### 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 Michael & Donette Harclerode, 45 Clearview Rd., Dillsburg, PA 17019 are the only person(s) owning or interested in a business, the character of which is Alpaca breeding and sales and that the name, style and designation under which said business is and will be conducted is Mystic Winds Alpacas and the location where said business is and will be located is 45 Clearview Rd., Dillsburg, PA 17019

Michael Harclerode

02.26-1t Solicitor

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### NOTICE

#### PUBLIC NOTICE TO KARIN LORRETTA EDWARDS

##### In Re: Adoption of Robeya Rose Laden Fischer, A Minor

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Robeya Rose Laden Fischer. A Termination of Parental Rights Hearing has been scheduled for March 31, 2015, at 9:00 a.m., in Hearing Room No. 4, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Robeya Rose Laden Fischer (DOB: April 26, 2013), whose Father is Robert Laden Fischer and whose Mother is Karin Lorretta Edwards. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Jane Madison  
Family Court Administrator  
York County Court of Common Pleas  
York Cotulty Judicial Center  
45 North George Street  
York, Pennsylvania 17401  
Telephone No. (717) 771-9360

Martin Miller, Esquire  
Solicitor for York County Offices of  
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

02.26-3t Solicitor

#### PUBLIC NOTICE TO CHRISTINA JENNETTE SMITH AND JARED ALLAN BILLET

##### In Re: Adoption of Devin Daniel Billet, A Minor

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Devin Daniel Billet. A Termination of Parental Rights Hearing has been scheduled for April 16, 2015, at 1:00 p.m., in Hearing Room No. 4, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Devin Daniel Billet (DOB: November 4, 2011), whose Father is Jared Allan Billet and whose Mother is Christina Jennette Smith. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Jane Madison  
Family Court Administrator  
York County Court of Common Pleas  
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of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

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