
Court of Common Pleas of Lancaster County
Criminal Action - Post Conviction Collateral Relief

Commonwealth v. Jorge Luis Vega Camacho
Ineffective Assistance of Counsel

Trial counsel is not ineffective for failure to advise a defendant of potential immigration consequences when the defendant is warned of potential immigration consequences in the guilty plea colloquy which he confirmed to have reviewed prior to entering a guilty plea.

Opinion. Commonwealth Of Pennsylvania v. Jorge Luis Vega Camacho. No. CP-36-CR-5285-2020.

Pa. R. Crim. P. 907 Notice

OPINION BY SPONAUGLE, J., November 6, 2023. Before the Court is a Petition for Post-Conviction Collateral Relief under the Post-Conviction Relief Act (“PCRA”), 42 Pa.C.S.A. § 9541, et seq. from Jorge Luis Vega Camacho (“Petitioner”). This Court concludes the petition is without merit, and as such, intends to dismiss the petition without a hearing.

I. RELEVANT PROCEDURAL AND FACTUAL HISTORY

On November 14, 2020, officer Josh Mertz of the West Earl Township Police Department initiated a traffic stop after running the registration on a BMW with license plate LFD-8694, and discovered that the owner/operator’s license was suspended. Criminal Complaint, Affidavit of Probable Cause, 11/14/2020. After the stop was initiated it was found that Petitioner conspired with his passenger, Jose Zamunio-Zavala, to possess eleven grams of cocaine with the intent to distribute. Notes of Testimony – Guilty Plea (“NT GP”) at 4-5. Officer Mertz also found several open containers of alcohol present. *Id.* at 5. On July 22, 2021, Petitioner, through counsel, filed a motion to suppress evidence via the Omnibus Pre-Trial Motion asserting, in part, that the arrest of Petitioner was illegal and unconstitutional. Omnibus Pre-Trial Motion, 7/22/2021, at unpaginated 2. An evidentiary hearing was originally scheduled to occur on October 22, 2021, but was later continued to February 1, 2022. *See* Orders 7/30/2021, 10/25/2021, 1/26/2022

On February 1, 2022, Petitioner failed to appear for the previously scheduled suppression hearing and as a result, the hearing was not held, and a bench warrant was issued for Petitioner’s arrest. Court Sheet—Suppression Hearing, 2/1/2022; Bench Warrant, 2/1/2022. Petitioner was located and arrested on June 16, 2022, and a hearing was held on June 17, 2022, wherein Petitioner’s bail was reinstated and he was released with the condition that he be under house arrest with electronic monitoring. Motion to Revoke Bail, 6/29/2022, at unpaginated 1. In a motion to revoke bail, the Commonwealth’s Pre-Trial Services informed the court that Petitioner never “plugged in his House Arrest Base Station” and that he was charged with aggravated assault, simple assault, and terroristic threats in Chester County, Pennsylva-

nia, thus violating conditions one and nine of the rules and regulations of supervised bail. *Id.* at unpaginated 2. On July 18, 2022, Petitioner appeared by video for his guilty plea, assisted by a Spanish language interpreter, and was given a sentence of five years' probation, with the first nine months to be served on house arrest with electronic monitoring. NT GP at 1-2, 5-6.

Petitioner then filed a pro se Post Conviction Relief Act Petition on March 17, 2023, and the court received the instant counseled Amended Petition for Post Conviction Collateral Relief ("Petition") on April 19, 2023. See Petition, 4/19/2023. Therein, Petitioner alleges plea counsel was ineffective for failing to advise Petitioner of the immigration consequences of his plea, plea counsel failed to litigate a valid suppression claim, plea counsel failed to advise Petitioner of a viable defense, and plea counsel was ineffective for failing to object to an insufficient on the record colloquy. *Id.* For the reasons outlined herein Petitioner's claims are without merit and denied.

II. LEGAL STANDARD

"To obtain relief [on an ineffective assistance of counsel claim], the defendant must demonstrate that counsel's performance was constitutionally deficient and that the deficient performance prejudiced him." *Commonwealth v. Daniels*, 104 A.3d 267, 281 (2014) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). "It is well-settled that counsel is presumed to have been effective and that the petitioner bears the burden of proving counsel's alleged ineffectiveness." *Commonwealth v. Reid*, 259 A.3d 395, 405 (Pa. 2021).

To overcome this presumption, a petitioner must establish that: (1) the underlying substantive claim has arguable merit; (2) counsel did not have a reasonable basis for his or her act or omission; and (3) the petitioner suffered prejudice as a result of counsel's deficient performance, that is, a reasonable probability that but for counsel's act or omission, the outcome of the proceeding would have been different.

Id. (citations and quotations omitted). A petitioner's failure to satisfy any prong of this test is fatal to the claim. *Id.*

III. DISCUSSION

a. **Guilty Plea – Petitioner Was Informed Of Possible Immigration Consequences and the On-The-Record Guilty Plea Colloquy Was Sufficient.**

"In the context of a plea, a claim of ineffectiveness may provide relief only if the alleged ineffectiveness caused an involuntary or unknowing plea." *Commonwealth v. Orlando*, 156 A.3d 1274, 1280 (Pa. Super. 2017). "The voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases." *Id.* (quoting *Commonwealth v. Lynch*, 820 A.2d 728, 733 (Pa. Super. 2003)). A defendant challenging the voluntariness of his plea must object during the guilty plea colloquy or file a motion to withdraw the plea within ten days of sentencing. *Commonwealth v. Lincoln*, 72 A.3d 606, 609 (Pa. Super. 2013). Failure on the part of

the defendant to take either action will result in waiver. *Id.* at 610. Pennsylvania law presumes a defendant who entered a guilty plea was aware of what he was doing and bears the burden of proving otherwise. *Commonwealth v. Pollard*, 832 A.2d 517 (Pa. Super. 2003). A defendant who decides to plead guilty is bound by the statements he makes while under oath, “and he may not later assert grounds for withdrawing the plea which contradict the statements he made at his plea colloquy.” *Id.* at 523. “Our law does not require that a defendant be totally pleased with the outcome of his decision to plead guilty, only that his decision be voluntary, knowing and intelligent.” *Id.* at 524.

Any noncitizen who pleads guilty to a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance, with few exceptions, is deportable. *Commonwealth v. Thomas*, 270 A.3d 1221, 1227 (Pa. Super. 2022) (citing 8 U.S.C. § 1227(a)(2)(B)(i)).

Generally, a defendant’s lack of knowledge of collateral consequences of the entry of a guilty plea does not undermine the validity of the plea, and counsel is therefore not constitutionally ineffective for failure to advise a defendant of the collateral consequences of a guilty plea. However, the United States Supreme Court has recognized that immigration law makes removal nearly an automatic result for a broad class of noncitizen offenders, and it is therefore most difficult to divorce the penalty from the conviction in the deportation context when considering the constitutional right to effective assistance of counsel.

Id. Therefore, defense counsel must inform a noncitizen whether a guilty plea carries a risk of deportation. *Commonwealth v. Escobar*, 70 A.3d 383, 841 (Pa. Super. 2013).

In *Commonwealth v. Monjaras-Amaya*, the defendant challenged the voluntariness of his guilty plea. 163 A.3d 466, 468 (Pa. Super. 2017). Specifically, he questioned, in part, whether his acknowledgment of the collateral immigration consequences in his guilty plea colloquy made his guilty plea knowing and voluntary. *Id.* As with the instant matter, Monjaras-Amaya did not object to the plea during the guilty plea hearing, the sentencing hearing, or in a post-sentence motion. *Id.* As such, the Superior Court determined that he waived any challenge to the validity of his guilty plea and challenges to its sufficiency. The court reasoned that purpose of the waiver principle is “to allow the trial court to correct its error at the first opportunity, and, in so doing, further judicial efficiency.” *Monjaras-Amaya*, 163 A.3d at 469. Therefore, Petitioner has waived all claims challenging his guilty plea.

Assuming, *arguendo*, that Petitioner’s claims concerning his guilty plea are not waived, they are meritless and denied. Prior to the commencement of his guilty plea hearing, Petitioner met with his attorney and reviewed his guilty plea colloquy,

The Court: You are Jorge Luis Vega Camacho?
Interpreter: Yes.

The Court: Do you understand the terms of the plea agreement?

Interpreter: Yes, I do understand.

The Court: You went over a guilty plea colloquy with your attorney and he explained your rights to you?

Interpreter: Yes, that's right.

NT GP at 3-4. The Guilty Plea Colloquy ("Colloquy") specifically, questions four and five, gave notice to Petitioner that there may be immigration consequences to his plea,

Question 4: Are you a citizen of the United States of America?

Petitioner's Answer: No.

Question 5: If you are not a citizen of the United States of America, do you understand there may be immigration consequences as a result of your guilty plea?

Petitioner's Answer: Yes.

Order Sentence/Penalty Imposed, Guilty Plea Colloquy, 7/22/2022, at 7. Just as important as acknowledging the potential immigration consequences in the Colloquy, Petitioner stated on the record that he reviewed the Colloquy with his attorney who answered any questions he may have had. NT GP at 4. As such, Petitioner is bound by the statements he made during his plea and cannot now withdraw his plea with claims that are contradictory to statements he made under oath. *Pollard*, 832 A.2d at 517.

Petitioner relies on *Kentucky v. Padilla*, 559 U.S. 356 (2010) to show that counsel was ineffective for failing to advise him of the risks of deportation should he take a guilty plea. Petition at unpaginated 2. In *Padilla*, the defendant was a Vietnam War Veteran and had been in the country for more than 40 years before pleading guilty to transporting a large amount of marijuana in a tractor trailer. *Padilla*, 559 U.S. at 359. Regarding any possible immigration consequences defense counsel informed Padilla that he "did not have to worry about immigration status since he had been in the country so long." *Id.* The advice from counsel was incorrect and after pleading guilty, Padilla faced deportation. *Id.* The United States Supreme Court held, "[i]t is our responsibility under the Constitution to ensure that no criminal defendant—whether a citizen or not—is left to the mercies of incompetent counsel. To satisfy this responsibility, we now hold that counsel must inform her client whether his plea carries a risk of deportation." *Id.* at 376 (internal citation omitted).

Petitioner has not claimed that plea counsel gave incorrect or imprecise immigration advice concerning the plea, and the record is clear from the Colloquy that Petitioner was aware of the fact that pleading guilty could have potential immigration consequences. Petitioner has utterly failed to plead and prove facts to rebut plea counsel's effectiveness concerning the immigration consequences of Petitioner's plea. Counsel properly advised Petitioner of potential immigration consequences; therefore, counsel's advice was within the proper range of

competence demanded of criminal defense attorneys. *Orlando*, 156 A.3d at 1280. Because voluntariness of a guilty plea in an ineffectiveness assistance of counsel claim depends on whether counsel's advice was within the range of competence, Petitioner's guilty plea was knowing and voluntary.

Next, Petitioner asserts that the on-the-record guilty plea colloquy was inadequate. Petition at unpaginated 7.

The Pennsylvania Rules of Criminal Procedure mandate that pleas be taken in open court, and require the court to conduct an on-the-record colloquy to ascertain whether a defendant is aware of his rights and the consequences of his plea.

Specifically, the court must affirmatively demonstrate the defendant understands:

1. the nature of the charges to which he is pleading guilty;
2. the factual basis for the plea;
3. his right to trial by jury;
4. the presumption of innocence;
5. the permissible ranges of sentences and fines possible; and
6. that the court is not bound by the terms of the agreement unless the court accepts the agreement.

Commonwealth v. Kelley, 136 A.3d 1007, 1013 (Pa. Super. 2016) (citations omitted) (formatting altered). At the guilty plea hearing the following exchanges took place,

Commonwealth:

We're before the Court to enter a plea of guilty in this matter.

Guilty plea to Count 1, conspiracy to possession with the intent to deliver cocaine, ungraded felony. Specifically, 11 grams.

Count 2, possession with intent to deliver the same.

Count 3, restriction of alcoholic beverages, a summary.

Count 4, driving while operating privilege is suspended or revoked, a summary offense.

NT GP at 2.

Commonwealth:

Your Honor, on or about Saturday, the 14th day of November of 2020, the defendant did conspire with Jose Zamunio-Zavala to possess 11 grams of cocaine with the intent to distribute. He did possess that cocaine with the intent to distribute. He was driving

a vehicle while having a suspended driver's license. And there were open containers of beer in that car.

The Court: is that all true?
 Interpreter: Yes, that is true.
 NT GP at 4-5.

The Court: And you're presumed innocent. You don't have to plead guilty. If you wished to, you could have a jury trial.
 Interpreter: I do understand.
 NT GP at 4.

The Court: Do you understand the maximum penalty of what you are pleading guilty to, the conspiracy and the delivery, both carry a maximum penalty of ten years, a \$100,000 fine. And then you have the mandatory fines on the other two charges?
 Interpreter: Yes, I do understand.
 NT GP at 4.

Defense Counsel: Judge, very briefly. Mrs. Spotts went over a colloquy with Mr. Camacho Vega and the terms of this plea by video. As you know, he is out of county. This is a knowing and voluntary plea. We would ask that you accept it as presented.

The Court: Anything your client wants to say?
 Interpreter: No.
 The Court: We'll accept the plea. Count 1, five years' probation, \$100 fine, costs.
 Count 2, costs.
 Count 3, \$25 fine, costs.
 Count 4, \$200 fine, costs.

NT GP at 5. According to Petitioner, no effort was made to make sure Petitioner knew the nature of the charges he pled to, the record does not show petitioner understood the requirements for proving constructive possession, and the record does not show Petitioner understood the Commonwealth was required to prove the elements of conspiracy. The claim that no effort was made to ensure Petitioner knew the nature of the charges against him is belied by the record and denied. Moreover, the purpose of an on-the-record guilty plea colloquy is not to ensure that Petitioner is aware of every element of the crimes he is pleading or all defenses thereto, its purpose is to make sure he is aware of his rights and the consequences of his plea. The testimony above makes it abundantly clear that the on-the-record colloquy adequately informed Petitioner of his rights and the consequences of his plea and counsel was not ineffective for failing to object to a proper guilty plea colloquy.

b. Failure to Litigate Suppression & Advise of Viable Defense

“The failure to file a suppression motion under some circumstances may be evidence of ineffective assistance of counsel.” *Commonwealth v. Metzger*, 441 A.2d 1225, 1228 (Pa. Super. 1981).

The decision to enter a guilty plea is one of the fundamental decisions that must be decided by the criminal defendant. In contrast, the decision to litigate, or not litigate, suppression motions is left to counsel in the exercise of his or her professional judgment. Strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable.

Commonwealth v. Johnson, 179 A.3d 1153, 1160 (Pa. Super. 2018) (internal citations and quotations omitted) (cleaned up). Here, Counsel filed a motion to suppress, and it was not litigated due to Petitioner’s failure to appear when it was scheduled, not due to the counsel’s failure to litigate the claims. When Petitioner failed to show, a bench warrant was issued, and he was forcibly brought before the Court. Shortly thereafter, another bench warrant was issued because Petitioner failed to plug in his electronic home monitoring system, and because he was charged with aggravated assault, simple assault, and terroristic threats in Chester County. Motion to Revoke Bail. Counsel prepared and filed a motion to suppress, however, the decision not to litigate that motion did not render counsel ineffective. After Petitioner’s second bench warrant hearing, he had to option to litigate the suppression motion, but instead made the decision to plead guilty, a decision that can only be made by the Petitioner. *Johnson*, 179 A.3d at 1160. Counsel had reasonable basis to accept Petitioner’s decision to plead guilty and not litigate the suppression motion; Petitioner has failed to establish that this claim has arguable merit and failed to rebut the presumption that plea counsel is effective. *See Reid*, 259 A.3d at 405.

In his final issue, Petitioner claims plea counsel was ineffective for failing to advise him of a viable defense, specifically, he “could have defended the criminal charges by claiming that the evidence did not refute an equally reasonable possibility that the drugs were possess by [co-conspirator] Zavala and that petitioner had no knowledge of the drugs and had no agreement with Zavala to distribute the drugs.” Petition. Petitioner is incorrect. As evident from the Omnibus Pre-Trial Motion prepared and filed on Petitioner’s behalf, counsel was more than prepared to litigate Petitioner’s case, including the use of any viable defenses. Moreover, this defense is in direct contradiction to the facts Petitioner agreed to during is knowing and voluntary guilty plea. Petitioner has failed to demonstrate that counsel’s acts and/or omissions concerning any viable defenses available to Petitioner was unreasonable and has thus failed to establish counsel’s ineffectiveness.

IV. CONCLUSION

Petitioner has not offered any explanation or evidence to show that his plea was not made voluntarily, knowingly, or intelligently, or that his counsel was ineffective. For the reasons set forth above, the under-

signed hereby provides notice of intent to dismiss the PCRA Petition without a hearing. Pursuant to Rule 907 of the Pennsylvania Rules of Criminal Procedure, Petitioner is allowed twenty days from the date of this Notice to file a response and show good cause why the PCRA motion petition should not be dismissed.

BY THE COURT:

THOMAS B. SPONAUGLE, JUDGE

ESTATE AND TRUST 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. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

Dutcher, Michael D. a/k/a Michael Dean Dutcher, dec'd.

Late of Warwick Township.
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Attorney: Stephen R. Gible.

Fortna, Henry M., dec'd.

Late of Ephrata Borough.
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Main Street, P.O. Box 126, Manheim, PA 17545.
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Green, Laura M., dec'd.

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Haitz, Henry Bernard, Jr. a/k/a Henry B. Haitz, Jr., dec'd.

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Meckley, Barry R., dec'd.

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Stoltzfus, Betty Lou, dec'd.

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Sharp, Eugene J.S., dec'd.

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SECOND PUBLICATION

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Berry, Ann W. a/k/a Ann Maria Berry, dec'd.

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Brenner, Anthony D., dec'd.

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Late of Lancaster Township.

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TRUST

Dohl, Doris M. a/k/a Doris Mae Dohl, dec'd.

Late of Lancaster Township.

Doris M. Dohl Revocable Living Trust dtd. 04/05/1991.

Trustee: Bank of America, N.A. c/o Resolution Law Group LLC, 606 North 5th Street, Reading, PA 19601.

Attorney: Scott G. Hoh, Resolution Law Group LLC, 606 North 5th Street, Reading, PA 19601.

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Elizabeth F. Haddad Family Trust, As Amended.

Trustees: William R. Haddad, John R. Haddad, Richard B. Haddad c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

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Late of Mountville Borough.
Executor: Desiree A. Reich c/o
Lucy F. Dowd, Lucy Dowd Law
LLC, 342 N. Queen Street Rear,
Lancaster, PA 17603.
Attorney: Lucy F. Dowd.

Long, Leroy E., dec'd.

Late of Earl Township.
Executor: Dennis Mahoney c/o
Stanley M. Vasiliadis, Esquire,
Vasiliadis Pappas Associates
LLC, 2551 Baglyos Circle, Suite
A-14, Bethlehem, PA 18020.
Attorney: Stanley M. Vasiliadis.

TRUST

Long, Leroy E., dec'd.

Late of Earl Township.
The Leroy and Carolyn Long Liv-
ing Trust dtd. 09/30/2004.
Trustee: Dennis Mahoney c/o
Stanley M. Vasiliadis, Esquire,

Vasiliadis Pappas Associates LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.
Attorney: Stanley M. Vasiliadis.

Lownsbery, Sara Suter a/k/a Sally S. Lownsbery a/k/a Sally Suter Lownsbery, dec'd.

Late of Manor Township.
Executrix: Jennifer Foltz Richmond c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Macciocca, Frank Joseph a/k/a Frank J. Macciocca, dec'd.

Late of East Lampeter Township.
Administratrix: Kathryn Tronsberg Macciocca c/o April M. Townsend, Esq., 1845 Walnut St., #1920, Phila., PA 19103.
Attorney: April M. Townsend, Atty., Petrelli Previterra, LLC, 1845 Walnut Street., #1920, Phila., PA 19103.

Maloney, George E., dec'd.

Late of East Hempfield Township.
Administratrix: Teresa Jeschke c/o Julia M. Parrish, Esquire, Barley Snyder LLP, 14 Center Square, Hanover, PA 17331.
Attorneys: Barley Snyder LLP.

Mann, Barbara A., dec'd.

Late of Manheim Township.
Executrix: Wendy S. Scheuerman c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.
Attorney: James R. Clark.

Mann, G. Robert, dec'd.

Late of Lancaster Borough.
Executrix: Wendy S. Scheuerman c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.
Attorney: James R. Clark.

Martin, Theodore E., dec'd.

Late of West Cocalico Township.
Co-Executors: Beverly Jean Martin-Darling, Charlee Y. Martin c/o Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051.
Attorney: Richard W. Shaffer, Jr.

McCann, P. Norma, dec'd.

Late of Lancaster.
Executor: Richard R. McCann, Jr. c/o W. Bryan Byler, Byler & Winkle, P.C., 363 West Roseville Road, Lancaster, PA 17601.
Attorney: W. Bryan Byler, Esq.

McKeeman, Jacqueline E. a/k/a Jacqueline Edith McKeeman a/k/a E. Jacqueline McKeeman, dec'd.

Late of West Lampeter Township.
Executor: Stephen F. McKeeman c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: James K. Noel, IV, Esq.

McLaughlin, Wesley B., dec'd.

Late of West Hempfield Township.
Executrix: Tracy L. B. McLaughlin c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.
Attorneys: Mountz, Kreiser & Fleckenstein, 553 Locust Street, Columbia, PA 17512.

Nauman, Miriam L., dec'd.

Late of Manor Township.
Executors: Kimberly A. McMahon, Steven G. Nauman c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.
Attorney: James R. Clark.

Neff, Margaret J., dec'd.

Late of East Hempfield Township.
Executor: Jack Hess, 3002 Hempland Rd., #1, Lancaster, PA 17601 c/o Vance E. Antonacci, Atty., McNees, Wallace, Nurick, LLC, 570 Lausch Ln., #200, Lancaster, PA 17601.
Attorney: Vance E. Antonacci.

Shetler, John H., dec'd.

Late of West Lampeter Township.
Executor: Bonnie L. Shetler c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.
Attorneys: Pyfer, Reese, Straub, Gray & Farhat, P.C.

Smith, Ruth S., dec'd.

Late of West Lampeter Township.
Executor: Clifford L. Smith III c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.
Attorney: Matthew A. Grosh.

Snyder, George H., dec'd.

Late of Upper Leacock Township.
Co-Executors: George H. Snyder, Jr., 64 W. Main St., Leola, PA 17540; Michael Snyder, 441 Hillside Ave., Elizabethtown, PA 17022.

Attorney: None.

Spotts, Janet M., dec'd.

Late of Lancaster County.
Executor: Karen J. Spotts c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.
Attorney: Bradley A. Zuke.

Stubbs, Pearl A., dec'd.

Late of Earl Township.
Executor: Patricia A. Weaver c/o Glick, Goodley, Deibler & Fanning, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Thomas A. Fanning, Esq., Glick, Goodley, Deibler & Fanning, LLP.

Ulrich, Carl A., dec'd.

Late of Strasburg Borough.
Executor: Deborah L. Ulrich c/o Elaine V. Grbach, 675 Estelle Drive, Lancaster, PA 17601.
Attorney: Elaine V. Grbach, Esquire.

Vulgaris, Thomas, dec'd.

Late of Lancaster.
Executor: Thomas F. Vulgaris c/o Legacy Law, PLLC., 147 W. Airport Road, Suite 300, Lititz, PA 17543.
Attorney: Katelyn M. Haldeman, Esq.

Weinhold, Larry E. a/k/a Larry Eugene Weinhold, dec'd.

Late of West Earl Township.
Executor: Anthony S. Weinhold c/o Glick, Goodley, Deibler & Fanning, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Thomas A. Fanning, Esq., Glick, Goodley, Deibler & Fanning, LLP.

Witmer, Bonnie H., dec'd.
Late of Manor Township.
Executor: Benjamin H. Witmer,
2 Russet Lane, Millersville, PA
17551.
Attorney: None.

Witwer, Kathleen M. a/k/a Kathleen Witwer Livingston, dec'd.

Late of East Hempfield Township.
Executors: C. David Noll, Richard M. Noll c/o Patti Spencer,
Spencer Law Firm, 320 Race Ave.,
Lancaster, PA 17603.
Attorney: Patti S. Spencer, Esquire.

THIRD PUBLICATION

Armstrong, Martha W. a/k/a Martha Wilson Armstrong, dec'd.

Late of Strasburg Township.
Executor: Security National Trust Company c/o Appel Yost & Zee LLP, 33 North Duke Street,
Lancaster, PA 17602.
Attorney: James K. Noel, IV, Esq.

Bergman, John S., dec'd.

Late of Ephrata Township.
Executor: Clair Long c/o Good Law Firm,
132 West Main Street, New Holland, PA 17557.
Attorneys: Good Law Firm.

Blowers, Frances E., dec'd.

Late of East Donegal Township.
Executrix: Justine E. Lucas c/o Matthew A. McKnight, Esquire,
Irwin & McKnight, P.C., 60 West Pomfret Street,
Carlisle, PA 17013.
Attorneys: Irwin & McKnight, P.C.

Bohrn, Walter J., dec'd.

Late of Millersville Borough.
Executrix: Laura M. Gerhart c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street,
Quarryville, PA 17566.
Attorney: John C. Hohenadel, Esquire.

Bowers, Jane M., dec'd.

Late of East Lampeter Township.
Co-Executors: Patricia L. Strubel, Susan G. Sensenig,
Amy M. Campbell c/o Linda Kling, Esquire,
121 E. Main Street, New Holland, PA 17557.
Attorneys: Smoker Gard Associates LLP.

Cammerata, Theresa M. a/k/a Theresa Mary Cammerata, dec'd.

Late of East Hempfield Township.
Executor: J. Donald Cammerata c/o Jeffrey C. Goss, Esquire,
480 New Holland Avenue, Suite 6205,
Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Clure, Elizabeth B., dec'd.

Late of Lancaster Township.
Executor: Jeffrey S. Shank c/o Nikolaus & Hohenadel, LLP, 222 South Market Street,
Suite 201, Elizabethtown, PA 17022.
Attorney: Jeffrey S. Shank, Esquire.

Dailey, Robert H., dec'd.

Late of Caernarvon Township.
Executor: Christina B. Shepherd c/o Glick, Goodley, Deibler & Fanning, LLP, 131 W. Main Street,
New Holland, PA 17557.
Attorney: Patrick A. Deibler, Esq., Glick, Goodley, Deibler & Fanning, LLP.

Darrenkamp, Mary Jane, dec'd.

Late of Lancaster.
Executor: David J. Darrenkamp
c/o Legacy Law, PLLC., 147 W.
Airport Road, Suite 300, Lititz,
PA 17543.
Attorney: Timothy E. Shawaryn,
Esq.

**Deppen, Judy K. a/k/a Judy
Kay Deppen**, dec'd.

Late of Borough of Lititz.
Executor: Stephanie K. Dep-
pen c/o Young and Young, 44
S. Main Street, P.O. Box 126,
Manheim, PA 17545.
Attorneys: Young and Young.

Eby, Betty Jane, dec'd.

Late of West Lampeter Town-
ship.
Executors: James Robert Eby,
Michael Eugene Eby, Brenda
Jean Olena c/o Pyfer, Reese,
Straub, Gray & Farhat, P.C.,
128 N. Lime Street, Lancaster,
PA 17602.
Attorneys: Pyfer, Reese, Straub,
Gray & Farhat, P.C.

Frank, Marianne, dec'd.

Late of Denver Borough.
Administrator: Tim E. Frank
c/o Aevitas Law, PLLC, 275
Hess Blvd., Suite 101, Lancast-
er, PA 17601.
Attorneys: Neil R. Vestermark,
Esquire, Aevitas Law, PLLC.

Frese, Christopher R., dec'd.

Late of Pequea Township.
Executrix: Susan F. Frese c/o
Reilly S. Noetzel, Esquire, Bar-
ley Snyder LLP, 126 East King
Street, Lancaster, PA 17602.
Attorney: Reilly S. Noetzel -

Barley Snyder LLP.

**Gerke, Barbara M. a/k/a Barba-
ra Ann Gerke**, dec'd.

Late of East Hempfield Town-
ship.
Executor: Darrell L. Gerke c/o
Jeffrey C. Goss, Esquire, 480
New Holland Avenue, Suite
6205, Lancaster, PA 17602.
Attorneys: Brubaker Con-
naughton Goss & Lucarelli LLC.

Gockley, Elmer H., dec'd.

Late of West Cocalico Township.
Co-Executrices: Kathy A.
Slavinski, Cindy G. Noe c/o
RKG Law, 101 North Pointe
Blvd, Suite 202, Lancaster, PA
17601.
Attorney: Lindsay M. Schoene-
berger, Esquire.

Grimm, Margaret L., dec'd.

Late of Elizabethtown Borough.
Executrix: Serena Y. Eby c/o
Nikolaus & Hohenadel, LLP,
222 South Market Street, Suite
201, Elizabethtown, PA 17022.
Attorney: Kevin D. Dolan, Esq.

**Hannum, M. Eugene a/k/a Max-
well Eugene Hannum**, dec'd.

Late of Lititz Borough.
Executor: Mark E. Hannum c/o
Randy R. Moyer, Esquire, Bar-
ley Snyder LLP, 126 East King
Street, Lancaster, PA 17602.
Attorneys: Barley Snyder LLP.

Hauenstein, Hannah S., dec'd.

Late of Earl Township.
Executor: Kieth E. Reed c/o Lin-
da Kling, Esquire, 121 E. Main
Street, New Holland, PA 17557.
Attorneys: Smoker Gard Associ-
ates LLP.

Hearn, Phillip Michael a/k/a Phillip M. Hearn, dec'd.

Late of West Donegal Township.
Administratrix: Deborah A. Templeton c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Heisey, Thomas H. a/k/a Thomas Henry Heisey, dec'd.

Late of East Hempfield Township.

Executor: Heather Mumma Harner, 3409 Dawn View Drive, Lancaster, PA 17601.

Attorney: None.

Kauffman, Robert L., Jr., dec'd.

Late of Lancaster County.

Executor: Stephen M. Brower c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Matthew A. Grosh.

Kiehl, Edwin L., dec'd.

Late of Lititz Borough.

Executor: James E. Kiehl c/o Jennifer L. Mejia, Mejia Law Group, LLC, 1390 W. Main Street, Ephrata, PA 17522.

Attorneys: Mejia Law Group, LLC.

Kiscadden, Richard J., dec'd.

Late of East Hempfield Township.

Executor: Debra J. Kiscadden, 141 Park Place, Landisville, PA 17538.

Attorney: None.

Kruis, Simone F., dec'd.

Late of New Holland Borough.

Administrator: Kristie Schaffer c/o Glick, Goodley, Deibler & Fanning, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Thomas A. Fanning, Esq., Glick, Goodley, Deibler & Fanning, LLP.

Martin, Joseph B., dec'd.

Late of Caernarvon Township.

Executor: Earl W. Hostetter c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.

Attorney: Nevin D. Beiler, Esq.

Martzall, Melvin M., dec'd.

Late of Manheim Township.

Administrator: Donald E. Martzall c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

McCullough, Jean A., dec'd.

Late of Strasburg Township.

Executor: Michael R. McCullough c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Matthew A. Grosh.

Merz, Dorothea L'Tainen, dec'd.

Late of West Lampeter Township.

Executor: Liisa Lê c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Matthew A. Grosh.

Moss, Jack K., Jr., dec'd.

Late of Upper Leacock Township.

Administrator: Groffdale MHP, LLC c/o Northstar Legal Services, LLC, 6106 Schoolhouse Road, Elizabethtown, PA 17022.

Attorney: Thomas L. McGlaughlin, Esquire, MBA.

Nuss, Lloyd W., dec'd.

Late of Manheim Township.
Executrix: Linda R. Drake c/o Linda Kling, Esquire, 121 E. Main Street, New Holland, PA 17557.
Attorneys: Smoker Gard Associates LLP.

Phillips, Staci A., dec'd.

Late of Warwick Township.
Administrator: Marc-Daniel Phillips c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.
Attorneys: Young and Young.

Register, James Otis, dec'd.

Late of Manheim Township.
Executor: Christopher Andrew Register c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Riley, Gus N., dec'd.

Late of Manheim Township.
Executor: Greg Douglas Riley, 118 Preakness Drive, Mount Laurel, NJ 08054 c/o Neil W. Yahn, Esquire, JSDC Law Offices, 11 E. Chocolate Avenue, Suite 300, Hershey, PA 17033.
Attorney: Neil W. Yahn, Esquire.

TRUST

Selby, Nancy C., dec'd.

Late of Ephrata Borough.
Nancy C. Selby Revocable Inter Vivos Trust dtd. 12/06/2001.
Trustee: Scott C. Selby c/o Justin J. Bollinger, P.O. Box 5349,

Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

Smith, Suzanne J. a/k/a Suzanne Justin Smith, dec'd.

Late of Manheim Township.
Executor: Adrian E. Young c/o Aevitas Law, PLLC, 275 Hess Blvd., Suite 101, Lancaster, PA 17601.
Attorneys: Neil R. Vestermark, Esquire, Aevitas Law, PLLC.

Spinelli, Paul J., dec'd.

Late of Manheim Township.
Executrix: Diane M. Deremer c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill & Hess LLP.

Swinehart, Doris M., dec'd.

Late of Lancaster Township.
Executrix: Karen S. Shissler c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

CHANGE OF NAME NOTICES

NOTICE IS HEREBY GIVEN that **Samantha Nichole Rivera** has filed a Petition in the Court of Common Pleas of Lancaster County, Pennsylvania, requesting a decree to change her name to Samantha Nichole Rivera Shaw. A hearing will be held on the Petition on September 5th, 2024, at 3:00 o'clock p.m., in Courtroom No. 4 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time and place you may attend if

you have any questions or objections.

James D. Wolman, Esquire

A-16, 23

CA 94104. Commercial registered office provider is Harbor Business Compliance Corporation.

A-16

IN THE COURT OF COMMON
PLEAS OF
CIVIL ACTION - LAW

In re: Change of Name of TUCKER
GARRETT HUMMEL:
No. 2024-01048

NOTICE

Notice is hereby given that on the 12th day of February 2024, the Petition of Tucker Garrett Hummel was filed in the above Court, requesting an Order to change the name of **Tucker Garrett Hummel** to Tucker Garrett Ruhl.

The Court has fixed the 26th day of, August, 2024, at 1:30 p.m., in Courtroom No. 4 before the Honorable Margaret C. Miller, Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, 17602 as the time and place for Hearing of said Petition where any and all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

Barley Snyder

1601 Cornwall Road

Lebanon, PA 17042

(717) 273-3733

Attorneys for Petitioner

A-16

CORPORATE NOTICE

Registration of Foreign Corporation: **NOTICE IS HEREBY GIVEN Fauna, Inc** filed Articles of Foreign Registration on 01/25/2019 Under the Pennsylvania BCL Of 1988. Principal office is 548 Market St. #87043, San Francisco,

**SERVICE BY PUBLICATION
NOTICES**

NOTICE OF ACTION – MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF CIVIL ACTION-LAW

Mill Creek Homeowners Association v. Tracie L. Cascarella
(No. CI-24-02477)

NOTICE

To: Tracie Cascarella

You are hereby notified that on April 8, 2024, Plaintiff, Mill Creek Homeowners Association filed against you a Mortgage Foreclosure Complaint and endorsed with a Notice to Defend in the Court of Common Pleas, Lancaster County, Pennsylvania, docketed to No. CI-24-02477. 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 against the claims set forth in Complaint, you must enter a written appearance personally or by attorney and file 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 or for any other claim

or relief requested. 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.

Lancaster Bar Association
Lawyer Referral Service
28 E Orange Street
Lancaster, PA 17602
Telephone: (717) 393-0737

A-16

IN THE COURT OF COMMON
PLEAS
CIVIL ACTION – MORTGAGE
FORECLOSURE

No. CI-23-07508

MEMBERS 1ST FEDERAL CREDIT UNION,
Plaintiff
v.

UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DAVID HESS, DECEASED, JOANN M. BARRELLE, KNOWN HEIR OF DAVID HESS, DECEASED, AND MARY JANE WATTS, KNOWN HEIR OF DAVID HESS, DECEASED,

Defendants

TO: Unknown Heirs, Successors, Assigns And All Persons, Firms Or Associations Claiming Right, Title Or Interest From Or Under David Hess, Deceased

TAKE NOTICE:

Your real estate at 1087 Wood Street, Mount Joy, PA 17552 is scheduled to be sold at a public online auction conducted at <https://lancaster.pa.realforeclosure.com/> on September 25, 2024 at 10:00 A.M. to enforce the court judgment of the real debt amount of \$66,644.77.

THE JUDGMENT under or pursuant to which the properties are being sold is docketed in the within Commonwealth and county to:

CI-23-07508

THE NAME OF THE OWNER OR REPUTED OWNER OF THIS PROPERTY IS:

David Hess, deceased

Our records indicate that you may hold a mortgage, judgment, or other interest in the property, which may be extinguished by the sale. You may wish to attend the sale to protect your interests. If you have any questions regarding the type of lien or the effect of the Sheriff's Sale upon your lien, we urge you to CONTACT YOUR OWN ATTORNEY, as we are not permitted to give you legal advice.

A schedule of distribution, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after the sale and distribution of the proceeds of the sale in accordance

with this schedule will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days after the filing of the schedule.

Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of the within County at the Courthouse address specified herein.

A-16

SUITS ENTERED

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

**July 31, 2024
to August 6, 2024**

AUTEN, JOHN A., AUTEN MELISSA; Northwest EMS Inc; 05505; Bonner

BECKER, RICHARD J.; Northwest EMS Inc; 05510; Bonner

BEHNEY, JONATHAN, MARK HERSHEY FARMS INC; Benjamin Maisonave; 05494; Aris

BERRY, GREGORY SCOTT; Noel Lee Coward; 05350

BOHN, DANIEL R.; Kyle Hoffman; 05391; Larsen

BRUNNER, THOMAS L.; Northwest EMS Inc; 05515; Bonner

CHURCH OF THE OVERCOMER INC; Eastern Mennonite Board of Missions and Charities Inc; 05492; Hess

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, BUREAU OF MOTOR VEHICLES; Amanda Lee Olenick; 05421

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, BUREAU OF MOTOR VEHICLES; Austin Wealand; 05393

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, BUREAU OF MOTOR VEHICLES; Melissa Lorraine Gantz; 05424

CRUZ, ANA, CRUZ, MAYRA; Brian Altruz Rivera; 05335; Swartz

DEVONSHIRE, TROY, DEVONSHIRE, NICOLE; Fox Pool, Division of Cardinal Systems Inc; 05463; Pack

DOOLEY II, JIMMIE E.; Belco Community Credit Union; 05485; Miller

ETOWN OPERATOR LLC, ELIZABETHTOWN NURSING & REHAB CENTER; US Foods Inc.; 05428; Sklar

GARCIA, EMILY; Marie Germelus, 05491; Greenberg

GOODVILLE MUTUAL CASUALTY COMPANY, R&J DAIRY CONSULTING LLC, BRUSH MOUNTAIN BISON LLC; Erie Insurance Exchange; 05357; Chow

HARLOW, VERNON; Cadles of Grassy Meadows II LLC; 05503; Sobeck

HEARN, CONNIE D; AJ Home Solutions; 05454; Mersky

K & S GAMES LLC; Douglas E. Cisney; 05323; Yaw

KAZAR, TYLER, KAZAR, VYLE, KAZAR, KYLE, JOHN DOE; Gloria Rivera; 05452; Smialowicz

LELIT, SYDNEY C., MUKIRI, ALICE M; Nancy L. Fritiz; 05406; Rankin

LEROY, GUY, STANISIC, MATTHEW, XLVII INVESTMENT TRUST; Valleybrook Estates Condominium Association; 05459; Costlow

LINCOLN NATIONAL LIFE INSURANCE COMPANY; JG Wentworth Originations LLC; 05481; Maro

LUTZ, MICHAELINE L.; Galen M. Bleacher; 05482; Gingrich

MARTIN, ANTHONY, LITTLE MOUNTAIN PRINTING INC; Brayden Clow; 05378; Lutz

MOSQUERS, DAN, JDM PROPERTY RENOVATIONS; Dean M. Luck; 05527; Harter

PACIFIC LIFE INSURANCE COMPANY; JG Wentworth Originations LLC; 05486; Maro

RICHMOND, BRITTANY; Aberdeen Proving Ground Federal Credit Union; 05367; Zellner

SANGREY, MYA B., SANGREY, NICOLE D.; Onyx McGhee-Ney, 05355; Linn

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY; Brenda M. Adams; 05446; Bare

WARD, JUSTIN; Westlake Services LLC; 05432; Lauer

WRIGHTSTONE, AUSTIN J., BUCHTER, DENISE K.; Westlake Services LLC; 05417; Lauer