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Estate Notices

DECEDENTS ESTATES

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

FIRST PUBLICATION

ESTATE OF WILLIAM W. JOHNSON, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. j28-f11

ESTATE OF DONALD P. MINIUM, JR., late of Harrisburg, Dauphin County, Pennsylvania (died December 13, 2010). Administrator: Neoma P. Minium, 1618 Market Street, Harrisburg, PA 17103. Attorney: Bruce G. Baron, Esq., Capozzi & Associates, P.C., 2933 North Front Street, Harrisburg, PA 17110-1250. j28-f11

ESTATE OF GERALDINE L. BERGER a/k/a GERALDINE BERGER, late of Harrisburg, Dauphin County, Pennsylvania (died November 17, 2010). Executrix: Rochelle S. Berger, 301 Fenway Road, Apt. E, Columbus, Ohio 43214. Attorney: Herschel Lock, Esq., 3107 North Front Street, Harrisburg, PA 17110. j28-f11

ESTATE OF PATTIE L. BARBUSCIO, late of Swatara Township, Dauphin County, Pennsylvania (died December 21, 2010). Co-Executrices: Dena Stump, 234 Adelia Street, Middletown, PA 17057 and Michele Devaney, 1398 Overlook Road, Middletown, PA 17057. Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Telephone (717) 944-1333. j28-f11

ESTATE OF MILDRED M. BOWMAN, late of the Township of Upper Paxton, Dauphin County, Pennsylvania (died December 23, 2010). Executrix: Ginger J. Fishel, 5255 State Route 25, Gratz, PA 17030. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. j28-f11

ESTATE OF JEAN I. WESNER a/k/a JEAN WESNER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Ronald A. Wesner, c/o Rudnitsky & Hackman, L.L.P., 1372 North Susquehanna Trail, Suite 130, Selingsgrove, PA 17870. Attorney: Karen L. Hackman, Esq., Rudnitsky & Hackman, L.L.P., 1372 North Susquehanna Trail, Suite 130, Selingsgrove, PA 17870. Telephone (570) 743-2333. j28-f11

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Thus, it is entirely reasonable to conclude that the Commonwealth's additional and unexplained one-hundred-seventy-one (171) day postponement in filing a second complaint makes an even stronger argument for a Rule 600 dismissal. It is sufficient that the instant set of facts parallel the *Meadius* scenario with regard to the lack of due diligence leading up to the first complaint's dismissal, but here we have the added prosecutorial irresponsibility of a bold and unexplainable delay in re-filing, which cannot be disregarded by this Court.

Given the evidence on the record of the Rule 600 hearing, this Court's conclusions, and viewing the facts most favorably to the prevailing party, it is respectfully submitted that there was no abuse of discretion in this Court's decision to dismiss the aggravated assault case against Defendant pursuant to Pa.R.Crim.P. 600.

—o—

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Torts — Battery — Intentional Infliction of Emotional Distress — Consent — Punitive Damages.

Defendant had induced his granddaughter, then a minor, into sexual relations which he videotaped. He pled guilty in federal court to Interstate Transportation of a Minor for Illegal Sexual Purposes. Plaintiff granddaughter subsequently filed a civil action in common pleas court, and by default judgment was awarded compensatory damages in the amount of 1.2 million dollars and punitive damages in the amount of 1.6 million dollars. The Defendant appealed.

1. No basis exists for the opening of default judgment where Defendant received adequate notice of the time allowed to file an Answer but failed to do so, and thereafter failed to correct procedural errors, thereby waiving any request to open judgment.

2. Appellate courts will not interfere with the trial court's exercise of discretion in considering the amount of damages awarded unless there is a clear abuse of discretion. *Herron v. Silbaugh*, 436 Pa. 339, 345, 260 A.2d 755, 758 (1970).

3. A Plaintiff can recover for emotional distress alone if the tortfeasor intended to produce emotional distress in the Plaintiff and did so by outrageous conduct. *Reist v. Manwiller*, 231 Pa. Super. 444, 449, 332 A.2d 518, 521 (Pa. 1974). Further, the loss of a sense of well-being is as compensable as a physical loss, for which there is no "magic formula" in arriving upon an amount of compensation. See, *DiChiacchio v. Rockcraft Stone Products Company*, 424 Pa. 77, 225 A.2d 913 (1967).

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4. It is beyond purview that a minor cannot consent to sexual relations with an adult many decades older than she.

5. Punitive damages may be awarded for conduct that is outrageous because of the defendant's evil motive or his reckless indifference to the rights of others. *See, Chambers v. Montgomery*, 411 Pa. 339, 192 A.2d 355 (1963). The award of punitive damages need not bear a proportional relationship to the amount of compensatory damages awarded, rather, "the degree of reprehensibility is the primary indicator of the reasonableness of a punitive damage award." *Kirkbide v. Lisbon Contractors, Inc.*, 521 Pa. 97, 103-104, 555 A.2d at 803; and *Technical Services, Inc. v. Clancy*, 813 A.2d 879, 888 (Pa. Super. 2002).

Pa.R.A.P. 1925(a) Opinion. C.P., Dau. Co., No. 2009 CV 05665 CV

Guy H. Brooks, for Plaintiff

Ronald M. Katzman, for Defendant

HOOVER, P.J., December 29, 2010. – This appeal follows the denial of Post-Trial motions by operation of law and entry of judgment on August 17, 2010. For the reasons set for the herein, the judgment should be affirmed.

FACTUAL AND PROCEDURAL HISTORY

The claims for compensatory and punitive damages of Plaintiff ("K.S.R.") in this matter arise out of a fraudulent scheme created by Defendant to induce Plaintiff, Defendant's granddaughter, then a minor, into sexual relations which the Defendant videotaped.

The record reflects that Defendant pled guilty in the United District Court for the Middle District of Pennsylvania to the charge of Interstate Transportation of a Minor for Illegal Sexual Purposes. Defendant entered into a guilty plea agreement based upon the following facts:

If this case were to go to trial, the Government's evidence would have shown that in 2005, Mr. Reinhardt was a well-known radio and television personality, entertainer, recording artist, and businessman in Huntingdon County. Mr. Reinhardt was also in 2005 acquainted with a minor teenage girl¹ who shared an interest in the theatre and entertaining industry. Through his acquaintance with this minor girl, Mr. Reinhardt introduced the minor girl to a series of individuals that he identified as friends of his. These introductions were done through the Internet. The individuals that Mr. Reinhardt introduced the girl to, he

1. There is no dispute that the minor girl to whom the prosecution referred in the guilty plea statement is the Defendant's granddaughter, K.S.R.

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claimed, were people in the entertainment industry, Broadway, and folks who were involved in international espionage.

In fact, all of these individuals that Mr. Reinhardt introduced this minor girl to over the Internet were fictitious people. They were online names used by Mr. Reinhardt.

Having introduced the minor girl to his array of characters, had conversations of a sexual nature with the teenage girl, conversations that encouraged the girl to engage in sexual activity with an older man like Mr. Reinhardt, and to make videos of a sexually explicit nature.

Persuaded over months by this group of individuals the minor girl believed to be friends and acquaintances of Mr. Reinhardt, the minor girl agreed to engage in sexual activity with Mr. Reinhardt, and in November of 2005, traveled from Pennsylvania to Virginia where she and Mr. Reinhardt engaged in sexual activity and where Mr. Reinhardt made visual depictions of that activity.

The conduct continued until about March of 2006 when the minor girl realized that the individuals she had been corresponding with were, in fact, all Mr. Reinhardt. The minor girl reported this fact to others who reported this fact to the FBI and to the U.S. Attorney's Office, which was able to document this activity by recovering videos and other e-mails prepared by Mr. Reinhart.

Acting on this information, federal authorities obtained an indictment on March 29, 2006, and Mr. Reinhardt was arrested at his residence on March 30th, 2006. At the time of his arrest, Mr. Reinhardt was advised of his Miranda rights, agreed to waive those rights, and provide a written statement to the FBI.

In that written statement, Mr. Reinhardt acknowledged using a series of online names, not his own, to persuade the minor teenage girl to allow him visual depictions of her engaging in sexual activity with him.

Mr. Reinhardt, in his statement, and in all subsequent statements, expressed remorse for all this activity and his deep regret that he had become involved in the activity.

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(Praecipe to Attach Exhibits and Verification, Exhibit A, Transcript of Proceedings, Guilty Plea, August 21, 2006, pp. 7-10)

The Defendant acknowledged that the prosecutor's statement was a fair summary, although Defendant stated that he "couldn't remember all of it." *Id.* p. 10. Defendant pled guilty to the charge of Interstate Transportation of a Minor for Illegal Sexual Purposes.

The Plaintiff, K.S.R. commenced a civil action by the filing of a Complaint on April 30, 2009. Plaintiff asserted that the Defendant "intentionally and knowingly engaged in inappropriate, illicit, and immoral sexual relationship with K.S.R., a minor at all material times, committing offensive and harmful touching of the minor by engaging in acts of gross indecency, including, but not limited to fondling, digital penetration, and videotaping for distribution." (Plaintiff's Complaint, para. 28). Plaintiff asserted claims of battery and intentional infliction of emotional distress. Plaintiff alleged that as a result of the defendant's conduct, she suffered mental anguish and trauma that has or may in the future require counseling or psychiatric care, embarrassment, extensive and permanent damage to her sexual and psychological development, loss of self-esteem, post-traumatic stress disorder, loss of future earning capacity, and past and future medical expenses. (Plaintiff's Complaint, para. 29) Plaintiff asserted claims for compensatory and punitive damages. (Plaintiff's Complaint, Counts I-III) Plaintiff obtained judgment by default on June 12, 2009.

On March 29, 2010, the court conducted a hearing on damages.

K.S.R.'s brother, Paul C. R., testified at the hearing on damages. He testified that he and K.S.R. grew up together in the home of their parents, who worked in a family business. (N.T. p. 17) The children enjoyed what Paul described as a "great childhood" envied by many. *Id.* When K.S.R. was approximately twelve years old, their father became terminally ill with cancer. (N.T. p. 15) During his illness, K.S.R. and Paul's parents traveled a great deal, seeking treatments for the father's cancer. *Id.* While the parents were away, sometimes out of the country, K.S.R. and her brother stayed with their maternal grandparents, Defendant being the maternal grandfather. (N.T. p. 46)

During this period of time, which encompassed approximately four years, while K.S.R. was ages 12 to 15, she spent time with the defendant. K.S.R. testified that after her father's death, the defendant was the only male figure in her life, other than her brother. (N.T. p. 47) Her involvement in dance and theater helped her through the loss of her

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father. (N.T. p. 48) The defendant, who had a career in local radio, television and theater, told K.S.R. that he was friends with various people in the theater industry, and that he would put them in contact with her. (N.T. p. 48)

The defendant created a group of fictitious names and characters who communicated on-line with K.S.R. The characters encouraged her to meet some of them in person, have sex with an older man, and prepare videos depicting the sex. (N.T. pp. 52-53) One of the fictitious characters created by the defendant told K.S.R. that it would help her to prepare for the meeting by having sex with her grandfather, that the character herself had sex with her own grandfather. (N.T. pp. 52-53) The characters convinced K.S.R. that the videos would “[groom] her into a more professional product.” (N.T. p. 54)

The characters convinced K.S.R. of a complicated saga of terrorism that required her to keep the information secret. (N.T. pp. 54-55) In 2005 and 2006 defendant made videotapes depicting sex acts with him and K.S.R. (N.T. pp. 55-56).²

K.S.R. became suspicious when she saw all of the names of the characters on the defendant’s computer screen, and realized that only one character at a time corresponded on-line. (N.T. p. 59) K.S.R. began confiding in her brother about her concerns. The family then contacted counsel, who accompanied them to the FBI. (N.T. p. 30)

Between the time the family contacted the FBI and Defendant’s arrest, K.S.R. was very frightened. (N.T. p. 40) Following Defendant’s arrest, K.S.R. withdrew from high school and the dance and theater productions in which she had participated. (N.T. pp. 41-42) A great deal of publicity surrounded the matter because of Defendant’s notoriety in the community. *Id.*

K.S.R.’s mother testified that the defendant took from K.S.R. her innocence, that she has few friends, and that K.S.R. is suspicious of people. (N.T. p. 43) The defendant has never apologized nor held himself accountable for his actions, but rather, blames others. (N.T. p. 43)

Paul C.R. testified that before the incidents of abuse occurred, K.S.R. was a normal, goal-oriented student. She studied dance and theater, and

2. Plaintiff’s counsel represents that a court order in the federal criminal matter restricts distribution of certain documents in the case. The video tapes were submitted to the court but not made part of the record. The parties do not dispute the authenticity of the videotapes, or that they depict sexual relations of Defendant with K.S.R. (N.T. p. 104)

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hoped for a career on Broadway. (N.T. pp. 16-17) She performed in community theater, was a good student, and enjoyed normal friendships. *Id.* Paul C.R. described the family as traditional and conservative. *Id.* K.S.R. was interested in someday having a traditional marriage, family and children. *Id.*

Paul C.R. testified that he and K.S.R. moved from Pennsylvania to Los Angeles to get away from the notoriety of what occurred. While K.S.R. had once hoped to move to New York, when these matters became public, the family quickly decided to move away. (N.T. p. 19) From Paul C.R.'s observations, K.S.R. has "put up a wall" in front of her personality, seems to have an "impenetrable demeanor", and no longer trusts anyone. He doubts that K.S.R. will have a normal family life with children, in that she exhibits difficulty trusting men. *Id.* K.S.R. has not had a serious relationship with a man since the family moved to Los Angeles. She no longer talks about marriage and children. (N.T. p. 21) Paul C.R. testified that K.S.R.'s relationships with other family members are different than prior to the abuse, and that he and K.S.R. will never have the relationship they once did. (N.T. p. 22)

Ruth R., to whom Defendant was married for 51 years, testified as to a statement of marital assets which total approximately \$3 million dollars. (N.T. p. 8) She testified that in letters written to her during his incarceration, Defendant has never expressed remorse for his conduct. (N.T. p. 10)

On April 6, 2010, the trial court entered an Order awarding compensatory damages to K.S.R. in the amount of \$1.2 million dollars and punitive damages in the amount of \$1.6 million dollars.

The defendant filed Post-Trial Motions on April 16, 2010, to which Plaintiff filed a response on April 26, 2010. The court ordered the filing of briefs after the lodging of the transcript of the damages hearing. Defendant sought an extension of time, which the court granted. The briefing schedule on Post-Trial Motions was completed on July 7, 2010. On August 18, 2010, Plaintiff obtained judgment as a matter of law.

Defendant filed an appeal on August 23, 2010. Thereafter, Defendant sought supersedeas pending appeal. The trial court granted supersedeas on November 1, 2010 and required that defendant file an appropriate security in the amount of 120% of the judgment amount. The record does not reflect the posting of a bond.

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DISCUSSION

No basis exists for the grant of a new trial.

At the outset, we note that Defendant's Post-Trial Motion asserts three claims for a new trial as follows:

- a. The Court's refusal to entertain Defendant's Motion to Vacate Default Judgment because it failed to comply with local rules was capricious and erroneous, and in violation of Pa.R.C.P. 239 (f) which provides that a court may not dismiss any action based on a failure to conform to a local rule and Pa.R.C.P. 237.3;
- b. Failure of Notice of Intention to Enter Default Judgment to comply with Pa.R.C.P. 237.1(a)(2)(ii);
- c. Error to permit Dr. Scheinvold's testimony;
- d. Error in award of punitive damages in excess of assets of defendant;
- e. Error in award of compensatory damages.

(Defendant's Post-Trial Motion, para. 15, a-e)

We review herein only these claims of error. Although Defendant seeks to elaborate arguments on appeal based upon factual assertions in the Post-Trial motion, we consider only the issues identified as error. Where an issue has not been properly raised in a post-trial motion, it is waived, even if asserted in a 1925 Statement of Issues Raised on Appeal. *Diamond Reo Truck Company v. Mid-Pacific Industries, Inc.*, 806 A.2d 423 (Pa. Super. 2002). Accordingly, we do not address the various other assertions set forth in paragraphs 1-13 which do not properly preserve claims of error.

(a)-(b) The trial court properly refused to entertain Defendant's Motion to Vacate Default Judgment.

No basis exists for the opening of default judgment where Defendant received adequate notice of the time allowed to file an Answer but failed to do so, and thereafter failed to correct procedural errors, thereby waiving any request to open judgment.

Defendant received service of the Complaint on May 8, 2009 at the Federal Correctional Institution, Loretto, Pennsylvania. (Sheriff's Return of Service, Exhibit A, Plaintiff's Complaint). The Notice of Intent to Enter Default Judgment was mailed to Defendant on the

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twentieth day, May 28, 2009. The docket reflects that no Answer appeared of record on the twentieth day, and therefore, the Notice properly apprised Defendant that he was in default. The time for the required action, the filing of an Answer before the close of business, expired. The ten day period then began to run upon the mailing of the ten-day notice, not receipt thereof. Service by regular mail was proper. *See*, Explanatory Comment, Pa.R.Civ.P. 237.1

Even if, as Defendant asserts, the ten day notice was mailed prior to the expiration of the time to answer, such alleged irregularity was harmless in that Plaintiff did not take default judgment the tenth day thereafter, June 8, 2009, but the eleventh day, June 9, 2009. Therefore, Defendant was allowed more than ten days after the failure to plead.

Defendant's argument that the court erred in refusing to consider his Motion to Vacate Default Judgment similarly lacks merit. By its Order of June 22, 2009, Judge Lawrence F. Clark, Jr., issued an Order which properly apprised Defendant that his pleading did not conform with local rules. The proper means by which to challenge the entry of default would have been a petition which complies with Pa.R.Civ.P. 237.3, Relief From Judgment of Non Pros or by Default, not a motion. After receipt of Judge Clark's order, and, even after retaining counsel, Defendant took no further steps to properly seek opening of the judgment.

Finally, even had Judge Clark considered Defendant's *pro se* pleading to open judgment, the court would have properly denied such request in that Defendant did not, and has not, offered an explanation for his failure to file an Answer. Neither Defendant's *pro se* status nor his incarceration relieve him of the duty to meet the requirements of the Pennsylvania Rules of Civil Procedure.

Accordingly, no basis exists for the opening of the judgment by default.

(c) The trial court properly allowed limited expert testimony on damages.

The court properly allowed the testimony of Dr. Sheinvold as to the likelihood of K.S.R., as a victim of sexual abuse by a trusted family member, to suffer emotional harm.

We note that in spite of the court's efforts to identify the precise nature of Defendant's opposition to Dr. Sheinvold's testimony at the hearing, Defendant's only succinctly stated objection was on the basis of relevance. (N.T. p. 67; p. 71; p. 72; p. 78)

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Dr. Sheinvold's testimony was relevant to the court's consideration of plaintiff's claims of damages which followed, and will likely continue, as a result of the sexual abuse. Defendant does not dispute Dr. Sheinvold's qualifications as an expert. The court considered the weight to be given Dr. Sheinvold's testimony, balancing his expertise in treating children with emotional problems, including victims of sexual abuse, against his limited professional contact with K.S.R. We relied in part, not in whole, upon Dr. Sheinvold's testimony to conclude that K.S.R. has and will suffer damages as a result of the abuse.

We properly required Dr. Sheinvold to limit his testimony to an opinion as to how, based upon his training and experience, K.S.R.'s ability to form healthy relationships in the future will be impacted. Dr. Sheinvold opined that based upon K.S.R.'s undisputed diagnosis of post-traumatic disorder, as a result of the sexual abuse, K.S.R. is at higher risk for depression, anxiety and relationship difficulties. (N.T. pp. 82-87).

Even without Dr. Sheinvold's testimony, the court could easily conclude that K.S.R. has suffered and will suffer emotional harm from the sexual abuse perpetrated by her grandfather.

(d) The evidence supports the trial court's award of compensatory damages.

The trial court properly exercised its discretion in the award of compensatory damages.

As the finder of fact, the court's award of damages is granted the same deference as that of a jury award. "It is well settled that [appellate courts] will not interfere with the trial court's exercise of discretion in considering the amount of damages awarded unless there is a clear abuse of discretion." *Herron v. Silbaugh*, 436 Pa. 339, 345, 260 A.2d, 755, 758 (1970).

The evidence supports the court's award of compensatory damages. "A Plaintiff can recover for emotional distress alone if the tortfeasor intended to produce emotional distress in the Plaintiff and did so by outrageous conduct." *Reist v. Manwiller*, 231 Pa. Super. 444, 449, 332 A.2d 518, 521 (Pa. 1974) ("Recovery is allowed despite the total absence of physical injury and actual damages.") (*internal citations omitted*). Further, the loss of a sense of well-being is as compensable as a physical loss, for which there is no "magic formula" in arriving upon an amount of compensation. *See, DiChiacchio v. Rockcraft Stone Products Company*, 424 Pa. 77, 225 A.2d 913 (1967).

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We concluded that K.S.R. has suffered, and will suffer, psychological injury and trauma as a result of the long term deception by a trusted grandfather for his own sexual motives. The testimony of K.S.R., her brother and her mother supports the award on the claims of mental anguish, trauma, damage to sexual and psychological development, loss of self-esteem, post-traumatic stress disorder, as pleaded in Plaintiff's Complaint.

We considered that K.S.R. has been diagnosed with post-traumatic stress disorder. In addition, K.S.R.'s mother described the fear and tension K.S.R. endured in the days leading up to the Defendant's arrest, and the family's move from their hometown to California to escape humiliation, embarrassment and unwanted attention. These experiences obviously and necessarily caused emotional pain to K.S.R. brought on by Defendant. We need not calculate the amount of an award for emotional and psychological harm with mathematical precision. *See, Paves v. Corson*, 569 Pa. 171, 801 A.2d 546 (Pa. 2002).

We found that the defendant harmed K.S.R. not only by the improper sexual contact, but by the calculated deception for his own purposes. We have no difficulty in concluding that the trauma of these experiences will impact K.S.R. for life. Based upon K.S.R.'s testimony, as well as that of her brother and mother, we are convinced that her ability to form healthy relationships is impacted.

We reject Defendant's contention that K.S.R. demonstrates a lack of harm because she expressed concern about her brother. We also reject Defendant's contention that K.S.R. was not harmed based upon her alleged "consent". It is beyond purview that a minor cannot consent to sexual relations with an adult many decades older than she.

(e) The trial court's award of punitive damages is well supported by the evidence.

The trial court properly awarded punitive damages based upon the willful, intentional and reckless conduct of Defendant with reckless disregard for the well-being of K.S.R. (*See, Plaintiff's claims, Plaintiff's Complaint, para. 33*).

It is well established that the Pennsylvania Supreme Court has adopted the guidelines of Section 908(2) of the Restatement (Second) of Torts regarding the imposition of punitive damages. "Punitive damages may be awarded for conduct that is outrageous because of the defendant's evil motive or his reckless indifference to the rights of others." *See,*

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Chambers v. Montgomery, 411 Pa. 339, 192 A.2d 355 (1963). In considering a claim for punitive damages, the court must look to “the act itself together with all of the circumstances including the motive of the wrongdoers and the relations between the parties.” *Chambers*, at 411 Pa. 345, 192 A.2d 358 (1963). The court must analyze the following factors: (1) the character of the act, (2) the nature and extent of his victim’s harm, (3) the wealth of the defendant. *Kirkbide v. Lisbon Contractors, Inc.*, 521 Pa. 97, 102, 555 A.2d 800, 803 (1989).

In this instance, Defendant’s fraudulent design to deceive his granddaughter was outrageous. His actions in creating a complex, fraudulent design, demonstrate his indifference to the interests of K.S.R. in order to satisfy his own desires. We find that the defendant preyed upon K.S.R. while she was most vulnerable, surrounding the time of her father’s terminal illness and passing.

We find Defendant’s argument that his granddaughter “consented” to the conduct to demonstrate a lack of remorse and acceptance of responsibility.

The amount of the award of punitive damages in the instant matter bears a reasonable relationship to the award of compensatory damages. The award is neither grossly excessive nor against the weight of evidence. The award of punitive damages need not bear a proportional relationship to the amount of compensatory damages awarded, rather, “the degree of reprehensibility is the primary indicator of the reasonableness of a punitive damage award.” *Kirkbide v. Lisbon Contractors, Inc.*, 521 Pa. 97, 103-104, 555 A.2d at 803; and *Judge Technical Services, Inc. v. Clancy*, 813 A.2d 879, 888 (Pa. Super. 2002).

We found Defendant’s conduct in designing a fraudulent scheme to obtain sex with a minor child in his family reprehensible. “The reprehensible inquiry takes into consideration the fact that some wrongs are more blame worthy than others”. *Id.*, at 888. (citation omitted).

We further reject Defendant’s claim that the award of punitive damages was erroneous based upon the amount of Defendant’s assets. Wealth is but one of the factors the court must consider, and “it is for the fact-finder to weigh the various factors in arriving upon an appropriate punitive damage award.” *Kirkbide* at 102, 555 A.2d 802. We appropriately weighed the factor of Defendant’s gross marital assets of \$3 million, as estimated by Defendant’s ex-wife. (N.T. p. 8). The claims of property distribution remain at issue, and therefore we looked to the total

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amount of assets. Even were we to consider half of that amount, \$1.5 million as Defendant's share of net assets, the award of \$1.6 million is appropriate.

CONCLUSION

For all of the foregoing reasons, the judgment should be affirmed.

—————○—————

FIRST PUBLICATION

Estate Notices

ESTATE OF LEO P. DEBON, late of Derry Township, Dauphin County, Pennsylvania (died October 23, 2010). Executrix: Patricia DeBon, 922 Carter Cove, Hummelstown, PA 17036. Attorney: Peter J. Ressler, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-5000. j28-f11

ESTATE OF HAROLD E. DEPEW, late of Susquehanna Township, Dauphin County, Pennsylvania (died November 29, 2010). Executrix: Tina Louise Rocuskie. Attorney: James P. Sheppard, Esq., 2201 North Second Street, Harrisburg, PA 17110. Telephone (717) 232-5551. j28-f11

ESTATE OF HAROLD T. ECKELS, late of Harrisburg, Dauphin County, Pennsylvania (died April 23, 2010). Executrix: Karen S. Fleisher, 1026 Valley Road, Enola, PA 17025. Attorney: Amy M. Moya, Esq., 5011 Locust Lane, Harrisburg, PA 17109. j28-f11

ESTATE OF EIKO K. LAWRENCE, late of the Borough of Williamstown, Dauphin County, Pennsylvania (died January 9, 2011). Co-Executors: Mary M. Moore, 6430 Somerset Street, Harrisburg, PA 17111 and Paul R. Lawrence, 4030 Callaway Road, Rocky Mount, VA 24151. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. j28-f11

ESTATE OF GREGORY WARD, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. j28-f11

ESTATE OF PETER C. DILLMAN, JR., late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Eric A. Dillman. Attorney: Michael L. Bangs, Esq., 429 South 18th Street, Camp Hill, PA 17011. j28-f11

ESTATE OF HELEN DRAGOVICH, late of Oberlin, Steelton, Dauphin County, Pennsylvania. Executor: Paul Dragovich, Jr. Attorney: Robert B. Roth, Esq., The Roth Law Firm, 123 North 5th Street, Allentown, PA 18102. j28-f11

SECOND PUBLICATION

ESTATE OF ANN E. AVENT, late of Lower Paxton Township, Dauphin County, Pennsylvania (died July 26, 2009). Administrator: Larry Avent, 2212 Bradley Drive, Harrisburg, PA. Attorney: John Gerard Devlin, Esq., 214 Pine Street, Harrisburg, PA 17101. j21-f4

ESTATE OF MARION D. DAVIDSON, late of Derry Township, Dauphin County, Pennsylvania (died December 28, 2010). Executor: Jeffrey L. Davidson, 2005 Bobtail Circle, Henderson, NV 89012-2294. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. j21-f4

ESTATE OF STEWART L. BEANE, late of Derry Township, Dauphin County, Pennsylvania. Executor: Gerald J. Brinser, 6 East Main Street, P.O. Box 323, Palmyra, PA 17078. Attorneys: Brinser, Wagner & Zimmerman. j21-f4

ESTATE OF JOHN A. STULTZ, late of East Hanover Township, Dauphin County, Pennsylvania (died December 19, 2010). Executor: J. Anthony Stultz. Attorney: Timothy R. Deckert, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Telephone (717) 232-8000. j21-f4

SECOND PUBLICATION

Estate Notices

ESTATE OF MYRA BORNSTEIN, late of Derry Township, Dauphin County, Pennsylvania (died December 23, 2010). Co-Executrices: Joanne I. Ciardullo and Marsha I. Kaye. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. j21-f4

ESTATE OF JOSEPHINE B. AIELLO, late of the Township of Lower Swatara, Dauphin County, Pennsylvania (died October 24, 2010). Executor: Casey L. Aiello, 1465 Rosedale Avenue, Middletown, PA 17057. Attorney: Peter G. Howland, Esq., Wix, Wenger & Weidner, 508 North Second Street, P.O. Box 845, Harrisburg, PA 17108-0845. j21-f4

ESTATE OF ALFRED WILLIAM KENNEDY d/b/a K&A AUTO SALES, late of Middletown, Dauphin County, Pennsylvania (died July 28, 2010). Executrix: Doris M. Stringer, 117 Sunrise Drive, Middletown, PA 17057. Attorney: Jayne A. Garver, Esq., 6723 Allentown Boulevard, Harrisburg, PA 17112. j21-f4

ESTATE OF GENEVIEVE B. EMERICK, late of Highspire Borough, Dauphin County, Pennsylvania. Executrix: Lauren Emerick Welker. Attorney: Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. j21-f4

ESTATE OF BEULAH M. BRESSLER, late of Williamstown Borough, Dauphin County, Pennsylvania. Executrix: Janice M. Erwin, 9833 Lawson Drive, Morrisville, PA 19067. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. j21-f4

ESTATE OF ELIZABETH I. SCHNEIDER, late of the City of Harrisburg, Dauphin County, Pennsylvania (died December 19, 2010). Personal Representative: Richard A. Schneider, 1042 Pecks Road, Middletown, PA 17057. Attorney: Scott M. Dinner, Esq., 3117 Chestnut Street, Camp Hill, PA 17011. j21-f4

THIRD PUBLICATION

ESTATE OF LEON D. RUDY a/k/a LEON DEAN RUDY, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Joleen M. Teates, c/o Turo Robinson Attorneys at Law, 129 South Pitt Street, Carlisle, PA 17013. Attorney: James M. Robinson, Esq., 129 South Pitt Street, Carlisle, PA 17013. j14-j28

ESTATE OF ORA B. BLACKWELL a/k/a ORA BELL BLACKWELL, late of the Township of Susquehanna, Dauphin County, Pennsylvania. Co-Administrators: Ora L. Blackwell, 3640 Brookridge Terrace, Apt. 101, Harrisburg, PA 17109 and John L. Murry, 4941 Highland Street, Harrisburg, PA 17111. Attorney: Jeffrey R. Boswell, Esq., Boswell, Tintner & Piccola, 315 North Front Street, Harrisburg, PA 17101. j14-j28

ESTATE OF LOIS REITZ, late of Dauphin County, Pennsylvania. Executrix: Cindy Dreibelbis, 3600 Elmerton Avenue, Harrisburg, PA 17109. Attorney: Elliot A. Strokoff, Esq., Strokoff & Cowden, P.C., 132 State Street, Harrisburg, PA 17101. j14-j28

ESTATE OF LELA W. LOPES, late of Derry Township, Dauphin County, Pennsylvania (died November 25, 2010). Executor: Michael A. Kreiser, 483 Hershey Road, Hummelstown, PA 17036. Attorney: Francis A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. j14-j28

THIRD PUBLICATION

Estate Notices

ESTATE OF ROBERT M. MESSERSMITH a/k/a ROBERT M. MESSERSMITH, SR., late of the Borough of Steelton, Dauphin County, Pennsylvania. Co-Executors: Eric M. Whatmore & Gloria D. McCready, c/o Kevin D. Dolan, Esq., Gingrich, Smith, Klingensmith & Dolan, P.O. Box 267, Elizabethtown, PA 17022. Attorney: Kevin D. Dolan, Esq., Gingrich, Smith, Klingensmith & Dolan, P.O. Box 267, Elizabethtown, PA 17022. j14-j28

ESTATE OF SUSAN JANE RYNDERS DEAN a/k/a SUSAN R. DEAN, late of Lower Swatara Township, Dauphin County, Pennsylvania (died October 20, 2010). Administratrix: Kelly Sue Brosig, 2253 Arbor Walk Circle, #526, Naples, FL 34109. Attorney: Robert P. Grubb, Esq., Keystone Elder Law, P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055. j14-j28

ESTATE OF RUTH A. ATTICK, late of West Hanover Township, Dauphin County, Pennsylvania. Executrix: Marlene Jenkins, 7100 Jonestown Road, Harrisburg, PA 17112. Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. j14-j28

ESTATE OF ROBERT C. WIEST, late of the Borough of Gratz, Dauphin County, Pennsylvania (died November 16, 2010). Executor: Roy L. Wiest, 287 State Drive, Elizabethtown, PA 17023. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. j14-j28

ESTATE OF TENLEY A. WITMER, late of Harrisburg, Dauphin County, Pennsylvania (died May 31, 2010). Personal Representative: Wendy W. Dorer, 1206 Summit Way, Mechanicsburg, PA 17050. j14-j28

ESTATE OF BRIAN C. KUHNERT, late of Swatara Township, Dauphin County, Pennsylvania (died December 29, 2010). Administratrix: Cheryl A. Smith, 1424 Ford Avenue, Harrisburg, PA 17109. Attorney: Dennis J. Shatto, Esq., Cleckner and Fearen, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. j14-j28

ESTATE OF CHARLES O. BARTO, JR., late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Thomas A. Tritte, 6512 Windmere Road, Harrisburg, PA 17111. Attorney: Anna Marie Sossong, Esq., Skarlatos & Zonarich, LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. j14-j28

ESTATE OF ERNEST F. RENK a/k/a ERNEST F. RENK, JR., late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Mr. Frederick J. Renk, 3728 Sparrow Pond Lane, Raleigh, NC 27606. Attorney: Jeffrey R. Boswell, Esq., Boswell, Tintner & Piccola, 315 North Front Street, Harrisburg, PA 17101. j14-j28

ESTATE OF MARY ANN BECKLEY, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Margaret Avis Pattishall. Attorney: Michael L. Bangs, Esq., 429 South 18th Street, Camp Hill, PA 17011. j14-j28

ESTATE OF PAUL D. MALCHENSON, late of Lower Paxton Township, Dauphin County, Pennsylvania (died January 29, 2009). Executor: Douglas J. Malchenson, 4501 Terrace Place, Harrisburg, PA 17110-2846. Attorney: Ann Marie Rotz, Esq., Meyers, Young & Grove, P.A., P.O. Box 1267, Hagerstown, MD 21741-1267. j14-j28

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about December 29, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **SOLARIS THERAPEUTICS, INC.**, c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of the State of Delaware.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

j28

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a **Domestic Limited Liability Company** was filed on January 5, 2011 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on behalf of **Keystone Lodge Hunting Camp**, a limited liability company.

The said Business Corporation was organized under the Pennsylvania Business Corporation Law, 15 Pa. C.S. §8913.

MARK W. ALLSHOUSE, Esq.
Christian Lawyer Solutions, LLC
4833 Spring Road
Shermans Dale, PA 17090

j28

NOTICE IS HEREBY GIVEN that **Acuity Specialty Products Group, Inc.**, a Delaware Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o Corporation Service Company, Dauphin County, Pennsylvania.

j28

NOTICE IS HEREBY GIVEN that **Ed Schory & Son Co.**, a foreign business corporation incorporated under the laws of the State of Ohio, where its principal office is located at 5177 Louisville Street, NE, Louisville, Ohio 44641, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at: C T Corporation System, 116 Pine Street, 3rd Floor, Suite 320, Harrisburg, PA 17101.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. j28

NOTICE IS HEREBY GIVEN that an Application was filed with the Pennsylvania Dept. of State at Harrisburg, PA on 01/03/2011 by **EBV Explosives Environmental Company**, a foreign corporation formed under the laws of the State of Delaware with its principal office located at 1209 Orange Street, Wilmington, DE 19801, for a Certificate of Authority to do business in PA under the provisions of the PA Business Corporation Law of 1988.

The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j28

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority for a Foreign Business Corporation was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA by **Murphy Tractor & Equipment Co., Inc.**, a foreign business corporation incorporated under the laws of the State of Kansas, where its principal office is located at 1800 S. West Street, Wichita, Kansas 67213-1106.

Its registered office in Pennsylvania, c/o CT Corporation System, shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. j28

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **YAEGER ROOFING, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. j28

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on October 28, 2010 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is **FEJ, Inc.** The registered office is at 1901 N. 3rd Street, Harrisburg, Dauphin County, Pennsylvania 17102.

The purpose of the corporation is: To conduct a licensed restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

STEVE C. NICHOLAS, Esq.
Nicholas Law Offices, P.C.
2215 Forest Hills Drive, Suite 37
Harrisburg, PA 17112-1099
(717) 540-7746

j28

NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **Mountain Heating & Cooling, Inc.** The address of its principal office under the laws of its jurisdiction is 230 Applegate Terrace, Pelham, AL 35124. The Commercial Registered Agent is listed as National Corporate Research, Ltd. in Dauphin County.

The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). j28

NOTICE IS HEREBY GIVEN that Articles of Incorporation–Nonprofit were filed in the Department of State, Harrisburg, Pennsylvania on January 20, 2011. The corporation is incorporated under the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the proposed corporation is: **CBC Activities Association.**

BRIAN L. SULLIVAN, Esq.
2500 Elmerton Avenue
Harrisburg, PA 17110
(717) 541-7594
January 20, 2011

j28

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 22, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **The Furst Brothers Company, c/o AAAgent Services, LLC.**

This corporation is incorporated under the laws of the State of Maryland.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 1215 Leadenhall Street, Baltimore, MD 21230.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

j28

NOTICE IS HEREBY GIVEN that Articles of Incorporation–Nonprofit were filed in the Department of State, Harrisburg, Pennsylvania on January 20, 2011. The corporation is incorporated under the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the proposed corporation is: **CBC-LV Activities Association.**

BRIAN L. SULLIVAN, Esq.
2500 Elmerton Avenue
Harrisburg, PA 17110
(717) 541-7594
January 20, 2011

j28

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 29, 2010, by **Imaex Trading Co.**, a foreign corporation formed under the laws of the State of Georgia, where its principal office is located at 65 Crestridge Drive, Suwanee, GA 30024, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. j28

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 11, 2011, by **Charming Charlie Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 5999 Savoy Drive, Houston, TX 77036, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o National Registered Agents, Inc., Dauphin County, Pennsylvania. j28

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 14, 2011, by **IGUACU USA GAS INVESTMENTS CORP.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. j28

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 19, 2011, by **ENALASYS CORPORATION**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 250 Avenida Campillo, Calexico, CA 92231, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. j28

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Mortgage Outreach**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 7208 Red Top Road, Hummelstown, PA 17036, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 11th day of January, 2011, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business is: NuView Financial Services, LLC. j28

FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-12088-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, N.A.,
Plaintiff**

vs.

**KC SWEGER, IN HER CAPACITY
AS CO-ADMINISTRATRIX and
HEIR OF THE ESTATE OF
STEVEN L. SWEGER**

and

**KAYLA SWEGER, IN HER CAPACITY
AS CO-ADMINISTRATRIX and
HEIR OF THE ESTATE OF
STEVEN L. SWEGER**

and

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, and ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST FROM
OR UNDER STEVEN L. SWEGER,
DECEASED, Defendants**

NOTICE

**TO: UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR
INTEREST FROM OR UNDER
STEVEN L. SWEGER, DECEASED**

YOU ARE HEREBY NOTIFIED that on SEP-
TEMBER 17, 2010, Plaintiff, WELLS FARGO
BANK, N.A., filed a Mortgage Foreclosure
Complaint endorsed with a Notice to Defend,
against you in the Court of Common Pleas of
DAUPHIN County Pennsylvania, docketed to

No. 2010-CV-12088-MF. Wherein Plaintiff seeks
to foreclose on the mortgage secured on your
property located at 4521 WINFIELD STREET,
HARRISBURG, PA 17109 whereupon your
property would be sold by the Sheriff of
DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to
the above referenced Complaint on or before
twenty (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 INFOR-
MATION 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.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

j28

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-5060-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

FIRST PUBLICATION

Miscellaneous Notices

**THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK AS
SUCCESSOR TO JPMORGAN CHASE
BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR THE BENEFIT
OF THE CERTIFICATE HOLDERS
OF EQUITY ONE ABS, INC. MORTGAGE
PASS-THROUGH CERTIFICATES
SERIES 2002-5, Plaintiff**

vs.

**DALE M. PETERS, IN HIS CAPACITY
AS CO-ADMINISTRATOR C.T.A. and
DEVISEE OF THE ESTATE OF
IRVIN WALLACE PETERS**

and

**DEBRA L. PETERS, HER CAPACITY
AS CO-ADMINISTRATOR C.T.A. and
DEVISEE OF THE ESTATE OF
IRVIN WALLACE PETERS**

and

**DAVID A. PETERS, IN HIS CAPACITY
AS DEVISEE OF THE ESTATE OF
IRVIN WALLACE PETERS**

and

**DIANE E. PETERS BILLMAN, IN HER
CAPACITY AS DEVISEE OF THE
ESTATE OF IRVIN WALLACE PETERS,
Defendants**

NOTICE

**TO: DAVID A. PETERS, IN HIS
CAPACITY AS DEVISEE
OF THE ESTATE OF
IRVIN WALLACE PETERS**

YOU ARE HEREBY NOTIFIED that on APRIL 22, 2010, Plaintiff, THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATE HOLDERS OF EQUITY ONE ABS, INC. MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2002-5, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of

Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2010-CV-5060-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 7 RUTHERFORD ROAD, HARRISBURG, PA 17109, whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (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.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

j28

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-10314-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

FIRST PUBLICATION

Miscellaneous Notices

**WELLS FARGO BANK NA,
Plaintiff**

vs.

**SHANNON L. BEAVERSON and
RANDALL A. BEAVERSON, Defendants**

NOTICE

TO: Shannon L. Beaverson

YOU ARE HEREBY NOTIFIED that on August 9, 2010, Plaintiff, Wells Fargo Bank NA, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County Pennsylvania, docketed to No. 2010-CV-10314-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 192 Market Street, Highspire, PA 17034, whereupon your property would be sold by the Sheriff of Dauphin County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (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.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

j28

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-9690-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

BANK OF AMERICA, Plaintiff

vs.

**DEBRA L. THOMPSON, IN HER
CAPACITY AS HEIR OF
ALMA BLONDENA FORTUNE
and**

**HENRY B. GREGORY, JR, IN HIS
CAPACITY AS HEIR OF
ALMA BLONDENA FORTUNE
and**

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
ALMA BLONDENA FORTUNE,
DECEASED, Defendants**

NOTICE

**TO: HENRY B. GREGORY IN
HIS CAPACITY AS HEIR OF
ALMA BLONDENA FORTUNE**

YOU ARE HEREBY NOTIFIED that on JULY 23, 2010, Plaintiff, BANK OF AMERICA, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2010-CV-9690-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 2501 LOCUST LANE, HARRISBURG, PA 17109, whereupon your property would be sold by the Sheriff of DAUPHIN County.

FIRST PUBLICATION

Miscellaneous Notices

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (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.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

j28

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-9147-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, N.A.,
Plaintiff**

vs.

**LAURIE STROBLE and
ROBERT STROBLE, Defendants**

NOTICE

TO: ROBERT STROBLE

YOU ARE HEREBY NOTIFIED that on JULY 12, 2010, Plaintiff, WELLS FARGO BANK, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2010-CV-9147-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 510 KELKER AVENUE, OBERLIN, PA 17113 whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (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.

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FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2010 CV 1131 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK,
AS TRUSTEE FOR THE
CERTIFICATE-HOLDERS, CWABS, INC.
ASSET-BACKED CERTIFICATES,
SERIES 2007-10, Plaintiff**

vs.

**LARRY D. RASCOE and
MICHELLE C. RASCOE, Defendants**

**TO: LARRY D. RASCOE and
MICHELLE C. RASCOE**

**PREMISES SUBJECT
TO FORECLOSURE:
1813 APPLETREE ROAD
HARRISBURG, PENNSYLVANIA 17110**

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.

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TERRENCE J. McCABE, Esq.
MARC S. WEISBERG, Esq.
EDWARD D. CONWAY, Esq.
MARGARET GAIRO, Esq.
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109

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(215) 790-1010

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2010-CV-450-CV

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

FULTON BANK, Plaintiff

vs.

**STEPHEN J. SCHUBACK and
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, and ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE, OR INTEREST FROM OR
UNDER RITA J. SCHUBACK,
DECEASED, Defendants**

IMPORTANT NOTICE

**TO: UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE, OR
INTEREST FROM OR UNDER
RITA J. SCHUBACK, DECEASED**

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Miscellaneous Notices

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

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

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SHAWN M. LONG, Esq.
Barley Snyder LLC
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**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2010 CV 7070 MF

**COMPLAINT IN
MORTGAGE FORECLOSURE**

**PNC MORTGAGE, A DIVISION OF
PNC BANK N.A. S/B/M/T NATIONAL
CITY MORTGAGE CO., Plaintiff**

vs.

**TERENCE E. SLOANE and
TEMIKA D. SLOANE, Defendants**

YOU ARE HEREBY NOTIFIED that you have been named as Defendants in a civil action instituted by PNC Mortgage, a Division of PNC Bank N.A. S/B/M/T National City Mortgage Co. D/B/A Accubanc against you in this Court. This action has been instituted to foreclose on a Mortgage dated December 29, 2003, and recorded in the Recorder's Office of Dauphin County at Mortgage Book Volume 5321 page 341 on December 31, 2003.

YOU ARE HEREBY NOTIFIED to plead to the above-referenced Complaint within twenty (20) days from the date of publication of this Notice 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 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.

FIRST PUBLICATION

Miscellaneous Notices

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LOUIS P. VITTI, Esq.
Vitti & Vitti & Associates, P.C.,
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**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-7757-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**SOVEREIGN BANK,
Plaintiff**

vs.

**CYNTHIA J. KULISCH a/k/a
CYNTHIA K. NESSINGER, Defendants**

NOTICE

**TO: CYNTHIA J. KULISCH a/k/a
CYNTHIA K. NESSINGER**

YOU ARE HEREBY NOTIFIED that on JUNE 9, 2010 Plaintiff, SOVEREIGN BANK, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2010-CV-7757-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 709 BENTON STREET, HARRISBURG, PA 17104, whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (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.

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**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

CIVIL DIVISION

No. 2010-CV-12079-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WELLS FARGO FINANCIAL
PENNSYLVANIA, INC., Plaintiff**

vs.

NATHAN D. BECK, Defendant

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

TO: NATHAN D. BECK

YOU ARE HEREBY NOTIFIED that on SEPTEMBER 17, 2010, Plaintiff, WELLS FARGO FINANCIAL PENNSYLVANIA, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2010-CV-12079-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 931 PAGE ROAD, HARRISBURG, PA 17111, whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) days from the date of this publication or a Judgment will be entered against you.

NOTICE

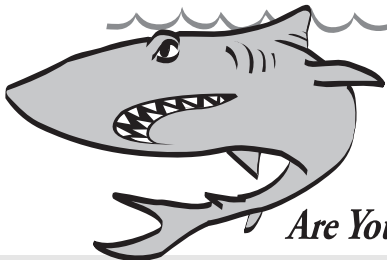
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BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street • Harrisburg, PA 17101-1493
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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

REPORTING OF ERRORS IN ADVANCE SHEET

The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

DAUPHIN COUNTY COURT SECTION

Motion Judge of the Month

JANUARY 2011
FEBRUARY 2011

Judge John F. CHERRY
Judge Andrew H. DOWLING

Opinions Not Yet Reported

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BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

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