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No. 44

CASES REPORTED

KEITH DOUGHERTY, Plaintiff vs. NORTH HOPEWELL TOWNSHIP,
YORK COUNTY, PENNSYLVANIA, Defendant

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2-11-1t

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**KEITH DOUGHERTY, Plaintiff
vs. NORTH HOPEWELL
TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, Defendant**

Construction Act – Building Permit
– Res Judicata

No. 2009 – SU – 0006 – Y01

1. Plaintiff brought this action against Defendants alleging improprieties in the issuance and revocation of building permits. Before the Court are Defendants Preliminary Objections, contending that res judicata bars the Plaintiff's action. Following an extensive analysis, the Court sustained the objections.

In the Court of Common Pleas of York County Pennsylvania; **KEITH DOUGHERTY, Plaintiff vs. NORTH HOPEWELL TOWNSHIP, YORK COUNTY, PENNSYLVANIA, Defendant.** Construction Act – Building Permit – Res Judicata.

APPEARANCES:

KEITH DOUGHERTY
Pro Se Plaintiff

THOMAS X. McANDREW, JR., Esquire
MATTHEW R. KLINE, Esquire
For the Defendant

LINEBAUGH, J., December 22, 2009

**OPINION IN SUPPORT OF ORDER
SUSTAINING DEFENDANT'S
PRELIMINARY OBJECTIONS**

Keith Dougherty ("Plaintiff") brings this action against Defendants North Hopewell Township and the North Hopewell Township Board of Supervisors ("Defendants") alleging various corrupt and illegal practices surrounding the issuance and expiration of a building permit. Before the Court are the Preliminary Objections filed by Defendants in response to the action filed by Plaintiff. For the reasons that follow, Defendants' Preliminary Objection as to res judicata will be sustained, and Plaintiff's Complaint will be dismissed with prejudice.

I. Factual and Procedural Background.

Plaintiff has made numerous filings over the past four years in a number of different actions. The docket in this case begins with a rambling, partially coherent 95-paragraph Complaint in Mandamus ("2009 Complaint") that Plaintiff filed on January 2, 2009. The 2009 Complaint alleges that Defendants and

its officers violated various sections of the Pennsylvania Construction Code Act ("Act"), Act of November 10, 1999, P.L. 491, as amended, 35 P.S. § 7210.102 et. seq. The 2009 Complaint claims Defendants have violated provisions of the Act in the process of issuing and enforcing a building permit issued to Kenneth Brady to renovate an existing home located at 12534 Mt. Olivet Road, Felton, PA, 17322 ("Property").

The facts relevant to the current action are as follows. Kenneth Brady was issued a building permit to renovate the Property on October 14, 2006. Brady appears to rightfully possess a property interest in the Property. The permit remained in effect until October 13, 2007. Brady listed "self," meaning himself personally, as the contractor who would be completing the renovation work. Plaintiff Keith Dougherty subsequently commenced renovation activities at the Property. Between October 2006 and October 2007, Building Code Enforcement Officer Jonathan Snyder reviewed the work being done at the Property and advised Plaintiff or Brady of any necessary corrections.

Plaintiff had not finished all of the renovations by the time the building permit expired. On October 12, 2007, Plaintiff requested an extension for the building permit. Plaintiff was unable to obtain an extension, and on October 13, 2007, the building permit expired. Plaintiff continued renovation activities at the Property after the building permit expired.¹

On November 16, 2007, Plaintiff filed a "Writ of Mandamus" against Snyder in the Commonwealth Court of Pennsylvania requesting that the building permit be interpreted as still valid and that various inspection requests be deemed approved.

On December 14, 2007, the Commonwealth Court transferred Plaintiff's Writ of Mandamus to the York County Court of Common Pleas. The Commonwealth Court indicated it did not have original jurisdiction to hear the matter. The case was assigned to York County Court of Common Pleas docket number 2007-SU-005136-08.

On February 26, 2008, Snyder filed Preliminary Objections to the Writ of Mandamus challenging service and other problems with Plaintiff's pleading. On April 10, 2008, this Court sustained Snyder's Preliminary Objections on the issue of service and dismissed the Writ without prejudice.

On May 9, 2008, Plaintiff filed a document styled "Petition for Allowance of Appeal" in the Commonwealth Court challenging the April 10, 2008 dismissal of the Writ.

On May 14, 2008, Plaintiff filed an

Amended Complaint in Mandamus (“2008 Amended Complaint”) naming North Hopewell Township and Township employees Jonathan Snyder, Duston Grove, William Tollinger and Robert Barclay as defendants. The 2008 Amended Complaint alleged corrupt and collusive conduct perpetrated by the named defendants surrounding Plaintiff’s application for the building permit and issues arising from its expiration.

On June 3, 2008, the Defendants filed Preliminary Objections to the 2008 Amended Complaint challenging (1) the Court’s jurisdiction to hear the case while an appeal was pending; (2) Plaintiff’s standing to sue; and (3) the legal sufficiency of the pleading. On July 7, 2008, this Court sustained all of the Preliminary Objections and dismissed the 2008 Amended Complaint.

On July 10, 2008, Plaintiff filed a Motion for Reconsideration requesting the Court reconsider its July 7, 2008 Orders sustaining the defendant’s Preliminary Objections. On August 5, 2008, while the Motion for Reconsideration was pending, Plaintiff appealed the July 7, 2008 Orders to the Commonwealth Court. The case was then transferred to the Commonwealth Court on September 8, 2008.²

On January 2, 2009, while his appeal was pending before the Commonwealth Court, Plaintiff filed the 2009 Complaint against North Hopewell Township and the North Hopewell Township Board of Supervisors. This action was assigned to York County Court of Common Pleas docket number 2009-SU-000006-01. The 2009 Complaint demanded mandamus relief compelling the Defendants to reinstate the effectiveness of the building permit plus “mandamus damages” and “lost opportunity damages” totaling approximately \$271,790.30.

Defendants responded by filing Preliminary Objections on January 26, 2009. Defendants argue that the 2009 Complaint should be dismissed because (1) Plaintiff’s action is barred by principles of res judicata; (2) Plaintiff lacks standing to bring the action; (3) the 2009 Complaint fails to state a claim for which mandamus relief may be granted; and (4) the 2009 Complaint does not conform to the pleading requirements of Pa. R. Civ. P. No. 1019(a).

On January 29, 2009, Plaintiff filed a Response to the Preliminary Objections. Plaintiff’s Response does little to advance his cause, as it is filled with legal conclusions and responses such as “Neither admitted nor denied,” and “Specifically, it is a waist [sic] of time [for Defendants to assert they have authority to hear questions related to extending the effective time of a building permit],”

and “Assume. . .” (Pl. Resp. ¶¶ 17, 18, 21.)

The Court has exhaustively reviewed the pleadings in this action and other associated actions filed by Plaintiff. The parties have filed briefs supporting their respective positions. Therefore, the matter is ripe for disposition.

II. Discussion.

Although Defendants have raised four objections to Plaintiff’s 2009 Complaint, proper disposition of the matter is achieved by analyzing the res judicata effect of the dismissal of the 2008 Amended Complaint. If the 2009 Complaint is barred by res judicata, the Court need not consider the remaining objections.

A. The Parties’ Contentions.

Defendants argue that the 2009 Complaint must be dismissed because it raises the same claims present in Plaintiff’s previous action that has already been dismissed by the Court. Defendants direct the Court to the 2008 Amended Complaint that was dismissed on July 7, 2008. Defendants argue that both actions stem from the same events and despite any differences between the two, the pleadings raise the same accusations against Defendants.

Plaintiff responds that his 2009 Complaint differs from his earlier 2008 Amended Complaint in the following ways: (1) a new defendant—the Township Secretary—has been joined; and (2) a new jurisdictional issue relating to extensions of time for a building permit has been raised. Plaintiff also argues that the 2008 Amended Complaint was dismissed without prejudice to reinstate because of service defects, and therefore, the 2009 Complaint is not barred by res judicata.

B. Legal Standards.

Res judicata means, literally, a thing adjudged or a thing judicially decided. *Del Turco v. Peoples Home Sav. Ass’n*, 478 A.2d 456, 461 (Pa. Super. Ct. 1984) (internal citation omitted). “Res judicata encompasses two related, yet distinct principles: technical res judicata and collateral estoppel.” *Stilp v. Cmwlth*, 910 A.2d 775, 783 (Pa. Commw. Ct. 2006) (citing *Henion v. Workers’ Comp. Appeal Bd. (Firpo & Sons, Inc.)*, 776 A.2d 362 (Pa. Commw. Ct. 2001)).

Technical res judicata provides that where a final judgment on the merits exists, a subsequent lawsuit on the same cause of action is precluded. *Id.* To invoke technical res judicata, both actions must contain the same (1) identity of the thing sued upon or for; (2) identity of causes of action; (3) identity of the par-

ties or persons to the action; and (4) identity of the quality or capacity of the parties suing or being sued. *Id.* The principle applies both to claims that were actually litigated and to those claims that should have been litigated in the first place. *Id.* When the subject matter and the ultimate issues are the same in both the old proceeding and the new proceeding, the causes of action are considered identical. *Id.*

Collateral estoppel bars subsequent litigation on a particular issue where (1) an issue decided in a prior action is identical to one presented in a later action; (2) the prior action resulted in a final judgment on the merits; (3) the party against whom collateral estoppel is asserted was a party to the prior action or is in privity with a party to the prior action; and (4) the party against whom collateral estoppel is asserted had a full and fair opportunity to litigate the issue in the prior action. *Stilp*, 910 A.2d at 783.

An order sustaining preliminary objections and dismissing a complaint is a final order that becomes *res judicata* if not appealed within the prescribed appeal period. *U.S. Natl. Bank in Johnstown v. Johnson*, 487 A.2d 809, 813 (Pa. 1985). Pursuant to Pa. R. Civ. P. No. 1030, *res judicata* must be raised as new matter and may not be raised in preliminary objections. See Rule 1030. However, if *res judicata* is raised in a defendant's preliminary objections and the plaintiff fails to object to this pleading defect, the plaintiff may waive the right to object to the defendant's form of pleading. See *Button v. Button*, 548 A.2d 316, 318 (Pa. Super. Ct. 1988) (explaining that where a plaintiff filed an Answer containing uncertified factual allegations concerning an earlier adjudication instead of filing a preliminary objection to defendant's preliminary objection that raised *res judicata* challenges, the plaintiff lost the right to object to defendant's form of pleading).

C. The Pleadings.

1. *The 2008 Amended Complaint.*

Plaintiff's 2008 Amended Complaint requested peremptory judgment in his favor without making any specific demand for relief. (2008 Am. Compl. ¶ 23.). The pleading begins with a recitation of parts of the Act and the Plaintiff's interpretation of how North Hopewell Township may or may not be in compliance with the Act's provisions. (Id. ¶¶ 2-5.). The 2008 Amended Complaint alleged that Jonathan Snyder falsely stated that he was unaware that a bedroom addition was part of the renovation occurring at the Property. (Id. ¶ 7.). The 2008 Amended Complaint alleged that the Board of Supervisors "refused to enforce the law" without explaining what law they refused to

enforce (Id. ¶ 16.) and alleged that Snyder refused to perform certain inspections of the Property (Id. ¶¶ 7, 22, 23.). Reading Plaintiff's *pro se* pleading liberally,³ it would appear the relief he sought was a four-year extension of the expired building permit (Id. ¶¶ 10, 11) and certain inspections to take place plus an unspecified amount of money damages (Id. ¶ 23.). The ministerial duty Plaintiff sought to compel via mandamus appeared to be Snyder's "exclusive power to honor, extend or void [building] permits within the township." (Id. ¶ 14.).

2. *The 2009 Complaint.*

The 2009 Complaint advances three counts for relief. First, Plaintiff requests peremptory judgment compelling Defendants to extend the building permit and conduct inspections at the Property plus money damages (2009 Compl. ¶ 84.). Second, Plaintiff requests "peremptory mandamus damages" in the amount of \$171,790.30. (Id. ¶ 88.). Finally, Plaintiff requests "lost opportunity damages" of \$100,000.00. (Id. ¶ 94.).

The 2009 Complaint opens with a lengthy recitation of Act provisions and Plaintiff's legal conclusions about North Hopewell Township's compliance with these provisions. (Id. ¶¶ 8-32.). The pleading states that the complaint arises from a determination of North Hopewell Township's Building and Zoning Enforcement department. (Id. ¶ 7.). The pleading again alleges that Jonathan Snyder falsely stated he was not aware of the bedroom addition (Id. ¶ 58.), that Snyder violated various Act provisions by refusing to perform inspections of the Property (Id. ¶¶ 50, 52, 69) and refusing to extend the building permit (Id. ¶¶ 71, 79.). The pleading alleges that the municipal defendants "joined [Snyder] in a cover-up of growing violations" by refusing to supervise Snyder's actions and accepting the fines charged by Snyder to Plaintiff for reviewing renovation plans for the Property (Id. ¶ 66.), and violated the Act by deciding not to extend the building permit (Id. ¶ 79.).

In addition, the 2009 Complaint alleges that Snyder violated provisions of the Act by refusing to provide written explanations for deficiencies present at the Property, by assessing fines for code violations at the Property and issuing a Stop Work Order. (Id. ¶¶ 68-75.).

D. Analysis.

Although Defendants raised the *res judicata* issue via Preliminary Objections instead of New Matter, Plaintiff failed to properly object to this irregularity. Plaintiff attacked the substance of the Preliminary Objections in his response, not the procedure by which the *res judicata* issue was raised. As a result, Plaintiff

has waived the right to object to the manner in which res judicata has been raised, and the Court may properly rule on this objection. See *Button*, 548 A.2d at 318.

Res judicata could not apply more cleanly to a case than this one. First, a final judgment on the merits was reached regarding the 2008 Amended Complaint. This Court sustained all the Preliminary Objections raised against the 2008 Amended Complaint—including a demurrer as to legal sufficiency—and dismissed it on July 7, 2008. On March 9, 2009, the Commonwealth Court rejected Plaintiff's appeal when it affirmed this Court's July 7, 2008 Orders dismissing the 2008 Amended Complaint. Plaintiff did not appeal the Commonwealth Court's March 9, 2009 decision. Therefore, the Commonwealth Court's March 9, 2009 decision constitutes a final decision on the merits for res judicata purposes. See *Johnson*, 487 A.2d at 813. That decision dismissed Plaintiff's 2008 Amended Complaint on the merits.

Next, Plaintiff's pleadings satisfy all the required elements of technical res judicata. Plaintiff's 2008 Amended Complaint accused Snyder and North Hopewell Township of various allegedly illegal and corrupt practices concerning the building permit issued to Kenneth Brady and the renovation of the Property. These are precisely the same issues raised in Plaintiff's 2009 Complaint. Thus, the identities of the things sued upon—the building permit and the renovation of the Property—are the same in each action. Both actions request mandamus relief and money damages. Therefore, type of action is identical in each case. See *Stilp*, 910 A.2d at 783. Keith Dougherty is the plaintiff in each action and North Hopewell Township and its agents are defendants in each action. Therefore, the parties to each are identical. There is no difference in the quality or capacity of the entities to the suit: in each action, Plaintiff is the complainant and the Defendants are North Hopewell Township and its agents. These two actions are almost identical in every way, and therefore, technical res judicata applies here.⁴ See *Id.*

Accordingly, Defendants' preliminary objection regarding res judicata will be sustained because Plaintiff filed the 2009 Complaint after a final decision on the merits was reached in an earlier action involving the identical item sued upon, the identical claims raised and identical parties with identical capacities. Despite any changes in the wording or organization of the two pleadings, the subject matter (the building permit and renovation) and the ultimate issues (whether North Hopewell Township and its agents violated the Act entitling Plaintiff to mandamus and money damages) are the same in both pleadings.

In addition, the new claims raised in the later pleading should have been brought up in the earlier pleading. See *Stilp*, 910 A.2d at 783. The events giving rise to Plaintiff's action took place between October 2006 and December 2007. As such, claims arising from these events should have been raised in the 2008 Amended Complaint. Technical res judicata bars claims that should have been brought in the earlier action, and as a result, all new claims raised in Plaintiff's 2009 Complaint are barred. *Id.*

Having determined that Plaintiff's 2009 Complaint is barred by res judicata, the remaining objections raised to it are moot, and the Court need not address them.

III. Conclusion

In conclusion, Defendants' Preliminary Objection to Plaintiff's 2009 Complaint regarding res judicata is sustained and the 2009 Complaint will be dismissed. As the 2009 Complaint attempts to re-litigate a cause of action that was previously dismissed on the merits, the Court will dismiss the 2009 Complaint with prejudice.

An Order consistent with this Opinion will be entered.

BY THE COURT,

STEPHEN P. LINEBAUGH, Judge

Dated: December 22, 2009

ORDER SUSTAINING DEFENDANT'S PRELIMINARY OBJECTIONS

AND NOW, this _____ day of _____, 2009, in accordance with the attached Opinion, Defendants' Preliminary Objection filed January 29, 2009 on the basis of res judicata to Plaintiff's January 2, 2009 Complaint in Mandamus is hereby SUSTAINED. Plaintiff's Complaint in Mandamus filed January 2, 2009 attempts to re-litigate a lawsuit containing the same cause of action, the same thing sued upon and the same parties with the same capacities and qualities as a separate lawsuit that was dismissed by a final decision on the merits on March 9, 2009. Therefore, Plaintiff's January 2, 2009 Complaint in Mandamus is hereby DISMISSED WITH PREJUDICE.

Copies of this Order and Opinion shall be forwarded to counsel of record and the *pro se* plaintiff.

BY THE COURT,

STEPHEN P. LINEBAUGH, Judge

FOOTNOTES

¹ On November 21, 2007, Snyder issued a Stop Work Order instructing Plaintiff to immediately stop all work at the Property because the permit had expired. The Stop Work Order detailed the building code violations and the compliance actions Plaintiff would have to complete in order to continue the renovation.

² On March 9, 2009, the Commonwealth Court issued an Opinion affirming the York County Court of Common Pleas July 7, 2008 Orders sustaining defendant's Preliminary Objections and dismissing the Amended Complaint in Mandamus.

³ Pennsylvania courts are willing to liberally construe the materials filed by a pro se litigant. *O'Neill v. Checker Motors Corp.*, 567 A.2d 680, 682 (Pa. Super. Ct. 1989). However, pro se litigants are subject to the same rules of civil procedure as a counseled defendant. *Warner v. Univ. of Pa. Health System*, 874 A.2d 644, 648 (Pa. Super. Ct. 2005). A pro se litigant is not entitled to any particular advantage because he or she lacks legal training. *O'Neill*, 567 A.2d at 682.

⁴ In addition, collateral estoppel is also established here. Application of the facts in this matter to the elements of collateral estoppel yields the result that Plaintiff is also precluded from raising the same issues against defendants North Hopewell Township and the Board in the 2009 Complaint as Plaintiff raised in the 2008 Amended Complaint. See *Stilp*, 910 A.2d at 783.

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JOAN V. BRUBAKER late of Springettsbury Twp., York Co., PA, deceased. Richard H. Mylin, III, c/o 2025 E. Market Street, York, PA, 17402, Executor. Richard H. Mylin, III, Esquire, Attorney. 2-11-3t

ETHEL P. BUCK a/k/a ETHEL A. BUCK late of Manchester Twp., York Co., PA, deceased. Robert J. Buck, c/o 120 Pine Grove Commons, York, PA 17403, Executor. Elder Law Firm of Robert Clofine. Robert Clofine, Esquire, Attorney. 2-11-3t

GLENN E. CHRONISTER late of Washington Twp., York Co., PA, deceased. Holly N. Carney a/k/a Holly N. Hoover, c/o 2025 E. Market Street, York, PA 17402, Executrix. Richard H. Mylin, III, Esquire, Attorney. 2-11-3t

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CAROLYN S. CAGLE late of Spring Grove Borough, York Co., PA, deceased. Karen S. Leland, c/o 29 East Philadelphia Street, York, PA 17401, Administratrix. Blake & Gross, LLC. Kurt A. Blake, Esquire, Attorney. 2-4-3t

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2-4-3t

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MARGARET FRANCES SEREDYCH late of Springettsbury Twp., York Co., PA, deceased. James A. Holtzer, 135 North George St., Ste. #213, York, PA 17401, Executor. James A. Holtzer, Esquire, Attorney. 2-4-3t

LINDA I. STAUCH late of New Salem Borough, York Co., PA, deceased. Donald E. Stauch, c/o 135 North George St., Ste. #213, York, PA 17401, Executor. James A. Holtzer, Esquire, Attorney. 2-4-3t

GRACE L. STOKES late of York City, York Co., PA, deceased. Yvonne A. Washington, c/o 3015 Eastern Boulevard, York, PA 17402, Administratrix. Donald L. Reihart, Esquire, Attorney. 2-4-3t

RUTH M. STOUGH late of York Twp., York Co., PA, deceased. Stephen S. Stough and John C. Stough, c/o 135 North George Street, York, PA 17401, Co-Executors. CGA Law Firm, PC. Timothy J. Bupp, Esquire, Attorney. 2-4-3t

DONALD H. WALTER late of Penn Twp., York Co., PA, deceased. Donna T. Keith, 29 Timber Lane, Hanover, PA 17331 and Sandra M. Blocher, 455 Bankert Road, Hanover, PA 17331, Executrices. Guthrie, Nonemaker, Yingst & Hart. Keith R. Nonemaker, Esquire, Attorney. 2-4-3t

KENNETH H. WELSH late of Penn Twp., York Co., PA, deceased. Robert A. Zorbaugh, 195 W. Hoke St., Spring Grove, PA 17362 and Helen R. Zorbaugh, 195 W. Hoke St., Spring Grove, PA 17362, Executors. Guthrie, Nonemaker, Yingst & Hart. Matthew L. Guthrie, Esquire, Attorney. 2-4-3t

THIRD PUBLICATION

STEFAN K. ALEXANDROV late of of Hanover Borough, York Co., PA, deceased. Maria T. Alexandrov, c/o 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, Executrix. McNees Wallace & Nurick LLC. Richard W. Stevenson, Esquire, Attorney. 1-28-3t

NANCY M. BAIR late of Springettsbury Twp., York Co., PA, deceased. Robert J. Bair and Patti B. Millington, 480 Quaker Dr., York, PA 17402, Co-Executors. Gregory H. Gettle, Esquire, Attorney. 1-28-3t

BETTY L. BRENNER late of Springettsbury Twp., York Co., PA, deceased. Michele L. Smith and Suzanne H. Griest, c/o 129 East Market

Street, York, PA 17401, Co-Executrices. Suzanne H. Griest, Esquire, Attorney. 1-28-3t

LEROY J. DUBBS late of New Freedom Borough, York Co., PA, deceased. Gail Kohler, 1280 Ruxton Road, York, PA 17403, Executrix. STOCK AND LEADER. Ronald L. Hershner, Esquire, Attorney. 1-28-3t

JACK R. DUNCAN late of Jackson Twp., York Co., PA, deceased. Steven R. Duncan, c/o 138 East Market Street, York, PA 17401, Executor. Goldfein & Joseph. Leo E. Gribbin, Esquire, Attorney. 1-28-3t

JACQUELYN M. ERB a/k/a JACQUELYN MARCH ERB late of Hanover Borough, York Co., PA, deceased. Andrea M. Erb, 232 Broadway, Hanover, PA 17331 and Joseph E. Erb, Jr., 213 East Middle Street, Hanover, PA 17331, Co-Executors. Stonesifer and Kelley, P.C. 1-28-3t

JACQUELINE D. GILLESPIE late of Codorus Twp., York Co., PA, deceased. Barry L. Gillespie, c/o 1946 Carlisle Road, York, PA 17408, Executor. John M. Hamme, Esquire, Attorney. 1-28-3t

PEGGYAN HATFIELD late of York Twp., York Co., PA, deceased. Nadine Sheely, 605 Witmer Rd., York, PA 17402, Executrix. Griest, Himes, Herrold, Schaumann, Ferro LLP. John C. Herrold, Esquire, Attorney. 1-28-3t

LLOYD M. HESS late of Penn Twp., York Co., PA, deceased. Ellise M. Moynahan, 27 Pigeon Hill Park Rd., Hanover, PA 17331, Executrix. Guthrie, Nonemaker, Yingst & Hart. Keith R. Nonemaker, Esquire, Attorney. 1-28-3t

ANNA BELLE JANES late of West Manheim Twp., York Co., PA, deceased. Sue Ellen J. Shay, 2685 Baltimore Pike, Hanover, PA 17331, Executrix. Crabbs & Crabbs. John M. Crabbs, Esquire, Attorney. 1-28-3t

HAROLD KEYTON late of the Fairview Twp., York Co., PA, deceased. Robert J. Keyton, 838 Old Forge Road, New Cumberland, PA 17070, Executor. Caldwell & Kearns, P.C. Elizabeth H. Feather, Esquire, Attorney. 1-28-3t

DONALD D. KISER a/k/a DONALD DONOHUE KISER late of North York Borough, York Co., PA, deceased. Shonna F. Kiser, c/o 129 East Market Street, York, PA 17401, Executrix. Griest, Himes, Herrold, Schaumann, Ferro, LLP. Laurence T. Himes, Jr., Esquire, Attorney. 1-28-3t

WOODROW E. LEFFLER, SR. late of North Codorus Twp., York Co., PA, deceased. Woodrow E. Leffler, Jr., 1493 Clayoma Ave., York, PA 17408, Executor. John W. Stitt, Esquire, Attorney. 1-28-3t

MARGARET A. KIRK late of York City, York Co., PA, deceased. James A. Holtzer, 135 North

George St., Ste. #213, York, PA, 17401, Executor. James A. Holtzer, Esquire, Attorney. 1-28-3t

MARY S. LILLICH late of Spring Garden Twp., York Co., PA, deceased. David O. Lillich, c/o 2025 E. Market Street, York, PA 17402, Executor. Richard H. Mylin, III, Esquire, Attorney. 1-28-3t

SARAH W. ORNDOFF late of West Manchester Twp., York Co., PA, deceased. Marlene S. Eyster, 1945 Trolley Rd., York, PA 17408, Executrix. John W. Stitt, Esquire, Attorney. 1-28-3t

JOHN L. PIKE, SR., late of York City, York Co., PA, deceased. Geraldine B. Pike, c/o 135 North George Street, York, PA 17401, Administratrix. CGA Law Firm, PC. Richard K. Konkell, Esquire, Attorney. 1-28-3t

GLENN D. REISINGER late of Dover Twp., York Co., PA, deceased. Shirley M. Reisinger, P.O. Box 129, Dover, PA 17315, Executrix. Griest, Himes, Herrold, Schaumann, Ferro LLP. John C. Herrold, Esquire, Attorney. 1-28-3t

LAWRENCE F. RIZZUTO late of West York Borough, York Co., PA, deceased. Peggy Ann Rizzuto, 1501 W. Philadelphia St., York, PA 17404, Executrix. John W. Stitt, Esquire, Attorney. 1-28-3t

LOUISE M. RUBY late of Springettsbury Twp., York Co., PA, deceased. Lois Ann Miller, c/o 2997 Cape Horn Rd., Suite A-6, Red Lion, PA 17356, Executrix. Eveler & Eveler LLC, Attorney. 1-28-3t

ANNA A. SHAFFER late of Springettsbury Twp., York Co., PA, deceased. Brian C. Shaffer and Robin D. Shaffer, c/o 120 Pine Grove Commons, York, PA 17403, Executors. Elder Law Firm of Robert Clofine. Robert Clofine, Esquire, Attorney. 1-28-3t

HAROLD E. SHEELY a/k/a HAROLD EDWARD SHEELY late of Hanover Borough, York Co., PA, deceased. Deborah Ann Sheely, c/o 4 High Street, Hanover, PA 17331, Executrix. Scott A. Ruth, Esquire, Attorney. 1-28-3t

RICHARD T. SNYDER late of Newberry Twp., York Co., PA, deceased. Glenn E. Snyder, c/o 135 North George St., Ste. #213, York, PA 17401, Executor. Peter J. Mangan, Esquire, Attorney. 1-28-3t

RAYMOND V. STRICKLER late of York Twp., York Co., PA, deceased. John D. Miller, Jr. and David E. Miller, c/o 137 East Philadelphia Street, York, PA 17401-1424, Co-Personal Representatives. Miller, Poole & Lord, LLP. John D. Miller, Jr., Esquire, Attorney. 1-28-3t

FRED WALKER late of West York Borough,

York Co., PA, deceased. Shane R. Walker, c/o 119 East Market St., York, PA 17401, Executor. Ream, Carr, Markey & Woloshin LLP. Audrey E. Woloshin, Esquire, Attorney. 1-28-3t

RUTH A. WISOTZKEY a/k/a RUTH ADELE WISOTZKEY late of Hanover Borough, York Co., PA, deceased. Richard Francis Wisotzkey, 904 Sherwood Street, Hanover, PA 17331, Executor. MOONEY & ASSOCIATES. John J. Mooney, III, Esquire, Attorney. 1-28-3t

A large multi-state insurance defense firm is seeking to expand its commercial and transactional business department in its Harrisburg office. The firm is looking for a highly motivated attorney and/or a corporate law group with a portable book of business that will create cross marketing opportunities. Attorneys or legal business departments with experience in healthcare law, professional licensure, PUC, taxation, corporate transactions, and creditor bankruptcy or similar practice groups are preferred.

**Please send inquires to
hbfirm@gmail.com**

*All communications
will remain confidential.*

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for an appointment**

CIVIL NOTICES

**ADMINISTRATIVE ORDER
SETTING FEES FOR DOMESTIC
RELATIONS OFFICE**
IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER SETTING FEES FOR DOMESTIC RELATIONS OFFICE

2010-MI-000036-55

AND NOW, this 28th day of January, 2010, pursuant to Act 49 of 2009, the York County Domestic Relations Office shall charge fees for such matters as set forth in the attached exhibit.

This Administrative Order and the referenced fees shall be effective for matters pending on and after December 8, 2009, and shall be effective until further order of Court.

IT IS FURTHER ORDERED that this Administrative Order shall be filed in the Domestic Relation Office and in the office of the Prothonotary of York County. The Order and attached exhibit shall be published one time in the York Legal Record at the expense of the County of York.

BY THE COURT,

RICHARD K. RENN, PRESIDENT JUDGE

January 28, 2010

**DOMESTIC RELATIONS
SECTION 2010 FEE SCHEDULE**

APPEALS:

To Supreme, Superior or
Commonwealth Courts \$73.50

CERTIFICATION:

Each Document \$ 5.00

CASE ADMINISTRATION FEE:

Assessed to Defendant in
Case - Annual. \$26.00

CASE COPIES (per page) \$ 0.25

MODIFICATION \$20.00

PERSONAL SERVICE

(Bench Warrant/Transport):
Assessed to appropriate Party at Rate Billed
to DRS for service. \$39.50-\$75.00

RETURNED CHECK \$25.00

**UNIFIED JUDICIAL SYSTEM -
remitted to AOPC (Filing Fee):**

Assessed to Plaintiff at
commencement of support action . . . \$23.50

**ACTION IN MORTGAGE
FORECLOSURE**

AGCHOICE FARM CREDIT, ACA

vs.

KATHY P. OBERLIN

No. 2009-SU-5348-01

TO: KATHY P. OBERLIN

You are hereby notified that on October 23, 2009, Plaintiff AGCHOICE FARM CREDIT, ACA filed a complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of YORK County, Pennsylvania, docketed to No. 2009-SU-5348-01. Wherein Plaintiff seeks to recover damages for your breach of contract based on your failure to make the agreed upon payments as required by law.

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

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 defense 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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.

2-11-1t

Solicitor

AGCHOICE FARM CREDIT, ACA

vs.

KATHY P. OBERLIN

No. 2009-SU-5363-06

TO: KATHY P. OBERLIN

You are hereby notified that on October 23, 2009, Plaintiff AGCHOICE FARM CREDIT, ACA filed a complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of YORK County, Pennsylvania, docketed to No. 2009-SU-5363-06. Wherein Plaintiff seeks to recover damages for your breach of contract and to foreclose on the property located at 3615 Shaffers Church Road, York, Pennsylvania based on your failure to make the agreed upon payments as required by law.

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

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 defense 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 OR CANNOT AFFORD ONE, GO
TO OR TELEPHONE THE OFFICE SET
FORTH BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP. THIS OFFICE CAN

PROVIDE YOU WITH INFORMATION
ABOUT HIRING A LAWYER.

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

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.

2-11-1t

Solicitor

BAC HOME LOANS SERVICING, LP

vs.

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS,
FIRMS OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST FROM OR
UNDER CAMILLE D. KING, DECEASED

NO. 2009-SU-004487-06

NOTICE TO: UNKNOWN HEIRS, SUCCE-
SORS, ASSIGNS AND ALL PERSONS, FIRMS
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
CAMILLE D. KING, DECEASED

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY"

ALL THAT following described lot of ground
situate, lying and being in LOWER WINDSOR
Township, County of YORK Commonwealth of
Pennsylvania, bounded and limited as follows, to
wit:

Being Premises: 906 SUNRISE LANE,
WRIGHTSVILLE, PA 17368

Improvements consist of residential property.
Sold as the property of UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS AND ALL PER-
SONS, FIRMS OR ASSOCIATIONS CLAIM-
ING RIGHT, TITLE OR INTEREST FROM OR
UNDER CAMILLE D. KING, DECEASED

Parcel # 35-000-06-0016.00-00000

Your house (real estate) at 906 SUNRISE
LANE, WRIGHTSVILLE, PA 17368 is sched-
uled to be sold at the Sheriff's Sale on JUNE 14,
2010 at 2:00PM., at the YORK County
Courthouse to enforce the Court Judgment of
\$139,661.70 obtained by, BAC HOME LOANS
SERVICING, LP (the mortgagee), against your
Prop. sit. in LOWER WINDSOR Township,
County of YORK, and State of Pennsylvania.

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard Suite 1400
Philadelphia, PA 19103-1814
Phone (215)563-7000, Ext 1533
Fax (215)563-7009

DANIEL SCHMIEG, Esquire

2-11-1t

Attorney for Plaintiff

Township, County of YORK, and State of Pennsylvania.

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard Suite 1400
Philadelphia, PA 19103-1814
Phone (215)563-7000, Ext 1533
Fax (215)563-7009

DANIEL SCHMIEG, Esquire

2-11-1t

Attorney for Plaintiff

CITIMORTGAGE, INC. S/B/M TO
CITIFINANCIAL MORTGAGE COMPANY,
INC. F/K/A ASSOCIATES CONSUMER
DISCOUNT COMPANY

vs.

HALMAN D. SMITH, BETTY J. SMITH &
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS AND ALL PERSONS, FIRMS OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST FROM OR UNDER
REBECCA SMITH, DECEASED

NO. 2009-SU-000824-06

NOTICE TO: UNKNOWN HEIRS, SUC-
CESSORS, ASSIGNS AND ALL PERSONS,
FIRMS OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST FROM OR
UNDER REBECCA SMITH, DECEASED

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

ALL THAT following described lot of ground
situate, lying and being in 10TH WARD, CITY
OF YORK, County of YORK Commonwealth of
Pennsylvania, bounded and limited as follows, to
wit:

Being Premises: 335 HARDING COURT,
YORK, PA 17403

Improvements consist of residential property.
Sold as the property of HALMAN D. SMITH,
BETTY J. SMITH & UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS AND ALL PER-
SONS, FIRMS OR ASSOCIATIONS CLAIM-
ING RIGHT, TITLE OR INTEREST FROM OR
UNDER REBECCA SMITH, DECEASED

Parcel #1 10-268-03-0047.00-0000

Parcel #2 10-256-02-0040-00-0000

Your house (real estate) at 335 HARDING
COURT, YORK, PA 17403is scheduled to be
sold at the Sheriff's Sale on APRIL 12, 2010 at
2:00PM., at the YORK County Courthouse to
enforce the Court Judgment of \$156,044.17
obtained by, CITIMORTGAGE, INC. S/B/M TO
CITIFINANCIAL MORTGAGE COMPANY,
INC. F/K/A ASSOCIATES CONSUMER DIS-
COUNT COMPANY (the mortgagee), against
your Prop. sit. in 10TH WARD, CITY OF YORK

M&T BANK, Plaintiff vs.
KARAN F. HEISER & RAY L. REDCAY SR.,
Mortgagors and Real Owners, Defendants

No. 2009-SU-006405-06

TO: RAY L. REDCAY SR., MORTGAGOR
AND REAL OWNER, DEFENDANT, whose
last known address is 319 First Avenue, Red
Lion, PA 17356.

THIS FIRM IS A DEBT COLLECTOR AND
WE ARE ATTEMPTING TO COLLECT A
DEBT OWED TO OUR CLIENT. ANY INFOR-
MATION OBTAINED FROM YOU WILL BE
USED FOR THE PURPOSE OF COLLECTING
THE DEBT.

You are hereby notified that Plaintiff, M&T
BANK, has 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.
2009-SU-006405-06 wherein Plaintiff seeks to
foreclose on the mortgage secured on your prop-
erty located, 319 First Avenue, Red Lion, PA
17356, whereupon your property will be sold by
the Sheriff of York County.

NOTICE

You have been sued in court. If you wish to
defend against the claims set forth in the follow-
ing pages, you must take action within twenty
(20) days after the Complaint and notice are
served, by entering a written appearance person-
ally 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
claim in the Complaint of 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 OR CANNOT AFFORD
ONE, 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.

CENTRAL PENNSYLVANIA LEGAL SERVICES
256 E. Market St., York, PA 17403
LAWYER REFERRAL SERVICE OF THE YORK COUNTY BAR ASSOCIATION
York County Bar Center
137 E. Market St., York, PA 17401
717-854-8755

GOLDBECK MCCAFFERTY & MCKEEVER, P.C.

MICHAEL T. MCKEEVER, Atty. for Plaintiff
Suite 5000, Mellon Independence Center
701 Market St.
Philadelphia, PA 19106-1532
215-627-1322

2-11-1t Solicitor

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on January 19, 2010 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is 512 N. GEORGE, INC. The registered office is at 512 N. George St., York, York County, Pennsylvania 17404-2703. The purpose of the corporation is: To conduct a licensed restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

NICHOLAS LAW OFFICES, P.C.

STEVE C. NICHOLAS, Esquire

2-11-1t Solicitor

NOIICE is hereby given that Articles of Incorporation were filed with the Commonwealth of Pennsylvania.

The name of the corporation is TRINITY REMODELING & CONSTRUCTION, INC.

The corporation has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 22, 1988.

BELLOMO & PLATT, LLC

JEFFREY R. BELLOMO, Esquire

2-11-1t Solicitor

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for WESTMINSTER PLACE AT BLOOMSBURG GP, INC. on January 27, 2010. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK LLC

2-11-1t Attorneys at Law

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for Westminster Place at THE LONG COMMUNITY GP, INC. on Janaury 27, 2010. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK LLC

2-11-1t Attorneys at Law

ARTICLES OF INCORPORATION – NONPROFIT CORPORATION

NOTICE is hereby given that Articles of Incorporation have been filed with the Pennsylvania Department of State for the purpose of forming a nonprofit corporation under The Pennsylvania Nonprofit Corporation Law of 1988, as amended. The name of the corporation

is BIKE TOWARDS THE CURE. It has been organized to operate an awareness and fundraising organization for cancer research.

2-11-1t Solicitor

CORNERSTONE FELLOWSHIP OF YORK, INC. has been incorporated under the provisions of the Nonprofit Corporation law of 1988.

JOHN C. HERROLD, Esquire

2-11-1t Solicitor

CERTIFICATE OF ORGANIZATION

NOTICE is hereby given that on January 12, 2010, a Certificate of Organization for RESUWRECKTION AUTO BODY, LLC, was filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania pursuant to 15 Pa.C.S.A. Section 8913. The initial registered office for Resuwrecktion Auto Body, LLC, is 1415 Marburg Road, Spring Grove, PA 17362.

DOROTHY LIVADITIS, Esquire

1-28-3t Solicitor

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa.C.S. § 301, et seq., and its amendments and supplements, of filing with the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 25th day of January, 2010, an application for conducting business under the assumed or fictitious name of MAC & MAC ENTERPRISES with its principal place of business located at 8 Rosecroft Run, Hanover, York County, Pennsylvania 17331.

The name and address of the entity owning or interested in said business is: Stacey W. Mack, of 8 Rosecroft Run, Hanover, PA 17331, and

Benjamin M. Machamer of 1411 W. Market Street, Williamstown, PA 17098.

KERWIN & KERWIN

GREGORY M. KERWIN, Esquire

2-11-1t Solicitor

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 Sherry Lee Dunbar, 610 Zions View Road, Manchester, PA 17345 is the only person owning or interested in a business, the character of which is Roasting and selling coffee over the internet and that the name, style and designation under which said business is and will be conducted is MY COFFEE GURU LLC and the location where said business is and will be located is 610 Zions View Road, Manchester, PA 17345.

SHERRY L. DUNBAR

2-11-1t Solicitor

PUBLIC NOTICE TO CHARLES CARTER

IN RE: ADOPTION OF TAMMY SUE CARTER, 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, TAMMY SUE CARTER. An Involuntary Termination of Parental Rights Hearing has been scheduled for March 30, 2010, at 9:30 a.m., in Court Room No. 12, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to TAMMY SUE CARTER (DOB 09/23/03), whose putative Father is Charles Carter and whose Mother is Jennifer Lynn Stough. 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.

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

MARTIN MILLER, Esquire

2-11-3t

Solicitor for York County
Children and Youth Services

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Local law firm has immediate opening for an experienced legal secretary/paralegal with a minimum of 3 to 5 years experience working in family law. Applicants must have strong communication skills, be extremely organized and have the ability to multi-task. Legal experience is required. Excellent benefits package to include medical, dental and vision coverage, 401(k), Paid Time Off (PTO) and paid holidays. Salary will be commensurate with experience. Please email resume to info@cmlaw1.com for immediate consideration.

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David A. Mills, Esquire

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