

Franklin County Legal Journal

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pp. 77-91

Designated by Order of the Court for the publication of court and other legal notices, the Franklin County Legal Journal (USPS 378-950), 100 Lincoln Way East, Chambersburg, Franklin County, PA 17201--2291, contains reports of cases decided by the various divisions of the Franklin County Branch of the Court of Common Pleas of the 39th Judicial District of Pennsylvania and selected cases from other counties.

39th Judicial District of Pennsylvania Court Calendar for the Week of November 22, 2010

Monday, November 22

9 a.m. — Commonwealth v. Crider, jury trial
9 a.m. — (Fulton County) Ruppenthal v. Ruppenthal, custody trial
10 a.m. — JP Morgan v. Eckenrode, petition to open judgment
11 a.m. — Witmer v. WC Wood Corporation, pretrial conference
2 p.m. — Bench warrants

Tuesday, November 23

8:30 a.m. — Woodring v. Miller III, custody pretrial conference
9 a.m. — Commonwealth v. Crider, jury trial continues
9 a.m. — Rideout v. Medina, pretrial conference and special relief hearing
9 a.m. — Support contempts/appeals
9 a.m. — Fulton County miscellaneous court
10 a.m. — Daley v. Daley, petition for contempt
1:30 p.m. — One adoption hearing
2:30 p.m. — Feliu v. Feliu, petition for bifurcation

Wednesday, November 24

8:30 a.m. — Custody petitions
9 a.m. — Sentences
9 a.m. — McCurdy v. Martin, custody pretrial conference
9 a.m. — PFA matters
9 a.m. — Fulton County summary appeals
11:30 a.m. — Commonwealth v. Pierce, post-sentence motion
1:30 p.m. — Arraignments/dispositions/violations

Thursday, November 25

Courthouse closed for Thanksgiving holiday

Friday, November 26

Courthouse closed for Thanksgiving holiday



Franklin County Bar Association 2010 Calendar of Events

NOVEMBER

25-26 **Bar office closed** for Thanksgiving holiday.

DECEMBER

10 **Annual admission ceremony and membership meeting,**
9 a.m., courthouse.

Franklin County Legal Journal

The Franklin County Legal Journal is published by the Franklin County Bar Association, 100 Lincoln Way East, Suite E, Chambersburg, PA 17201-2291. Subscriptions for the weekly advance sheets are \$35 per year.

Legal notices and all other materials must be received by noon on Monday of the week of publication. Send all materials to Carolyn Seibert-Drager, editor, at legaljournal@franklinbar.org or by mail to the above address.

POSTMASTER: Send address changes to the Franklin County Legal Journal, 100 Lincoln Way East, Suite E, Chambersburg, PA 17201-2291.

PUBLIC NOTICES

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 any of said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay, to the respective personal representatives thereof or their attorneys named below.

First Publication

Estate of Gail L. Berger, a/k/a Gail Lorraine Overcash Berger, late of Antrim Township, Franklin County, Pennsylvania.

Personal representatives:

Sharon A. McCartney, Dennis R. Berger and David M. Berger

c/o R. Thomas Murphy & Associates, P.C.
2005 E. Main St.

Waynesboro, PA 17268

Attorney:

Jared S. Childers
R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268

11/19, 11/26, 12/3/2010

Estate of June E. Browder, late of Hamilton Township, Franklin County, Pennsylvania.

Personal representatives:

William L. Browder
657 Stoneledge Road
State College, PA 16803

and
Laura J. Shetter
2445 Sollenberger Road
Chambersburg, PA 17202

and
Donald S. Browder
2436 Sollenberger Road
Chambersburg, PA 17202

Attorney:

Deborah K. Hoff
154 S. Potomac St.
Waynesboro, PA 17268

11/19, 11/26, 12/3/2010

Estate of Gary S. DeKruger, late of Montgomery Township, Franklin County, Pennsylvania.

Personal representative:

Tina M. Strait
12183 Ganes Road
Mercersburg, PA 17236

Attorney:

Steiger and Steiger
120 N. Main St.
Mercersburg, PA 17236

11/19, 11/26, 12/3/2010

Estate of Julia E. Gelsinger, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:

Karen S. Wagner
c/o Walker, Connor & Spang, LLC
247 Lincoln Way East
Chambersburg, PA 17201

Attorney:

David F. Spang
Walker, Connor & Spang, LLC
247 Lincoln Way East
Chambersburg, PA 17201

11/19, 11/26, 12/3/2010

Estate of Glenn E. Myers, a/k/a Glenn Edwin Myers, late of Guilford Township, Franklin County, Pennsylvania.

Personal representative:

W. Jane Helmuth
5457 Third St.
P.O. Box 72
Marion, PA 17235

Attorney:

Wertime & Guyer LLP
35 N. Carlisle St., Suite A
Greencastle, PA 17225

11/19, 11/26, 12/3/2010

Estate of James A. Overcash, late of Guilford Township, Franklin County, Pennsylvania.

Personal representative:

Mary C. Overcash
2010 Hartzok Road
Chambersburg, PA 17202

Attorney:

George E. Wenger Jr.
Hoskinson & Wenger
147 E. Washington St.
Chambersburg, PA 17201

11/19, 11/26, 12/3/2010

Second Publication

Estate of Kenneth Marvin Miller, late of Greene Township, Franklin County, Pennsylvania.

Personal representative:

Jeffrey Marvin Miller
1234 Emily's Court
Greencastle, PA 17225

Attorney:

Robert C. Schollaert
82 W. Queen St.
Chambersburg, PA 17201

11/12, 11/19, 11/26/2010

Estate of Charles C. Raker, late of Montgomery Township, Franklin County, Pennsylvania.

Personal representative:

Curtis Raker
839 Blacks Mountain Road
Waterfall, PA 16689

Attorney:

Steiger and Steiger
120 N. Main St.
Mercersburg, PA 17236

11/12, 11/19, 11/26/2010

PUBLIC NOTICES

Estate of Charles W. Traxler, late of Lurgan Township, Franklin County, Pennsylvania.

Personal representatives:
Cherie S. Beltz and Teddie R. Traxler
c/o Sharpe & Sharpe, LLP
257 Lincoln Way East
Chambersburg, PA 17201
Attorney:
J. McDowell Sharpe
Sharpe & Sharpe, LLP
257 Lincoln Way East
Chambersburg, PA 17201

11/12, 11/19, 11/26/2010

Estate of N. Ernest Wingert, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Harold W. Bricker
1075 S. Main St.
Chambersburg, PA 17201
Attorney:
Glen and Glen
14 N. Main St., Suite 306
Chambersburg, PA 17201-1883

11/12, 11/19, 11/26/2010

Third Publication

Estate of Joyce W. Harbaugh, late of Waynesboro Borough, Franklin County, Pennsylvania.

Personal representatives:
Randall L. Harbaugh
13548 Scott Road
Waynesboro, PA 17268
and
Gregory W. Harbaugh
122 N. Grant St.
Waynesboro, PA 17268
Attorney:
Nancy H. Meyers
Salzmann Hughes, P.C.
239 E. Main St.
Waynesboro, PA 17268

11/5, 11/12, 11/19/2010

Estate of Stephen D. Kish Jr., late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Frances Kish
580 Stanley Ave.
Chambersburg, PA 17201
Attorney:
Robert C. Schollaert
82 W. Queen St.
Chambersburg, PA 17201

11/5, 11/12, 11/19/2010

Estate of Delmont H. McGhee, late of Guilford Township, Franklin County, Pennsylvania.

Personal representatives:
Dale McGhee
1173 Sollenberger Road
Chambersburg, PA 17202
and
Carol McGhee
1173 Sollenberger Road
Chambersburg, PA 17202
Attorney:
Robert C. Schollaert
82 W. Queen St.
Chambersburg, PA 17201

11/5, 11/12, 11/19/2010

Estate of Robert L. Smith, late of Greene Township, Franklin County, Pennsylvania.

Personal representative:
Brenda K. Smith
7051 Brownsville Road
Fayetteville, PA 17222
Attorney:
Timothy W. Misner
39 S. Broad St.
Waynesboro, PA 17268

11/5, 11/12, 11/19/2010

Estate of Mabel V. Statter, late of Antrim Township, Franklin County, Pennsylvania.

Personal representative:
Joann Wetzel
343 Winding Oak Drive
Hagerstown, MD 21740
Attorney:
Stephen E. Patterson
Salzmann Hughes, P.C.
239 E. Main St.
Waynesboro, PA 17268

11/5, 11/12, 11/19/2010

Estate of Grace A. Wright, late of Greene Township, Franklin County, Pennsylvania.

Personal representative:
Troy L. Brandon
3842 Letterkenny Road
Chambersburg, PA 17201
Attorney:
Robert C. Schollaert
82 W. Queen St.
Chambersburg, PA 17201

11/5, 11/12, 11/19/2010

PUBLIC NOTICES

**IN THE COURT OF COMMON PLEAS
OF THE 39TH JUDICIAL DISTRICT OF
PENNSYLVANIA, FRANKLIN COUNTY
BRANCH**

**In the Matter of Petition for Change of
Name of Shelby Sarae Shank
No. 2010-4813**

Hon. Angela R. Krom

NOTICE

Notice is hereby given that on October 29, 2010, the petition of Shelby Sarae Shank was filed in the above-named Court, requesting an order to change the name of Shelby Sarae Shank to Shelby Sarae White.

The Court has fixed December 2, 2010, at 3:30 p.m. in the assigned room of the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, Pennsylvania, as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

James M. Stein, attorney for petitioner
Dick, Stein, Schemel, Wine & Frey, LLP
13 W. Main St., Suite 210
Waynesboro, PA 17268

11/19/2010

**IN THE COURT OF COMMON PLEAS
OF THE 39TH JUDICIAL DISTRICT OF
FRANKLIN COUNTY, PENNSYLVANIA,
ORPHANS' COURT DIVISION**

The following list of executors, administrators and guardian accounts, proposed schedules of distribution and notice to creditors and reasons why distribution cannot be proposed will be presented to the Court of Common Pleas of Franklin County, Pennsylvania, Orphans' Court Division, for confirmation on December 2, 2010:

DAUGHERTY: First and final account, statement of proposed distribution and notice to the creditors of Harold E. Bishop Jr., executor of the estate of Elizabeth J. Daugherty, late of Quincy Township, Franklin County, Pennsylvania.

FIRST CHURCH OF GOD: First and partial account, statement of proposed distribution and notice to the creditors of Forest N. Myers, Esquire, trustee of the First Church of God - Busch Fund, Shippensburg Borough, Franklin County, Pennsylvania.

REESE: First and final account, statement of proposed distribution and notice to the creditors of Jared S. Childers, administrator for the estate of Delmas Leon Reese, late of Waynesboro Borough, Franklin County, Pennsylvania.

William E. Vandrew, Clerk
Orphans' Court Division
Franklin County, Pennsylvania

11/19, 11/26/2010

PUBLIC NOTICES

**NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON
PLEAS OF FRANKLIN COUNTY,
PENNSYLVANIA
No. 2009-3839**

**Wells Fargo Bank, N.A., v. Jean Bigler
and Unknown Heirs, Successors,
Assigns and All Persons, Firms or
Associations Claiming Right, Title or
Interest from or under Robert Wayne
Bigler, Deceased**

**NOTICE TO: Unknown Heirs,
Successors, Assigns and All
Persons, Firms or Associations
claiming right, title or interest from or
under Robert Wayne Bigler, deceased**

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

Being Premises: 402 Park Street, Mont Alto, PA
17237

Being in Mont Alto Borough, County of Franklin,
Commonwealth of Pennsylvania

Improvements consist of residential property.

Sold as the property of Jean Bigler and Unknown
Heirs, Successors, Assigns and All Persons, Firms or
Associations claiming right, title or interest from or under
Robert Wayne Bigler, deceased.

Your house (real estate) at 402 Park Street, Mont Alto,
PA 17237, is scheduled to be sold at the Sheriff's Sale
on January 14, 2011, at 1 p.m. at the Jury Assembly
Room, Third Floor, Franklin County Courthouse,
Chambersburg, PA 17201, to enforce the court judgment
of \$120,769.83 obtained by Wells Fargo Bank, N.A. (the
mortgagee), against the above premises.

Phelan, Hallinan & Schmieg, LLP
Attorney for plaintiff

11/19/2010

**NOTICE OF ACTION IN MORTGAGE
FORECLOSURE
IN THE COURT OF COMMON
PLEAS OF FRANKLIN COUNTY,
PENNSYLVANIA
CIVIL ACTION — LAW
Wells Fargo Bank, N.A., v. Unknown
Heirs, Successors, Assigns and
All Persons, Firms or Associations
Claiming Right, Title or Interest from
or under Ryan D. Mills, Deceased
No. 2010-3799**

NOTICE

To: Unknown Heirs, Successors, Assigns and All
Persons, Firms or Associations claiming right, title or
interest from or under Ryan D. Mills, deceased:

You are hereby notified that on August 31, 2010,
Plaintiff, Wells Fargo Bank, N.A., filed a mortgage
foreclosure complaint, endorsed with a notice to defend,
against you in the Court of Common Pleas of Franklin
County, Pennsylvania, docketed to No. 2010-3799.
Wherein Plaintiff seeks to foreclose on the mortgage
secured on your property located at 22 Garber Street,
Chambersburg, PA 17201, whereupon your property
would be sold by the Sheriff of Franklin 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.**

Pennsylvania Bar Association
Lawyer Referral Service
100 South St.
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

11/19/2010

**IN THE INTEREST OF J.A.B., A MINOR, BORN 11/17/2002
Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch
Orphans' Court Division, Adoption Docket No. 14-2009**

*Infants; Dependent, Neglected, and Delinquent Children; Evidence; Deprivation, Neglect
or Abuse; Involuntary Termination of Parental Rights.*

*Infants; Dependent, Neglected and Delinquent Children; Subjects and Grounds; Conflict
with Parental Rights; Termination of Parental Rights.*

1. Under 23 Pa. C.S.A. §2511, the grounds for termination under the statute must be proven by clear and convincing evidence. If such grounds under section (a) are found to exist, the Court must then consider whether termination would best serve the needs and welfare of the child, under section (b).
2. The analysis of whether the evidence presented warrants termination is described as a two-part test, initially focusing on the conduct of the parent and requiring clear and convincing proof their conduct satisfies the statutory grounds.
3. Only after it is determined that the parent's conduct does indeed warrant termination does the court engage in the second part of the analysis, considering what will best serve the needs and welfare of the child under the best interest standard.
4. One major aspect of the best interest analysis is the nature and status of the emotional bond between parent and child. Close attention must be paid to the effect on the child of permanently severing any such bond, and the trial court must consider intangibles such as love, comfort, security and stability.
5. The analysis of a parent's conduct under subsection (8) merely requires that the conditions leading to placement continue to exist, whereas under subsection (5) the Court must consider a parent's willingness or ability to remedy such conditions.
6. Due to both parents' incarceration, and the long-term drug abuse in which each has engaged, the conditions which led to J.A.B.'s placement continued to exist at time of hearing and showed no sign of resolution within any reasonable time. When we addressed this issue for the first time, in May of 2009, the child had already been in placement for fifteen of the preceding twenty-two months.
7. Father's long period of incarceration makes reunification with him a far distant possibility. Further, even if services were obtained, and Mother's unknown housing and lack of employment resolved, drug counseling and meetings faithfully followed, the process of reunification with Mother could take years. Clearly, such a span of time is not reasonable for a child such as J.A.B., who has such a pressing and urgent need for permanency.
8. It is vital to the child's physical, emotional and developmental welfare that she be given the chance to have her need for love, security, protection and care met without fear of being wrenched away from [her] committed and capable caregivers. Pennsylvania courts have rejected the idea that a parent's claims of progress and hopes for the future can take precedence over a child's need for permanence and stability. J.A.B.'s best interest requires she not grow up in an indefinite state of limbo, without parents capable of caring for her.
9. A proper 2511(b) analysis involves a consideration by the Court of the nature and status of the parent-child bond, with utmost attention to the effect on the child of permanently severing that bond. The importance of the continuity of relationships to the child must also be considered, as severing close parental ties may be painful.
10. In the instant case the Court was presented with a dichotomy, wherein obvious emotional ties exist between parents and child, but with parents who are unable to satisfy the irreducible