



Chester County Law Reporter

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Commonwealth vs. Baker

PCRA – Withdrawal of plea – Ineffectiveness of counsel – Flight to avoid apprehension

1. A PCRA court may decline to hold a hearing on the petition if the PCRA court determines that defendant's claims are patently frivolous and without a trace of support in either the record or from other evidence.
2. As a general rule, eligibility for relief under the PCRA is dependent upon the petitioner currently serving a sentence of imprisonment, probation, or parole for the crime.
3. To be eligible for PCRA relief one must also plead and prove by a preponderance of the evidence that the conviction resulted from one or more of the following: (i) a violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place; (ii) ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place; (iii) a plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent; (iv) the improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court; (v) the unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced; (vi) the imposition of a sentence greater than the lawful maximum; (vii) a proceeding in a tribunal without jurisdiction.
4. To be eligible for PCRA relief, a petitioner must establish by a preponderance of the evidence that the issue has not been previously litigated.
5. An issue has been previously litigated where the highest appellate court in which review was available as of right has ruled on the merits of the issue.
6. Post-conviction relief cannot be obtained by presenting new theories to support previously litigated claims.
7. The filing mandates of the PCRA are jurisdictional in nature and are strictly construed. The court has no jurisdiction to consider an untimely PCRA petition.
8. The one-year period in which a defendant has to file a timely PCRA petition begins to run upon the conclusion of direct review. Where a defendant does not seek direct review of his sentence, the judgment of sentence becomes final when the appeal period expires, that is, thirty days after the date of the judgment of sentence.
9. The flight to avoid apprehension statute reads: a person who willfully conceals himself or moves or travels within or outside this Commonwealth with the in-

tent to avoid apprehension, trial or punishment commits a felony of the third degree when the crime which he has been charged with or has been convicted of is a felony and commits a misdemeanor of the second degree when the crime which he has been charged with or has been convicted of is a misdemeanor. The statute does not mandate that the defendant have knowledge of the precise grading of the offense for which he is attempting to avoid capture. The intent element of the crime is separate and apart from whether the person has been convicted or is charged with a misdemeanor or felony. Nothing in the statutory language requires that police have knowledge of the underlying charge or conviction.

10. Once a defendant has entered a plea of guilty, it is presumed that the defendant was aware of what he was doing, and the burden of proving involuntariness is on the defendant.
11. A defendant may not assert grounds for withdrawing a guilty plea that contradict statements made when he pled guilty. Similarly, a defendant may not challenge a guilty plea by asserting that he lied under oath, even if he avers that counsel induced the lies.
12. At any time before the imposition of sentence, the court may permit, upon motion of the defendant, or direct, *sua sponte*, the withdrawal of a plea of guilty or *nolo contendere* and the substitution of a plea of not guilty. However, there is no absolute right to withdraw a guilty plea.
13. Although a defendant has no absolute right to withdraw a guilty plea, a request to withdraw a guilty plea, if made before sentencing, should be allowed for any fair and just reason, unless the Commonwealth has demonstrated that it would be substantially prejudiced by the withdrawal.
14. Commonwealth prejudice in the withdrawal of a guilty plea context is established when the Commonwealth is placed in a worse position than it would have been had trial taken place as scheduled. The prejudice standard may also be satisfied where the prosecution substantially relies upon the plea to its detriment.
15. After sentence has been imposed, a defendant must show that manifest injustice will result if he is not permitted to withdraw the plea. To establish manifest injustice, a defendant must show that his plea was involuntary or was given without knowledge of the charge.
16. The decision to plead guilty must be personally and voluntarily made by a defendant.
17. The entry of a guilty plea is a protracted and comprehensive proceeding wherein the court is obliged to make a specific determination, after extensive colloquy on the record, that a plea is voluntarily and understandingly tendered.
18. To determine the voluntariness of the plea and whether the defendant acted knowingly and intelligently, the trial court must, at a minimum, inquire into the following six areas: (a) Does the defendant understand the nature of the charges to which he is pleading guilty?; (b) Is there a factual basis for the

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plea?; (c) Does the defendant understand that he has a right to trial by jury?; (e) Does the defendant understand that he is presumed innocent until he is found guilty?; (f) Is the defendant aware of the permissible ranges of sentences and/or fines for the offenses charged?; (g) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?

19. The trial court must determine if there is a factual basis for the plea, that is, whether the facts acknowledged by the defendant constitute the offense(s) charged.
20. Defendant pled guilty to Simple Assault, Flight to Avoid Apprehension, Trial or Punishment and Theft from a Motor Vehicle and was sentenced to an aggregate sentence of three to six years imprisonment. In his PCRA petition, Defendant sought to withdraw his guilty pleas, alleging his counsel was ineffective for advising him to plead guilty to Flight to Avoid Apprehension, Trial or Punishment. He also alleged the evidence was insufficient to support the charge of Flight to Avoid Apprehension, Trial or Punishment. The Court determined a review of the guilty plea colloquy and notes of testimony clearly establish Defendant entered a knowing, voluntary, and intelligent plea to Flight To Avoid Apprehension, Trial or Punishment. The Court *Held* there are no genuine issues concerning any material fact, that the defendant was not entitled to post-conviction collateral relief, and that no purpose would be served by further proceedings. Accordingly, pursuant to Pa.R.Crim.P. 907(1), the defendant was given notice of the Court's intent to dismiss the defendant's PCRA petition without a hearing.

R.E.M.

C.C.P., Chester County, Pennsylvania Criminal Actions No.s 0130-2009; 2467-2-17; 2940-2017; Commonwealth of Pennsylvania vs. Barry Baker, Jr.

Nicholas Casenta, Jr. for the Commonwealth
Sameer M. Barkawi for the Defendant
Mahon, J., February 6, 2019:-

[Editor's Note: Affirmed by the Superior Court 12/24/19, 900 EDA 2019; 901 EDA 2019; 902 EDA 2019]

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

: CHESTER COUNTY PENNSYLVANIA

vs. : CRIMINAL ACTION – PCRA

BARRY BAKER, JR. : NOS.: 0130-2009; 2467-2017;
2940-2017

Nicholas Casenta, Jr., Esquire, Chief Deputy District Attorney for the Commonwealth
Sameer M. Barkawi, Esquire, Attorney for the Defendant

NOTICE OF INTENT TO DISMISS PCRA PETITION
PURSUANT TO Pa.R.Crim.P. 907(1)

AND NOW, this 6th day of February, 2019, upon consideration of defendant’s *pro se* Petition for Post-Conviction Collateral Relief (“PCRA petition”),¹ court-appointed counsel’s Amended PCRA Petition, the Commonwealth’s Answer thereto and after an independent review of the record, this Court finds that there are no genuine issues concerning any material fact, that the defendant is not entitled to post-conviction collateral relief, and that no purpose would be served by any further proceedings. Accordingly, pursuant to Pa.R.Crim.P. 907(1), the defendant is hereby given NOTICE of the Court’s intent to dismiss the defendant’s PCRA petition without a hearing.

The defendant may respond to this NOTICE within twenty (20) days of the docketing of this Order. If the defendant has not responded, a subsequent Order will be entered dismissing the defendant’s Post-Conviction Relief Act (“PCRA”) petition. The subsequent Order shall be a final appealable Order disposing of the defendant’s PCRA petition.

If the defendant responds to this NOTICE, the Court will: either dismiss defendant’s PCRA petition; or, if warranted, direct that further proceedings be held.

¹ Filed with the Court on August 10, 2018.

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The Clerk of Courts of Chester County is **ORDERED** to serve a copy of this Order upon the following:

- (a) District Attorney of Chester County.
- (b) Defense Counsel.
- (c) Defendant – by **Certified Mail, Return Receipt Requested.**

BY THE COURT:

/s/ William P. Mahon, J.²

² PROCEDURAL AND FACTUAL HISTORY

On September 25, 2017, Barry Baker, Jr. (“Defendant”) entered an open guilty plea agreement on Criminal Information Numbers CR-2467-2017 and CR-2940-2017. On CR-2467-2017, Defendant pled guilty to one (1) count of Simple Assault [18 Pa.C.S.A. § 2701(a)(1)]. The remaining counts on this Criminal Information Number were withdrawn. On CR-2940-2017, Defendant pled guilty to one (1) count of Flight to Avoid Apprehension, Trial or Punishment [18 Pa.C.S.A. § 5126(a)].

On November 29, 2017, Defendant was sentenced as follows: On Criminal Information Number CR-2467-2017, Defendant received one (1) to two (2) years imprisonment on the one (1) count of Simple Assault. On Criminal Information Number 2017-2940-2017, the Court imposed one (1) to two (2) years imprisonment on the one (1) count of Flight to Avoid Apprehension, Trial or Punishment. On Criminal Information Number 0130-2009, Defendant was also found in violation of his probation for theft from a Motor Vehicle. Defendant was sentenced to one (1) to two (2) years imprisonment for the probation violation. All three sentences of imprisonment were ordered to run consecutively, resulting in an aggregate sentence of three (3) to six (6) years imprisonment. Defendant was given the applicable 178 days credit for time served on his sentences.

On December 8, 2017, Defendant filed a Motion for Reconsideration of Sentence. On December 15, 2017, the Court denied Defendant’s Motion for Reconsideration without a hearing. Defendant did not file a direct appeal from the judgment of sentence. Defendant was represented up to this point in the proceedings by Thomas H. Purl, III, Esquire. On August 10, 2018, Defendant filed a Motion for Modification of Sentence *Nunc Pro Tunc*, which the Court treated as the instant PCRA petition. As this was the indigent Defendant’s first PCRA petition, the Court appointed the Office of the Public Defender to represent Defendant in all matters pertaining to his PCRA petition. See Order 8/15/18. On October 11, 2018, PCRA counsel filed an Amended PCRA petition seeking to withdraw Defendant guilty pleas. On November 13, 2018, the Commonwealth filed an Answer to Defendant’s PCRA petition requesting summary dismissal.

The salient facts in support of Defendant’s simple assault conviction on Information Number CR-2467-2017 are as follows: On May 10, 2017, at approximately 2:15 a.m. the victim, Michael Patrick Ryan, got off work where he was a bartender at Ryan’s Pub. Upon leaving work, the victim decided to stop at the 7-Eleven located on High Street, West Chester Borough, Chester County, before going home for the night.

When the victim arrived at the 7-Eleven, Defendant was standing outside the store on the sidewalk with another male individual. The victim and Defendant had never met before that moment. Defendant watched the victim walk toward the door of the store. As the victim was approaching the store, Defendant held the door open for the victim so that he could enter 7-Eleven. While the victim was inside the store, Defendant began mocking the victim for how he walked, making fun of his gait

and movement. The 22 year-old victim had a prior medical diagnosis of cerebral palsy, which in his specific case, impacts his motor function and muscle coordination when he walks.

After the victim was done inside the 7-Eleven, he exited the store and Defendant immediately began mocking him again. The victim ignored Defendant and walked to his car while Defendant followed behind him, continuing to make fun of him and laughing at his gait. The victim eventually turned around to say something to Defendant. However, before the victim could say anything, Defendant sucker punched the victim with a closed fist to the face. The victim had not said a word to Defendant and the victim's hands were in his pants pockets when the Defendant sucker punched him.

At the time Defendant punched the victim, he did so with the intent to cause bodily injury. The victim was in pain after the punch but did not suffer any serious, permanent injury. After the callous assault, Defendant walked away from the scene, laughing with his friend. Despite the incident being captured on the 7-Eleven surveillance system, Defendant initially insisted to police officers that the assault did not occur.

See N.T., 9/25/17, at 15-17.

The salient facts in support of Defendant's flight to avoid apprehension conviction on Information Number CR-2940-2017 are as follows. On May 22, 2017, Defendant was arrested on the aforementioned assault by West Chester Police Department. Defendant was arraigned, posted bail, and was subsequently released. Later that same day, a bench warrant was issued for Defendant's arrest for failing to comply with the supervision conditions on Docket Number CR-0130-2009 [underlying charge being theft from a motor vehicle, graded as a Misdemeanor of the First Degree].

On May 25, 2017, a second bench warrant was issued for Defendant after he failed to appear for a domestic relations hearing scheduled that morning. Defendant was clearly advised by his prior counsel that warrants for his arrest had been issued by the Court. In fact, prior counsel advised Defendant of the warrants in the presence of Defendant's fiancée, Denise Schmidt. Instead of turning himself in to police, Defendant fled from his residence to avoid apprehension from law enforcement.

Various law enforcement agencies [including the United States Marshal's Fugitive Task Force, the Chester County Sheriff Fugitive Task Force, the Delaware State Police, the Pennsylvania State Police, West Chester Police Department, and various other municipal departments throughout Pennsylvania, Maryland, and Delaware] began an extensive manhunt for Defendant. Throughout the next ten (10) days, Defendant traveled around Maryland, Pennsylvania and Delaware. Defendant would drive long hours and camp in the woods to thwart detection. During the manhunt, Defendant stated to his fiancé that he had fled to the mountains in Tennessee, Canada, and various other places.

A forensic search of Defendant's cellular telephone revealed that he was searching the internet for information on Florida, Mexico, South Carolina, Kentucky and Virginia. Defendant was also searching for Greyhound Bus schedules and texting his friends about finding a place to lay low down south. Defendant also searched on his cell phone for things like how to change your name and how to stop police from "pinging" your phone. Defendant stated through text messaging that he was "not going back to prison," that law enforcement would never find him, that he could go to Canada and wait seven (7) years to come back. The search of Defendant's phone clearly revealed that Defendant knew that law enforcement was looking for him and that the District Attorney's Office was seeking one (1) to two (2) years imprisonment on the pending assault case.

On June 4, 2017, Defendant directed his fiancée to obtain a hotel room for them using cash in a different person's name. After securing the hotel room, Defendant's fiancée hid a key near the door so he would be able to access the room without being detected. On June 5, 2017, members of the United States Marshal's fugitive Task Force was finally able to apprehend Defendant at the Clarion Hotel in Exton, Pennsylvania, where he was found hiding in the bathroom.

N.T., 9/25/17, at 17-20.

DISCUSSION

In his Amended PCRA petition, Defendant seeks to withdraw his guilty pleas entered on September 17, 2017. In the alternative Defendant requests an arrest of judgment and the grant of a new trial or dismissal with prejudice of all charges. Defendant alleges that trial counsel was ineffective for advising him to plead guilty to Flight to Avoid Apprehension, Trial or Punishment. Defendant further alleges that the evidence was insufficient to support the charge of Flight to Avoid Apprehension, Trial or Punishment.

In considering the instant Petition, the Court agrees with the Commonwealth and finds that Defendant's attempt at post-conviction relief lacks arguable merit. It is well-settled that a PCRA court may decline to hold a hearing on the petition if the PCRA court determines that defendant's claims are patently frivolous and without a trace of support in either the record or from other evidence. Commonwealth v. Hart, 911 A.2d 939, 941 (Pa. Super. 2006). Accordingly, we conclude that Defendant's PCRA petition is to be dismissed without an evidentiary hearing.

As a general rule, eligibility for relief under the PCRA is dependent upon the petitioner currently serving a sentence of imprisonment, probation, or parole for the crime. 42 Pa.C.S.A. § 9543(a)(1)(i); Commonwealth v. Turner, 80 A.3d 754 (Pa. 2013). To be eligible for PCRA relief one must also plead and prove by a preponderance of the evidence that the conviction resulted from one or more of the following:

(i) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(ii) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(iii) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.

(iv) The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

(v) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.

(vi) The imposition of a sentence greater than the lawful maximum.

(vii) A proceeding in a tribunal without jurisdiction.

42 Pa.C.S.A. § 9543(a)(2) (emphasis added).

To be eligible for PCRA relief a petitioner must also establish by a preponderance of the evidence that an issue has not been previously litigated. 42 Pa.C.S.A. § 9543(a)(3). An issue has been previously litigated where the highest appellate court in which review was available as of right has ruled on the merits of the issue. 42 Pa.C.S.A. § 9544(a)(2); Commonwealth v. Albrecht, 720 A.2d 693, 703 (Pa. 1998). Post-conviction relief cannot be obtained by presenting new theories to support previously litigated claims. Commonwealth v. Christy, 656 A.2d 877 (Pa. 1995).

With these initial precepts in mind, we must now determine whether Defendant's PCRA petition was timely filed. The filing mandates of the PCRA are jurisdictional in nature and are strictly construed. Commonwealth v. Stokes, 959 A.2d 306, 309 (Pa. 2008). Pennsylvania law makes clear that no court has jurisdiction to consider an untimely PCRA petition. See Commonwealth v. Robinson, 837 A.2d 1157, 1161 (Pa. 2003). The one (1) year period, in which a defendant has to file a timely PCRA petition, begins to run upon the conclusion of direct review. Whereas here, a defendant does not seek direct review of his sentence, the judgment of sentence becomes final when the appeal period expires, thirty (30) days after the date of the judgment of sentence. Commonwealth v. Guthrie, 749 A.2d 502, 504 (Pa. Super. 2000); Commonwealth v. Crider, 735 A.2d 730, 732 (Pa. Super. 1999).

In the case at bar, Defendant was sentenced on all three cases on September 17, 2017. Defendant did not file a timely post-sentence motion. Similarly, he did not file direct appeal from the judgment of sentence. Therefore, the sentence on each of the three term numbers became final on October 17, 2017, and to be timely a PCRA petition would have to be filed on or before October 17, 2018. Consequently, Defendant's Petition filed on August 10, 2018, is well inside the one-year time frame and is timely.

As Defendant's PCRA petition was timely filed, we will now address the sole claim for relief therein. The flight to avoid apprehension statute reads:

Flight to avoid apprehension, trial or punishment. (a) Offense defined.—A person who willfully conceals himself or moves or travels within or outside this Commonwealth with the intent to avoid apprehension, trial or punishment commits a felony of the third degree when the crime which he has been charged with or has been convicted of is a felony and commits a misdemeanor of the second degree when the crime which he has been charged with or has been convicted of is a misdemeanor.

18 Pa.C.S. § 5126(a). The plain language of the statute requires that the defendant intend to avoid apprehension, trial or punishment. The statute does not mandate that the defendant have knowledge of the precise grading of the offense for which he is attempting to avoid capture. Commonwealth v. Steffy, 36 A.3d 1109, 1111–12 (Pa. Super. 2012). The intent element of the crime is separate and apart from whether the person has been convicted or is charged with a misdemeanor or felony. Id. Furthermore, nothing in the statutory language requires that police have knowledge of the underlying charge or conviction. Id.

In his PCRA petition, Defendant essentially raises one issue for our review. That sole issue is whether Defendant was deprived of effective assistance of counsel because former counsel provided erroneous advice to him, inducing him to enter an unknowing and unintelligent plea of guilty to the offense of Flight to Avoid Apprehension, Trial or Punishment when Defendant was innocent of this offense.

Defendant argues that prior counsel was ineffective for advising him to plead guilty to Flight to Avoid Apprehension, Trial or Punishment because the Commonwealth could not satisfy all of the necessary elements of the offense. Defendant further contends that was not charged with a crime at the time he "fled" from law enforcement. Defendant acknowledges that he was charged with alleged violations of his probation on term number CR-0130-2009 but argues that the statute does not criminalize "fleeing to avoid apprehension for potential probation or parole violations." See Def.'s Am. PCRA Pet., 10/11/18, at ¶ 11(i). In support of his argument, Defendant relies on In re P.S., 158 A.3d 643 (Pa. Super. 2017), appeal denied, 174 A.3d 1029 (Pa. 2017). We find that Defendant's reliance on In re P.S. is misplaced as the cited case is clearly distinguishable from the case at bar.

Once a defendant has entered a plea of guilty, it is presumed that the defendant was aware of what he was doing, and the burden of proving involuntariness is on the defendant. Commonwealth v. Stork, 737 A.2d 789 (Pa. Super. 1999). A defendant may not assert grounds for withdrawing a guilty plea that contradict statements made when he pled guilty. Id.; Commonwealth v. Lewis, 708 A.2d 497 (Pa. Super. 1998), appeal denied, 725 A.2d 1219 (Pa. 1998). Similarly, a defendant challenge a guilty

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plea by asserting that he lied under oath, even if he avers that counsel induced the lies. Commonwealth v. Pollard, 832 A.2d 517 (Pa. Super. 2003), citing, Commonwealth v. Cappelli, 489 A.2d 813 (Pa. Super. 1985).

While a criminal defendant may seek withdrawal of his/her guilty plea either prior to or after imposition of sentence, there is a significant difference in the law between the showing necessary to be entitled to withdrawal of the plea. "At any time before the imposition of sentence, the court may permit, upon motion of the defendant, or direct *sua sponte* the withdrawal of a plea of guilty or *nolo contendere* and the substitution of a plea of not guilty." Pa.R.Crim.P. 591(A); Commonwealth v. Ammon, 418 A.2d 744 (Pa. Super. 1980) (plea of *nolo contendere*); Commonwealth v. Przybyla, 722 A.2d 183 (Pa. Super. 1998) (trial judge may *sua sponte* order withdrawal of guilty plea). However, there is no absolute right to withdraw a guilty plea. Commonwealth v. Iseley, 615 A.2d 408 (Pa. Super. 1992), appeal denied, 627 A.2d 730 (Pa. 1992).

Although a defendant has no absolute right to withdraw a guilty plea, a request to withdraw a guilty plea, if made before sentencing, should be allowed for any fair and just reason, unless the Commonwealth has demonstrated that it would be substantially prejudiced. Commonwealth v. Katonka, 33 A.3d 44, 46 (Pa. Super. 2011); Commonwealth v. Baez, 169 A.3d 35 (Pa. Super. 2017). Commonwealth prejudice in the withdrawal of a guilty plea context is established when the Commonwealth is placed in a worse position than it would have been had trial taken place as scheduled. Commonwealth v. Kirsch, 930 A.2d 1282, 1286 (Pa. Super. 2007). The prejudice standard may also be satisfied "where the prosecution substantially relies upon the plea to its detriment." Commonwealth v. Campbell, 455 A.2d 126, 128, (Pa. Super. 1983).

As noted above, an important distinction exists between a pre-sentencing attempt to withdraw a guilty plea and a post-sentence attempt to withdraw a guilty plea. Commonwealth v. Shaffer, 446 A.2d 591, 592-593 (Pa. 1982). After sentence has been imposed, a defendant must show that manifest injustice will result if he is not permitted to withdraw the plea. Commonwealth v. Gunter, 771 A.2d 767, 771 (Pa. 2001). To establish manifest injustice, a defendant must show that his plea was involuntary or was given without knowledge of the charge. Commonwealth v. Holbrook, 629 A.2d 154, 158 (Pa. Super. 1993). The decision to plead guilty must be personally and voluntarily made by a defendant. Commonwealth v. Fluharty, 632 A.2d 312 (Pa. Super. 1993).

"Pennsylvania has constructed its guilty plea procedures in a way designed to guarantee assurance that guilty pleas are voluntarily and understandingly tendered. See: Pa.R. 336 Crim.P. 319 and comment thereon. The entry of a guilty plea is a protracted and comprehensive proceeding wherein the court is obliged to make a specific determination after extensive colloquy on the record that a plea is voluntarily and understandingly tendered." Commonwealth v. Cole, 564 A.2d 203, 206 (Pa. Super. 1989).

Pa.R.Crim.P. 590 mandates that the guilty plea be offered in open court, and, in order to determine the voluntariness of the plea and whether the defendant acted knowingly and intelligently, the trial court must, at a minimum, inquire into the following six areas:

- (1) Does the defendant understand the nature of the charges to which he is pleading guilty?
- (2) Is there a factual basis for the plea?
- (3) Does the defendant understand that he has a right to trial by jury?
- (4) Does the defendant understand that he is presumed innocent until he is found guilty?
- (5) Is the defendant aware of the permissible ranges of sentences and/or fines for the offenses charged?
- (6) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?

Fluharty, 632 A.2d at 314. The trial court must determine if there is a factual basis for the plea [i.e., whether the facts acknowledged by the defendant constitute the offense(s) charged]. Fluharty, supra. The aforementioned constitute the only required inquiries regarding a guilty plea. Id.

The determination of whether the defendant understood the connotations of the plea and its consequences is made by an examination of the totality of the circumstances surrounding the plea. Id. Even if there is an omission or defect in the guilty plea colloquy, the guilty plea will not be deemed invalid if the circumstance surrounding the entry of the plea reveal that the defendant fully understood the nature and consequences of his or her plea and that he or she knowingly and voluntarily decided to plead guilty. Id. A defendant may knowingly and voluntarily plead guilty as a matter of strategy or experience even though he or she is unable or unwilling to admit guilt regarding the crime(s) charged. Id. In sum, the crucial inquiry is whether the defendant understood what he or she was doing, and the court will look to the colloquy to determine whether he or she did.

Because in this case, Defendant is seeking to withdraw his guilty plea after sentencing; he must establish that manifest injustice will result if he is not permitted to withdraw the plea. Gunter, 771 A.2d at 771. Defendant simply cannot satisfy this heightened burden. A review of the guilty plea colloquy and notes of testimony from the relevant proceedings clearly establishes that Defendant entered a knowing, voluntary, and intelligent plea to Flight To Avoid Apprehension, Trial or Punishment.

It is important to point out that the law not only criminalizes the conduct of those individuals who flee to avoid standing trial or sentencing but also the conduct of those who flee to avoid punishment after they have already been charged or convicted. The record sufficiently demonstrates that Defendant was not avoiding apprehension for a potential probation violation, but was eluding police to avoid apprehension and punishment based on his knowledge that he had an outstanding bench warrant for his arrest.

The relevant uncontroverted facts in support of Defendant's guilty pleas are distinguishable from those in In re P.S., supra. Unlike the defendant in In re P.S. who claimed that he did not know about the alleged probation violation, the Defendant in the case at bar unequivocally knew that two bench warrants had been issued for his arrest as a result of alleged probation violations and his failure to appear for a domestic relations hearing. Defendant cannot reasonably complain that he did not know the arrest in the simple assault case would violate the supervision that he was currently serving. Further, Defendant's position that he did not know that at least one of the bench warrants was premised on his violations of probation borders on the absurd. Knowledge of his probation conditions must be attributed to him; therefore, he would be aware of whether or not he was in violation of those terms and conditions.

The record further reveals that Defendant was clearly advised by prior counsel that warrants for his arrest had been issued by the Court. In fact, prior counsel advised Defendant of the warrants in the presence of Defendant's fiancée, Denise Schmidt. In re P.S. is simply not dispositive in the present case as Defendant did not merely flee to avoid a potential probation violation, but also to avoid punishment as a result of the two (2) active bench warrants, which he knew had been issued. Instead of turning himself in to police on the outstanding warrants, Defendant consciously fled from his residence to elude law enforcement. It is sufficient in this case that Defendant intentionally eluded law enforcement to avoid apprehension, trial or punishment on a charge, conviction, or arrest warrant. See Steffy, 36 A.3d, at 1111-1112.

Defendant's conviction for Flight to Avoid Apprehension, Punishment or Trial is further supported by additional conduct in this matter. Defendant acknowledged that he was continually searching for Greyhound Bus schedules and that he sent text messages to friends about needing to find a place down south to lay low. He further acknowledged that the prosecutor was seeking a one (1) to two (2) year sentence of imprisonment for the simple assault cases, and stated that he was not going back to prison, that the cops would never find him, and that he could go to Canada and wait seven years to come back. N.T., 9/25/17, at 19. These facts clearly evidence Defendant's attempt to flee to avoid trial and sentencing with respect to his simple assault case.

Because Defendant's PCRA petition lacks arguable merit, no purpose would be served by any further proceedings. Accordingly, Defendant's PCRA petition and amendment will be dismissed without an evidentiary hearing.

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NOTICES

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CLERK OF THE ORPHANS' COURT
DIVISION OF THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

NOTICE OF FILING ACCOUNTS
ACCOUNTS LISTED FOR AUDIT ON
WEDNESDAY, OCTOBER 7, 2020
Courtroom 18 at 9:00 A.M. PREVAILING TIME

THE HONORABLE KATHERINE B. L. PLATT

Notice is hereby given to all parties interested, that accounts in the following matters have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Chester County, Pennsylvania for AUDIT, CONFIRMATION AND DISTRIBUTION at the above date, time and place. At that time and place interested parties, claimants and objectors to the same will be heard.

IN RE: CONSTANCE D. HERCKNER FAMILY FUND, TRUST **1520-1712**
FIRST AND FINAL ACCOUNT
OF: VANGUARD NATIONAL TRUST COMPANY, TRUSTEE
ATTORNEY(S):
KAREN M. STOCKMAL, ESQUIRE
LAURA M. TOBEY, ESQUIRE

ESTATE OF ALICE T. CHRISTMAN, DECEASED **1519-2500**
FIRST AND FINAL ACCOUNT
OF: PAMELA A. PLESKO, EXECUTOR
ATTORNEY(S):
FRANK W. DALY, ESQUIRE

IN RE: LENORA GOLDFARB, TRUST **1520-1717**
FIRST ACCOUNT
OF: MITCHELL GOLDFARB, TRUSTEE
SHELLEY R. GOLDFARB GOLDNER, TRUSTEE
ATTORNEY(S):
MELISSA SIRAVO HENSINGER, ESQUIRE
JAMES FRANCIS MANNION, ESQUIRE

IN RE: MEYER D. GOLDFARB, TRUST

1520-1723

FIRST ACCOUNT

OF: MITCHELL GOLDFARB, TRUSTEE
SHELLEY R. GOLDFARB GOLDNER, TRUSTEE

ATTORNEY(S):
MELISSA SIRAVO HENSINGER, ESQUIRE
JAMES FRANCIS MANNION, ESQUIRE

ESTATE OF JAMES E. ROMANO JR, DECEASED

1517-2243

A/K/A JAMES EDWARD ROMANO JR
FIRST AND FINAL ACCOUNT

OF: NIKOLAS J. ROMANO, ADMINISTRATOR
ATTORNEY(S):
STEPHEN DOWLING POTTS, ESQUIRE

ESTATE OF RICHARD CHENNISI, DECEASED

1516-2003

A/K/A RICHARD A. CHENNISI
FIRST AND INTERIM ACCOUNT

OF: MICHAEL SCOTT CHENNISI, EXECUTOR
ATTORNEY(S):
JENNIFER A. KOSTEVA, ESQUIRE
ADAM T. GUSDORFF, ESQUIRE

CHANGE OF NAME NOTICE

**IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

LAW NO. 2020-06735-NC

NOTICE IS HEREBY GIVEN that the name change petition of Danielle Margaret Lynch was filed in the above-named court and will be heard on Monday, December 21, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, September 11, 2020

Name to be changed from: Danielle Margaret Lynch to: Danielle Lynch Nicholson

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

CHANGE OF NAME NOTICE

**IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

LAW NO. 2020-06507-NC

NOTICE IS HEREBY GIVEN that the name change petition of Britt Underwood on behalf of minor child Axel Christopher Underwood was filed in the above-named court and will be heard on Monday, October 5, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Thursday, September 3, 2020

Name to be changed from: Axel Christopher Underwood to: Rhoades Christopher Underwood

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

CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION
LAW NO. 2020-052290-NC

NOTICE IS HEREBY GIVEN that the name change petition of Cassie Pate on behalf of minor child Layah Eden Schwartz was filed in the above-named court and will be heard on Monday, October 12, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Monday, September 14, 2020

Name to be changed from: Layah Eden Schwartz to: Layah Eden Pate

Any person interested may appear and show cause, 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 the Department of State for MEANIX LANDSCAPING INC., a corporation organized under the Pennsylvania Business Corporation Law of 1988.

SNYDER LAW GROUP, P.C., Solicitors
 121 Ivy Lane
 King of Prussia, PA 19406

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

BELT, Paula Reigart, late of East Marlborough Township. Donald R. Belt & Cynthia Belt Bomhardt, care of KENNETH R. WERNER, Esquire, 203 West Miner Street, West Chester, PA 19382-2924, Co-Executors. KENNETH R. WERNER, Esquire, Werner & Wood, 203 West Miner Street, West Chester, PA 19382-2924, atty.

BERGQUIST, John Norton, a/k/a John N. Bergquist, late of Easttown. Joan S. Bergquist, 217 Devon Boulevard, Devon, PA 19333, Executrix.

COMBS, Glenn A., late of Penn Township. Diane E. Combs, care of L. PETER TEMPLE, Esquire, P.O.

Box 384 Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384 Kennett Square, PA 19348, atty.

GAVIN, Maryann Portare, a/k/a Maryann P Gavin, late of Tredyffrin Township. Susanne Gavin Emel, 91 Newlin Rd, Parkesburg, PA 19365, Executor.

HEFELFINGER, Denise L., late of Spring City. Kelly A. Rothenberger, care of DAVID G. GARNER, Esquire, 635 E. High Street, Suite 2, Pottstown, PA 19464, Administratrix. DAVID G. GARNER, Esquire, 635 E. High Street, Suite 2, Pottstown, PA 19464, atty.

HEGARTY, Erma M., late of East Caln Township. Robert Wayne Hegarty, care of MATTHEW L. CONLEY, Esquire, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, Executor. MATTHEW L. CONLEY, Esquire, Conley Law Practice, LLC, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, atty.

HEMPHILL, Clifford P., late of Kennett Square. Mark B. Hemphill, care of MICHAEL R. PERNA, Esquire, 610 Millers Hill, P. O. Box 96, Kennett Square, PA 19348, Administrator. MICHAEL R. PERNA, Esquire, Perna & Abracht, LLC, 610 Millers Hill, P. O. Box 96, Kennett Square, PA 19348, atty.

JACKSON, Mary Louise, late of Tredyffrin Township. Kenneth C. Russell, 3500 Reading Way, Huntingdon Valley, PA 19006, Executor. KENNETH C. RUSSELL, Esquire, Baratta, Russell & Baratta, 3500 Reading Way, Huntingdon Valley, PA 19006, atty.

KLEMAN, William H., late of East Coventry Township. Mary Ann Moyer, care of JAMIE OTTAVIANO, Esquire, 1129 E. High St., PO Box 776, Pottstown, PA 19464, Administratrix. JAMIE OTTAVIANO, Esquire, Yergey Daylor Allebach Scheffey Picardi, 1129 E. High St., PO Box 776, Pottstown, PA 19464, atty.

LEWIS, Gerard Joseph, late of Tredyffrin Township. Gerard J. Lewis, Jr., care of SUZANNE M. HECHT, Esquire, 795 E. Lancaster Ave., #280, Villanova, PA 19085, Executor. SUZANNE M. HECHT, Esquire, Haney & Hecht, 795 E. Lancaster Ave., #280, Villanova, PA 19085, atty.

LOCK, Beatrice B., late of East Goshen Township. Frank J. Lock, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301-1775, Executor. CARRIE A. S. KENNEDY, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301-1775, atty.

MANFREDI, Anna G., a/k/a Anna Gloria Manfredi, late of New Garden Township. Rocco L. Manfredi III, 5A Mel-Ron Court, Carlisle, PA 17015, Executor. ANDREW S. RUSNIAK, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601, atty.

NUNAN, Christine L., a/k/a Christine Veon Nunan, late of Landenberg. Charles R. Nunan, Jr., 2 Yeager Lane, Landenberg, PA 19350, Executor. MARK M. DALLE PAZZE, Esquire, Herdeg, du Pont & Dalle Pazzo, LLP, 15 Center Meeting Road, Wilmington, DE 19807, atty.

PARKER, Mary B., late of Paoli. Craig Waters, 37 Wistar Road, Paoli, PA 19301, Executor.

PASKEL, Robert, late of West Goshen Township. Bryan Paskel, care of STANLEY E. LUONGO, JR., Esquire, 126 West Miner Street, West Chester, PA 19382, Administrator. STANLEY E. LUONGO, JR, Esquire, Luongo Bellwoar LLP, 126 West Miner Street, West Chester, PA 19382, atty.

PIERCE, JR, Lewis J., late of Uwchlan Township. Diane M. Lewis, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Executrix. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S. Darlington Street, West Chester, PA 19382, atty.

SCANDONE, Emily T., late of West Chester. Joseph Scandone, 90 Dilworthtown Road, Thornton, PA 19373, Executor. JOSEPH J. PIZONKA, Esquire, Bello, Reilley, McGrory & DiPippo, P.C., 144 East Dekalb Pike, Suite 300, King of Prussia, PA 19406, atty.

SCANLON, Margaret A., late of East Pikeland Township. Concetta M. Connell, 209 Gravel Hill Road, Palmyra, PA 17078, Executor. TIMOTHY T. ENGLER, Esquire, 36 W. Main Avenue, Myerstown, PA 17067, atty.

SMELTZER, Judith H., a/k/a Judith Smeltzer, late of East Goshen Township. William E. Hahn, care of JOHN A. TERRILL, II, Esquire, 100 Four Falls, Ste. 300, West Conshohocken, PA 19428, Executor. JOHN A. TERRILL, II, Esquire, Heckscher, Teillon, Terrill & Sager, P.C., 100 Four Falls, Ste. 300, West Conshohocken, PA 19428, atty.

STRIAR, Naomi Golda, late of Tredyffrin Township. Lee Derek Striar, care of EVAN J. KELLY, Esquire, 126 West Miner Street, West Chester, PA 19382, Executor. EVAN J. KELLY, Esquire, Bellwoar Kelly LLP, 126 West Miner Street, West Chester, PA 19382, atty.

TODD, Maude A., late of East Caln Township.

Michael F. Todd, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executor. J. MICHAEL RYAN, Esquire, Law Office of J. Michael Ryan, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

TREMPE, Robert B., a/k/a Bob Trempe, late of Tredyffrin Township. Susan J. Trempe, care of BRIAN R. GILBOY, Esquire, 100 N. 18th St., Ste. 730, Philadelphia, PA 19103, Executrix. BRIAN R. GILBOY, Esquire, Gilboy & Gilboy LLP, 100 N. 18th St., Ste. 730, Philadelphia, PA 19103, atty.

VAN HEES, Nele, late of West Goshen Township. Hans Albert Elisabeth Van Hees, care of KENNETH R. WERNER, Esquire, 203 West Miner Street, West Chester, PA 19382-2924, Administrator. KENNETH R. WERNER, Esquire, Werner & Wood, 203 West Miner Street, West Chester, PA 19382-2924, atty.

WELLIVER, Marie E., a/k/a Marie Ellen Welliver, late of East Goshen Township. Robert D. Welliver, care of STEPHEN CARROLL, Esquire, PO Box 1440, Media, PA 19063, Executor. STEPHEN CARROLL, Esquire, Carroll & Karagelian LLP, PO Box 1440, Media, PA 19063, atty.

WHITTINGTON, Virginia Caroline, a/k/a Ginger Whittington, late of Paoli. Sheryl Kolasinski, 1447 Oxford Street, Houston, TX 77008, & Sharon Kolasinski, 545 Hansell Road, Wynnewood, PA 19096, Executrices.

WILLIAMSON, Marjorie C., late of Penn Township. Diane M. Gouge, 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.

2nd Publication

COCKERHAM, Thomas E., late of East Whiteland Township. Linda C. Roselli, care of JAMES B. GRIFFIN, Esquire, 623 N. Pottstown Pike, Exton, PA 19341, Executor. JAMES B. GRIFFIN, Esquire, JAMES B. GRIFFIN, P.C., 623 N. Pottstown Pike, Exton, PA 19341, atty.

COTTOM, Michael. a/k/a Michael Marvin Cottom, late of Coatesville. Tanya Campbell, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executor. JAY G. FISCHER, Esquire, Valocchi & Fischer Law Office, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

CUNNINGHAM, Anthony Gerard, late of East Goshen Township. Julie A. Cunningham, 43 Orchard Court, Royersford, PA 19468, Executrix. THERESE

L. MONEY, Esquire, Law Office Therese L. Money, LLC, 109 E. Evans St., Suite A, West Chester, PA 19380, atty.

DALTON, JR., James F., a/k/a James Farrier Dalton, Jr., late of Kennett Square. Daniel A. Dalton, 420 W. 25th Street, Apt. 4K, New York, New York 10001, Executor. MARK M. DALLE PAZZE, Esquire, Herdeg, du Pont & Dalle Pазze, LLP, 15 Center Meeting Road, Wilmington, DE 19807, atty.

DALY, George S., late of Blue Bell. Diane P. Daly, care of LOUIS PETRIELLO, Esquire, 526 Township Line Rd., Suite 200, Blue Bell, PA 19422, Executrix. LOUIS PETRIELLO, Esquire, Petriello & Royal, LLC, 526 Township Line Rd., Suite 200, Blue Bell, PA 19422, atty.

DRENNEN, Lawrie R., late of Oxford Borough. Lawrie R. Drennen, Jr. and Chris Drennen, care of WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 East Locust Street, Oxford, PA 19363, Executors. WINIFRED MORAN SEBASTIAN, Esquire, McMichael, Heiney & Sebastian, LLC, PO Box 381, 208 East Locust Street, Oxford, PA 19363, atty.

EBERSOLE, Barbara Ann, a/k/a Barbara Ann Wolf, late of Willistown Township. Kirsten Ebersole and Janine Ebersole, care of THOMAS G. WOLPERT, Esquire, 527 Main St., Royersford, PA 19468, Administratrices. THOMAS G. WOLPERT, Esquire, Wolpert Schreiber McDonnell P.C., 527 Main St., Royersford, PA 19468, atty.

HENRY, Donald D., late of West Caln Township. Crystal Steen, care of RICHARD H. MORTON, Esquire, 220 W Gay St, West Chester, PA 19380, Executrix. RICHARD H. MORTON, Esquire, Ryan, Morton & Imms, LLC, 220 W Gay St, West Chester, PA 19380, atty.

MILLER, Patricia, a/k/a Patricia Taussig, late of Tredyffrin Township. Harvey M. Miller, care of JACQUELINE MOTYL, Esquire, P.O. Box 673, Exton, PA 19341, Executor. JACQUELINE MOTYL, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341, atty.

MOFFETT, Donald J., late of Oxford. Carole A Breen, 442 Highland Ct, Oxford, PA 19363, Executrix.

PFANDERS, Frank J., a/k/a Frank Joseph Pfanders, Jr., late of Spring City. Paul D. Pfanders, 123 Lattice Lane, Collegetown, PA 19426 & Margaret A. Ray, 1583 Briarwood Lane, Pottstown, PA 19464, Co-Executors. R. KURTZ HOLLOWAY, Esquire, Wells, Hoffman, Holloway & Medvesky, LLP, 635 E.

High Street, P.O. Box 657, Pottstown, PA 19464, atty.

PUGH, Daniel Alan, late of Oxford. Cynthia D. Pugh, care of WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, Oxford, PA 19363, Administrator. WINIFRED MORAN SEBASTIAN, Esquire, McMichael, Heiney & Sebastian, LLC, PO Box 381, Oxford, PA 19363, atty.

RONCASE, Elaine C., late of Phoenixville Borough. Robert A. Roncase, Jr., care of JAMES B. GRIFFIN, Esquire, 623 N. Pottstown Pike, Exton, PA 19341, Executor. JAMES B. GRIFFIN, Esquire, James B. Griffin, P.C., 623 N. Pottstown Pike, Exton, PA 19341, atty.

SANTOLERI, Elizabeth Z., late of Tredyffrin Township. Marybetli Avioli and Joseph J. Santoleri, Jr., care of THOMAS E. WYLER, Esquire, 22 East Third Street, Media, Pennsylvania 19063, Co-Executors. THOMAS E. WYLER, Esquire, Falzone & Wyler, 22 East Third Street, Media, Pennsylvania 19063, atty.

STYER, Elizabeth L., late of Pennsbury Township. Stephen S. Grubbs, care of LOUIS N. TETI, Esquire, 17 W. Miner St., West Chester, PA 19382, Executor. LOUIS N. TETI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

TOMON, William J., late of East Pikeland Township. Theresa A. Tomon, care of TARA M. WALSH, Esquire, 30 Valley Stream Parkway, Malvern, PA 19355-1481, Executrix. TARA M. WALSH, Esquire, Stradley, Ronon, Stevens & Young, LLP, 30 Valley Stream Parkway, Malvern, PA 19355-1481, atty.

VAN SICKLE, Patricia Ann, a/k/a Patricia Brehl, late of West Chester. Sharon White, 1658 Ward Street, Linwood, PA 19061, Executrix.

3rd Publication

BROUS, Ellis Ronald, a/k/a E. Ronald Brous, late of Westtown Township. Norman J. Pine, 104 S. Church St., West Chester, PA 19382, Administrator. NORMAN J. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

BROWN, Gary T., late of East Whiteland Township. Shawn Brown, P.O. Box 513, Malvern, PA 19335, Executrix. JOSEPH P. DiGIORGIO, Esquire, Platt DiGiorgio and DiFabio, 1800 East Lancaster Avenue, Paoli, PA 19301, atty.

CALABRESE, Fern Marie, late of West Whiteland Township. Christine M. O'Neill, care of JOSEPH A. BELLINGHIERI, Esquire, 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, Executrix. JOSEPH A. BELLINGHIERI, Esquire, MacElree Harvey, LTD, 17 W. Miner St., P.O. Box

660, West Chester, PA 19381-0660, atty.

FOLEY, George W., a/k/a George W. Foley III, a/k/a George William Foley III, late of Charlestown Township. George W. Foley IV, 100 Regents Courts, Malvern, PA 19355, Administrator. THOMAS W. FLYNN III, Esquire, Crawford Diamond Flynn LLC, 19 Waterloo Avenue, Berwyn, PA 19312, atty.

FRIES, Barbara A., late of Spring City. Deborah Crable, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, atty.

GREEN, Hiram Josephus, late of Spring City Borough. Carol Lewis, 2700 Victoria Walk SW, Conyers, GA 30094, Executrix. JOSEPH A. BELLINGHIERI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, atty.

HEWITT, Patricia K., late of West Bradford Township. James M. Keagle, care of MICHAEL C. McBRATNIE, Esquire, P.O. Box 673, Exton, PA 19341, Executor. MICHAEL C. McBRATNIE, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341, atty.

JENKINS, Carol Jean, late of West Chester. Torrence Jenkins, 7 Heron Drive, Denver, PA 17517, Executor. David A. Keightly, Esquire, Keightly Law Offices, 114 Heartwood Drive, Lansdale, PA 19446, atty.

KALLIGONIS, Anthony J., late of West Goshen Township. Timothy F. Kalligonis, 35 Parry Circle, West Chester, PA 19380, Executor. PAUL J. RUBINO, Esquire, Rubino Law, LLC, 123 East Gay Street, West Chester, PA 19380, atty.

KIELY, Margaret Mary, late of Tredyffrin Township. Aimee Weise and Frank Weise, 416 Boxwood Rd., Bryn Mawr, PA 19010, Administrators C.T.A. W. STEVEN WOODWARD, Esquire, Gadsden Schneider & Woodward LLP, 1275 Drummers Ln., Ste. 210, Wayne, PA 19087-1571, atty.

MASON, SR., John Richard, late of West Chester Borough. Judith Lynn Wright, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Executrix. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S. Darlington Street, West Chester, PA 19382, atty.

MILLER, Patricia, a/k/a Patricia L. Miller, late of Uwchlan Township. Laura L. Keller, 711 Chessie Court, West Chester, PA 19380, Executor. CHARLES W. PROCTOR, III, Esquire, PLA Associates, PC, 1450 E. Boot Road, Building 400D, West Chester,

PA 19380, atty.

NICHOLS, JR., Daniel J., late of Kennett Township. Barbara A. Nichols, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executrix. EDWARD M. FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

O'HARE, John J., late of East Bradford Township. Patricia Jackson and John E. O'Hare, care of MARITA MALLOY HUTCHINSON, Esquire, 1250 Fieldstone Dr., West Chester, PA 19382, Executors. MARITA MALLOY HUTCHINSON, Esquire, Law Office of Marita Malloy Hutchinson, 1250 Fieldstone Dr., West Chester, PA 19382, atty.

PANETTA, Barbara Joan, late of West Whiteland Township. Donal G Maxwell, Bailey Rd, P.O.Box 72132, Thorndale, PA 19372, Executor.

SCISCIONE, Avora J., late of Downingtown Borough. Cheryl Sciscione, 502 Twaddell Mill Rd., Wilmington, DE 19807 and Dianne Cerceo, 4108 Milltown Terrace, Downingtown, PA 19335, Executrices. JENNIFER FELD, Esquire, Colliton Elder Law Associates, P.C., 790 E. Market St., Ste. 250, West Chester, PA 19382, atty.

SERGEANT, David F, late of West Brandywine Township. Susan S. Baroni, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Executrix. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S. Darlington Street, West Chester, PA 19382, atty.

STEVENS, Barbara May, late of East Whiteland Township. Michael D. Stevens, care of NORMAN J. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executor. NORMAN J. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

STOUT, Jay P., late of Lower Oxford Township. James R. Stout, Jr, care of L. PETER TEMPLE, Esquire, P. O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348, atty.

WEIR, Esther, late of West Chester Borough. Sandra Abate and Debra Miller, care of RAYMOND J. FALZONE, JR., Esquire, 22 East Third Street, Media, PA 19063, Executrices. RAYMOND J. FALZONE, JR., Esquire, Falzone & Wyler, 22 East Third Street, Media, PA 19063, atty.

ZELL, Marie D., late of Tredyffrin Township. Deborah A. Zell, care of JAMES T. OWENS, Esquire, P.O. Box 85 Edgemont, PA 19028-0085,

Executor. JAMES T. OWENS, Esquire, James T. Owens Attorney at Law, P.O. Box 85 Edgemont, PA 19028-0085, atty.

FICTITIOUS NAME

NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of

Legacy Aesthetics, with its principal place of business at 460 Creamery Way, Suite 110, Exton, PA 19341. The application has been (or will be) filed on: Wednesday, August 26, 2020. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Kim Wingate, Kim Enterprises LLC, 460 Creamery Way, Suite 110, Exton, PA 19341.

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on July 17, 2020 for **On Pointe Accounting Solutions** at 116 Freedom Rider Trail, Glen Mills, PA 19342. The name and address of each individual interested in the business is Francesca Frankenfield at 116 Freedom Rider Trail, Glen Mills, PA 19342. This was filed in accordance with 54 Pa.C.S. 311.

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on July 21, 2020 for **Loud and Clear Services** at 211 Kennedy Drive Coatesville, PA 19320. The name and address of each individual interested in the business is Robert Scott Merow at 211 Kennedy Drive Coatesville, PA 19320. This was filed in accordance with 54 Pa.C.S. 311.

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on July 13, 2020 for **Frontier Buckaroo** at 1501 Weatherstone Drive Paoli, PA 19301. The name and address of each individual interested in the business is Lois Masterson at 1501 Weatherstone

Drive Paoli, PA 19301. This was filed in accordance with 54 Pa.C.S. 311.

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on July 27, 2020 for **Birchrun Advisors** at 1228 Jaine Lane Spring City, PA 19475. The name and address of each individual interested in the business is Larry Liss at 1228 Jaine Lane Spring City, PA 19475. This was filed in accordance with 54 Pa.C.S. 311.

NOTICE is hereby given, pursuant to the provisions of Act of Assembly, No. 295, approved December 16, 1982, effective March 16, 1983, of intention to file in the office of the department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a Certificate for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation:

Trident Community Management, with its principal place of business at 78 Ashley Court, Downingtown, PA 19335.

The name and address of the person/entity owning or interested in said business is: Trident Property Management, LLC, 78 Ashley Court, Downingtown, PA 19335.

The application was filed on August 24, 2020. Jamie V. Ottaviano, Esquire
Yergey Daylor Allebach Scheffey Picardi
1129 E. High Street, P.O. Box 776
Pottstown, PA 19464

1st Publication of 3

IRREVOCABLE DECLARATION OF TRUST OF COLE STANLEY

COLE WILLIAM STANLEY a/k/a COLE STANLEY, Deceased

Late of West Caln Township, Chester County, PA

This Trust is in existence and all persons having claims or demands against said Trust or decedent are requested to make known the same and all persons indebted to the decedent to make payment without delay to PNC BANK, N.A. and MICHELLE STANLEY, TRUSTEES, care of Kim D. Fetrow, Esq., 100 Four Falls, Ste. 300, West Conshohocken, PA 19428,

Or to their Attorney:

KIM D. FETROW
HECKSCHER, TEILLON, TERRILL & SAGER,
P.C.
100 Four Falls, Ste. 300
West Conshohocken, PA 19428

1255 Drummers Ln., Ste. 105
Wayne, PA 19087

3rd Publication of 3

TRUST NOTICE

Notice is hereby given of the administration of the Dorothy M Bush Trust dtd 3/30/11. Settlor, late of Lower Oxford Twp Chester Count PA died 3/14/20. All persons having claims against the decedent are requested to make known the same and all persons indebted to the decedent are required to make payment without delay to: Lisa Crews Trustee c/o Patricia A. Coacher, Esq., 166 Allendale Road, King of Prussia, PA 19406

3rd Publication of 3

TRUST NOTICE

Meyer D. Goldfarb Revocable Trust, dated October 11, 1994, as amended by the First Addendum to Trust, dated December 18, 1996, the Second Addendum to Trust, dated July 13, 1999, the Third Addendum to Trust, dated December 7, 2001, the Fourth Addendum to Trust, dated May 19, 2005, the Fifth Addendum to Trust, dated November 21, 2006, the Sixth Addendum to Trust, dated February 18, 2008, and the Seventh Addendum to Trust, dated October 31, 2011

MEYER D. GOLDFARB, Deceased

Late of East Brandywine Township, Chester County, PA

This Trust is in existence and all persons having claims or demands against said Trust or decedent are requested to make known the same and all persons indebted to the decedent to make payment without delay to SHELLEY R. GOLDFARB-GOLDNER and MITCHELL GOLDFARB, TRUSTEES, c/o Cynthia J. Raymond, Esq., Glenhardie Corporate Center, 1255 Drummers Ln., Ste. 105, Wayne, PA 19087,

Or to their Attorney:

CYNTHIA J. RAYMOND
Glenhardie Corporate Center

NOTICE

**IN THE COURT OF COMMON PLEAS OF
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION NO. 2020-00489-RC**

**TO: Vinmark re Holdings, LLC
First Franklin Financial Corp., a
subsidiary of National City Bank of
Indiana
DEFENDANTS**

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A 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.

NAME: LAWYER REFERRAL
SERVICE CHESTER COUN
TY BAR ASSOCIATION
ADDRESS: 15 WEST GAY STREET
WEST CHESTER, PA 19380
PHONE: 610-429-1500



Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

1. Publication Title: The Chester County Law Reporter
2. Publication Number: 102900
3. Filing Date: 09/15/2020
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8. Complete Mailing Address of Headquarters or General Business Office of Publisher: 15 West Gay Street, 2nd Floor, West Chester, PA 19380

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor
Publisher: Chester County Bar Association, 15 West Gay Street, 2nd Floor, West Chester, PA 19380
Editor: Rick Meanix, 15 West Gay Street, 2nd Floor, West Chester, PA 19380
Managing Editor: Rick Meanix, 15 West Gay Street, 2nd Floor, West Chester, PA 19380

10. Owner: Chester County Bar Association, 15 West Gay Street, 2nd Floor, West Chester, PA 19380

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box [X] None

12. Tax Status: [X] Has Not Changed During Preceding 12 Months

13. Publication Title The Chester County Law Reporter		14. Issue Date for Circulation Data Below 09/15/2020	
15. Extent and Nature of Circulation Legal Journal		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (<i>Net press run</i>)		87	87
b. Paid Circulation (<i>By Mail and Outside the Mail</i>)	(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	36	36
	(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (<i>Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies</i>)	34	34
	(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	0	0
	(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail®)	0	0
c. Total Paid Distribution [<i>Sum of 15b (1), (2), (3), and (4)</i>]		70	70
d. Free or Nominal Rate Distribution (<i>By Mail and Outside the Mail</i>)	(1) Free or Nominal Rate Outside-County Copies included on PS Form 3541	0	0
	(2) Free or Nominal Rate In-County Copies Included on PS Form 3541	12	12
	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)	0	0
	(4) Free or Nominal Rate Distribution Outside the Mail (<i>Carriers or other means</i>)	0	0
e. Total Free or Nominal Rate Distribution (<i>Sum of 15d (1), (2), (3) and (4)</i>)		12	12
f. Total Distribution (<i>Sum of 15c and 15e</i>)		82	82
g. Copies not Distributed (<i>See Instructions to Publishers #4 (page #3)</i>)		5	5
h. Total (<i>Sum of 15f and g</i>)		87	87
i. Percent Paid (<i>15c divided by 15f times 100</i>)		85.37%	85.37%

* If you are claiming electronic copies, go to line 16 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.



UNITED STATES POSTAL SERVICE®

Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

16. Electronic Copy Circulation	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Paid Electronic Copies		
b. Total Paid Print Copies (Line 15c) + Paid Electronic Copies (Line 16a)	70	
c. Total Print Distribution (Line 15f) + Paid Electronic Copies (Line 16a)	82	82
d. Percent Paid (Both Print & Electronic Copies) (16b divided by 16c × 100)		

I certify that 50% of all my distributed copies (electronic and print) are paid above a nominal price.

17. Publication of Statement of Ownership

If the publication is a general publication, publication of this statement is required. Will be printed

Publication not required.

in the 9/24/20 issue of this publication.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner

Date

Matthew Holzman

09/22/2020

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

Sheriff Sale of Real Estate

By virtue of the within mentioned writs directed to Sheriff Fredda L. Maddox, the herein-described real estate will be sold at public sale in the Chester County Justice Center at 201 W Market Street, 3rd Floor, Room 3300, West Chester, Pennsylvania, as announced on **Thursday, October 15th, 2020 at 11AM.**

Notice is given to all parties in interest and claimants that the Sheriff will file with the Prothonotary and in the Sheriff's Office, both located in the Chester County Justice Center, 201 W Market Street, West Chester, Pennsylvania, Schedules of Distribution on **Monday, November 16th, 2020.** Distribution will be made in accordance with the Schedules unless exceptions are filed in the Sheriff's Office within ten (10) days thereafter.

N.B. Ten percent (10%) of the purchase money must be paid at the time and place of sale. **Payment must be paid in cash, certified check or money order made payable to the purchaser or "Sheriff of Chester County". The balance must be made payable to "Sheriff of Chester County". within twenty-one (21) days from the date of sale by 4PM.**

FREDDA L. MADDOX, SHERIFF

1st Publication

SALE NO. 20-10-339

Writ of Execution No. 2020-03820

DEBT \$760,954.93

ALL THAT CERTAIN lot or piece of ground situate in the Township of West Whiteland, County of Chester and Commonwealth of Pennsylvania, bounded and described according to a Subdivision Plan of Exton Commons, Section

1, made by Henry S. Conrey, Inc., Division of Chester Valley Engineers, Paoli, Pennsylvania dated 12/10/1982 and last revised 03/11/1983 and recorded as Plan No. 4349 as follows, to wit:

BEGINNING at a point of intersection of the Southeasterly side of Swedesford (55 feet wide) and the Northeasterly side of Mall Entrance Road; thence extending along the said side of Swedesford Road measured North 79 degrees 26 minutes 49 seconds East 159.83 feet to a point; thence leaving the said Swedesford Road and extending along line of Common Area of Exton Commons, measured the following (2) courses and distances, to wit: (1) South 01 degree 57 minutes 40 seconds East 161.45 feet to a point in the bed of a 20 feet wide Sanitary Sewer and Water Main Easement (2) thence South 88 degrees 02 minutes 20 seconds West, 119.38 feet to a point on the Northeasterly side of Mall Entrance Road; thence extending along the said side of the Mall Entrance Road the following (3) courses and distances to wit: (1) North 24 degrees 17 minutes 11 seconds West, 106.54 feet to a point of curve (2) thence on the arc of a circle curving to the right having a radius of 35.00 feet, the arc distance of 35.49 feet to a point of tangent (3) thence North 24 degrees 17 minutes 11 seconds West, 5.70 feet to a point of intersection of the Northeasterly side of Mall Entrance Road and Southeasterly side of Swedesford Road, the first mentioned point and place of beginning.

CONTAINING 21,903 square feet of land, more or less.

BEING known as Unit No. 74 on said plan.

UPI NO. #41-5C-222

IMPROVEMENTS thereon: Consists of a one story free standing commercial building with open space and a parking area

PLAINTIFF: ESSA Band & Trust

SALE NO. 20-10-341

VS

Writ of Execution No. 2019-07996

DEFENDANT: **DAT Enterprises, LLC, Schwarz Enterprises, LLC, Schwarz Enterprises II, LLC**

DEBT \$141,228.37

SALE ADDRESS: 100 Exton Commons, Exton, PA 19341

PLANTIFF ATTORNEY: **JACK M. SEITZ, ESQUIRE 610-530-2700**

ALL THAT CERTAIN Westerly ½ of a dwelling house and appurtenant lot of land, Situate in the Borough of Spring City, County of Chester, Commonwealth of Pennsylvania, known and designated as No. 306 Broad Street, bounded and described according to a Survey made by Earl R. Ewing, Registered Surveyor, No. 6015 under date of I 0/18/1948 as follows, to wit:

SALE NO. 20-10-340

Writ of Execution No. 2018-10310

DEBT \$312,160.16

SOLD AS THE PROPERTY OF: BRENDA A. HOAGLAND AKA BRENDA HOAGLAND and R. MARK HOAGLAND AKA R. HOAGLAND.

TAX ID / UPI PARCEL NO. #22-08-0158/ 22-8-158

IMPROVEMENTS theron: A residential dwelling

BEGINNING at a center point in the center line of Broad Street, being 68.59 Southwesterly from the intersection of the center lines of Penn Street and Broad Street, and in line with the partition wall between Nos. 304 and 306 Broad Street; thence through the partition wall along other lands of the grantors South 13 degrees 05 minutes East 227.22 feet to an iron pin in the proposed extension of Hall Street; thence along said street South 78 degrees 17 minutes West 18.72 feet to an iron pipe a corner of Lot No. 33; thence along the same North 13 degrees 00 minutes West 226.80 feet to the center line of Broad Street; thence along the same North 77 degrees 00 minutes East 18.41 feet to the place of beginning.

PLAINTIFF: The Bank of New York Mellon, F/K/A The Bank of New York As Trustee For Registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2007-12, C/O Carrington Mortgage Services, LLC

BEING UPI No. #14-4-314

VS

DEFENDANT: **Brenda A. Hoagland AKA Brenda Hoagland R. Mark Hoagland AKA R. Hoagland Mortgagor(s) and Record Owner(s)**

BEING the same premises that the Federal Home Loan Mortgage Corporation by Deed dated October 24, 2013 and recorded in the Office of the Recorder of Deeds in and for the County of Chester in Record Book 8845, at page 527, granted and conveyed unto Megan D’Alonzo, a single woman in fee.

SALE ADDRESS: 390 Grieson Road A/K/A 374 Cupola Road, Honey Brook, PA 19344

PLANTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

PLAINTIFF: Lucille Carroll Austin

VS

DEFENDANT: **Megan Renee D’Alonzo**

SALE ADDRESS: 306 Broad Street, Spring City, PA 19475

PLANTIFF ATTORNEY: **VALOCCHI & FISCHER 610-269-0900 EXT 2**

SALE NO. 20-10-343

Writ of Execution No. 2019-02863

DEBT \$192,629.29

BEING THE SAME PREMISES which Constance Axe, Administrator of the Estate of Richard M. Thomas a/k/a Richard Morgan Thomas, Deceased, by Deed dated October 26, 2007 and recorded November 8, 2007 in Record Book 7302, Page 1071, in the Office of the Recorder of Deeds in and for Chester County, Pennsylvania, granted and conveyed unto Samuel E. Fisher, I.

Tax ID #12-2-48, Honeybrook Borough

PLAINTIFF: The Ephrata National Bank

VS

DEFENDANT: **Samuel E. Fisher, I**

SALE ADDRESS: 630-640 Vine Street, Honey Brook, PA 19344

PLANTIFF ATTORNEY: **JOSEPH P. SCHALK, ESQUIRE 717-299-5201**

SALE NO. 20-10-344

Writ of Execution No. 2019-06079

DEBT \$216,728.83

ALL THAT CERTAIN lot or piece of ground situate in the township of London Grove, County of Chester and State of Pennsylvania being bounded and described in accordance with a Plan of Section II Wickerton Farms, made by Manley N. White, Surveyor on 3/10/1967, corrected 4/3/1967 and re-

corded 7/5/1967 in Plan Book 26 page 28 as follows, to wit:

BEGINNING at a point the intersection of the title line in the bed of State Road with the Northwesterly side line of Buttonwood Drive (50 feet wide) if extended; thence extending from said point of beginning along said Buttonwood Olive (50 feet wide) South 05 degrees East 200 feet to a point, a corner of other lands of grantors; thence extending along same South 78 degrees 53 minutes 40 seconds West 121.14 feet to a point, a corner of Lot #29 on Plan; thence extending along said Lot #29 North 05 degrees East crossing the Southerly side of State Road, 200 feet to a point on the title line in the bed of said State Road; thence extending along the said title line in the bed of said State Road, North 78 degrees 53 minutes 40 seconds East 121.14 feet to the first mentioned point and place beginning.

CONTAINING 24,090 square feet of land more or less.

BEING Lot #30 on said Plan.

FOR INFORMATIONAL PURPOSES ONLY: Being known as 399 State Road, West Grove, PA 19390

UPI# 59-8-133.31; PIN 5980133100

BEING THE SAME PREMISES which Alfred W. Roy and Doris M. Roy, his wife, by Deed dated July 9, 1968 and recorded July 9, 1968 in Book G38 Page 302, in the Office of the Recorder of Deeds in and for the County of Chester, granted and conveyed unto Robert Thomas Baylis, and Mary G. Baylis, his wife, in fee. And the said Robert Thomas Baylis departed this life on May 14, 2006 thereby vesting title in Mary G. Baylis by operation of law.

AND THE SAID Mary G. Baylis departed this life on or about December 30, 2018 thereby vesting title unto Dawn G. Scanlon, Executrix of the Estate of

Mary G. Baylis a/k/a Mary Baylis.

PLAINTIFF: Bank of New York Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust

VS

DEFENDANT: **Dawn G. Scanlon, Executrix of the Estate of Mary G. Baylis a/k/a Mary Baylis, deceased**

SALE ADDRESS: 399 State Road, West Grove, PA 19390

PLANTIFF ATTORNEY: **SHAPIRO & DeNARDO, LLC 610-278-6800**