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No. 38

CASES REPORTED

Commonwealth of Pennsylvania v. Jeremy Roach

CP-67-CR-0000975-2013

Unlawful Contact with a Minor – Sufficiency of Evidence

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Commonwealth of Pennsylvania
v. Jeremy Roach

CP-67-CR-0000975-2013

Unlawful Contact with a Minor – Sufficiency
of Evidence

1. Defendant was convicted of one count of Unlawful Contact with a Minor, 18 Pa.C.S.A. 6318(a)(1); one count of Corruption of Minors, 18 Pa.C.S.A. 6301(a)(1); and, one count of Indecent Assault, 18 Pa.C.S.A. 3126(a)(7), arising from an incident where defendant touched a nine year old girl inappropriately.
2. Defendant argued in his post-sentence motion that there was insufficient evidence to find him guilty of Unlawful Contact with a Minor.
3. The Court held that the evidence presented by the Commonwealth in this case was not sufficient to support the charge of Unlawful Contact with a Minor. Therefore, it granted Defendant's Post-Sentence Motion as to that issue. The Court denied Defendant's Post-Sentence Motion as to all other issues raised.

In the Court of Common Pleas of York
County, Pennsylvania, Criminal Division;
Commonwealth of Pennsylvania v. Jeremy
Roach; Unlawful Contact with a Minor – Suf-
ficiency of Evidence

APPEARANCES:

STEPHEN R. McDONALD, ESQUIRE
For the Commonwealth

RICHARD ROBINSON, ESQUIRE
For Defendant

**OPINION IN SUPPORT OF ORDER
GRANTING IN PART AND DENYING IN
PART DEFENDANT'S POST SENTENCE
MOTION**

Factual and Procedural History:

This case arises from allegations made by a nine year old girl that Defendant had touched her inappropriately. O.M. told her father that Defendant, who was the paramour of O.M.'s aunt, had put his hand up her shirt and felt her chest while she was sleeping over at her aunt's house. A criminal complaint was filed by Northern York Regional Police on December 13, 2012 charging Defendant with one count of Unlawful Contact with a Minor, 18 Pa.C.S.A. 6318(a)(1); one count of Corruption of Minors, 18 Pa.C.S.A. 6301(a)(1); and, one count of Indecent Assault, 18 Pa.C.S.A. 3126(a)(7).

The preliminary hearing was continued several times to February 4, 2013. Defendant waived his arraignment and a pre-trial conference was scheduled for April 18, 2013,

at which time Defendant's case was listed for trial in the June 2013 term of criminal trials.

Defendant's case was called to trial on July 11, 2013 and on July 12, 2013, the jury returned with a verdict of guilty of all counts. Sentencing was scheduled for October 22, 2013. Defendant was sentenced to two (2) months to twelve (12) months incarceration in York County Prison on Count 1; three (3) years probation on Count 2, concurrent with Count 1; and, three (3) years probation on Count 3, concurrent with the other counts.

Defendant timely filed his post-sentence motion on October 24, 2013 and we scheduled a hearing and argument limited to whether the verdict of guilty on the charge of Unlawful Contact with a Minor was against the weight and sufficiency of the evidence. The Commonwealth filed a response on November 19, 2013.

Discussion:

Defendant argues that there was insufficient evidence to find him guilty of Unlawful Contact with a Minor because no evidence or testimony was presented at trial to show that Defendant had any contact or communication with O.M., besides the inappropriate touching that was alleged by the victim. The Commonwealth argues that the moving of the victim's shirt in order to put his hand under her shirt is the contact or communication that is required to convict Defendant of Unlawful Contact with a Minor.

Both parties rely on *Commonwealth v. Velez*, 51 A.3d 260 (Pa. Super. 2012) to support their respective positions. After a close review of the record and a review of the statute and relevant case law, we agree with Defendant.

Unlawful Contact with a Minor is defined as:

- (a) A person commits an offense if he is intentionally in contact with a minor, or a law enforcement officer acting in the performance of his duties who has assumed the identity of a minor, for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this Commonwealth:

- (1) Any of the offenses enumerated in Chapter 31 (relating to sexual offenses).

18 Pa.C.S.A. 6318(a)(1). "Contacts", as used in the statute, are defined as:

Direct or indirect contact or communication by any means, method or device, including contact or communication in person

or through an agent or agency, through any print medium, the mails, a common carrier or communication common carrier, any electronic communication system and any telecommunications, wire, computer or radio communications device or system.

18 Pa. C.S.A. 6318(c).

According to the testimony of O.M. at trial, she woke up at 12:56 A.M. and Defendant was touching her. (N.T. 7/11/13 p. 95). She testified that he was touching her "boobs" and that he did not know that she was awake. (N.T. 7/11/13 pp. 95-96). She said that his hand was on her for a couple seconds and then he took his hand away. (N.T. 7/11/13 p. 97).

In *Velez*, the mother of nine-year old E.V. walked into the family room and "saw her daughter, E.V., lying on the bed, nude from the waist down, with her knees up and defendant's head between her legs." *Velez*, 51 A.3d at 262. The defendant was found guilty of unlawful contact with a minor, aggravated indecent assault, and several other offenses. *Id.* The defendant challenged the weight and sufficiency of the evidence. Specifically as to the charge of unlawful contact with a minor, the defendant argued that "he did not contact the victim via a communicative message and that his physical touching of the victim is not the type of contact contemplated by the unlawful contact with a minor statute." *Id.* at 266.

The Superior Court concluded that the evidence was sufficient to prove that the defendant "had unlawful contact with the victim beyond the contact necessary to sustain the offense of aggravated indecent assault." *Id.* at 267. The Superior Court based its conclusion on the fact that the young girl was unclothed below the waist and positioned on the bed with her legs in the air. "In order to engage in the assault, it is reasonable to infer that [the defendant] directed the victim, either verbally or nonverbally, to unclothe below the waist and to assume that pose." *Id.*

Obviously the statute requires some other contact or communication beyond that required for the underlying offense. When interpreting a criminal statute, the overriding purpose must be to ascertain and effectuate the legislative intent underlying the statute. *Commonwealth v. Fedorek*, 596 Pa. 475, 946 A.2d 93 (2008). The words of the statute state that the contact prohibited is contact with a minor "for the purpose of engaging in an activity prohibited under [any of the offenses enumerated in Chapter 31]." 18 Pa.C.S.A. 6318(a). Therefore, it cannot be the same contact as that which constitutes the underlying offense. Further, the tenor of the statute indicates an intent to punish the communications preliminary to the commission of the underlying offense.

In this case, the facts simply are not similar to the facts in *Velez*. The young girl in *Velez* was awake and had somehow unclothed below the waist. Here, O.M. was asleep and had not removed any clothing. There was no testimony that Defendant tried to awaken her or that he attempted to unclothe her or position her in any way. Additionally, O.M. testified that Defendant never said anything to her. (N.T. 7/11/13 p. 117).

In *Velez*, there was an inference that there must have been some communication with the girl beyond the sexual assault because the girl was partially unclothed and positioned in a way that would not have happened absent some previous contact by the defendant. As stated previously, the contact required by 6318(a) must be different from the contact required for the underlying offense. One cannot infer from the facts of this case that Defendant had some previous contact with the victim. Keeping in mind that criminal statutes are to be strictly construed, *Commonwealth v. Shiffler*, 583 Pa. 478, 879 A.2d 185 (2005), we simply cannot find that the touching of the victim's shirt while sliding his hand under the shirt, as the Commonwealth argues, is the type of contact or communication prohibited by 6318(a).

Conclusion:

The evidence presented by the Commonwealth in this case was not sufficient to support the charge of Unlawful Contact with a Minor. Therefore, we must grant Defendant's Post-Sentence Motion as to that issue. We deny Defendant's Post-Sentence Motion as to all other issues raised. Re-sentencing will be scheduled under separate Order. Copies of the Opinion and Order shall be provided to counsel for the parties.

BY THE COURT,

Richard K. Renn, Judge

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 GREGORY A. DOLL, DECEASED
Late of York City, York County, PA.
Executor: Marvin Doll, c/o 135 North George Street, York, PA 17401
Attorney: John D. Flinchbaugh, Esquire, CGA Law Firm, PC, 135 North George Street, York, PA 17401 12.26-3t

ESTATE OF RICHARD S. MAXWELL, DECEASED
Late of Springettsbury Twp., York County, PA.
Executor: Bradley T. Maxwell, c/o 120 Pine Grove Commons, York, PA 17403
Attorney: Erin J. Miller, Esquire, Elder Law Firm of Robert Clofine, 120 Pine Grove Commons, York, PA 17403 12.26-3t

ESTATE OF CHARLES M. MILLER, DECEASED
Late of Springfield Twp., York County, PA.
Executrix: Patricia A. Miller, c/o Scott A. Ruth Esquire, 4 High Street, Hanover, PA 17331
Attorney: Scott A. Ruth Esquire, 4 High Street, Hanover, PA 17331 12.26-3t

ESTATE OF JOHN F. MYERS, DECEASED
Late of York Twp., York County, PA.
Executor: Christopher Myers, 4376 Sycamore Lane, Red Lion, PA 17356
Attorney: David M. Laucks, Esquire, LAUCKS & LAUCKS, P.C., 105 W. Broadway, Red Lion, PA 17356 12.26-3t

ESTATE OF PRESTON K. REPMAN, SR., DECEASED
Late of Warrington Twp., York County, PA.
Executor: David L. Repman, Sr., c/o 408 West Chestnut Street, Lancaster, PA 17603
Attorney: James N. Clymer, Esquire, Clymer, Musser & Conrad, PC., 408 West Chestnut Street, Lancaster, PA 17603 12.26-3t

ESTATE OF JUNIOR D. STAUFFER, DECEASED
Late of Jackson Twp., York County, PA.
Administrator-Executor: Sara K. Stauffer, 1377

Village Dr., Spring Grove, PA 17362
Attorney: Joanna Toft, Esquire, 12.26-3t

ESTATE OF HELEN J. WIEST, DECEASED
Late of Heidelberg Twp., York County, PA.
Executor: James G. Wiest c/o Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331
Attorney: Douglas H. Gent, Esquire, Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331 12.26-3t

SECOND PUBLICATION

ESTATE OF JAMES C. BAYMAN, DECEASED
Late of Wrightsville Borough, York County, PA.
Administrator-Executor: Dianna Winter, 4417 Webster Drive, York, PA 17402 12.19-3t

ESTATE OF TREVA K. BERWAGER, DECEASED
Late of Hanover Borough, York County, PA.
Executor: Benjamin E. Berwager, III, 6796 Laurel Woods Court, Hanover, PA 17331
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331 12.19-3t

ESTATE OF ROBIN J. BURNS, DECEASED
Late of Codorus Twp., York County, PA.
Executrix: Anita S. Kloss, c/o Law Offices of Craig A. Diehl, 119A West Hanover Street, Spring Grove, PA 17362
Attorney: Craig A. Diehl, Esquire, CPA, Law Offices of Craig A. Diehl, 119A West Hanover Street, Spring Grove, PA 17362 12.19-3t

ESTATE OF ANTONIO CARLOS DAVENPORT a/k/a TONY DAVENPORT, DECEASED
Late of Shrewsbury Borough, York County, PA.
Executor: Glorious Reed, c/o Michael R. Caum, Esquire at P.O. Box 272, Shrewsbury, PA 17361
Attorney: Michael R. Caum, Esquire, P.O. Box 272, Shrewsbury, PA 17361 12.19-3t

ESTATE OF MARIAN REIGGLE GARRETT a/k/a MARIAN ALVERTA GARRETT, DECEASED
Late of Penn Twp., York County, PA.
Executor: Scott L. Kelly, Esquire, 209 Broadway, Hanover, PA 17331
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331 12.19-3t

ESTATE OF PAUL E. HAUGH a/k/a PAUL ERVIN HAUGH, DECEASED
Late of Dallastown Borough, York County, PA.
Executor: Christine A. Haugh, c/o 32 N. Duke St., P.O. Box 149, York, PA 17405
Attorney: Christopher M. Vedder, Esquire, Morris & Vedder, 32 N. Duke St., P.O. Box 149, York, PA 17405 12.19-3t

ESTATE OF RICHARD H. HENRY, DECEASED
Late of Carroll Twp., York County, PA.
Executrix: Liana L. Eberly, 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 12.19-3t
- ESTATE OF ARLENE V. HILBERT, a/k/a
 ARLENE K. HILBERT, a/k/a ARLENE HILBERT,
 DECEASED
 Late of Borough of Loganville, York County,
 PA.
 Executor: Jeffrey L. Hilbert c/o GARBER &
 GARBER, 40 South Duke Street, York, PA
 17401-1402
 Attorney: John M. Garber, Esquire,
 GARBER & GARBER, 40 South Duke
 Street, York, PA 17401-1402 12.19-3t
- ESTATE OF MARGUERITE B. KEESEY a/k/a
 MARGUERITE KEESEY, DECEASED
 Late of Windsor Twp., York County, PA.
 Executrix: Valerie A. Kreidler, c/o Eveler &
 Eveler LLC, 2997 Cape Horn Rd., Suite
 A-6, Red Lion, PA 17356
 Attorney: Eveler & Eveler LLC, 2997 Cape
 Horn Rd., Suite A-6, Red Lion, PA 17356
 12.19-3t
- ESTATE OF VINCENT LEE KEMPER, DECEASED
 Late of Newberry Twp., York County, PA.
 Administrator: Amanda M. McClane, 150 Oak
 Rd., York Haven, PA 17370
 Attorney: Rob A. Krug, Esquire,
 53 East Canal Street, P.O. Box 155,
 Dover, PA 17315 12.19-3t
- ESTATE OF VIVIAN L. LITTLE, DECEASED
 Late of West Manchester Twp., York County,
 PA.
 Executor: Richard A. Little, c/o 129 E. Market
 St., York, PA 17401
 Attorney: John C. Herrold, Esquire, Griest,
 Himes, Herrold, Schaumann, Reynosa LLP,
 129 E. Market St., York, PA 17401 12.19-3t
- ESTATE OF JOHN WILLIAM McFADDEN,
 DECEASED
 Late of Hanover Borough, York County, PA.
 Administratrix: Barbara Anne McFadden, 29
 McAllister St., Hanover, PA 17331
 Attorney: John J. Mooney, III, Esquire,
 MOONEY & ASSOCIATES 230 York
 Street, Hanover, PA 17331 12.19-3t
- ESTATE OF WALTER P. MOTT, JR., a/k/a
 WALTER PROCTOR MOTT, JR., DECEASED
 Late of Windsor Twp., York County, PA.
 Executor: David K. Burke, c/o Eveler &
 Eveler LLC, 2997 Cape Horn Rd., Suite
 A-6, Red Lion, PA 17356
 Attorney: Eveler & Eveler LLC, 2997 Cape
 Horn Rd., Suite A-6, Red Lion, PA 17356
 12.19-3t
- ESTATE OF JOSEPH J. PHILBIN, JR.,
 DECEASED
 Late of Hopewell Twp., York County, PA.
 Administrator-Executor: Joseph J. Philbin, III,
 130 Yellowstone Lane, Stewartstown, PA
 17363 12.19-3t
- ESTATE OF JEAN M. SHENBERGER,
 DECEASED
 Late of North Codorus Twp., York County, PA.
 Executrix: Eileen M. Rodgers, c/o Craig A.
 Diehl, Esquire, CPA, 119A West Hanover
 Street, Spring Grove, PA 17362
 Attorney: Craig A. Diehl, Esquire, CPA, 119A
 West Hanover Street, Spring Grove, PA
 17362 12.19-3t
- ESTATE OF MARY ANNE STERNER,
 DECEASED
 Late of Dover Twp., York County, PA.
 Executrix: Vicki S. Stough, c/o 135 North
 George Street, York, PA 17401
 Attorney: Richard K. Konkel, Esquire, CGA
 Law Firm, PC, 135 North George Street,
 York, PA 17401 12.19-3t
- ESTATE OF KATHRYN M. THOMPSON,
 DECEASED
 Late of York County, PA.
 Executor: Wendy Grey, c/o Jeffrey T. Blitzer,
 Esquire, One West Marketway, York, PA
 17401
 Attorney: Jeffrey T. Blitzer, Esquire, One West
 Marketway, York, PA 17401 12.19-3t
- ESTATE OF JOAN HELEN WARREN, a/k/a
 JOAN H. WARREN, DECEASED
 Late of Windsor Twp., York County, PA.
 Executor: Roxann Leffler, 3047 Faith Lane,
 Red Lion, PA 17356
 Attorney: David M. Laucks, Esquire,
 LAUCKS & LAUCKS, P.C., 105 W. Broad-
 way, Red Lion, PA 17356 12.19-3t

THIRD PUBLICATION

- ESTATE OF ROBERTA P. BRUGGEMAN
 a/k/a ROBERTA PHYLLIS BRUGGEMAN,
 DECEASED
 Late of Dallastown Borough, York County,
 PA.
 Executrix: Diana L. Redding, c/o Eveler &
 Eveler LLC, 2997 Cape Horn Rd., Suite
 A-6, Red Lion, PA 17356
 Attorney: Eveler & Eveler LLC, 2997 Cape
 Horn Rd., Suite A-6, Red Lion, PA 17356
 12.12-3t
- ESTATE OF EDWARD A. CHMIEL, DECEASED
 Late of North Codorus Twp., York County, PA.
 Administrator-Executor: Leslie J. Conlen, c/o
 50 E. Market St., Hellam, PA 1746
 Attorney: Alexis K. Sipe, Esquire, 50 E. Mar-
 ket St., Hellam, PA 1746 12.12-3t
- ESTATE OF WILLIAM O. FLORIE, DE-
 CEASED
 Late of East Hopewell Twp., York County, PA.
 Executrix: Cynthia A. Williams, c/o P.O. Box
 312, Stewartstown, PA 17363

- Attorney: Laura S. Manifold Esquire,
Manifold & Golla, P.O. Box 312,
Stewartstown, PA 17363 12.12-3t
- ESTATE OF VERNON E. FLOYD, DECEASED
Late of Springettsbury Twp., York County, PA.
Executor: Dennis J. Kluyber, c/o Richard R.
Reilly, Esquire, 54 N. Duke St., York, PA
17401-1402
Attorney: Richard R. Reilly, Esquire, 54 N.
Duke St., York, PA 17401-1402 12.12-3t
- ESTATE OF THELMA A. FREY, DECEASED
Late of Springettsbury Twp., York County, PA.
Executrix: Carolee L. Ehrhart, c/o Eveler &
Eveler LLC, 2997 Cape Horn Rd., Suite
A-6, Red Lion, PA 17356
Attorney: Eveler & Eveler LLC, 2997 Cape
Horn Rd., Suite A-6, Red Lion, PA 17356
12.12-3t
- ESTATE OF CAROL A. GLATFELTER,
DECEASED
Late of Shrewsbury Borough, York County, PA.
Executrix: Diane M. Bortner, c/o P.O. Box
312, Stewartstown, PA 17363
Attorney: Laura S. Manifold Esquire,
Manifold & Golla, P.O. Box 312,
Stewartstown, PA 17363 12.12-3t
- ESTATE OF NORMA JEAN MANSBERGER,
DECEASED
Late of York, PA.
Executor: Michael Eisensmith, c/o William F.
Hoffmeyer, Esquire, Hoffmeyer & Semmel-
man, LLP, 30 N. George Street, York, PA
17401
Attorney: William F. Hoffmeyer, Esquire,
Hoffmeyer & Semmelman, LLP, 30 N.
George Street, York, PA 17401 12.12-3t
- ESTATE OF JOHN J. MORAN, II, DECEASED
Late of Hellam Twp., York County, PA.
Executor: Shawn Moran, 7504 Berry Street,
Brandywine, MD 20613
Attorney: Keith A. Hassler, Esquire, 9 North
Beaver Street, York, 17401 12.12-3t
- ESTATE OF DOROTHY M. SHUSTER,
DECEASED
Late of York Twp., York County, PA.
Co-Executors: Cynthia A. Lentz and Richard
B. Shuster, c/o Eveler & Eveler LLC, 2997
Cape Horn Rd., Suite A-6, Red Lion, PA
17356
Attorney: Eveler & Eveler LLC, 2997 Cape
Horn Rd., Suite A-6, Red Lion, PA 17356
12.12-3t
- ESTATE OF DONALD L. SUMMERSON,
DECEASED
Late of Dover Twp., York County, PA.
Executor: Kevin P. Summerson, 1742 Country
Manor Dr., York, PA 17408
Attorney: John W. Stitt, Esquire, 1434 W.
Market Street, York, PA 17404 12.12-3t
- ESTATE OF WILLIAM H. VANGENEWITT,
JR., a/k/a, WILLIAM H. VANGENEWITT
DECEASED
Late of Peach Bottom Twp., York County, PA.
Executor: Walter Vangene Witt, c/o P.O. Box
164, Wexford, PA 15090
Attorney: David E. Daniel, Esquire, P.O. Box
164, Wexford, PA 15090 12.12-3t
- ESTATE OF IRENE D. WENTZ, DECEASED
Late of Wellsville, Warrington Twp., York
County, PA.
Executor: John A. Wentz, 300 Squire Gratz
Road, Wellsville, PA 17365
Attorney: Rob A. Krug, Esquire,
53 East Canal Street, P.O. Box 155,
Dover, PA 17315 12.12-3t
- ESTATE OF DORIS L. WOLF, DECEASED
Late of York City PA.
Executor: Gary Wolf, 3320 Indian Rock Dam
Road, York, PA 17408
Attorney: Eugene R. Campbell, Esquire, 2205
E. Market St., York, PA 17402 12.12-3t
- ESTATE OF PATRICIA F. WRIGHT,
DECEASED
Late of Jackson Twp., York County, PA.
Executrix: Ellen B. Kinzer, 11 Carlisle St.,
Suite 301, Hanover, PA 17331
Attorney: Amy S. Eyster, Esquire, 11 Carlisle
St., Suite 301, Hanover, PA 17331 12.12-3t
-

CIVIL NOTICES

ACTION IN MORTGAGE FORECLOSURE

COURT OF COMMON PLEAS OF YORK COUNTY

NO. 2013-SU-001316-06

DEUTSCHE BANK NATIONAL TRUST, CO, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF IXIS REAL ESTATE CAPITAL TRUST 2005-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE3

3815 South West Temple
Salt Lake City, Utah 84165
PLAINTIFF

v.
BARBARA J. JONES AND LAURA N. BROWN
704 Treetrail Parkway
Norcross, GA 30093
DEFENDANTS

CIVIL ACTION - MORTGAGE FORECLOSURE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your 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 or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

ADVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20)

dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea a visado que si usted no se defiende, la corte toma ra medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros de rechos importantes para usted.

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Attorneys for Plaintiff
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12.26-1t Solicitor

COURT OF COMMON PLEAS OF YORK COUNTY

NO. 2013-SU-002094-06

FEDERAL NATIONAL MORTGAGE ASSOCIATION
3900 Wisconsin Avenue, NW
Washington, DC 20016-2892
PLAINTIFF

v.
CHRISTINE LANG, IN HER CAPACITY AS HEIR OF RICHARD W. MCNULTY, DECEASED
246 Winfield Road
Sarver, PA 16055
and
LISA FOGLE, IN HER CAPACITY AS HEIR OF RICHARD W. MCNULTY, DECEASED
30 N. Front Street
York Haven, PA 17370
and

ALL UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER RICHARD W. MCNULTY, DECEASED
DEFENDANTS

**CIVIL ACTION –
MORTGAGE FORECLOSURE**

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your 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 or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you

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

ADVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea a visado que si usted no se defiende, la corte toma ra medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted..

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO . ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL

DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO

York Lawyer Referral Service
137 E. Market St., York 17401
(717) 854-8755

MARTHA E. VON ROSENSTIEL, P.C.
Martha E. Von Rosenstiel, Esquire / No. 52634
Heather Riloff, Esquire / No. 309906
649 South Avenue, Suite 7
Secane, PA 19018
(610) 328-2887
Attorneys for Plaintiff
32097CFC-ZP

12.26-1t

Solicitor

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

COURT OF COMMON PLEAS

CIVIL DIVISION

YORK COUNTY

No. 2013-SU-866-06

BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP F/K/A COUNTRYWIDE HOME LOANS SERVICING, LP
Plaintiff

vs.

CLAIRE M. CONTRERAS
Defendant

NOTICE

To CLAIRE M. CONTRERAS

You are hereby notified that on March 15, 2013, Plaintiff, BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP F/K/A COUNTRYWIDE HOME LOANS SERVICING, LP, 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-866-06. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1304 LIVINGSTONE ROAD, YORK, PA 17404-1926 whereupon your property would be sold by the Sheriff

of YORK County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

Notice to Defend:
Lawyer Referral Service
York Legal Referral
137 East Market Street
York, PA 17401
(717) 854-8755 x201

12.26-1t

Solicitor

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

COURT OF COMMON PLEAS

CIVIL DIVISION

YORK COUNTY

No. 2013-SU-002338-06

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR J.P. MORGAN MORTGAGE ACQUISITION CORP. 2005-FLD1, ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-FLD1
Plaintiff

vs.

AMY L. ALEXANDER
Defendant

NOTICE

To AMY L. ALEXANDER

You are hereby notified that on July 8, 2013, Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR J.P. MORGAN MORTGAGE ACQUISITION CORP. 2005-FLD1, ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-FLD1, 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-002338-06. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 825 MARKET STREET, MOUNT WOLF, PA 17347-9774 whereupon your property would be sold by the Sheriff of YORK County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

Notice to Defend:
Lawyer Referral Service
York Legal Referral
137 East Market Street
York, PA 17401
(717) 854-8755 x201

12.26-1t

Solicitor

ACTION TO QUIET TITLE

IN THE COURT OF COMMON PLEAS

OF YORK COUNTY, PENNSYLVANIA

NO. 2013-SU-002987-93

CIVIL ACTION - QUIET TITLE

CRAIG A. DIEHL and,
RAY M. ABBOUD,
Plaintiffs

v.

US LANDS, LLC, BRYAN L. GOLDEN,
PATRICK J. NOLL, JOHN MYERS, GEORGE
SIDLE, HANNAH O'HAIL, THOMAS
BURTNET a/k/a THOMAS BURTNERT
a/k/a THOMAS BURTOUCH a/k/a THOMAS
BORTNETTE, JOHN BURTNERT, CHARLES
WILLIAMS, MRS. KLINE,
Defendants

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 plaintiffs. 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

Craig A. Diehl, Esquire, CPA
I.D. No. 52801
LAW OFFICES OF CRAIG A. DIEHL
3464 Trindle Road
Camp Hill, PA 17011
Attorney for Plaintiffs

12.26-3t

Solicitor

ADOPTION NOTICE

PUBLIC NOTICE TO
KARIEEM A. MITCHELL

In Re: Adoption of Jahmez Zyair Breeland,
A Minor

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Jahmez Zyair Breeland. An Involuntary Termination of Parental Rights Hearing has been scheduled for January 21, 2014, at 1:30 p.m., in Court Room No. 9, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Jahmez Zyair Breeland (DOB August 20, 2009), whose Father is Kariem A. Mitchell and whose Mother is Diedre Shaquana Breeland. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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

Martin Miller, Esquire
Solicitor for York County Offices of
Children, Youth & Families

12.19-3t

Solicitor

ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on or about December 6, 2013 for PERRYDELL FARM DAIRY, INC. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

Jody A. Leighty, Esquire
STOCK AND LEADER

12.26-1t 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:

**Brain Behavior and Disability
Awareness Program**

It has been organized to support, aid and foster awareness, understanding and acceptance of the behaviors and needs of children with special needs 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**

12.26-1t 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 Shannon D. Crawford, is the only person(s) owning or interested in a business, the character of which is photography and that the name, style and designation under which said business is and will be conducted is Schimidford Images and the location where said business is and will be located is 569 McAllister St., Hanover, PA 17331.

12.26-1t Solicitor

Notice is hereby given, pursuant to the provisions of Act of Assembly, No. 295, effective March 16, 1983, of the filing in the office of the Department of State, of the Commonwealth of

Pennsylvania, at Harrisburg, PA, for an Application for the conduct of business in York County, Pennsylvania, under the assumed or fictitious name, style or designation of White Rose Event Center, with a principal place of business at 2000 Loucks Rd., York, PA 17408.

The name and address of the entity interested in said business is GHC York, LP, 333 W. Lancaster Ave., Wayne, PA 19087.

12.26-1t Solicitor

PUBLIC NOTICE

PUBLIC NOTICE

In re: Sale of Real Property Owned by Spring Grove Area School District Situate in Spring Grove Borough, York County, Pennsylvania

A hearing has been scheduled to consider the Petition of Spring Grove Area School District for the Approval of Sale of Real Property (the former Spring Grove Elementary School) owned by Spring Grove Area School District. Said hearing shall take place on Tuesday, January 14, 2014, at 11:00 a.m. in Courtroom No. 8, York County Judicial Center, 45 North George Street, York, Pennsylvania, to approve the sale of certain real property situate in Spring Grove Borough, York County, Pennsylvania, owned by the Spring Grove Area School District.

STOCK AND LEADER

12.19-3t Solicitor

SHERIFF SALES

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA
NO. 2013-SU-002736-06

WELLS FARGO BANK, N.A.

Vs.
UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GARY L. SMITH, DECEASED

NOTICE TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS,

FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GARY L. SMITH, DECEASED
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 426 LOCUST STREET, HANOVER, PA 17331

Being in HANOVER BOROUGH, County of YORK, Commonwealth of Pennsylvania, TAX PARCEL#67000040176000000

Improvements consist of residential property. Sold as the property of UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER GARY L. SMITH, DECEASED

Your house (real estate) at 426 LOCUST STREET, HANOVER, PA 17331 is scheduled to be sold at the Sheriff's Sale on 04/14/2014 at 02:00 PM, at the YORK County Courthouse, 45 North George Street, York, PA 17401, to enforce the Court Judgment of \$48,455.67 obtained by, WELLS FARGO BANK, N.A. (the mortgagee), against the above premises.

PHELAN HALLINAN, LLP
Attorney for Plaintiff

12.26-1t

Solicitor

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA
NO. 2013-SU-001306-06

BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP F/K/A COUNTRYWIDE HOME LOANS SERVICING, LP
Vs.
JOSEPH ANTWI and EVELYN CROMER

NOTICE TO: JOSEPH ANTWI and EVELYN CROMER
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 50 COVINGTON DRIVE, SHREWSBURY, PA 17361-1851
Being in SHREWSBURY BOROUGH, County of YORK, Commonwealth of Pennsylvania, TAX PARCEL#84000030102000000

Improvements consist of residential property. Sold as the property of JOSEPH ANTWI and EVELYN CROMER

Your house (real estate) at 50 COVINGTON DRIVE, SHREWSBURY, PA 17361-1851 is scheduled to be sold at the Sheriff's Sale on 04/14/2014 at 02:00 PM, at the YORK County Courthouse, 45 North George Street, York, PA 17401, to enforce the Court Judgment of \$337,428.70 obtained by, BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO

BAC HOME LOANS SERVICING, LP F/K/A COUNTRYWIDE HOME LOANS SERVICING, LP (the mortgagee), against the above premises.

PHELAN HALLINAN, LLP
Attorney for Plaintiff

12.26-1t

Solicitor

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA
NO. 2011-SU-005050-06

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP
Vs.

JASON P. MALFETTONE

NOTICE TO: JASON P. MALFETTONE
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 600 NORTH HARTLEY STREET, APARTMENT 310, YORK, PA 17404-2855

Being in the 14th Ward of the City of York, County of YORK, Commonwealth of Pennsylvania,

Tax Parcel#1447811002800C0310

Improvements consist of residential property. Sold as the property of JASON P. MALFETTONE

Your house (real estate) at 600 NORTH HARTLEY STREET, APARTMENT 310, YORK, PA 17404-2855 is scheduled to be sold at the Sheriff's Sale on 04/14/2014 at 02:00 PM, at the YORK County Courthouse, 45 North George Street, York, PA 17401, to enforce the Court Judgment of \$154,842.31 obtained by, BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP (the mortgagee), against the above premises.

PHELAN HALLINAN, LLP
Attorney for Plaintiff

12.26-1t

Solicitor

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA
NO. 2012-SU-3882-06

BANK OF AMERICA, N.A SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOANS SERVICING, L.P.

Vs.
ROSS J. RABER

NOTICE TO: ROSS J. RABER
NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY

Being Premises: 2154 GOLDEN EAGLE
DRIVE, UNIT 129, YORK, PA 17408-9409
Being in WEST MANCHESTER TOWNSHIP,
County of YORK, Commonwealth of Pennsyl-
vania, TAX PARCEL#5100032013800C0129

Improvements consist of residential property.
Sold as the property of ROSS J. RABER

Your house (real estate) at 2154 GOLDEN
EAGLE DRIVE, UNIT 129, YORK, PA 17408-
9409 is scheduled to be sold at the Sheriff's
Sale on 04/14/2014 at 02:00 PM, at the YORK
County Courthouse, 45 North George Street,
York, PA 17401, to enforce the Court Judg-
ment of \$169,376.51 obtained by, BANK OF
AMERICA, N.A SUCCESSOR BY MERGER
TO BAC HOME LOANS SERVICING, L.P.
F/K/A COUNTRYWIDE HOME LOANS SER-
VICING, L.P. (the mortgagee), against the above
premises.

PHELAN HALLINAN, LLP
Attorney for Plaintiff

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Larry Markowitz

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Over 29 year's experience

717-848-3282 • LarryM359@aol.com

Attorney Joseph C. Korsak is Of Counsel at BLAKEY, YOST, BUPP & RAUSCH, LLP, in York and at THE MAZZA LAW GROUP in State College, Centre County.

IF YOUR CLIENTS NEED REPRESENTATION IN CENTRE COUNTY FOR THEIR BUSINESSES, PERSONALLY, OR FOR THEIR CHILDREN ATTENDING PENN STATE, CONTACT ME AT korsak@mazzalaw.com. OUR OFFICE IS AT 3801 ENTERPRISE DRIVE IN STATE COLLEGE, BEHIND THE DIX HONDA SHOWROOM ON WEST COLLEGE AVE. OUR PHONE IS 814 237 6255



Congratulations

York County Community Foundation
Professional Advisor Recognition Society



Back row (L-R): Thomas M. Shorb, Stock & Leader; Steven M. Merrick, Reinsel Kuntz Leshner LLP; John J. Shorb, Stock & Leader; William B. Anstine, Anstine & Sparler. Middle (L-R): Jon C. Countess, CGA Law Firm; Andrew Kagen, Kagen, MacDonald & France, P.C.; John D. Miller, Jr., MPL Law Firm, LLP. Front (L-R): Cynthia A. Dotzel, SF & Company; Nancy Klahold, National Penn Investors Trust Company. Not pictured: J. Ross McGinnis, Stock & Leader; G. Steven McKonly, G. Steven McKonly, PC; Harry J. Rubin, Barley Snyder LLC; W. Bruce Wallace, Stock & Leader.

To find out how your colleagues are
Creating a Vibrant York County

call Bryan Tate at 848-3733 or email: btate@yccf.org



We create a vibrant York County by engaging donors, providing community leadership and investing in high-impact initiatives while building endowment for future generations.