

# York Legal Record

A Record of Cases Argued and Determined in the Various Courts of York County

---

Vol. 128

YORK, PA, THURSDAY, October 2, 2014

No. 26

---

## CASES REPORTED

COMMONWEALTH v. AARON DELMAR RASCOE, Defendant

NO. CP-67-CR-4515-2013

Motion to Suppress

Page 29

---

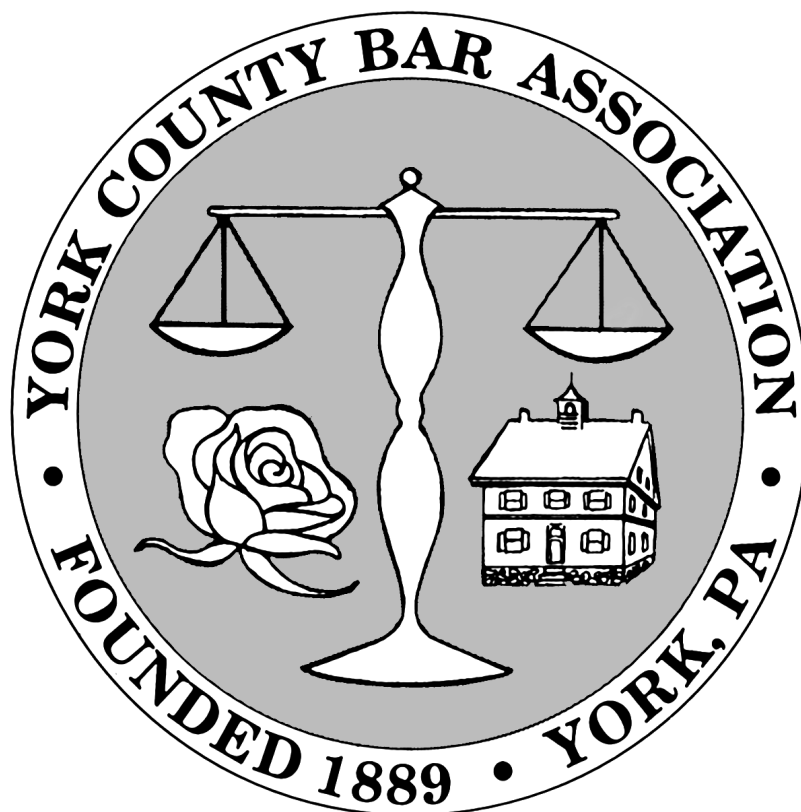
JOHN MICHAEL MCGINNIS and ANTHONY LEROY HENDRIX, Plaintiffs v. JANET J. WILSON  
and MERVIN G. MCCLAIN, Co-Executors of the Estate of Mary C. McClain, Defendant

Statute of Frauds

No. 6713-0661

Page 31

---



---

**Dated Material Do Not Delay**

John D. Briggs • Dean V. Dominick • Drew P. Gannon • James D. Greenberg • R. Elliot Katherman • Edward R. Kennett  
Evan J. Kline • Jennifer A. Kline • Craig R. Milsten • Nancy Mizerak • Timothy L. Salvatore • Brian P. Strong



KATHERMAN BRIGGS & GREENBERG LLP

## Have you received a referral fee from KBG?

In just the past few years, we've paid millions of dollars in referral fees to our fellow attorneys. Since we only handle injury cases, a referral to us can ensure that you avoid the minefields now present in all areas of injury law, such as lienholder rights, novel defenses, and insurance coverage issues. You can focus on your core practice, rest assured that the injury claim is being handled well, and collect a generous referral fee. Let us help you and your clients get the results you deserve.

- Limited Practice -

**Personal Injury • Wrongful Death • Workers' Compensation • Social Security Disability**

7 E. Market St., York PA 17401 • 37 W. Middle St., Gettysburg, PA 17325 • 1776 Harrisburg Pk., Lancaster, PA 17601

Phone 717-848-3838 (York) • 717-337-2211 (Gettysburg) • 717-397-9700 (Lancaster) • Fax 717-854-9172

**ResultsYouDeserve<sup>®</sup>.com**

The York Legal Record is published every Thursday by The York County Bar Association. All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the York Legal Record nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content. Carolyn J. Pugh, Esquire, Editor.

The York Legal Record makes no representation as to the quality of services offered by advertiser in this publication.

Legal notices must be received by York Legal Record, 137 E. Market St., before four o' clock on Friday afternoon. Telephone 854-8755 ext. 202.

Subscription: \$45.00 per year to non-members.  
Published Weekly, Periodicals Postage Paid, York, PA 17402  
U.S.P.S. No. 696140

POSTMASTER: Send address changes to  
York Legal Record, 137 E. Market St., York, PA 17401

Web: [www.yorkbar.com](http://www.yorkbar.com) • E-mail: [yorklegalrecord@yorkbar.com](mailto:yorklegalrecord@yorkbar.com)

COMMONWEALTH v. AARON DELMAR RASCOE, Defendant

NO. CP-67-CR-4515-2013

## Motion to Suppress

1. Defendant filed a Motion to Suppress evidence seized after a traffic stop. A hearing was held, at which time this Court heard testimony and argument from both parties.
2. After reviewing the evidence, under the totality of the circumstances, the Court found that there was insufficient evidence to satisfy the reasonable suspicion standard and to stop and frisk the Defendant under *Terry*. Furthermore, the Court opined that once the troopers ordered and forced the Defendant to the ground he was in custody, which requires probable cause—an even more stringent standard than reasonable suspicion.
3. Because the troopers lacked any basis for either an investigative or custodial detention, the Court held that it must suppress the evidence found on the Defendant because it resulted from an illegal search and seizure.
4. The Court GRANTED Defendant's Motion to Suppress. *This decision is currently on appeal to the Superior Court of Pennsylvania.*

## APPEARANCES:

JENNIFER M. SMITH, ESQUIRE  
For the Commonwealth

HEATHER A. REINER, ESQUIRE  
For the Defendant

**OPINION IN SUPPORT OF ORDER**

The Defendant, through prior counsel, filed a Motion to Suppress on December 19, 2013. A hearing was held on March 21, 2014, at which time this Court heard testimony and argument from both parties. The Defendant's current counsel represented him during this hearing. At the conclusion of the hearing, the Court took the matter under advisement. After consideration of all testimony, evidence, and case law, we hereby **GRANT** the Defendant's Motion to Suppress and now issue this Opinion in support of that Order.

**I. Facts**

During the hearing on the Defendant's suppression motion, the Commonwealth called two Pennsylvania State Policemen—Trooper Bernam and Trooper Bennett—to testify about an incident that occurred around 2:30 a.m. on February 21, 2013. Trooper Bernam testified that he pulled over a Chevy Suburban because it had a headlight out. This traffic stop occurred near the 600 block of West Princess Street, and the officer explained from his experience as a state trooper that this was a high crime area in York city. Both officers approached the vehicle and identified the Defendant as the passenger of the vehicle. The driver provided Trooper Bennett with documentation confirming that the headlight was damaged in an accident that occurred earlier that day.

While running a warrant check on both the driver and the Defendant, Trooper Bennett testified that he told Trooper Bernam he detected an odor of marijuana in the vehicle. Trooper Bennett started with the Pennsylvania State Police on January 2, 2013. Both officers re-approached the vehicle and the driver was ordered to step outside. When Trooper Bernam opened the passenger door, he testified that he too smelled the odor of marijuana. The driver denied smoking marijuana and further denied the presence of any marijuana in the car. Trooper Bennett briefly patted down the driver and found no weapons or contraband. The officers asked the driver if he would consent to a search of the vehicle. The driver refused, explaining that he was not the vehicle's owner.

He was then advised that the vehicle would be impounded and towed. While this was taking place, the Defendant remained in the front passenger seat of the vehicle and stayed there as the driver made a phone call to tell someone the car would be impounded.

Eventually, Trooper Bernam asked the Defendant to exit the vehicle. Before exiting the vehicle, the Defendant reached over and turned off the vehicle's ignition and removed the keys. The trooper immediately took the keys from the Defendant. Significantly, Trooper Bernam did not pat down or search the Defendant for weapons when he exited the vehicle's passenger side door. After the trooper took the keys from the Defendant, he informed the Defendant and the driver that they were both free to leave. They also informed the driver that they were going to impound the car and get a warrant to search it because they smelled marijuana and because the driver would not consent to a vehicle search.

While the Defendant was still standing on the sidewalk, the vehicle's driver quickly grabbed the car keys out of Trooper Bernam's hands and ran from the scene. Trooper Bernam testified that he was shocked. Since York City Police had arrived on the scene, they pursued the fleeing driver. Trooper Bernam stayed with the Defendant, who had not moved since the keys were taken from him. At this point, Trooper Bernam explained that he wanted to detain the Defendant for safety reasons so he ordered the Defendant to get on the ground. When the Defendant did not comply, both Trooper Bernam and Trooper Bennett forced the Defendant to the ground and placed him in handcuffs. While on the ground, Trooper Bernam testified that he patted down the Defendant and felt a bulge that he believed to be drug packaging inside the Defendant's coat pocket. When the trooper reached into the Defendant's pocket, he found a glove and a container with crack cocaine. Trooper Bernam eventually found marijuana and more cocaine on the Defendant after a further search of his person.

**II. Motion to Suppress**

The Defendant argues that the evidence obtained as a result of the search and seizure should be suppressed because the officer lacked both probable cause to arrest the Defendant and reasonable suspicion to stop and frisk him. The Commonwealth argues that the troopers were warranted in their actions and that the totality of the circumstances gave rise to reasonable suspicion to stop the Defendant, and pursuant to that stop, conduct a search for weapons.

It has been established through case law that there are three types of encounters between law enforcement officials and private citizens. A "mere encounter" need not be supported by any level of suspicion but carries no official compulsion to stop or respond. *Commonwealth v. Clinton*, 905 A.2d 1026, 1030 (Pa. Super. 2006), *appeal denied*, 594 Pa. 685, 934 A.2d 71 (2007). An "investigative detention" must be supported by reasonable suspicion and subjects the suspect to a stop and a period of detention, but it does not have the coercive conditions that would constitute an arrest. *Id.* The courts determine whether reasonable suspicion exists by examining the totality of the circumstances. *In re D.M.*, 727 A.2d 556, 559. An arrest, or "custodial detention," must be supported by probable cause. *Clinton*, 905 A.2d at 1030.

Under Pennsylvania law, "the *Terry* exception permits a police officer to briefly detain a citizen for investigatory purposes if the officer 'observes unusual conduct which leads him to reasonably conclude, in light of his experience, that criminal activity may be afoot.'" *Commonwealth v. Jackson*, 907 A.2d 540, 543 (Pa. Super. 2006) (quoting *Commonwealth v. Fitzpatrick*, 666 A.2d 323, 325 (Pa. Super. 1995)); see also *Terry v. Ohio*, 392 U.S. 1 (1968). When discussing this very narrow exception, Pennsylvania courts have further elaborated:

In order for a stop to be reasonable under *Terry* [ ], the police officer's reasonable and articulable belief that criminal activity was afoot must be linked with his observation of suspicious or irregular behavior on the part of the particular defendant stopped. Mere presence near a high crime area ... or in the vicinity of a recently reported crime ... does not justify a stop under *Terry*. Conversely, an officer's observation of irregular behavior without a concurrent belief that crime is afoot also renders a stop unreasonable.

*Commonwealth v. Ayala*, 791 A.2d 1202, 1209 (Pa. Super. 2002) (citations omitted). It is important to note that Pennsylvania “caselaw is quite emphatic that an individual’s mere presence in a high crime area is manifestly insufficient to justify a *Terry* stop. *Id.* at 1210 (citing *In re D.M.*, supra).

The Pennsylvania courts have adopted a test to determine whether an officer’s *Terry* stop is reasonable. In order for an officer’s stop and frisk under *Terry* to be reasonable, “the police conduct must meet two separate and distinct standards.” *Jackson*, 907 A.2d at 543. First, “the police officer must have a ‘reasonable and articulable suspicion’ that criminal activity may be afoot.” *Id.* (citing *Commonwealth v. Shelly*, 703 A.2d 499, 503 (Pa. Super. 1997)). Second, the police must believe “that the suspect may be armed and dangerous.” *Id.* The officer’s level of suspicion can be less than a preponderance of the evidence but must be more than just a hunch. *Shelly*, 703 A.2d at 503.

Pennsylvania courts have also addressed the constitutionality of the automatic companion rule. In *Commonwealth v. Graham*, the “court rejected a *per se* rule that a companion of an arrestee is subject to a “pat-down” regardless of the justification for such search.” *Jackson*, 907 A.2d at 544. The courts have further held that “in cases involving the frisk of an arrestee’s companion, the sole question becomes whether the police officer had a reasonable belief that the companion was armed and dangerous.” *Id.* (citing *Commonwealth v. Graham*, 685 A.2d 132, 137 (Pa. Super. 1996)).

#### A. Defendant’s arrest and custodial detention was without probable cause.

When the defendant was forcibly taken to the ground, handcuffed and then searched by the police officers, he was under arrest. Immediately prior to the arrest, the defendant had complied with a request to exit the vehicle. Furthermore, the police officers advised him that he was free to leave the scene after exiting the vehicle. When his companion grabbed the keys to the automobile from Trooper Bernam, the Defendant continued to remain at the scene. He made no furtive or suspicious movements, and in fact, he made no moves at all. At that time, the troopers ordered him to the ground, and when he failed to comply, both officers physically forced him onto the ground, where he was restrained, handcuffed and searched.

These facts create a scenario far more intrusive than the limited attention envisioned by *Terry* and amounts to a full-blown arrest. “An arrest is defined as ‘any act that indicates an intention to take the person into custody and subjects him to the actual control and will of the person making the arrest.’” *Commonwealth v. Woodson*, 493 A.2d 78, 79 (Pa. Super. Ct. 1985). The test “is an objective one, i.e., viewed in the light of the reasonable impression conveyed to the person subjected to the seizure rather than the strictly subjective view of the officers or the persons being seized.” *Commonwealth v. Douglass*, 539 A.2d 412, 419 (Pa. Super. Ct. 1988) (quoting *Commonwealth v. Haggerty*, 435 A.2d 174, 175 (Pa. 1981)). Several factors are generally considered in determining whether a detention is investigative or custodial, including: the basis for the detention (crime suspected and grounds for suspicion); duration of detention; location of detention (public or private); whether the suspect was transported against his will (how far and why); the method of detention; whether there was a show, threat, or use of force; and the investigative methods used to confirm or dispel suspicions. *Id.* at 421. As mentioned above, an arrest, or custodial detention, must be supported by probable cause. See *Clinton*, supra.

First, we conclude that this encounter amounted to an arrest, or custodial detention, of the Defendant. In reaching its conclusion, the Court must analyze the factors mentioned previously. See *Douglass*, supra. In this case, the troopers took the Defendant to the ground solely because the driver stole the car keys from Trooper Bernam and fled the scene. The driver’s actions were the sole reason for the detention of the Defendant according to Trooper Bernam’s testimony. After this occurred, the Defendant did nothing that made either trooper suspect that he was committing a crime. Because they had just informed the Defendant that he was free to leave, the troopers obviously did not have any grounds for suspicion at that time. The method of detention and the use of force were extreme as well. The troopers did not ask, but rather commanded, the Defendant to get on the ground, and after he did not comply, both troopers forced him to

the ground. The officers then handcuffed him while he was still laying facedown on the ground. Under these circumstances, any reasonable person would believe he was in custody and under the actual control and will of the troopers. The Court concludes that these facts amount to an arrest. See *Woodson*, supra.

Second, we conclude that the troopers lacked probable cause to arrest the Defendant and then to search him incident to that arrest. Because the troopers informed the Defendant that he was free to leave the area after exiting the vehicle, it is clear that the troopers lacked probable cause to arrest the Defendant at that point. The Court must then examine whether probable cause arose after the Defendant was informed he was free to leave.

Generally, a police officer “may arrest a suspect without a warrant if the officer has probable cause” to believe the suspect committed a felony or misdemeanor in his presence. *In the Interest of R.P.*, 918 A.2d 115, 120-21 (Pa. Super. 2007) (citing *Commonwealth v. Clark*, 735 A.2d 1248, 1251 (Pa. 1999)). Probable cause is determined by the totality of the circumstances. *Clark*, 735 A.2d at 1252. Probable cause is governed by an objective standard, and it “must be viewed from the vantage point of a prudent, reasonable, cautious police officer on the scene at the time of the arrest guided by his experience and training.” *Id.* When probable cause exists and an arrest is made, the officer may conduct a full custodial search of the suspect’s person at that time. *In the Interest of R.P.*, 918 A.2d at 120.

The troopers lacked the necessary probable cause in this case to arrest the Defendant, and as such, Trooper Bernam conducted an illegal search of the Defendant. After the troopers informed the Defendant that he was free to leave the area, the Defendant’s actions (or lack thereof) did not warrant any reasonable, prudent officer in believing that a crime was committed. The driver, not the Defendant, snatched the keys from Trooper Bernam and fled the scene. The driver’s actions cannot be used against the Defendant to establish the requisite probable cause. Simply being in the presence of irregular behavior or the commission of another’s crime does not warrant an arrest.

The only remaining circumstance is that the incident occurred in a high crime area. Under Pennsylvania law, this fact alone is not sufficient to establish probable cause or even reasonable suspicion. See *Ayala*, supra. For these reasons, we conclude that no particularized facts existed to establish probable cause and to arrest the Defendant. Since the arrest lacked probable cause, we further conclude that the ensuing search yielding the contraband was improper. As a result, the evidence seized by the troopers must be suppressed as fruit of the illegal search.

#### B. Defendant’s detention was not supported by reasonable suspicion.

As noted above, this court takes the position that the defendant was placed under arrest by the police officers and that such arrest lacked probable cause. However, even if we view this incident as a less intrusive *Terry*-type stop and frisk, the evidence must still be suppressed.

The Commonwealth argues that the Defendant was the subject of an investigative detention at the time Troopers Bernam and Bennett ordered him to the ground and searched him. The issue then becomes whether or not the applicable standard, i.e. reasonable suspicion, was met to allow police to stop and then frisk the Defendant. Going further, the narrower issues are: 1) whether the troopers had a reasonable and articulable suspicion, particular to the Defendant, that criminal activity was afoot; and 2) whether the police believed the Defendant was armed and dangerous. See *Jackson*, supra. To determine reasonable suspicion and resolve the narrower issues, the Court must examine the totality of the circumstances surrounding the particular Defendant.

The Court views this incident as two separate encounters with the Defendant. The first encounter took place from the time the vehicle was pulled over until the troopers told the Defendant he was free to leave the area. The second, and more important, encounter took place from the time the Defendant was free to leave until the troopers forced him to the ground and searched him.

The Court does not deny that Troopers Bernam and Bennett had reasonable suspicion during the first encounter with the Defendant and the vehicle’s driver. The troopers executed a traffic stop because the vehicle’s headlight was out. When the

troopers approached the vehicle, Trooper Bennett smelled the odor of marijuana in the vehicle. Trooper Bernam also noticed this odor when he approached the passenger side of the vehicle a second time. In light of his experience, Trooper Bernam also knew that the area of 600 West Princess Street is a high crime area in York city. Under the totality of these circumstances, the troopers did have reasonable suspicion to order the Defendant from the vehicle.

However, the troopers chose not to detain the Defendant at that time. After asking the Defendant to exit the passenger side of the vehicle, he did not "frisk" the Defendant for weapons. It is telling that by not frisking the Defendant for weapons, Trooper Bernam demonstrated that he did not believe that the Defendant was a threat to his or Trooper Bennett's safety. In fact, after having the Defendant exit the vehicle, Trooper Bernam advised him that he was free to leave the area. Once Trooper Bernam advised the Defendant of this, the Court finds that the first encounter ended. Since the first encounter ended, the trooper's original reasonable suspicion to stop the Defendant ended as well.

We must now consider whether the troopers had reasonable suspicion to stop and frisk the Defendant during the second encounter. As mentioned previously, the Defendant did nothing to create suspicion after the troopers informed him that he was free to leave the area. The only remaining circumstance is that the area happened to be a known, high crime area in York city. However, under Pennsylvania law, this fact alone is not enough to establish the particularized, reasonable suspicion required for an investigative detention or *Terry*-type stop and frisk. See *Ayala*, supra. The Court further opines that Trooper Bernam's purported frisk of the Defendant was not warranted because he did not believe that the Defendant was armed and dangerous. See *Shelly* and *Jackson*, supra. This conclusion is clear because Trooper Bernam did not frisk the Defendant for weapons when he first exited the car and before he was cleared to leave the area. The Defendant cannot automatically become a threat merely because another person commits a crime nearby. For these reasons, we conclude that no reasonable suspicion existed to warrant a stop and frisk of the Defendant under these circumstances.

### III. Conclusion

Under the totality of the circumstances, the Court finds that there is insufficient evidence to satisfy the reasonable suspicion standard and to stop and frisk the Defendant under *Terry*. Furthermore, the Court opines that once the troopers ordered and forced the Defendant to the ground he was in custody, which requires probable cause—an even more stringent standard than reasonable suspicion. Because the troopers lacked any basis for either an investigative or custodial detention, the Court must suppress the evidence found on the Defendant because it resulted from an illegal search and seizure.

For the reasons stated above, the Court hereby **GRANTS** the Defendant's Motion to Suppress.

**BY THE COURT,**

**MICHAEL E. BORTNER, JUDGE**

DATED: April \_\_\_\_, 2014

10.02.2014-1t

JOHN MICHAEL MCGINNIS and ANTHONY LEROY HENDRIX,  
Plaintiffs v. JANET J. WILSON and MERVIN G. MCCLAIN,  
Co-Executors of the Estate of Mary C. McClain, Defendant

Statute of Frauds

No. 6713-0661

1. The Complaint avers the Defendant breached an oral contract to convey real estate and seeks, *inter alia*, specific performance of said contract.
2. Defendants filed a Motion for Partial Judgment on the Pleadings, together with a brief in support thereof. The Motion relates only to the Plaintiff's demand for specific performance, which the Defendant contends is barred by the Statute of Frauds.
3. The Court denied the Motion, finding that the possibility of enforcing an unfounded, fraudulent claim is diminished in the instant case.

In the Court of Common Pleas of York County, Pennsylvania,  
Orphan's Court Division; JOHN MICHAEL MCGINNIS and  
ANTHONY LEROY HENDRIX, Plaintiffs v. JANET J. WILSON  
and MERVIN G. MCCLAIN, Co-Executors of the Estate of  
Mary C. McClain, Defendant; Statute of Frauds

### APPEARANCES:

Leo Wallace, Esquire  
Counsel for Plaintiffs

Laura S. Manifold, Esquire  
Counsel for Defendants

### ORDER AND OPINION

Plaintiffs John Michael McGinnis and Anthony Leroy Hendrix initiated the instant action on April 16, 2014 by filing a Complaint against the Estate of Mary C. McClain and the Estate's Co-Executors, Janet J. Wilson and Mervin G. McClain. The Complaint avers the Defendant breached an oral contract to convey real estate and seeks, *inter alia*, specific performance of said contract. The Plaintiffs filed a Praecipe for Lis Pendens on the same date. The Defendant responded by way of Answer and New Matter on May 19, 2014 raising, *inter alia*, the defense of the Statute of Frauds. The Plaintiffs filed a Reply to New Matter on June 11, 2014 denying the applicability of the Statute of Frauds. On July 17, 2014 an Order was entered transferring jurisdiction from the Civil Division to the Orphans' Court Division. On July 30, 2014 Defendants filed a Motion for Partial Judgment on the Pleadings, together with a brief in support thereof. The Motion relates only to the Plaintiff's demand for specific performance, which the Defendant contends is barred by the Statute of Frauds. The Plaintiffs submitted a brief in opposition to the Defendant's Motion on August 28, 2014. The Court has thoroughly reviewed all the foregoing pleadings and the exhibits attached thereto.

The Complaint alleges the existence of an oral agreement reached in March of 2001 pursuant to which Plaintiffs leased the subject real estate from Mary C. McClain, the Decedent, in exchange for \$750.00 in yearly rent payments. The Plaintiffs took possession of the property shortly thereafter and remained in possession of the same pursuant to the purported oral contract until the end of 2007. At that time an oral Lease to Purchase Agreement was purportedly reached, whereby the Plaintiffs would pay the Decedent's property taxes (including those in arrears) and fuel bills. Notably, the property taxes to be paid included not only those assessed on the subject property, but also those assessed on the Defendant's personal residence.

The Complaint further avers the oral lease-to-purchase agreement included a price term of \$130,000, which was to be reduced by the amount of any property tax and fuel charges actually paid by the Plaintiffs. The Plaintiffs assert this oral Lease to Purchase Agreement was in effect from December 31,

2007 to the date of Decedent's death on March 16, 2013, during which time the Plaintiffs paid \$55,713.07 to or on behalf of the Decedent. The Plaintiffs continued making payments even after Decedent's death. On or about August 1, 2013, Co-Executors' counsel prepared a written Agreement of Sale with respect to the subject property and presented the same to Plaintiff. The terms of the written Agreement of Sale comport with the terms of the alleged oral Lease to Purchase Agreement reached years earlier, including the \$130,000 sale price. The Plaintiffs executed the written Agreement of Sale and returned it to Co-Executors' counsel; however, the Co-Executors' never signed the Agreement. The Co-Executors now deny the existence of any agreement, oral or written, during the thirteen year period in question.

The standard by which a court reviews a request for judgment on the pleadings is limited, and such a request "will be granted only where, on the facts averred, the law says with certainty no recovery is possible". *Piehl v. City of Philadelphia*, 987 A.2d 146, 154 (2009) (citing *American Appliance v. E.W. Real Estate Mgmt., Inc.*, 769 A.2d 444 (2001)). Further, "it is fundamental that a judgment on the pleadings should not be entered where there are unknown or disputed issues of fact." *Id.* (citing *North Star Coal Co. v. Waverly Oil Works Co.*, 288 A.2d 768 (1972)). We do not believe this high standard has been met in light of the factual averments of the Complaint and the existence of both unknown and disputed material facts.

The purpose of the Statute of Frauds is to "prevent the possibility of enforcing unfounded, fraudulent claims by requiring that contracts pertaining to interests in real estate be supported by written evidence signed by the party creating the interest." *Zuk v. Zuk*, 55 A.3d 102, 107 (Pa. Super. 2012) (citing *Hessenthaler v. Farzin*, 564 A.2d 990 (1989)). Pennsylvania courts have emphasized the Statute of Frauds is "not designed to prevent the performance or enforcement of oral contracts that in fact were made." *Id.* Additionally, the courts have recognized narrow exceptions to the Statute of Frauds in cases where (i) the terms of an oral contract are shown by satisfactory proof, (ii) possession was taken pursuant to the contract, and (iii) performance or part performance cannot be adequately compensated in damages, thus making rescission inequitable and unjust. *Kurland v. Stolker*, 533 A.2d 1370 (1987).

We believe the possibility of enforcing an unfounded, fraudulent claim is diminished in the instant case. First, Plaintiffs aver continuous and exclusive possession of the property for a period of approximately thirteen (13) years. Second, the only written agreement existing in this matter was actually prepared and presented by Co-Executors' counsel, though the Co-Executors did not ultimately execute the same. Third, if proved true, Plaintiffs would have shifted from paying \$750 in yearly rent to over \$7,000 per year beginning at the end of 2007—the same time the lease-to-purchase agreement is alleged to have become effective. At this point the Court cannot rule out the possibility that the instant case would fall within the "part performance" exception for these same reasons. As such, and in light of substantial factual disputes between the parties, we cannot say with certainty that no recovery is possible or that a trial would be fruitless. The Motion for Judgment on the Pleadings is therefore denied.

AND NOW, this 3<sup>rd</sup> day of September, 2014, it is hereby ORDERED that Defendant's Motion for Partial Judgment on the Pleadings is DENIED. The Clerk of the Orphans' Court shall provide notice of the within Order as required by the Rules.

**BY THE COURT**

---

**JOHN S. KENNEDY, JUDGE**

**Date: September 3, 2014**

10.02.2014-1t

---

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are required to make known the same, and all persons indebted to said estate are requested to make payment without delay to the executors or administrators or their attorneys named below.**

**FIRST PUBLICATION****ESTATE OF MARY M. AHRENS, DECEASED**

Late of Red Lion Borough, York County, PA.  
 Executor: Edward M. Ahrens, 3486 Hobart Road, Glenville, PA 17329  
 Attorney: David M. Laucks, Esquire, LAUCKS & LAUCKS, P.C., 105 W. Broadway, Red Lion, PA 17356 10.02-3t

**ESTATE OF ROBERT C. ALTLAND, DECEASED**

Late of York Twp., York County, PA.  
 Executors: Sally L. Mason, Beth A. Bailey, and Amy E. Miller, c/o 25 North Duke Street, Suite 202, York, PA 17401  
 Attorney: David P. Baker, Esquire, SMITH, ANDERSON, BAKER & LONG, 25 North Duke Street, Suite 202, York, PA 17401 10.02-3t

**ESTATE OF MARY L. ANTHONY, DECEASED**

Late of Penn Twp., York County, PA.  
 Administratrix: Ethel L. Anthony, 827 McAllister Street, Hanover, PA 17331  
 Attorney: Clayton A. Lingg, Esquire, MOONEY & ASSOCIATES, 40 East Philadelphia Street, York, PA 17401 10.02-3t

**ESTATE OF RICHARD H. ARMOLD, DECEASED**

Late of York City, York County, PA.  
 Administrator: Terry L. Arnold, 85 N. Harrison St., York, PA 17403  
 Attorney: John W. Stitt, Esquire, 1434 W. Market Street, York, PA 17404 10.02-3t

**ESTATE OF DORIS M. BACON, DECEASED**

Late of Chanceford Twp., York County, PA.  
 Executor: Deborah M. Smith, c/o 135 North George Street, York, PA 17401  
 Attorney: Timothy Bupp, Esquire, CGA Law Firm, PC, 135 North George Street, York, PA 17401 10.02-3t

**ESTATE OF JANET A. BRICE, a/k/a JANET ALLENE BRICE, DECEASED**

Late of Dover Borough, York County, PA.  
 Executor: Elmer A. Brice, Jr., c/o LAW OFFICE OF WM. D. SCHRACK III, 124 West Harrisburg Street, Dillsburg, PA 17019-1268  
 Attorney: LAW OFFICE OF WM. D. SCHRACK III, 124 West Harrisburg Street, Dillsburg, PA 17019-1268 10.02-3t

**ESTATE OF IVAN R. FOLTZ a/k/a IVAN R. FOLTZ, JR., DECEASED**  
 Late of West Manchester Twp., York County, PA.  
 Executrix: Emily V. Sindlinger, c/o 120 Pine Grove Commons, York, PA 17403  
 Attorney: Robert Clofine, Esquire, Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403 10.02-3t

**ESTATE OF RICHARD J. GUSTIN, JR., DECEASED**

Late of Conewago Twp., York County, PA.  
 Administrator-Executor: Patricia A. Gustin-Yanich, c/o John D. Sheridan, Esquire, 2080 Linglestown Rd., Suite 201, Harrisburg, PA 17110  
 Attorney: John D. Sheridan, Esquire, 2080 Linglestown Rd., Suite 201, Harrisburg, PA 17110 10.02-3t

**ESTATE OF HEIDI A. LUDWIG a/k/a HEIDI ANN LUDWIG, DECEASED**

Late of W. Manchester Twp., York County, PA.  
 Executor: Robbin J. Eicher, c/o Joan Agran, Esq., 259 N. Radnor-Chester Rd., Ste. 160, Radnor, PA 19087  
 Attorney: Joan Agran, Esquire, McCausland Keen & Buckman, Radnor Court, 259 N. Radnor-Chester Rd., Ste. 160, Radnor, PA 19087 10.02-3t

**ESTATE OF LARRY WAYNE ROBERTS a/k/a LARRY W. ROBERTS, DECEASED**

Late of Fawn Twp., York County, PA.  
 Executrix: Shelley Ann Roberts a/k/a Shelley A. Roberts, c/o P.O. Box 312, Stewartstown, PA 17363  
 Attorney: Laura S. Manifold, Esquire, P.O. Box 312, Stewartstown, PA 17363 10.02-3t

**ESTATE OF W. SHENBERGER, JR. a/k/a G. WILLIAM SHENBERGER, JR. a/k/a GEORGE WILLIAM SHENBERGER a/k/a G. WILLIAM SHENBERGER, DECEASED**

Late of Codorus Twp., York County, PA.  
 Executrix: Cindy Ellwood a/k/a Cindy Elwood, c/o P.O. Box 312, Stewartstown, PA 17363  
 Attorney: Laura S. Manifold, Esquire, P.O. Box 312, Stewartstown, PA 17363 10.02-3t

**ESTATE OF MARVIN W. SIMKINS, DECEASED**

Late of York Twp., York County, PA.  
 Executrix: Beatrice F. Simkins, c/o 100 East Market Street, York, PA 17401  
 Attorney: Harry J. Rubin, Esquire, Barley Snyder, LLP, 100 East Market Street, York, PA 17401 10.02-3t

**ESTATE OF GRACE V. WALTERS, DECEASED**

Late of York, York County, PA.  
 Executor: Dennis C. Walters, c/o Senft Law Firm LLC, 105 Leader Heights Road, York, PA 17403  
 Attorney: Penny Ayers, Esquire, Senft Law Firm LLC, 105 Leader Heights Road, York, PA 17403 10.02-3t

**ESTATE OF MICHAEL A. WAREHIME, DECEASED**

Late of Hanover, York County, PA.  
 Administrator-Executor: Patricia A. Warehime, 6663 Moulstown Road East, Hanover, PA 17331

Attorney: John F. Meck, Esquire, Eckert Seamans Cherin & Mellott LLC, 600 Grant St - 44th Flr., Pittsburgh, PA 15219 10.02-3t

**ESTATE OF GEORGE L. WILLIAMS, DECEASED**

Late of the Township of Fairview, York County, PA.  
 Co-Executors: Connie M. Williams, 372 Equus Drive, Camp Hill, PA 17011, Charlene Morgan, 90 Evangel Park Road, Tower City, PA 17980, Michael Pickup, 522 West Main Street, Lykens, PA 17048 and Terrence J. Kerwin, 4245 State Route 209, Elizabethtown, PA 17023  
 Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023 10.02-3t

**SECOND PUBLICATION****ESTATE OF EDWIN ARROYO, DECEASED**

Late of York City, York County, PA.  
 Administratrix: Amy L. White Arroyo, c/o 129 E. Market St., York, PA 17401  
 Attorney: John C. Herrold, Esquire, Griest, Himes, Herrold, Reynosa LLP, 129 East Market Street, York, PA 17401 09.25-3t

**ESTATE OF BETTY M. BENTZEL, DECEASED**

Late of Manchester Twp., York County, PA.  
 Administrator C.T.A.: Counsel Trust Company, 224 St. Charles Way, Ste. 100, York, PA 17402  
 Attorney: John C. Herrold, Esquire, Griest, Himes, Herrold, Reynosa LLP, 129 East Market Street, York, PA 17401 09.25-3t

**ESTATE OF ROBERT M. BREEN, DECEASED**

Late of Warrington Twp., York County, PA.  
 Executor: Jennifer Lynn Filippelli, c/o Samuel L. Andes, Esquire, P.O. Box 168, Lemoyne, PA 17043  
 Attorney: Samuel L. Andes, Esquire, P.O. Box 168, Lemoyne, PA 17043 09.25-3t

**ESTATE OF PRISCILLA E. CAUGHERTY, DECEASED**

Late of Dover Twp., York County, PA.  
 Executor: Paxton Reinecker, 5253 Mission Hills Road, Banning, CA 92220  
 Attorney: Rob A. Krug, Esquire, 53 East Canal Street, P.O. Box 155, Dover, PA 17315 09.25-3t

**ESTATE OF HARRY L. CLAYTON, DECEASED**

Late of Windsor Twp., York County, PA.  
 Administratrix: Kristie N. Wolfe, c/o MPL LAW FIRM, LLP, 137 East Philadelphia Street, York, PA 17401-2424  
 Attorney: John D. Miller, Jr., Esquire, MPL LAW FIRM, LLP, 137 East Philadelphia Street, York, PA 17401-2424 09.25-3t

**ESTATE OF MARIO F. CONCORDIA a/k/a MARIO FRANK CONCORDIA, DECEASED**

Late of Shrewsbury Twp., York County, PA.  
 Executrix: Rose A. Beall, a/k/a Rose Ann Krannebitter, c/o John R. Elliott, Esquire, Anstine & Sparler, 117 E. Market St., York, PA 17401

- Attorney: John R. Elliott, Esquire, Anstine & Sparler, 117 E. Market St., York, PA 17401  
09.25-3t
- ESTATE OF JACOB R. DEHOFF, DECEASED  
Late of West Manchester Twp., York County, PA.  
Co-Executors: Steven R. Dehoff and Gregory J. Dehoff, c/o John R. Elliott, Esquire, Anstine & Sparler, 117 E. Market St., York, PA 17401  
Attorney: John R. Elliott, Esquire, Anstine & Sparler, 117 E. Market St., York, PA 17401  
09.25-3t
- ESTATE OF ELSIE E. DRESSEL, DECEASED  
Late of Manchester Twp., York County, PA.  
Executor: Jeffrey L. Dressel, c/o 25 North Duke Street, Suite 202, York, Pa 17401  
Attorney: Charles J. Long, Esquire, SMITH, ANDERSON, BAKER & LONG, 25 North Duke Street, Suite 202, York, Pa 17401  
09.25-3t
- ESTATE OF WILLIAM R. GLEASON, JR., DECEASED  
Late of Shrewsbury Twp., York County, PA.  
Administratrix: Carolyn H. Gleason, c/o Michael R. Caum, Esquire, P.O. Box 272, Shrewsbury, PA 17361  
Attorney: Michael R. Caum, Esquire, P.O. Box 272, Shrewsbury, PA 17361  
09.25-3t
- ESTATE OF WAYNE A. HARBOLD, DECEASED  
Late of Dillsburg, Carroll Twp., York County, PA.  
Administrator: Madeline M. Harbold, c/o LAW OFFICE OF WM. D. SCHRACK III, 124 West Harrisburg Street, Dillsburg, PA 17019-1268  
Attorney: LAW OFFICE OF WM. D. SCHRACK III, 124 West Harrisburg Street, Dillsburg, PA 17019-1268  
09.25-3t
- ESTATE OF DAI I. LOOKINGBILL, DECEASED  
Late of York Twp., York County, PA.  
Executor: Jan P. Lookingbill, c/o Gregory H. Gettle, Esquire, 13 E. Market St., York, PA 17401  
Attorney: Gregory H. Gettle, Esquire, GETTLE & VELTRI, 13 E. Market St., York, PA 17401  
09.25-3t
- ESTATE OF BARBARA A. MACBRIDE, DECEASED  
Late of Spring Garden Twp., York County, PA.  
Executor: James E. MacBride, Jr., c/o William B. Anstine, Jr., Esquire, Anstine & Sparler, 117 E. Market St., York, PA 17401  
Attorney: William B. Anstine, Jr., Esquire, Anstine & Sparler, 117 E. Market St., York, PA 17401  
09.25-3t
- ESTATE OF JENNIFER A. MESZAROS, DECEASED  
Late of York County, PA.  
Administratrix: Deborah S. Meszaros, c/o Debra K. Wallet, Esquire, 24 North 32nd Street, Camp Hill, PA 17011  
Attorney: Debra K. Wallet, Esquire, 24 North 32nd Street, Camp Hill, PA 17011  
09.25-3t
- ESTATE OF BETTY A. NACE, DECEASED  
Late of North Codorus Twp., York County, PA.
- Co-Executors: David A. Nace and Wayne R. Nace, c/o 135 North George Street, York, PA 17401  
Attorney: Sharon E. Myers, Esquire, CGA Law Firm, PC, 135 North George Street, York, PA 17401  
09.25-3t
- ESTATE OF BRENDA L. NOOFT, DECEASED  
Late of Hopewell Twp., York County, PA.  
Executor: Tracey L. Nooft, c/o Michael R. Caum, Esquire, P.O. Box 272, Shrewsbury, PA 17361  
Attorney: Michael R. Caum, Esquire, P.O. Box 272, Shrewsbury, PA 17361  
09.25-3t
- ESTATE OF IAN O'TOOLE, DECEASED  
Late of Red Lion Borough, York County, PA.  
Administrator: Deya O'Toole, 2120 Robertson Road, Bel Air, Maryland 21015  
Attorney: Ronald L. Finck, Esquire, Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110  
09.25-3t
- ESTATE OF MARY MARLENE RYAN, DECEASED  
Late of Shrewsbury Borough, York County, PA.  
Administrator-Executor: Beth Ann Ryan, 18 N. Montford Ave., Baltimore, MD 21224  
09.25-3t
- THIRD PUBLICATION**
- ESTATE OF GERALDINE BAGOT, DECEASED  
Late of Penn Twp., York County, PA.  
Executrix: Susan Bagot, c/o Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331  
Attorney: Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331  
09.18-3t
- ESTATE OF WILLIAM J. BEECHER, DECEASED  
Late of Springettsbury Twp., York County, PA.  
Executrix: Glenda M. Taurins, c/o Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402  
Attorney: Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402  
09.18-3t
- ESTATE OF BEULAH I. CRALL, DECEASED  
Late of West Manchester Twp., York County, PA.  
Executors: Joyce I. Kroh and Keith A. Paup, c/o 25 North Duke Street, Suite 202, York, Pa 17401  
Attorney: Charles J. Long, Esquire, SMITH, ANDERSON, BAKER & LONG, 25 North Duke Street, Suite 202, York, Pa 17401  
09.18-3t
- ESTATE OF CAROL L. DEATHERAGE, DECEASED  
Late of York Twp., York County, PA.  
Administrator: Robert V. Deatherage, 530 Gatehouse Lane West, York, PA 17402  
Attorney: David H. Stone, Esquire, Stone LaFaver & Shekletski, P.O. Box E, New Cumberland, PA 17070  
09.18-3t
- ESTATE OF CHARLES W. DETTINGER, DECEASED  
Late of Windsor Twp., York County, PA.  
Co-Executrices: Pauline E. Tyson and
- Darlene D. Strayer, c/o Eveler & DeArment LLP, 2997 Cape Horn Rd., Suite A-6, Red Lion, PA 17356  
Attorney: Eveler & DeArment LLP, 2997 Cape Horn Rd., Suite A-6, Red Lion, PA 17356  
09.18-3t
- ESTATE OF RUBY ELIZABETH FUHRMAN a/k/a ESTATE OF RUBY ELIZABETH FUHRMAN, DECEASED  
Late of Hanover Borough, York County, PA.  
Executrix: Wendy J. Beckner, 12 Pleasant Street, Hanover, PA 17331  
Attorney: George W. Swartz, II, Esquire, MOONEY & ASSOCIATES, 230 York Street, Hanover, PA 17331  
09.18-3t
- ESTATE OF CHARLES R. JANES, DECEASED  
Late of York Twp., York County, PA.  
Executrix: Debra K. Kulle, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
Attorney: MacGregor J. Brillhart, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite E600, York, PA 17401-2994  
09.18-3t
- ESTATE OF AUDREY M. KOEHLER, DECEASED  
Late of Dover Twp., York County, PA.  
Executor: Aaron C. Jackson, 409 N. Second Street, Suite 500, Harrisburg, PA 17101  
Attorney: Aaron C. Jackson, Esquire, 409 N. Second Street, Suite 500, Harrisburg, PA 17101  
09.18-3t
- ESTATE OF DONALD C. LACY, DECEASED  
Late of Codorus Twp., York County, PA.  
Administrator-Executor: Kenneth P. Lacy, 12 Farwell Ct., Nottingham, MD 21236  
09.18-3t
- ESTATE OF FRANCIS H. LEVELSBERGER, JR., DECEASED  
Late of Penn Twp., York County, PA.  
Executrix: Victoria L. Robinson, c/o Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331  
Attorney: Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331  
09.18-3t
- ESTATE OF LOUISE E. LEVELSBERGER, DECEASED  
Late of Penn Twp., York County, PA.  
Executrix: Victoria L. Robinson, c/o Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331  
Attorney: Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331  
09.18-3t
- ESTATE OF GRACE S. LONG, DECEASED  
Late of York Twp., York County, PA.  
Administrator: Fulton Bank, N.A., Administrator d.b.n.c.t.a., c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994  
Attorney: John J. Shorb, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite E600, York, PA 17401-2994  
09.18-3t



ESTATE OF AUDREY K. LORD, DECEASED  
Late of York Twp., York County, PA.  
Executrix: Deborah Lord, c/o 120 Pine Grove  
Commons, York, PA 17403  
Attorney: Robert Clofine, Esquire, Elder Law  
Firm of Robert Clofine, 120 Pine Grove  
Commons, York, PA 17403 09.18-3t

ESTATE OF CARL H. NISPEL, DECEASED  
Late of York New Salem Borough, York  
County, PA.  
Co-Executors: Elwood G. Bahn, Jr. and  
Cheryl D. Bahn c/o MPL LAW FIRM,  
LLP, 137 East Philadelphia Street, York,  
PA 17401-2424  
Attorney: John D. Miller, Jr., Esquire, MPL  
LAW FIRM, LLP, 137 East Philadelphia  
Street, York, PA 17401-2424 09.18-3t

ESTATE OF JOHN C. NULL, DECEASED  
Late of Hanover Borough, York County, PA.  
Administratrix: Mandy L. McMaster, c/o  
Elinor Albright Rebert, Esquire, 515  
Carlisle Street, Hanover, PA 17331  
Attorney: Elinor Albright Rebert, Esquire,  
515 Carlisle Street, Hanover, PA 17331  
09.18-3t

ESTATE OF STEVEN L. SMALLWOOD,  
DECEASED  
Late of Springettsbury Twp., York County, PA.  
Administratrix: Debra A. Goodling-Kime,  
c/o Stock and Leader, Susquehanna  
Commerce Center East, 221 W.  
Philadelphia Street, Suite 600, York, PA  
17401-2994  
Attorney: Thomas M. Shorb, Esquire,  
STOCK AND LEADER, Susquehanna  
Commerce Center East, 221 West  
Philadelphia Street, Suite E600,  
York, PA 17401-2994 09.18-3t

ESTATE OF CLARENCE J. SMITH,  
DECEASED  
Late of York Twp., York County, PA.  
Executrix: Joan L. Wise, c/o Eveler &  
DeArment LLP, 2997 Cape Horn Rd.,  
Suite A-6, Red Lion, PA 17356  
Attorney: Eveler & DeArment LLP,  
2997 Cape Horn Rd., Suite A-6,  
Red Lion, PA 17356 09.18-3t

ESTATE OF JOHN D. SPYKER, DECEASED  
Late of Lower Windsor Twp., York County, PA.  
Co-Administratrices: Alecia D. Spyker and  
Kay A. Spyker, c/o Eveler & DeArment  
LLP, 2997 Cape Horn Rd., Suite A-6,  
Red Lion, PA 17356  
Attorney: Eveler & DeArment LLP,  
2997 Cape Horn Rd., Suite A-6,  
Red Lion, PA 17356 09.18-3t

ESTATE OF JOHN F. VOYSTOCK, JR.,  
DECEASED  
Late of Fairview Twp., York County, PA.  
Executor: Dorothy V. Rumbel, a/k/a  
Dorothy Voystock Rumbel, c/o Bangs Law  
Office, LLC, 429 South 18<sup>th</sup> Street,  
Camp Hill, PA 17011  
Attorney: Bangs Law Office, LLC, 429 South  
18<sup>th</sup> Street, Camp Hill, PA 17011 09.18-3t

ESTATE OF BETTY V. WALKER,  
DECEASED  
Late of Wellsville Borough, York County, PA.  
Executor: Donald H. Green, Jr. and/or Maria  
C. Green, 7144 Kopp Road, Spring Grove,  
PA 17362  
Attorney: Rob A. Krug, Esquire,  
53 East Canal Street, P.O. Box 155,  
Dover, PA 17315 09.18-3t

**ORPHAN'S COURT DIVISION  
AUDITING NOTICE**

To All legatees creditors and person interested:  
Notice is hereby given that the following  
accounts have been filed in the office of the Clerk  
of Orphans' Court Division for confirmation and  
distribution of the balance therein shown to the  
creditors, legatees next to kin, heirs and others  
legally entitled thereto on **October 15, 2014 at  
9:00 a.m** and will be called in the order named  
for audit and distribution by said Court, in  
**Courtroom No. 3, on the 6<sup>th</sup> floor of the York  
County Judicial Center at 45 North George  
St. in the City of York, Pennsylvania.**

**1. METZBOWER – The First and Final  
Account of Audrey Louise Starkey, Executrix  
of the Last Will and Testament of David F.  
Metzbower, Jr., Late of Penn Township, York  
County, Pennsylvania, deceased, 6713-0684.  
(Alex E. Snyder, Esq.)**

**2. RUCCHIO – The First and Final Account  
James A. DeButts, Executor of the Last Will  
and Testament of Louise B. Rucchio, Late of  
Penn Township, York County, Pennsylvania,  
deceased, 6713-1209. (Scott L. Kelley, Esq.)**

**3. FIGDORE – The First and Final Account  
of Bobby L. Figdore, Executor of the Last  
Will and Testament of Holiday J. Figdore,  
Late of Windsor Township, York County,  
Pennsylvania, deceased, 6708-1799. (David  
M. Laucks, Esq.)**

**4. ROGERS – The First and Final Account  
of Cortney Derocher, Executrix of the Last  
Will and Testament of Thomas J. Rogers,  
Late of Dallastown Borough, York County,  
Pennsylvania, deceased, 6710-1761. (Joseph  
N. Gothie, Esq.)**

**5. GRUVER – The First and Final Account  
of Irvin F. Deveney, Jr. and Dale E. Wentz,  
Co-Executors of the Last Will and Testament  
of Mary M. Gruver, Late of York City, York  
County, Pennsylvania, deceased, 6713-0414.  
(Victor A. Newbaum, Esq.)**

**6. LENTZ- The First and Final Account of  
Brenda D. Quinn, Executrix of the Last Will  
and Testament of Donna L. Lentz, Late of  
York Township, York County, Pennsylvania,  
deceased, 6713-1021. (David M. Laucks,  
Esq.)**

**7. BORSCH – The First and Final Account  
of Carolyn L. Bruce, Executrix of the Last  
Will and Testament of Robert C. Borsch,  
Late of Dallastown Borough, York County,  
Pennsylvania, deceased, 6714-0352. ( David  
M. Laucks, Esq.)**

**8. BORSCH – The First and Final Account  
of Carolyn L. Bruce, Trustee of Trust Under  
Deed of Robert C. Borsch dated 10/23/2006,  
6714-0352. (David M. Laucks, Esq.)**

**9. MILLER – The First and Final Account  
of Angela L. Wallace, Administratrix, C.T.A.  
of the Last Will and Testament of Arnold  
A. Miller, Late of Spring Garden Township,  
York County, Pennsylvania, deceased, 6713-  
0282. (Laura S. Manifold, Esq.)**

**10. HARE – The First and Final Account  
of Shirley J. Simpson, Executrix of the Last  
Will and Testament of Grayson L. Hare, Sr.,  
Late of Shrewsbury Borough, York County,  
Pennsylvania, deceased, 6708-1619. (Leo  
Wallace, Esq.)**

**FILED IN THE OFFICE OF THE CLERK  
OF ORPHANS' COURT DIVISION OF  
THE COMMON PLEAS COURT, YORK  
COUNTY, PENNSYLVANIA ON OR  
BEFORE SEPTEMBER 17, 2014.**

**BRADLEY C. JACOBS  
COURT OF COMMON PLEAS OF  
YORK COUNTY, PENNSYLVANIA,  
ORPHANS' COURT DIVISION**

09.25-2t

---

**CIVIL NOTICES**


---



---

**ACTION IN MORTGAGE  
FORECLOSURE**


---

York County  
Court of Common Pleas  
Number: 2014-SU-002195-06  
Notice of Action in Mortgage Foreclosure

LSF8 Master Participation Trust, Plaintiff  
v. Sherry E. Arthur and Grover E. Arthur,  
Defendants

**TO:** Grover E. Arthur.

Premises subject to foreclosure: 50 Fisher  
Drive, York Haven, Pennsylvania 17370.

NOTICE: If you wish to defend, you must enter  
a written appearance personally or by attorney  
and file your defenses or objections in writing  
with the court. You are warned that if you fail  
to do so the case may proceed without you and  
a judgment may be entered against you without  
further notice for the relief requested by the  
Plaintiff. You may lose money or property  
or other rights important to you. You should  
take this notice to your lawyer at once. If you  
do not have a lawyer, go to or telephone the  
office set forth below. This office can provide  
you with information about hiring a lawyer. If  
you cannot afford to hire a lawyer, this office  
may be able to provide you with information  
about agencies that may offer legal services  
to eligible persons at a reduced fee or no fee.  
**Lawyer Referral Service, 137 East Market  
Street, York, Pennsylvania 17401, (717) 854-  
8755.** McCabe, Weisberg & Conway, P.C.,  
Attorneys for Plaintiff, 123 S. Broad St., Ste.  
1400, Philadelphia., PA 19109, 215-790-1010

10.02-1t

Solicitor

In The Court of Common Pleas  
York County  
Civil Action – Law  
No. 2014-SU-001640-06

Notice of Action in Mortgage Foreclosure  
Green Tree Servicing LLC, Plaintiff vs. Edna Y.  
Castro & Ioannis B. Polychronos, Mortgagors  
and Real Owners, Defendants  
To: Ioannis B. Polychronos, Mortgagor and  
Real Owner, Defendant, whose last known  
address is 845 Wayne Avenue, York, PA  
17403. This firm is a debt collector and we  
are attempting to collect a debt owed to our  
client. Any information obtained from you will  
be used for the purpose of collecting the debt.  
You are hereby notified that Plaintiff, Green  
Tree Servicing LLC, has filed a Mortgage  
Foreclosure Complaint endorsed with a notice  
to defend against you in the Court of Common  
Pleas of York County, Pennsylvania, docketed  
to No. 2014-SU-001640-06, wherein Plaintiff  
seeks to foreclose on the mortgage secured  
on your property located, 845 Wayne Avenue,  
York, PA 17403, whereupon your property will  
be sold by the Sheriff of York County. Notice:  
You have been sued in court. If you wish  
to defend against the claims set forth in the  
following pages, you must take action within  
twenty (20) days after the Complaint and notice  
are served, by entering a written appearance

personally or by attorney and filing in writing  
with the court your defenses or objections to  
the claims set forth against you. You are warned  
that if you fail to do so the case may proceed  
without you and a judgment may be entered  
against you by the Court without further notice  
for any money claimed in the Complaint for  
any other claim or relief requested by the  
Plaintiff. You may lose money or property or  
other rights important to you. You should take  
this paper to your lawyer at once. If you do  
not have a lawyer or cannot afford one, go to  
or telephone the office set forth below. This  
office can provide you with information about  
hiring a lawyer. If you cannot afford to hire a  
Lawyer, this office may be able to provide you  
with information about agencies that may offer  
legal services to eligible persons at a reduced  
fee or no fee. Central PA Legal Services, 256 E.  
Market St., York, PA 17403. Lawyer Referral  
Service Of The York County Bar Assoc., York  
County Bar Center, 137 E. Market St., York,  
PA 17401, 717-854-8755. Alyk Oflazian, Atty.  
for Plaintiff, KML Law Group, P.C., Ste. 5000,  
Mellon Independence Center, 701 Market St.,  
Phila., PA 19106-1532, 215.627.1322.

10.02-1t

Solicitor

In The Court of Common Pleas  
York County  
Civil Action – Law  
No. 2014-SU-002049-06

Notice of Action in Mortgage Foreclosure  
PNC Bank, National Association, Plaintiff  
vs. Wade A. Brown & Suzanne E. Brown,  
Mortgagors and Real Owners, Defendants  
To: Wade A. Brown, Mortgagor and Real  
Owner, Defendant, whose last known address  
is 1019 Smith Hill Road, York, PA 17404. This  
firm is a debt collector and we are attempting  
to collect a debt owed to our client. Any  
information obtained from you will be used  
for the purpose of collecting the debt. You  
are hereby notified that Plaintiff, PNC Bank,  
National Association, has filed a Mortgage  
Foreclosure Complaint endorsed with a notice  
to defend against you in the Court of Common  
Pleas of York County, Pennsylvania, docketed  
to No. 2014-SU-002049-06, wherein Plaintiff  
seeks to foreclose on the mortgage secured on  
your property located, 1019 Smith Hill Road,  
York, PA 17404 whereupon your property will  
be sold by the Sheriff of York County. Notice:  
You have been sued in court. If you wish  
to defend against the claims set forth in the  
following pages, you must take action within  
twenty (20) days after the Complaint and notice  
are served, by entering a written appearance  
personally or by attorney and filing in writing  
with the court your defenses or objections to  
the claims set forth against you. You are warned  
that if you fail to do so the case may proceed  
without you and a judgment may be entered  
against you by the Court without further notice  
for any money claimed in the Complaint for  
any other claim or relief requested by the  
Plaintiff. You may lose money or property or  
other rights important to you. You should take  
this paper to your lawyer at once. If you do  
not have a lawyer or cannot afford one, go to  
or telephone the office set forth below. This  
office can provide you with information about  
hiring a lawyer. If you cannot afford to hire a

Lawyer, this office may be able to provide you  
with information about agencies that may offer  
legal services to eligible persons at a reduced  
fee or no fee. Central PA Legal Services, 256 E.  
Market St., York, PA 17403. Lawyer Referral  
Service Of The York County Bar Assoc., York  
County Bar Center, 137 E. Market St., York,  
PA 17401, 717-854-8755. Alyk Oflazian, Atty.  
for Plaintiff, KML Law Group, P.C., Ste. 5000,  
Mellon Independence Center, 701 Market St.,  
Phila., PA 19106-1532, 215.627.1322.

10.02-1t

Solicitor

In The Court of Common Pleas  
York County  
Civil Action – Law  
No. 2013-SU-004440-06

Notice of Action in Mortgage Foreclosure  
JPMorgan Chase Bank, National Association,  
Plaintiff vs. The Unknown Heirs of Stephen  
R. Kramer, Deceased, Nanette Spyster, Solely  
in Her Capacity as Heir of Stephen R. Kramer  
Deceased, Mark Kramer, Solely in His Capacity  
as Heir of Stephen R. Kramer, Deceased &  
Scott Kramer, Solely in His Capacity as Heir of  
Stephen R. Kramer, Deceased Mortgagor and  
Real Owner, Defendants

To: The Unknown Heirs of Stephen R. Kramer,  
Deceased, Defendant(s), whose last known  
address is 34 West Jackson Street, York, PA  
17401 a/k/a 34 West Jackson Street, York, PA  
17403. This firm is a debt collector and we  
are attempting to collect a debt owed to our  
client. Any information obtained from you  
will be used for the purpose of collecting the  
debt. You are hereby notified that Plaintiff,  
JPMorgan Chase Bank, National Association,  
has filed a Mortgage Foreclosure Complaint  
endorsed with a notice to defend against you  
in the Court of Common Pleas of York County,  
Pennsylvania, docketed to No. 2013-SU-  
004440-06, wherein Plaintiff seeks to foreclose  
on the mortgage secured on your property  
located, 34 West Jackson Street, York, PA  
17401 a/k/a 34 West Jackson Street, York, PA  
17403, whereupon your property will be sold  
by the Sheriff of York County. Notice: You  
have been sued in court. If you wish to defend  
against the claims set forth in the following  
pages, you must take action within twenty (20)  
days after the Complaint and notice are served,  
by entering a written appearance personally or  
by attorney and filing in writing with the court  
your defenses or objections to the claims set  
forth against you. You are warned that if you  
fail to do so the case may proceed without you  
and a judgment may be entered against you by  
the Court without further notice for any money  
claimed in the Complaint for any other claim or  
relief requested by the Plaintiff. You may lose  
money or property or other rights important to  
you. You should take this paper to your lawyer  
at once. If you do not have a lawyer or cannot  
afford one, go to or telephone the office set  
forth below. This office can provide you with  
information about hiring a lawyer. If you cannot  
afford to hire a Lawyer, this office may be able  
to provide you with information about agencies  
that may offer legal services to eligible persons  
at a reduced fee or no fee. Central PA Legal  
Services, 256 E. Market St., York, PA 17403.  
Lawyer Referral Service Of The York County  
Bar Assoc., York County Bar Center, 137 E.

Market St., York, PA 17401, 717-854-8755. Alyk Oflazian, Atty. for Plaintiff, KML Law Group, P.C., Ste. 5000, Mellon Independence Center, 701 Market St., Phila., PA 19106-1532, 215.627.1322.

10.02-1t Solicitor

In The Court of Common Pleas  
York County  
Civil Action – Law  
No. 2014-SU-001958-06

Notice of Action in Mortgage Foreclosure U.S. Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-3, Plaintiff vs. Stephanie Payne, Mortgagor and Real Owner, Defendant

To, Stephanie Payne, Mortgagor and Real Owner, Defendant, whose last known address is 3721 Kimberly Drive, Dover, PA 17315. This firm is a debt collector and we are attempting to collect a debt owed to our client. Any information obtained from you will be used for the purpose of collecting the debt. You are hereby notified that Plaintiff, U.S. Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-3, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of York County, Pennsylvania, docketed to No. 2014-SU-001958-06, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 3721 Kimberly Drive, Dover, PA 17315, whereupon your property will be sold by the Sheriff of York County. Notice: You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a Lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. Central PA Legal Services, 256 E. Market St., York, PA 17403. Lawyer Referral Service Of The York County Bar Assoc., York County Bar Center, 137 E. Market St., York, PA 17401, 717-854-8755. Alyk Oflazian, Atty. for Plaintiff, KML Law Group, P.C., Ste. 5000, Mellon Independence Center, 701 Market St., Phila., PA 19106-1532, 215.627.1322.

10.02-1t Solicitor

York County  
Court of Common Pleas  
Number: 2014-SU-001693-06  
Notice of Action in Mortgage Foreclosure

OneWest Bank N.A., Plaintiff v. John C. Hooper II, Known Surviving Heir of Isabelle R. Hooper, Deceased Mortgagor and Real Owner, Jennifer Richter, Known Surviving Heir of Isabelle R. Hooper, Deceased Mortgagor and Real Owner, Sheree Hooper, Known Surviving Heir of Isabelle R. Hooper, Deceased Mortgagor and Real Owner, Aron Richter, Known Surviving Heir of Isabelle R. Hooper, Deceased Mortgagor and Real Owner, Unknown Surviving Heirs of Isabelle R. Hooper, Deceased Mortgagor and Real Owner, Defendants

**TO: Jennifer Richter, Known Surviving Heir of Isabelle R. Hooper, Deceased Mortgagor and Real Owner.** Premises subject to foreclosure: 3009 Faith Lane, Red Lion, Pennsylvania 17356. NOTICE: If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you. You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. **Lawyer Referral Service, 137 East Market Street, York, PA 17401, (717) 854-8755.** McCabe, Weisberg & Conway, P.C., Attorneys for Plaintiff, 123 S. Broad St., Ste. 1400, Phila., PA 19109, 215-790-1010

10.02-1t Solicitor

York County  
Court of Common Pleas  
Number: 2014-SU-002029-06  
Notice of Action in Mortgage Foreclosure

Bayview Loan Servicing, LLC, Plaintiff v. James Ball, Known Surviving Heir of Jane M. Ball, Deceased Mortgagor and Real Owner, Vanessa Ann Anthony, Known Surviving Heir of Jane M. Ball, Deceased Mortgagor and Real Owner and All Unknown Surviving Heirs of Jane M. Ball, Deceased Mortgagor and Real Owner, Defendants

**TO: James Ball, Known Surviving Heir of Jane M. Ball, Deceased Mortgagor and Real Owner.** Premises subject to foreclosure: 2335 Wilt Drive, York, Pennsylvania 17404. NOTICE: If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you. You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the

office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. **Lawyer Referral Service, 137 East Market Street, York, Pennsylvania 17401, (717) 854-8755.** McCabe, Weisberg & Conway, P.C., Attorneys for Plaintiff, 123 S. Broad St., Ste. 1400, Philadelphia., PA 19109, 215-790-1010

10.02-1t Solicitor

**ACTION TO QUIET TITLE**

IN THE COURT OF COMMON PLEAS OF  
YORK COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW

NO. 2014-SU-003199-93

ACTION TO QUIET TITLE

SUE T. GLENN, widow,  
Plaintiff

v.

WILLIAM COULSON, WILLIAM G. COULSON, SARAH JANE HEAPS, REBECCA COULSON, MARGARET COULSON, J. HOWARD COULSON, H. DAVIS COULSON, and MARY G. RAMSAY, their heirs, successors and assigns, executors and administrators,  
Defendants

TO: William Coulson, William G. Coulson, Sarah Jane Heaps, Rebecca Coulson, Margaret Coulson, J. Howard Coulson, H. Davis Coulson, and Mary G. Ramsay, their heirs, successors and assigns, executors and administrators

You are hereby notified that Plaintiff has filed a Complaint in an Action to Quiet Title in the Court of Common Pleas of York County, Pennsylvania docketed to No. 2014-SU-003199-93, wherein Plaintiff seeks to extinguish any interest you may have in certain real property situate in Peach Bottom Township, York County, Pennsylvania. The Complaint requests the Court to determine that Plaintiff is the owner of the property and to discharge any right, lien, title or interest that the Defendants may have in said land. Plaintiff's Complaint further alleges that for at least twenty-one (21) years and up to the present time, Plaintiff has held the property by actual, continuous, exclusive, visible, notorious, distinct and hostile possession. The property is described as Bunker Road, Delta, Peach Bottom Township, York County, PA. Tax Parcel 43-AP-19.

**NOTICE**

**If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections**

in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

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

Andrea S. Anderson, Esquire  
901 Delta Road  
Red Lion, PA 17356  
(717) 246-0594  
Attorney for Plaintiff

10.02-1t Solicitor

## ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on July 8, 2014, for the purpose of obtaining a Certificate of Incorporation for a corporation organized under the Business Corporation Law of 1988. The name of the corporation is **Bark Avenue Handyman Service, Inc.**

10.02-1t

NOTICE is hereby given that a professional corporation known as **Waltz Center for Oral Surgery & Implantology, P.C.** has been incorporated under the provisions of The Pennsylvania Business Corporation Law of 1988.

CGA Law Firm  
By: Jeffrey L. Rehmeyer II, Esquire

10.02-1t Solicitor

## ARTICLES OF INCORPORATION NON-PROFIT CORPORATION

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

### Life's New Beginning

It has been organized to provide inspiration, education and empowerment to adults living with intellectual disabilities through residential and day programming and community habilitation as well as charitable, religious and educational purposes, including for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code.

Margaret W. Driscoll, Esquire  
CGA Law Firm

10.02-1t Solicitor

## CHANGE OF NAME

NOTICE is hereby given that on July 31, 2014, a petition for change of name was filed in the Court of Common Pleas, requesting a decree to change the name of Consiglia Maria DeCarles to Consiglia Maria Creelman.

The Court has fixed the 15<sup>th</sup> day of October, 2014, at 11:30 a.m., in Courtroom #3, York County Judicial Center, as the time and place for the hearing on said petition when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

10.02-1t Solicitor

## IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NO. 2014-SU-003135-13

Notice is hereby given that on the 9<sup>th</sup> day of September, 2014, the Petition of **Andrew Schuldenfrei**, an adult individual, by and through his attorney, MacGregor J. Brillhart, was filed in the Court of Common Pleas of York County, Pennsylvania, praying for a decree to change his name to **Andrew Schulden Frei**. The Court has fixed the 7<sup>th</sup> day of November, 2014 at 9:00a.m. in Courtroom # 3, 6<sup>th</sup> floor of the York County Judicial Center at 45 North

George Street, York, Pennsylvania, before the Honorable Judge John S. Kennedy, as the time and date the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

STOCK AND LEADER, LLP  
By: MacGregor J. Brillhart, Esquire

10.02-1t Solicitor

## FICTITIOUS NAME

Notice is hereby given a certificate was or will be filed under the Fictitious Name Act approved May 24, 1945 in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that James Wilson, 9 Norris Rd., Delta, PA 17314, are the only person(s) owning or interested in a business, the character of which is furniture repair and refinishing and that the name, style and designation under which said business is and will be conducted is Something Special Furniture Service and the location where said business is and will be located is 9 Norris Rd., Delta, PA 17314.

10.02-1t Solicitor

Notice is hereby given a certificate was or will be filed under the Fictitious Name Act approved May 24, 1945 in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Dennis R. Hopper and Sharon L. Hopper, 607 Brighton Dr., Seven Valleys, PA 17360, are the only person(s) owning or interested in a business, the character of which is selling costume jewelry on the internet, street vending, and catalog sales and that the name, style and designation under which said business is and will be conducted is Spirit Jewelry LLC and the location where said business is and will be located is 607 Brighton Dr., Seven Valleys, PA 17360.

10.02-1t Solicitor

Notice is given that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 29, 2014, pursuant to the Fictitious Name Act, setting forth that Bravicoda, LLC, of 935 Chambers Road, York, PA 17402, is the only entity owning or interested in a business, the character of which is a personal care home and that the name, style and designation under which said business is and will be conducted is Changing Chapters and the location where said business is and will be conducted is 935 Chambers Road, York, PA 17402.

GUTHRIE, NONEMAKER,  
YINGST & HART

10.02-1t Solicitor

**NOTICE**

IN THE COURT OF COMMON PLEAS  
YORK COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

No. 2014-SU-0822-06

FULTON BANK, N.A.  
Plaintiff

vs.

BRIAN K. SWORDS, KNOWN HEIR AND  
THE UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS AND ALL PERSONS, FIRMS  
OR ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER N.  
JEAN SWORDS a/k/a NORMA J. SWORDS,  
DECEASED,  
Defendants

To the Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under N. Jean Swords a/k/a Norma J. Swords, Deceased, Defendant whose last known address is 2390 Pleasant View Drive, York, York County, Pennsylvania 17406, this firm is a debt collector and we are attempting to collect the debt owed to our client. Any information obtained from you will be used for the purpose of collecting the debt. You are hereby notified that Plaintiff, Fulton Bank, N.A., has filed a Mortgage Foreclosure Complaint endorsed with a Notices to Defend against you in the Court of Common Pleas of York County, Pennsylvania docketed to No. 2014-SU-000822-06, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 2390 Pleasant View Drive, York, York County, Pennsylvania 17406, whereupon your property will be sold by the Sheriff of York County, Pennsylvania.

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the Complaint referenced above, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance, personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

**LAWYER REFERRAL SERVICE**

137 East Market Street  
York, PA 17401  
(717) 854-8755

HENRY & BEAVER LLP  
By: MARC A. HESS  
I.D. #55774

937 Willow Street  
P.O. Box 1140  
Lebanon, PA 17042-1140  
(717) 274-3644

Attorney for Plaintiff

10.02-1t

Solicitor

**REDEVELOPMENT AUTHORITY  
OF THE CITY OF YORK**

vs.

**THOMAS R. LAU**  
No. 2014-SU-001964-05

**NOTICE**

**TO: THOMAS R. LAU**  
**BENEFICIAL CONSUMER DISCOUNT**  
**d/b/a**  
**Beneficial Mortgage Co. of Pennsylvania**

TAKE NOTICE that on the 4th day of June, 2014, the Redevelopment Authority of the City of York filed in the Court of Common Pleas of York County, Pennsylvania captioned to No. 2014- SU-19645-05, a Declaration of Taking for real estate at 1521 Devers Road in the City of York, Pennsylvania. The purpose of the condemnation is to eliminate blighted property as defined in 35 P.S. §1712.1 and 26 Pa. C.S.A. §205.

If you wish to challenge the power or the right of the Redevelopment Authority of the City of York to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor, or the Declaration of Taking, you shall file Preliminary Objections within thirty (30) days after the date of publication of this Notice.

**NOTICE**

If you wish to defend you must enter a written appearance personally or by attorney and file your objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Lawyer Referral Service  
York County Bar Association  
137 EastMarket Street  
York, PA 17401  
Telephone (717) 854-8755

BLAKEY, YOST, BUPP & RAUSCH, LLP  
Donald B. Hoyt, Esquire  
Attorneys for Condemnor

10.02-1t

Solicitor

**SHERIFF'S SALE**

CIVIL ACTION LAW  
COURT OF COMMON PLEAS  
YORK COUNTY  
Number 2014-SU-000418-06  
Nationstar Mortgage LLC  
v.  
Elvia Nunez

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

TO: Elvia Nunez

Your house (real estate) at **44 East College Avenue, York, Pennsylvania 17401** is scheduled to be sold at Sheriff's Sale on **December 8, 2014 at 2:00 p.m.** in the Sheriff's Office, York County Judicial Center, 45 North George Street, York, PA 17401 to enforce the court judgment of \$64,736.25 obtained by Nationstar Mortgage LLC against you.

**NOTICE OF OWNER'S RIGHTS  
YOU MAY BE ABLE TO PREVENT  
THIS SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to Nationstar Mortgage LLC the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance

you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE  
YOUR PROPERTY AND YOU HAVE  
OTHER RIGHTS EVEN IF THE  
SHERIFF'S SALE DOES TAKE PLACE**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.
4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.
7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

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

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**LAWYER REFERRAL SERVICE  
ASSOCIATION DE LICENCIADOS**  
Lawyer Referral Service  
137 East Market Street  
York, Pennsylvania 17401  
(717) 854-8755

**McCABE, WEISBERG & CONWAY, P.C.**  
Attorneys for Plaintiff  
123 S. Broad St.,  
Ste. 1400,  
Phila., PA 19109,  
215-790-1010

10.02-1t

Solicitor

*New*  
**Confidential  
Lawyers' Helpline**

**Alcohol, Drugs,  
Gambling, Stress,  
Depression,  
Anxiety**

**1-888-999-1941**

*Call for a free  
consultation.*

**POSITION  
AVAILABLE -**

*Well-established Lancaster County Firm is seeking a Legal Assistant to join its practice. Applicants are required to have 5 years' experience in legal administration. Successful candidates will have excellent communication and organizational skills, typing and dictation proficiency and accuracy. We offer a strong compensation package and an excellent work environment. For consideration, please mail or email cover letter and resume to McDonald at Law, Attn: Kristine Simmons, Office Manager, 2150 Noll Drive, Suite 300, Lancaster, PA 17603 or email to [kristine@mcdonaldatlaw.com](mailto:kristine@mcdonaldatlaw.com).*

**Larry  
Markowitz**

**Practice Limited to  
Employment Law**

**Representing  
Employers and  
Employees**

**Over 29 year's  
experience**

**717-848-3282**

**LarryM359@aol.com**



**Available Position: General Counsel to Keystone Custom Homes**

Keystone Custom Homes (one of the largest local residential real estate developers) located in Lancaster, PA, is seeking an attorney to serve as General Counsel. The successful candidate will have a minimum of five years experience in all facets of real estate including, zoning, land development, business organization, construction, commercial financing, and title. PA Bar admission is required and Maryland Bar admission, beneficial. Applicants must have a working knowledge of the Uniform Planned Communities Act, Uniform Condominium Act, Municipalities Planning Code, Municipality Authorities Act, and Uniform Construction Code.

Please submit a written letter of application, resume and salary history by **e-mail only** to:  
[hr@keystonecustomhome.com](mailto:hr@keystonecustomhome.com).

*No mailed or telephoned solicitations accepted. Keystone Custom Homes is an Equal Opportunity Employer and Drug Free Workplace.*

**WE BUY HOUSES**

**CASH**

Estates • Divorce • Short Sales

**1-800-CASH-OFFER**  
**crpropertygroup.com**

“CR Property Group, LLC has been a great resource to my clients in the administration of estates with real property assets.”

-David A. Mills, Esquire

Local Attorneys Please Call Eric Brewer at 717-818-3694