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Chester County Law Reporter

(USPS 102-900)

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Drake vs. Schwartz, et al.

Summary judgment – Landlord out of possession – Duty - Overly costly or burdensome lease

1. Summary judgment may only be granted in those situations where there is no genuine issue as to a material fact and the moving party is entitled to judgment as a matter of law.
2. To establish a cause of action in negligence, a complainant must allege a breach of a legally recognized duty that is causally connected to the ultimate damages.
3. The existence of a duty is left to the trial court as a question of law, while the breach thereof is left to the jury.
4. As a general rule, a landlord out of possession is not liable for injuries incurred by third parties on the leased premises because the landlord has no duty to such persons.
5. Where the landlord retains control of a part of the leased premises, which is necessary to the safe use of the lease portion, he is liable to the lessee and others lawfully on the premises for physical harm caused by a dangerous condition existing upon that part over which he retains control, if by the exercise of reasonable care he could have discovered the condition and the risk involved, and made the condition safe.
6. A generally economically disadvantageous lease for a tenant does not relieve the tenant of its responsibility to safely perform its duties nor does it, by itself, create liability for a landlord.
7. Any party may move for summary judgment as a matter of law whenever there is no genuine issue of any material fact which could be established by additional discovery.
8. This case involves a professional liability action brought against entities and individuals related to care decedent received at Phoenixville Nursing Home. GPH Defendants are the owners and landlords of the Property containing the nursing home and moved for summary judgment on the basis that their role was limited to that of a landlord out of possession. The question was whether the landlord had a duty to the business invitee of the tenant. Plaintiffs argued that the dangerous condition that caused the decedent's injuries was a condition of severe understaffing caused by the extreme financial limitations placed on the nursing home through GPH's lease agreement. This Court declined to create a new avenue for landlord liability based solely on a tenant's invitee alleging that the tenant's lease is overly costly or burdensome. Accordingly, the Court *Held* the Motion for Summary Judgment filed by Defendants' GPH Phoenixville II, LP and GPH Phoenixville II GP, LLC, was granted.

C.C.P. Chester County, Pennsylvania Civil Action No. 2019-07345; Robert Drake, Individually and as Executor of the Estate of Genevieve Drake vs. Joseph Schwartz, *et al.*

Jeffrey F. Parker for Plaintiff

Jacqueline M. Carolan for GPH Defendants

Binder, J., December 12, 2022:-

[71 Ches. Co. Rep. **Drake vs. Schwartz, et al.**

ROBERT DRAKE, Individually and as
Executor of the Estate of Genevieve Drake
Plaintiffs

vs.

JOSEPH SCHWARTZ, et al.,
Defendants

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

NO. 2019-07345-PL

ORDER and MEMORANDUM

AND NOW, this 12th day of December, 2022, upon consideration of Defendants['], GPH Phoenixville II, LP and GPH Phoenixville II GP, LLC[,] Motion for Summary Judgment filed July 22, 2022, Plaintiffs' Answer, Defendants' Reply, Plaintiffs' Sur-Reply, and oral argument presented on November 21, 2022, it is hereby **ORDERED** that the Motion is **GRANTED** for the reasons set forth in the accompanying Memorandum.

BY THE COURT:

/s/ **BRET M. BINDER, J.**

MEMORANDUM

This is a professional liability action brought against a number of corporate entities and individuals relating to the care the decedent received at Phoenixville Nursing Home, a long-term care facility operated by Defendant Phoenixville Care and Rehabilitation Center, LLC. The Fourth Amended Complaint raises the following claims against all of the Defendants: I – Nursing Home Negligence, Wrongful Death; II – Nursing Home Negligence, Survival Action; III – Corporate Negligence, Wrongful Death; and IV – Corporate Negligence – Survival Action.

At issue is the Motion for Summary Judgment filed by Defendants GPH Phoenixville II, LP and GPH Phoenixville II GP, LLC (collectively, “GPH Defendants”). GPH Phoenixville II, LP is the landlord of the property at which the Phoenixville Nursing Home is located (the “Property”) and GPH Phoenixville II GP, LLC is the general partner of the landlord. For purposes of this analysis, GPH Defendants are the owners and landlords of the Property containing the nursing home.¹

Presently, GPH Defendants move for summary judgment on the basis of their role being limited to that of a landlord out of possession of the Property. Summary judgment may only be granted in those situations where there is no genuine issue as to a material fact and the moving party is entitled to judgment as a matter of law. Swords v. Harleysville Ins. Companies, 883 A.2d 562 (Pa. 2005).

All claims against GPH Defendants sound in negligence, thus requiring a duty on the part of GPH Defendants. Martin v. Evans, 711 A.2d 458 (Pa. 1998) (holding that to establish a cause of action in negligence, a complainant must allege a breach of a legally recognized duty that is causally connected to the ultimate damages).

The existence of a duty is left to the trial court as a question of law, while the breach thereof is left to the jury. Sharpe v. St. Luke’s Hosp., 821 A.2d 1215, 1219 (Pa. 2003) (citing Emerich v. Philadelphia Ctr. For Human Dev., Inc., 720 A.2d 1032, 1044 (Pa. 1988); Brisbine v. Outside In Sc. Of Experimental Educ., Inc., 799 A.2d 89, 95 (Pa.Super. 2002)). The question at hand is whether the landlord had a duty to the business invitee of the tenant.

GPH Defendants argue that they are merely the landlord of the Property and the facility was operated by the “Skyline” Defendants (“Skyline” or “Tenant”). GPH Defendants are not a medical facility nor a medical service provider. GPH Defendants did not provide medical care to the decedent. In addition, they had no knowledge of the decedent’s treatment and did not exercise control over the operations of the nursing home. Therefore, they argue that they are merely landlords out of possession and are not liable for the injuries incurred by the decedent. Jones v. Levin, 940 A.2d 451, 454 (Pa. Super. 2007) (“As a general rule, a landlord out of possession is not liable for injuries incurred by third parties on the leased premises because the landlord has no duty to such persons) (citations omitted). See also Kobylinski v. Hipps, 519 A.2d 488 (Pa. Super. 1986) (affirming the general rule that a landlord out of possession is

¹ Given the ultimate disposition of this motion, this court need not analyze if the general partner of the landlord could have liability through any theory of piercing the corporate veil of the landlord.

[71 Ches. Co. Rep. **Drake vs. Schwartz, et al.**

not liable for injuries to third parties and finding no duty where the tenant was in sole possession regardless of the dangerous condition of a stairwell, which was conspicuous at the time of entering the lease); Kutsch v. Miller, 265 A.2d 631, 635 (Pa. 1970) (holding that a landlord had no duty or liability for torts of its tenant when it exercised no control or supervision over the tenant other than insuring all mineable coal was extracted and royalties due were paid).

As additional facts, GPH Defendants note that long-term care facilities apply for and receive licensing from the Pennsylvania Department of Health (PA DOH). See e.g., 35 P.S. § 448.807; 28 Pa. Code § 201.13. The PA DOH is then tasked with inspecting the care and services of the long-term care facility at least annually, identify deficiencies, and re-inspect any corrective measures taken. 55 Pa. Code §§ 1181.83, 1181.84.

In their response, Plaintiffs note that a landlord out of possession may be liable if it retains control over the dangerous condition which caused the injury. Jones v. Levin, 940 A.3d 451, 454 (Pa.Super. 2007) (holding that a reserved control exception exists if a landlord has control over a defective portion of the lease premises). Plaintiffs also cite to Smith v. M.P.W. Realty Co., 225 A.2d 227 (Pa. 1967) for the duty owed by a landlord when it retains control over a dangerous condition.

However, where the landlord retains control of a part of the leased premises, which is necessary to the safe use of the lease portion, he is liable to the lessee and others lawfully on the premises for physical harm caused by a dangerous condition existing upon that part over which he retains control, if by the exercise of reasonable care he could have discovered the condition and the risk involved, and made the condition safe.

Id. at 229 (citing: Restatement 2d, Torts, § 361 (1965); Wolk v. Pittsburgh Hotels Co., 131 A. 537 (Pa. 1925); Pratt v. Scott Enterprises, Inc., 218 A.2d 795 (Pa. 1966)).

Plaintiffs argue that the “dangerous condition” that caused the decedent’s injuries “was a condition of severe understaffing caused by the extreme financial limitations placed on the nursing home through GPH’s lease agreement.” Plaintiff’s 8/22/2022 Answer, p. 3. Plaintiffs argue that federal regulations require a nursing facility to have sufficient nursing staff and that the financial terms of the lease made it impossible for the tenant to do so. Id. Thus, although the reserved control exception applies most often to common areas under the control of a landlord such as shared steps, hallways, parking lots, or the like, its reach should be expanded to the present matter.

At oral argument, Plaintiffs conceded that they had no case law extending the control over a dangerous condition to a lease that is unduly economically burdensome to a tenant and that it is an issue of first impression. This court declines to create a new avenue for landlord liability based solely on a tenant’s invitee alleging that the tenant’s lease is overly costly or burdensome. To do otherwise would require every landlord to scrutinize the feasibility of a tenant’s business, that tenant’s specific business plan and competence, foresee market changes, monitor the economic health of its tenants,

potentially reduce rent agreed to in a free market, etc. That is neither feasible nor is it analogous to the retained control resulting in landlord liability found in this jurisdiction (e.g., landlord control of common areas, lighting, snow shoveling, etc.).

This holding is in line with at least two other jurisdictions addressing landlord liability with skilled nursing facilities. See Price v. TLC Health Care, Inc., 85 P.3d 838 (Ok. 2004) (finding no landlord duty when the third party allegedly received substandard medical care where landlord had no control over or participation in a resident's care); Wheeler, 113 Wash.App. 1005 (Ct. App. Wash. 2002) (not reported) (rejecting a claim that a landlord of a nursing home had liability for negligence of an operator in providing care). Here, no straight line has been alleged between any control retained or exerted by the landlord and injury suffered by a third party. A generally economically disadvantageous lease for a tenant does not relieve the tenant of its responsibility to safely perform its duties nor does it, by itself, create liability for a landlord.²

Accordingly, for the reasons set forth above, this court will enter an order granting GPH Defendants' Motion for Summary Judgment.

² Plaintiffs referenced in their answer as well as at oral argument that further discovery was being sought regarding the financial terms of the lease. Plaintiffs conceded that all discovery sought would only be to further its argument regarding the lease being economically onerous enough to establish an exception to the general prohibition on landlord liability. Given that this court finds that a landlord has no duty to study a tenant's business plan or adjust rent accordingly, regardless of a landlord's knowledge of the economic burden on a tenant caused by existing lease conditions, the Motion for Summary Judgment is ripe for disposition. "[A]ny party may move for summary judgment . . . as a matter of law . . . whenever there is no genuine issue of any material fact . . . which could be established by additional discovery." Pa.R.Civ.P. 1035.2(1).

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Chester County Court of Common Pleas

Orphans' Court Division

CALL OF THE AUDIT LIST

THE HONORABLE BRET M. BINDER COURTROOM 12

WEDNESDAY, AUGUST 02, 2023 09:00 AM

HELEN M. MELCHIORRE

1506-0291

CALL OF THE AUDIT LIST

SECOND AND FINAL ACCOUNT

TRUST UNDER WILL FBO MATTHEW MELCHIORRE

SAMUEL J. TRUEBLOOD

SAMUEL J. TRUEBLOOD, TRUSTEE

JOSEPH SIM

1563-0055

CALL OF THE AUDIT LIST

FORMAL FULL AND FINAL ACCOUNTING

KENNETH N. BRODSKY

MARGARET M. HOLLERAN, ADMINISTRATOR
DBN-CTA

ALARIK W. MYRIN

1579-0128

CALL OF THE AUDIT LIST

FIFTH ACCOUNT

PRO SE

WALDORF EDUCATIONAL FOUNDATION, OTHER
INTERESTED PARTY

JUSTIN C. ESPOSITO

THE GLENMEDE TRUST COMPANY, TRUSTEE

MARK S BLASKEY

EDWARD M. WATTERS, III

KATHLEEN STEPHENSON

KARIN ELLEN MYRIN, TRUSTEE

JUSTIN C. ESPOSITO

MARK S BLASKEY

KATHLEEN ANN STEPHENSON

EDWARD M. WATTERS, III

JUSTIN C. ESPOSITO

CLEMENS PEITZNER, TRUSTEE

MARK S BLASKEY

CLEMENS PEITZNER, TRUSTEE

KATHLEEN ANN STEPHENSON

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NOTICES

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if any they have, why the prayer of the said petitioner should not be granted.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on the Thursday, July 6, 2023, effective Thursday, July 6, 2023 for Cigar Authority of Chester Inc.in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988. The purpose or purposes for which it was organized are: ...

MARK A. PRIMROSE, Esquire
The Law Office of Mark A. Primrose
17 North Sixth Street
Stroudsburg, PA 18360

CHANGE OF NAME NOTICE

IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA

CIVIL ACTION

LAW NO. 2023-02101-NC

NOTICE IS HEREBY GIVEN that the name change petition of Grace Jafolla was filed in the above-named court and will be heard on Monday, July 10, 2023 at 2:00:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, March 24, 2023
Name to be changed from: Grace Jafolla to: Grace Romano

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

BECHTEL, Michael, late of Downingtown Borough. Sharon Gaus, care of GARY E. THOMPSON, Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Administratrix. GARY E. THOMPSON, Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, atty.

BOGUTSKI, Lee A., a/k/a Lee A. Bogutskie, late of Spring City, East Vincent Township. Christine Clark, care of MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, Executor. MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, atty.

DENEST, Doris C., a/k/a Doris Denest, late of East Brandywine Township. Mark P. Denest, care of NANCY W. PINE, Esquire, 104 S. Church Street., West Chester, PA 19382, Executor. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church Street., West Chester, PA 19382, atty.

DEVONSHIRE, Sherry Ann, late of Kennett Square. Donna Soders, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Administrator. EDWARD M. FOLEY, Es-

CHANGE OF NAME NOTICE

IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA

CIVIL ACTION

LAW NO. 2023-00311-NC

NOTICE IS HEREBY GIVEN that the name change petition of Erica Lewis was filed in the above-named court and will be heard on Monday, July 24, 2023 at 2:00:00 PM, in Courtroom 18 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Wednesday, July 5, 2023
Name to be changed from: Erica Lewis to: Erica Taylor

Any person interested may appear and show cause,

quire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

EISSLER, R. Elaine, late of Tredyffrin Township. John C. Eissler, Jr., 11 Highfield Ln., Wayne, PA 19087, care of GARTH G. HOYT, Esquire, 426 W. Lancaster Ave., Ste. 110, Devon, PA 19333, Executor. GARTH G. HOYT, Esquire, McNeese Wallace & Nurick, LLC, 426 W. Lancaster Ave., Ste. 110, Devon, PA 19333, atty.

FISHER, John David, late of West Cain Township. Mary Lou Fisher, care of LINDA KLING, Esquire, 131 W. Main Street, New Holland, PA 17557, Administrator. LINDA KLING, Esquire, Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557, atty.

GREER, Harold B., late of Warwick Township. Kathleen A. Greaves, care of MARC L. DAVIDSON, Esquire, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, Executrix. MARC L. DAVIDSON, Esquire, Davidson & Egner, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, atty.

HEIDEL, Diane M., late of East Pikeland Township. Eileen A. Baker, 40 Deer Run, Etters, PA 17319, care of GILLIAN A. WOODWARD, Esquire, 1701 West Market Street, York, PA 17404, Executrix. GILLIAN A. WOODWARD, Esquire, Law Offices of Gillian A. Woodward, PC, 1701 West Market Street, York, PA 17404, atty.

HOOVER, Ruth G., a/k/a Ruth M. Hoover, late of Tredyffrin Township. Barbara A. McGinley, care of KARYN L. SEACE, CELA Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executrix. KARYN L. SEACE, CELA Esquire, Seace Elder Law, PLLC, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

KENNEY, Elizabeth H., late of East Goshen Township. Anne K. Freenock, care of APRIL L. CHARLESTON, Esquire, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, Executrix. APRIL L. CHARLESTON, Esquire, The Charleston Firm, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, atty.

McFALL, Mark E., late of Valley Township. Michael G. McFall, care of JOHN J. DEL CASALE, Esquire, 300 W. State St., Ste. 207, Media, PA 19063-2639, Executor. JOHN J. DEL CASALE, Esquire, M. Mark Mendel, LTD., 300 W. State St., Ste. 207, Media, PA 19063-2639, atty.

MOORE, Richard Everett, late of Pocopson Township. DOLORES M. TROIANI, ESQUIRE,

care of DOLORES M. TROIANI, Esquire, 1273 Lancaster Avenue, Berwyn, PA 19312, Executrix. DOLORES M. TROIANI, Esquire, Firm, 1273 Lancaster Avenue, Berwyn, PA 19312, atty.

NIEBERLE, Carl F., late of West Chester Borough. Gregory A. Nieberle, 443 Caswallen Dr., West Chester, PA 19380, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executor. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, P.C., 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

PINCIOTTI, Matthew, late of Pottstown. Lisa M. Pinciotti, 23 Rinehart Road, Pottstown, PA 19465, care of JOHN J. COLL, JR, Esquire, 28 Richard Lee Lane, Phoenixville, PA 19460, Administratrix. JOHN J. COLL, JR, Esquire, John J. Coll, Jr., Attorney at Law, 28 Richard Lee Lane, Phoenixville, PA 19460, atty.

SHARRETT, Victor F., late of Kennett Twp., Douglas A. Singo, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. NEIL E. LAND, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

SMOLENS, Richard, late of West Grove. Michael G. Smolens, 121 Allenwood Road, Great Neck, NY, 11023, care of EMMAROSE M. STROHL, Esquire, 50 North Fifth Street, 2nd Floor, Reading, PA 19601, Executor. EMMAROSE M. STROHL, Esquire, Barley Snyder, 50 North Fifth Street, 2nd Floor, Reading, PA 19601, atty.

WHITE, William H., late of East Marlborough Township. Thomas F. Lawrie, Jr., care of GUY F. MATTHEWS, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executor. GUY F. MATTHEWS, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

YEAGER, John W., late of East Pikeland Township. Zoanne Yeager, 1117 Western Road, Phoenixville, PA 19460, care of BRIAN R. OTT, Esquire, 50 North Fifth Street, 2nd Floor, Reading, PA 19601, Executrix. BRIAN R. OTT, Esquire, Barley Snyder, 50 North Fifth Street, 2nd Floor, Reading, PA 19601, atty.

2nd Publication

ARCHAMBAULT SR., Eugene W., late of West Goshen Township. Michelle M. Logue, 1125 Nottingham Drive, West Chester, PA 19380, care of

THERESE L. MONEY, Esquire, 1022 Old Wilmington Pike, West Chester, PA 19382, Executrix. THERESE L. MONEY, Esquire, Law Office Therese L. Money, LLC, 1022 Old Wilmington Pike, West Chester, PA 19382, atty.

ERWIN, Terry W., late of East Fallowfield Township. Elaine L. Babcock, care of MATTHEW L. CONLEY, Esquire, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, Executrix. MATTHEW L. CONLEY, Esquire, Conley Law Practice, LLC, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, atty.

FALINI, Joanna B., a/k/a Joanna Brigitte Falini, late of Township of Tredyffrin. Patricia Garadiner Hill, care of J. MICHAEL SHERIDAN, Esquire, 45 Hunters Run, Newtown Square, PA 19073, Administratrix. J. MICHAEL SHERIDAN, Esquire, 45 Hunters Run, Newtown Square, PA 19073, atty.

KERNER, Catherine A., late of North Coventry Township. Marlene H. Hoffman, care of JAMES S. BAINBRIDGE, Esquire, 921 Penlyn Blue Bell Pike, Ste. A2, Blue Bell, PA 19422, Administratrix. JAMES S. BAINBRIDGE, Esquire, The Bainbridge Law Firm, LLC, 921 Penlyn Blue Bell Pike, Ste. A2, Blue Bell, PA 19422, atty.

KOZISKY, Irene S., late of East Marborough Township. Sharon Patron, 256 Cherry Lane, Kennett Square, PA, 19348, care of KERRY KALMBACH, Esquire, 109 West Linden Street, Kennett Square, PA 19348, Executrix. KERRY KALMBACH, Esquire, 109 West Linden Street, Kennett Square, PA 19348, atty.

LANDENBERG, Robert L.M., a/k/a Robert L.M. Landenberg, Sr., late of Uwchlan. Danielle M. Landenberg, care of MATTHEW L. CONLEY, Esquire, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, Executrix. MATTHEW L. CONLEY, Esquire, Conley Law Practice, LLC, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, atty.

LAWREY, David M.G., late of East Goshen Township. Steven T. Lawrey, 1449 Maryland Ave., Havertown, PA 19083 and Bruce D. Lawrey, 3104 Western Ave., Unit 606, Seattle, WA 98121, Executors.

MALONE, Bernhardine, late of Phoenixville Borough. Patricia Henning, care of JACQUELYN S. GOFFNEY, Esquire, 339 W. Baltimore Avenue, Media, PA 19063, Executrix. JACQUELYN S. GOFFNEY, Esquire, 339 W. Baltimore Avenue, Media, PA 19063, atty.

McGINNIS JR., Alfred J., a/k/a Alfred Joseph McGinnis, Jr., late of East Fallowfield Township.

Donald J. McGinnis, 143 Watch Hill Road, Coatesville, PA 19320, care of WILLIAM T. KEEN, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Executor. WILLIAM T. KEEN, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

MOORE JR., William T., late of Oxford. Douglas B. Moore, 6 Red Hawk Lane, West Chester, PA 19382, Executor.

ZOOK, Dunwoody, late of East Nantmeal. Susanna C. Zook, care of JAMES R. CLARK, Esquire, 277 Millwood Road, Lancaster, PA 17603, Executrix. JAMES R. CLARK, Esquire, Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603, atty.

3rd Publication

ANDRESS, JR., Richard, late of West Whiteland Township, Exton. Elizabeth Plasser Kelly, Esquire, 674 Exton Commons, Exton, PA 19341, Administrator.

BAUMANN, Ronald Matthew, a/k/a Ronald M. Baumann, late of Kennett Township. Christopher Baumann, care of Cooper Levenson, 1125 Atlantic Avenue, 3rd Floor, Atlantic City, NJ 08401, Executor. Cooper Levenson, 1125 Atlantic Avenue, 3rd Floor, Atlantic City, NJ 08401, atty.

BOIS, Richard Thomas, late of Pennsbury Township. Jacqueline Bois, care of GEORGE C. ZUMBANO, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, PC, Executrix. GEORGE C. ZUMBANO, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

BOSNIACK, Eve U., a/k/a Eve Ursula Bosniack, late of Tredyffrin Township. Lesley Bosniack, care of CAROL R. LIVINGOOD, Esquire, 130 W. Lancaster Ave. P.O. Box 191, Wayne, PA 19087, Executor. CAROL R. LIVINGOOD, Esquire, Timoney Knox, LLP, 130 W. Lancaster Ave. P.O. Box 191, Wayne, PA 19087, atty.

BRYSON, JR., Harold T., late of Upper Oxford Township. Susan B. Orth, care of WINIFRED MORAN SEBASTIAN, Esquire, 208 E. Locust St., P.O. Box 381, Oxford, PA 19363, Executor. WINIFRED MORAN SEBASTIAN, Esquire, Lamb McErlane PC, 208 E. Locust St., P.O. Box 381, Oxford, PA 19363, atty.

BURCHETTE, Layne D., late of Westtown Township. Gregory L. Burchette, care of THOMAS J. PROFY, IV, Esquire, 680 Middletown Boule-

vard, Langhorne, PA 19047, Executor. THOMAS J. PROFY, IV, Esquire, Begley, Carlin & Mandio, LLP, 680 Middletown Boulevard, Langhorne, PA 19047, atty.

BURK, Barbara B., late of Phoenixville Borough. Russell S. Burk, 13 Westridge Dr., Phoenixville, PA 19460, care of REBECCA A. HOBBS, Esquire, 41 E. High St., Pottstown, PA 19464, Administrator. REBECCA A. HOBBS, Esquire, Firm, 41 E. High St., Pottstown, PA 19464, atty.

CHAPMAN, Joan A., late of East Whiteland Township. Donna Belmonte, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

CHAPPELL, Stephen C., a/k/a Stephen Carlin Chappell, late of Tredyffrin Township. Joan S. Chappell, care of TRACY BLAKE DeVLIEGER, Esquire, 1275 Drummers Ln., Ste. 210, Wayne, PA 19087, Executrix. TRACY BLAKE DeVLIEGER, Esquire, Gadsden, Schneider & Woodward LLP, 1275 Drummers Ln., Ste. 210, Wayne, PA 19087, atty.

CHATETZ, Laurie L., late of West Chester. Stuart Leibowitz, care of JOSEPH P. DIGIORGIO, Esquire, 1800 E. Lancaster Avenue, Paoli, PA 19301, Executor. JOSEPH P. DIGIORGIO, Esquire, Platt, DiGiorgio & DiFabio, 1800 E. Lancaster Avenue, Paoli, PA 19301, atty.

DOUGHTY, Barbara Jean, late of East Pikeland Township. Frederic C. Doughty, care of CAROL R. LIVINGOOD, Esquire, 130 W. Lancaster Ave., P.O. Box 191, Wayne, PA 19087, Executor. CAROL R. LIVINGOOD, Esquire, Timoney Knox, LLP, 130 W. Lancaster Ave., P.O. Box 191, Wayne, PA 19087, atty.

GRATTON, Gerald J., late of Phoenixville Borough. Maryann Gratton and Christopher Gratton, care of KARA A. KLAIBER, Esquire, 80 W. Lancaster Ave., 4th Fl., Devon, PA 19333-1331, Executors. KARA A. KLAIBER, Esquire, McCausland Keen & Buckman, 80 W. Lancaster Ave., 4th Fl., Devon, PA 19333-1331, atty.

GRAYSON, Anita L., late of East Goshen. Donna M. Grayson, 702 Ricks Circle, Brookhaven, PA 19015, care of KRISTINE F. HUGHEY, Esquire, 22 W. Second Street, Media, PA 19063, Executrix. KRISTINE F. HUGHEY, Esquire, Speare and Hughey, 22 W. Second Street, Media, PA 19063, atty.

GREAR, Barbara Ann, a/k/a Barbara A. Grear, late of Westtown Township. Mark A. Grear, care of CRAIG D. GREAR, Esquire, Rodney Square,

1000 N. King St., Wilmington, DE 19801, Executor. CRAIG D. GREAR, Esquire, Young, Conway, Star-gatt & Taylor, LLP, Rodney Square, 1000 N. King St., Wilmington, DE 19801, atty.

KANE, Candice Cotter, late of Easttown Township. Daniel Merrick Kane, care of KATHLEEN A. FARRELL, Esquire, 116 W. Baltimore Avenue, Media, PA 19063, Executor. KATHLEEN A. FARRELL, Esquire, 116 W. Baltimore Avenue, Media, PA 19063, atty.

KOZISKY, Irene, late of Kennett Square. Sharon Patrone, 256 Cherry Lane, Kennett Square, PA 19348, care of Kerry Kalmbach, Esquire, 109 West Linden Street, Kennett Square, PA 19348, Executrix. Kerry Kalmbach, Esquire, 109 West Linden Street, Kennett Square, PA 19348, atty.

KRAHFORST, Mark M., late of Kennett Square. Susan Krahforst, care of DONALD F. KOHLER, JR., Esquire, 27 South Darlington Street, West Chester, PA 19382, Executor. DONALD F. KOHLER, JR., Esquire, 27 South Darlington Street, West Chester, PA 19382, atty.

KRUGER, William Gerald, late of Lower Oxford Township. Laura A. Kruger, care of ANDREW J. DONAGHY, Esquire, 17 W. Third Street, Media, PA 19063, Administratrix. ANDREW J. DONAGHY, Esquire, 17 W. Third Street, Media, PA 19063, atty.

KULP, Carl D., late of South Coventry Township. Randy E. Mower, 337 Adams Rd., Breinigsville, PA 18031, care of DAVID S. KAPLAN, Esquire, 41 E. High St., Pottstown, PA 19464, Executor. DAVID S. KAPLAN, Esquire, OWM Law, 41 E. High St., Pottstown, PA 19464, atty.

KUSHNER, Jonathan D., a/k/a Jonathan Kushner, late of East Whiteland Township. Mary Kushner, 516 Sugartown Rd., Devon, PA 19333, care of MAURY B. REITER, Esquire, 910 Harvest Dr., Blue Bell, PA 19422, Executrix. MAURY B. REITER, Esquire, Kaplan Stewart Meloff Reiter & Stein, PC, 910 Harvest Dr., Blue Bell, PA 19422, atty.

LAVERS, Lynn Stirling, late of Uwchlan Township. Elliott Drago, care of ROBERT M. FIRKSER, Esquire, 333 W. Baltimore Ave., Media, PA 19063, Executor. ROBERT M. FIRKSER, Esquire, Del Sor-do and Firkser, 333 W. Baltimore Ave., Media, PA 19063, atty.

LeMASTER, Frank P., a/k/a Frank Preston Le-Master, late of West Vincent Township. Marylou Robinson, care of KAREN F. ANGELUCCI, Esquire, 2617 Huntingdon Pike, Huntingdon Valley, PA 19006, Executrix. KAREN F. ANGELUCCI,

Esquire, Semanoff Ormsby Greenberg & Torchia, LLC, 2617 Huntingdon Pike, Huntingdon Valley, PA 19006, atty.

LUTZ, Jared Johnathan, a/k/a Jared Lutz, Jared J. Lutz, late of East Caln Township. John Paul Lutz, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Administrator. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

LYNAM, Connie M., a/k/a Constance Marie Lynam, late of Willistown Township. David A. Lynam, care of MATTHEW L. CONLEY, Esquire, 300 North Pottstown Pike, Suite 220, Exton, PA, 19341, Administrator. MATTHEW L. CONLEY, Esquire, Conley Law Practice, LLC, 300 North Pottstown Pike, Suite 220, Exton, PA, 19341, atty.

McCARDELL, Anne P., late of Exton. David W. McCardell, Jr., care of DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, Executor. DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, atty.

McCARDELL Sr., David W., late of Exton. David W. McCardell, Jr., care of DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, Executor. DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, atty.

McLUCAS, SR., Walter Gary, a/k/a W. Gary McLucas, Sr., late of Coatesville. Regina M. Grow, 808 Charles Street, Coatesville, PA 19320 & Anne-Susan Coakley, 108 Dorsheimer Lane, Honey Brook, PA 19344, care of ROBERT R. KREITZ, Esquire, 1210 Broadcasting Rd., Ste 103, Wyomissing, PA 19610, Executors. ROBERT R. KREITZ, Esquire, Firm, 1210 Broadcasting Rd., Ste 103, Wyomissing, PA 19610, atty.

McMAHON, Leo G., late of West Whiteland Township. Kate Lenahan, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

MILES, Florence L., a/k/a Florence H. Miles, late of East Pikeland Township. Randolph E. Miles, 104 Woodland Dr., Coatesville, PA 19320, care of JAYNE A. GARVER, Esquire, 6723 Allentown Blvd., Harrisburg, PA 17112, Executor. JAYNE A. GARVER, Esquire, J. Garver Law PLLC, 6723 Allentown Blvd., Harrisburg, PA 17112, atty.

MILLER, Franklin Earl, late of East Pikeland Township. Lisa Marie Longo, 45 Calais Dr., Reading, PA 19605 and Eric Matthew Miller, 303 Nottingham Dr., Spring City, PA 19475, care of MATTHEW R.

KESSLER, Esquire, 8 Church Ln., Douglassville, PA 19518, Executors. MATTHEW R. KESSLER, Esquire, Kessler Law Offices, LLC, 8 Church Ln., Douglassville, PA 19518, atty.

MORRIS, Terre Holt, a/k/a Terre H. Morris, late of West Brandywine Township. Craig G. Wright, 7 Lauren Ln., Coatesville, PA 19320, care of DENISE M. ANTONELLI, Esquire, 17 E. Gay St., Ste. 100, West Chester, PA 19380, Executor. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay St., Ste. 100, West Chester, PA 19380, atty.

PHILLIPS, Kenneth R., late of Valley Township. Kristi J. Phillips-Moore, care of JANET M. COLLITON, Esquire, 790 E. Market St., Ste. 250, West Chester, PA 19382-4806, Executrix. JANET M. COLLITON, Esquire, Colliton Elder Law Associates, 790 E. Market St., Ste. 250, West Chester, PA 19382-4806, atty.

QUINN, Anne, late of Tredyffrin. Brian A. Quinn, 104 Hanover CT, Wayne, PA 19087, Executor.

RAYTIK, John, late of West Caln Township. James J. Durborow, 1199 W. Kings Highway, Coatesville, PA 19320, care of WILLIAM T. KEEN, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Executor. WILLIAM T. KEEN, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

RODNER, Robert A., late of Uwchlan Township. Rose R. Rodner-Tims, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

ROOSA, Jean, late of West Chester. Jane Feigin, care of PAUL PASCU, Esquire, 4 Munn Avenue, Cherry Hill, NJ 08034, Executrix. PAUL PASCU, Esquire, Bernetich, Hatzell & Pascu, LLC, 4 Munn Avenue, Cherry Hill, NJ 08034, atty.

RUDOLPH, Jr., Richard Van Brunt, late of West Bradford Township. Kathryn Stepan and Theresa G. Crouse, care of ANITA FULWILER O'MEARA, Esquire, P.O. Box 209, Unionville, PA, 19375, Executrices. ANITA FULWILER O'MEARA, Esquire, The O'meara Law Firm, P.O. Box 209, Unionville, PA, 19375, atty.

SCHAD, Ralph E., late of Thornbury Township. Wendy S. Fooks, care of TIMOTHY F. SULLIVAN, Esquire, 116 West Baltimore Avenue, Media, PA 19063, Executrix. TIMOTHY F. SULLIVAN, Esquire, 116 West Baltimore Avenue, Media, PA 19063, atty.

TAYLOR, Ann Theresa, late of Wayne. William J. Taylor, JR., 305 N Manoa Rd., Havertown, PA 19083, Executor.

WALKER, Robert Alan, a/k/a Robert Allen Walker, late of East Fallowfield, Coatesville. Philip W. Walker, 441 Spruce Drive, Exton, PA 19341, Administrator.

WANAT, Maryanne T., late of Phoenixville Borough. John J. Wanat, care of ELIZABETH R. HOWARD, Esquire, 301 Gay Street, P.O. Box 507, Phoenixville, PA 19460-0507, Executor. ELIZABETH R. HOWARD, Esquire, Law Offices of Elizabeth R. Howard, 301 Gay Street, P.O. Box 507, Phoenixville, PA 19460-0507, atty.

WEAVER, II, Earl Robert, late of East Bradford Township. Susan H. Weaver, care of KRISTEN L. BEHRENS, Esquire, 1500 Market St., Ste. 3500E, Philadelphia, PA 19102, Executrix. KRISTEN L. BEHRENS, Esquire, Dilworth Paxson LLP, 1500 Market St., Ste. 3500E, Philadelphia, PA 19102, atty.

WHEELER, James C., late of Uwchlan Township. James Wheeler, II, 3245 Tying Lane, Downingtown, PA 19335, care of DOLORES M. TROIANI, Esquire, 1273 Lancaster Avenue, Berwyn, PA 19312, Executor. DOLORES M. TROIANI, Esquire, Troiani & Gibney, L.L.P., 1273 Lancaster Avenue, Berwyn, PA 19312, atty.

WHITE, David Mason, late of East Bradford Township. John P. White, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, Executor. ANTHONY MORRIS, Esquire, Buckle Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, atty.

WRIGHT, Patricia E., a/k/a Patricia E. Crutchfield and Patricia Berry, late of Easttown Township. Allyson Bennett, care of THOMAS W. FLYNN III, Esquire, 19 Waterloo Avenue, Bewryn, PA 19312, Administratrix. THOMAS W. FLYNN III, Esquire, Crawford Diamond Flynn LLC, 19 Waterloo Avenue, Bewryn, PA 19312, atty.

ZIMKOWSKI, John E., late of New Garden Township. Kelly J. Hostetler and John A. Zimkowski, care of EMILY T. ABELS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executors. EMILY T. ABELS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

NOTICE

LOGS LEGAL GROUP LLP

BY: CHRISTOPHER A. DeNARDO, PA I.D. NO. 78447

ELIZABETH L. WASSALL, PA I.D. NO. 77788

LESLIE J. RASE, PA I.D. NO. 58365

SAMANTHA GABLE, PA I.D. NO. 320695

HEATHER RILOFF, PA I.D. NO. 309906

KEVIN T. TONCZYCZYN, PA I.D. NO. 332616

3600 HORIZON DRIVE, SUITE 150

KING OF PRUSSIA, PA 19406

TELEPHONE: (610) 278-6800

E-MAIL: PAHELP@LOGS.COM

LLG FILE NO. 23-068409

NewRez LLC d/b/a Shellpoint Mortgage Servicing
PLAINTIFF

VS.

Jessica Scrafford, known Heir of John M. Scrafford, deceased; Mary Scrafford, known Heir of John M. Scrafford, deceased; and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under John M. Scrafford, deceased

DEFENDANTS COURT OF COMMON PLEAS

CIVIL DIVISION

CHESTER COUNTY

NO: 2023-02433-RC

To the Defendants, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under John M. Scrafford, deceased: TAKE NOTICE THAT THE Plaintiff, NewRez LLC d/b/a Shellpoint Mortgage Servicing has filed an action Mortgage Foreclosure, as captioned above.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE OR OBJECTIONS WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A

LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Chester County Lawyer Referral Service
Chester County Bar Assn.
15 W. Gay Street, 2nd Floor
West Chester, PA 19380

3rd Publication of 3

TRUST NOTICE

Notice is hereby given of administration of Howard D Irwin & Norma Jane Irwin Trust. Norma Jane Irwin late of Cochranville Chester Cty PA died 3 17 23. All persons having claims against decedent are requested to make known same and all persons indebted to decedent are required to make payment without delay to Howard D Irwin & Norma Jane Irwin Trust c/o Christopher Wolf Esq 166 Allendale Road King of Prussia PA 19406.
