

Franklin County Legal Journal

Vol. 28, No. 14

October 8, 2010

pp. 47-52

Designated by Order of the Court for the publication of court and other legal notices, the Franklin County Legal Journal (USPS 378-950), 100 Lincoln Way East, Chambersburg, Franklin County, PA 17201-2291, contains reports of cases decided by the various divisions of the Franklin County Branch of the Court of Common Pleas of the 39th Judicial District of Pennsylvania and selected cases from other counties.

39th Judicial District of Pennsylvania Court Calendar for the Week of October 11, 2010

Monday, October 11

- 9 a.m. — Crown American Financing Partnership v. BOA Appeals, non-jury trial
- 9 a.m. — Commonwealth v. Eckenrode, SVP hearing and sentencing
- 9 a.m. — Commonwealth v. Gaines, jury trial
- 9 a.m. — In Re: Joint Petition of J.G. Wentworth Originations, LLC, & Logsdon, petition to transfer structured settlement payment rights
- 10 a.m. — Valora v. Valora, DRS pretrial conference
- 2 p.m. — Miller v. Miller, divorce argument
- 2 p.m. — Bench warrants
- 3 p.m. — Topping v. Topping, custody pretrial conference
- 3:30 p.m. — One adoption hearing

Tuesday, October 12

- 9 a.m. — Support contempts/appeals
- 9 a.m. — Termination of parental rights matters
- 9 a.m. — Commonwealth v. Tolbert, jury trial
- 9 a.m. — Fulton County call of the criminal trial list
- 1 p.m. — Argument court

Wednesday, October 13

- 9 a.m. — Sentences
- 9 a.m. — In Re: Harding Jr., petition for em. temp. guardianship
- 9 a.m. — Fulton County juvenile court
- 11 a.m. — One Fulton County termination of parental rights matter
- 1 p.m. — Commonwealth v. Lewis II, motion to withdraw *nolo* plea
- 1:30 p.m. — Arraignments/dispositions/violations

Thursday, October 14

- 8:30 a.m. — Custody petitions
- 9 a.m. — Commonwealth v. Miles, case management conference
- 9 a.m. — Commonwealth v. Horne, jury trial
- 9 a.m. — Clouser v. Miller, custody trial
- 9 a.m. — (Fulton County) Miller v. Hahnlén, custody trial
- 10 a.m. — PFA matters
- 1:15 p.m. — Bench warrants

Court calendar continued inside



Franklin County Bar Association 2010 Calendar of Events

OCTOBER

- 25 **YLD Law Day Committee**, noon, bar office and law library.
- 27 **Pro Bono Recognition Luncheon**, noon, Chambersburg.
- 29 **Bench-Bar Partnership Committee**, noon, bar office and law library.

NOVEMBER

- 5 **Young Lawyers Division**, noon, bar office and law library.
- 11 **Bar office closed** for Veterans' Day holiday.
- 18 **Board of Directors**, noon, bar office and law library.

Franklin County Legal Journal

The Franklin County Legal Journal is published by the Franklin County Bar Association, 100 Lincoln Way East, Suite E, Chambersburg, PA 17201-2291. Subscriptions for the weekly advance sheets are \$35 per year.

Legal notices and all other materials must be received by noon on Monday of the week of publication. Send all materials to Carolyn Seibert-Drager, editor, at legaljournal@franklinbar.org or by mail to the above address.

POSTMASTER: Send address changes to the Franklin County Legal Journal, 100 Lincoln Way East, Suite E, Chambersburg, PA 17201-2291.

PUBLIC NOTICES

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 any of said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay, to the respective personal representatives thereof or their attorneys named below.

First Publication

Estate of George E. Bradley, late of Guilford Township, Franklin County, Pennsylvania.

Personal representative:
Jerry A. Weigle
Weigle & Associates, P.C.
126 E. King St.
Shippensburg, PA 17257
Attorney:
Jerry A. Weigle
Weigle & Associates, P.C.
126 E. King St.
Shippensburg, PA 17257

10/8,10/15,10/22/2010

Estate of Virginia M. Herrold, a/k/a Virginia Mae Herrold, late of Orrstown Borough, Franklin County, Pennsylvania.

Personal representative:
Louise M. Engleman
c/o James T. Baldwin
Baldwin & Baldwin
42 S. Front St.
Milton, PA 17347
Attorney:
James T. Baldwin
Baldwin & Baldwin
42 S. Front St.
Milton, PA 17347

10/8,10/15,10/22/2010

Estate of Doris E. Martin, late of Waynesboro Borough, Franklin County, Pennsylvania.

Personal representatives:
Glenda R. McCulloh
4822 Polkton Road
Waynesboro, PA 17268
and
Joanna L. Channing
8375 Morningstar Lane
Waynesboro, PA 17268
and
Glenn E. Martin Jr.
21 Frick Ave.
Waynesboro, PA 17268
Attorney:
William S. Dick
Dick, Stein, Schemel, Wine & Frey, LLP
13 W. Main St., Suite 210
Waynesboro, PA 17268

10/8,10/15,10/22/2010

Estate of Della E. Ritchey, late of Lurgan Township, Franklin County, Pennsylvania.

Personal representatives:
Walter Ambrose Ritchey
14840 Cumberland Highway
Orrstown, PA 17244
and
Judy E. Heberlig
P.O. Box 432
Newburg, PA 17240
Attorney:
Forest N. Myers
137 Park Place West
Shippensburg, PA 17257

10/8,10/15,10/22/2010

Estate of Mary Patricia Smith, late of Waynesboro Borough, Franklin County, Pennsylvania.

Personal representative:
Kathy Lyn Donzella
c/o Redding Law Office
19 N. Main St.
Chambersburg, PA 17201
Attorney:
Patrick J. Redding
Redding Law Office
19 N. Main St.
Chambersburg, PA 17201

10/8,10/15,10/22/2010

Estate of Rose M. Spyer, late of Guilford Township, Franklin County, Pennsylvania.

Personal representative:
Deborah A. Allamong
15134 N. Young Road
Greencastle, PA 17225
Attorney:
J. Edward Beck Jr.
Keller, Keller and Beck, LLC
1035 Wayne Ave.
Chambersburg, PA 17201

10/8,10/15,10/22/2010

Estate of Roswell G. Townsend, late of Chambersburg, Franklin County, Pennsylvania.

Personal representative:
Farmers & Merchants Trust Co. of Chambersburg
20 S. Main St.
Chambersburg, PA 17201
Attorney:
Barbara B. Townsend
32 W. Queen St.
Chambersburg, PA 17201

10/8,10/15,10/22/2010

PUBLIC NOTICES

Second Publication

Estate of John H. Kahl, late of Washington Township, Franklin County, Pennsylvania.

Personal representative:
Janelce M. Campbell
c/o Keller, Keller and Beck, LLC
343-B S. Potomac St.
Waynesboro, PA 17268
Attorney:
J. Edward Beck Jr.
Keller, Keller and Beck, LLC
343-B S. Potomac St.
Waynesboro, PA 17268

10/1,10/8,10/15/2010

Estate of Shirley Elvey Kendle, a/k/a Shirley E. Kendle, late of St. Thomas Township, Franklin County, Pennsylvania.

Personal representative:
Jeffrey L. Kendle
516 Dorothy Court
Chesapeake, VA 23323
Attorney:
Edward I. Steckel
14 N. Main St., Suite 412
Chambersburg, PA 17201

10/1,10/8,10/15/2010

Estate of Marjorie C. Killian, late of Franklin County, Pennsylvania.

Personal representatives:
Jon E. Killian
14044 Blue Mountain Road
Waynesboro, PA 17268
and
Lynda E. Beam
1214 Marvern Drive
Chambersburg, PA 17202
Attorney:
David W. Rahouser
157 E. Washington St.
Chambersburg, PA 17201

10/1,10/8,10/15/2010

Estate of Martha M. Kuhns, a/k/a Martha Mae Kuhns, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representatives:
Clyde E. Kuhns
750 Kohler Road
Chambersburg, PA 17202
and
Merle R. Kuhns
14742 National Drive
Chantilly, VA 20151
Attorney:
George E. Wenger Jr.
Hoskinson & Wenger
147 E. Washington St.
Chambersburg, PA 17201

10/1,10/8,10/15/2010

Estate of Paul B. Newcomer Jr., a/k/a Paul Brandt Newcomer Jr., late of Gullford Township, Franklin County, Pennsylvania.

Personal representative:
Kathleen L. Newcomer
19 Vernon Drive
Chambersburg, PA 17202
Attorney:
J. Edward Beck Jr.
Keller, Keller and Beck, LLC
1035 Wayne Ave.
Chambersburg, PA 17201

10/1,10/8,10/15/2010

Estate of Elsie K. Riggs, a/k/a Elsie A. Kendall Riggs, a/k/a Elsie A. Kendall, a/k/a Elsie Kendall Riggs, late of Chambersburg Borough, Franklin County, Pennsylvania.

Personal representative:
Christopher R. Kendall
414 Martina Drive
Chambersburg, PA 17201
Attorney:
Edward I. Steckel
14 N. Main St., Suite 412
Chambersburg, PA 17201

10/1,10/8,10/15/2010

Estate of Dorothy Jane Sellers, a/k/a Dorothy J. Sellers, late of Gullford Township, Franklin County, Pennsylvania.

Personal representatives:
Darlene K. Robinson and Rodney L. Helmuth
c/o Thomas J. Finucane
Salzmann Hughes, P.C.
79 St. Paul Drive
Chambersburg, PA 17201
Attorney:
Salzmann Hughes, P.C.
79 St. Paul Drive
Chambersburg, PA 17201

10/1,10/8,10/15/2010

Estate of Elam R. Sprengle Jr., late of Waynesboro, Franklin County, Pennsylvania.

Personal representative:
Elam R. Sprengle III
912 W. Northern Parkway
Baltimore, MD 21210
Attorney:
J.L. Doyle
Dick, Stein, Schemel, Wine & Frey, LLP
13 W. Main St., Suite 210
Waynesboro, PA 17268

10/1,10/8,10/15/2010

Estate of Robert J. Woodward, late of Peters Township, Franklin County, Pennsylvania.

Personal representative:
Linda M. Poe
c/o R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268
Attorney:
Jared S. Childers
R. Thomas Murphy & Associates, P.C.
2005 E. Main St.
Waynesboro, PA 17268

10/1,10/8,10/15/2010

PUBLIC NOTICES

Third Publication

Estate of Henry L. Crider, late of Hamilton Township, Franklin County, Pennsylvania.

Personal representative:
Walter D. Crider
9797 Upper Horse Valley Road
Upper Strasburg, PA 17265
Attorney:
J. Edward Beck Jr.
Keller, Keller and Beck, LLC
1035 Wayne Ave.
Chambersburg, PA 17201

9/24,10/1,10/8/2010

Estate of Dale C. Hida, a/k/a Dale Calvin Hida, late of Antrim Township, Franklin County, Pennsylvania.

Personal representatives:
Stephanie K. Baughman
13008 Well House Court
Germantown, MD 20874
and
Paul T. Schemel
119 E. Baltimore St.
Greencastle, PA 17225
Attorney:
Paul T. Schemel
Dick, Stein, Schemel, Wine & Frey, LLP
119 E. Baltimore St.
Greencastle, PA 17225

9/24,10/1,10/8/2010

Estate of Jay Richard Martin, late of Waynesboro Borough, Franklin County, Pennsylvania.

Personal representative:
Cynthia L. Martin
15937 Hollowell Church Road
Waynesboro, PA 17268
Attorney:
Stephen D. Kulla
Kulla, Barkdoll, Ullman, & Painter, P.C.
9 E. Main St.
Waynesboro, PA 17268

9/24,10/1,10/8/2010

Estate of M. Lois McGeary, a/k/a Mary Lois McGeary, a/k/a Mary L. McGeary, late of Antrim Township, Franklin County, Pennsylvania.

Personal representatives:
Ronald E. Akers
4125 W. Weaver Road
Greencastle, PA 17225
and
Pamela S. Flagle
1285 Preston Lane
Greencastle, PA 17225
Attorney:
Werltime & Guyer LLP
35 N. Carlisle St., Suite A
Greencastle, PA 17225

9/24,10/1,10/8/2010

Estate of Nicole R. Shoemaker, late of Peters Township, Franklin County, Pennsylvania.

Personal representative:
Leann J. Wright
12405 Summit Vista Drive
Mercersburg, PA 17236
Attorney:
None

9/24,10/1,10/8/2010

CORPORATION NOTICE

Notice is hereby given that Access Lift Equipment, Inc., has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

Michael J. Connor, attorney
Waiker, Connor & Spang, LLC
247 Lincoln Way East
Chambersburg, PA 17201

10/8/2010

CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation of a nonprofit corporation known as Spring Run United Methodist Church, with its registered office at 16667 Main St., Spring Run, PA 17262, were filed on September 14, 2010, in the office of the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, under the provisions of the Corporation Law of 1988.

Thomas B. Steiger Jr., attorney
Steiger and Steiger
120 N. Main St.
Mercersburg, PA 17236

10/8/2010

PUBLIC NOTICES

**PATRIOT FEDERAL CREDIT UNION,
Plaintiff,
v. KEVIN E. CROMWELL, Defendant
IN THE COURT OF COMMON PLEAS
OF THE 39TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FRANKLIN COUNTY BRANCH
CIVIL ACTION — LAW, No. 2009-2980**

To: Kevin E. Cromwell

An Amended Petition to Fix Fair Market Value of Real Property has been filed against you regarding real property previously owned by you in Franklin County, Pennsylvania. 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 by the Court without further notice for the relief requested by Plaintiff. You may lose money or property and 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.

Pennsylvania Bar Association
Lawyer Referral Service
100 South St.
P.O. Box 186
Harrisburg, PA 17108
Telephone Number: 800-692-7375

Donald L. Kornfield, attorney for plaintiff
Kornfield and Benchoff, LLP
17 N. Church St.
Waynesboro, PA 17268

10/8/2010

**COMMONWEALTH OF PENNSYLVANIA
v. GENE S. DAVIS, Defendant
Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch
Criminal Action — Law, No. MD-65-2010**

Mootness Doctrine; Expedition of Litigation; Preliminary Hearings; Central Court System

1. The existence of an actual controversy is essential to appellate jurisdiction and, if an event occurs which renders it impossible to grant any relief, the issue is moot.
2. The two exceptions to the "mootness doctrine" are 1) the question involved is capable of repetition but likely to evade review; or 2) the question involved is one of public importance.
3. A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client. Pa. R. Prof. Conduct 3.2.
4. The reason for establishing the Central Court System for the disposition of preliminary hearings in criminal matters was to correct inefficiencies that consistently occurred under the old system, including multiple continuances, scarce negotiations, and undue delay.
5. Where the defendant was not faced with the issue of prolonged incarceration following two continuances of his preliminary hearing because his bail status was ROR, and where sanctions against the Commonwealth for delaying the preliminary hearing were inappropriate, the Defendant's Writ of Habeas Corpus was moot and not subject to sanctions or creation of a local rule as requested by the Defendant.

Appearances:

Franklin County District Attorney's Office
Steve Rice, Esquire, *Counsel for Defendant*

OPINION

Meyers, Jr., August 18, 2010

Facts

(Note: Many of the facts set forth herein regarding the way in which criminal preliminary hearings are scheduled and heard are within the personal knowledge of the Court and any attorney who has practiced criminal law within the last five to ten years in Franklin County, Pennsylvania. Accordingly, no references to a record are set forth in the opinion.)

For several years, preliminary hearings in criminal matters in Franklin County have been held in a consolidated process every Tuesday of each week commonly referred to as "Central Court." In accordance with Pa.R.Crim.P. 542(A)(1), counsel from the Franklin County District Attorney's Office appear at the preliminary hearings representing the Commonwealth and