

**ADVANCE SHEET**

Pages 94-98

**THE**  
**Dauphin County Reporter**

(USPS 810-200)

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A WEEKLY JOURNAL  
CONTAINING THE DECISIONS RENDERED IN THE  
12th JUDICIAL DISTRICT

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Wallet's Flooring Services, Inc. v. Daniels, et al.,  
v. Norfolk Southern Corporation, et al.  
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Inside Back Cover

**INTELLECTUAL PROPERTY LAW**

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38 Years in Harrisburg

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#### **TERMS**

Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101.

Telephone (717) 232-7536

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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 MARLIN S. KEIM, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Kenneth J. Keim, 456 Lewisberry Road, New Cumberland, PA 17070. Telephone (717) 774-2656. Attorney: W. Scott Staruch, Esq., Telephone (717) 975-0600.

f20-m6

ESTATE OF MARLIN A. HOOVER, late of Lykens Township, Dauphin County, Pennsylvania. Co-Executors: Robert M. Hoover, 8785 Route 25, Spring Glen, PA 17978 and Jeffrey A. Hoover, P.O. Box 165, Beaver Springs, PA 17812. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. f20-m6

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ESTATE OF HENRY K. LEWIS, late of Derry Township, Dauphin County, Pennsylvania (died November 15, 2008). Executrix: Joan K. Lewis, 315 North Front Street, Harrisburg, PA 17101. Attorney: Leonard Tintner, Esq., Boswell, Tintner, Piccola & Alford, 315 North Front Street, Post Office Box 741, Harrisburg, PA 17108. f20-m6

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ESTATE OF ANNA M. HULTZAPPLE, late of Susquehanna Township, Dauphin County, Pennsylvania (died January 8, 2009). Co-Executors: David Hultzapple, II and Cindy Hultzapple, 321 Regent Road, Harrisburg, PA 17112. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, 27 North Front Street, Harrisburg, PA 17101. f20-m6

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ESTATE OF ANNA G. ZIRILLI, late of Derry Township, Dauphin County, Pennsylvania. Executor: Martin L. Ginter, 318 Kent Drive, Harrisburg, PA 17111. Attorney: John R. Beinhaur, Esq., Beinhaur & Curcillo, 3964 Lexington Street, Harrisburg, PA 17109. f20-m6

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ESTATE OF SAMUEL MORRISON, late of Lower Paxton Township, Dauphin County, Pennsylvania (died January 25, 2009). Co-Executors: Gerald K. Morrison and Sue Morrison Dym. Executor/Attorney: Gerald K. Morrison, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Telephone (717) 232-8000. f20-m6

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**FIRST PUBLICATION**

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**Estate Notices**

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ESTATE OF ROBERT F. KRAUSE, late of Harrisburg, Dauphin County, Pennsylvania (died January 17, 2009). Executor: William A. Woodward. Attorney: Karen M. Balaban, Esq., Karen M. Balaban, LLC, P.O. Box 821, Harrisburg, PA 17108-0821. f20-m6

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ESTATE OF EMMA IRENE SMELTZER, late of Swatara Township, Dauphin County, Pennsylvania. Co-Executors: Linda R. Venturo, 140 North Third Street, Steelton, PA 17113 and Robert W. Smeltzer, Jr., 628 Second Street, Enhaut, PA 17113. Attorney: Matthew J. Golden, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. f20-m6

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ESTATE OF THOMAS J. O'HOLLERAN, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Michael K. O'Holleran, 529 West High Street, Hummelstown, PA 17036. Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. f20-m6

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ESTATE OF JANE M. SMITH, late of West Hanover Township, Dauphin County, Pennsylvania (died January 21, 2009). Executrix: Cathy Ann Spizzirri, 3215 North 3rd Street, 2nd Floor, Harrisburg, PA 17110. Attorney: Ann E. Rhoads, Esq., Cleckner and Fearn, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. f20-m6

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ESTATE OF SUSAN HOOK MOSCOSO a/k/a SUSAN H. MOSCOSO, late of Lower Paxton Township, Dauphin County, Pennsylvania (died January 26, 2009). Executrix: Marybeth Moscoso-Fries, 177 Hiddenwood Drive, Harrisburg, PA 17110. Attorney: Elyse E. Rodgers, Esq., Keefer Wood Allen & Rahal LLP, 635 North 12th Street, Suite 400, Lemoyne, PA 17043. f20-m6

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ESTATE OF SAMUEL C. DUPLER, SR., late of East Hanover Township, Dauphin County, Pennsylvania. Executrix: Nan Louise Papp, 14 N. Swarthmore Avenue, Ridley Park, PA 19078. Attorney: Keith D. Wagner, Esq. f20-m6

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ESTATE OF ROBERT L. PAYNE, late of the City of Harrisburg, Dauphin County, Pennsylvania (died January 24, 2006). Administrator: Natalie V. Payne. Attorney: Nora F. Blair, Esq., 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. f20-m6

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ESTATE OF PEGGY J. ADAMS, late of the Township of Swatara, Dauphin County, Pennsylvania. Administrator: John W. Adams, 2345 N. 4th Street, Harrisburg, PA 17110. Attorney: Kenneth F. Lewis, Esq., 1101 North Front Street, Harrisburg, PA 17102. f20-m6

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**SECOND PUBLICATION**

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ESTATE OF TIMOTHY S. DEWALT, late of Harrisburg, Dauphin County, Pennsylvania (died January 9, 2009). Executrix: Tammy C. Dewalt. Attorney: Bruce J. Warshawsky, Esq., Cunningham & Chernicoff, P.C., 2320 North Second Street, Harrisburg, PA 17110. f13-f27

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ESTATE OF JOHN E. CROMAN, JR., late of the Paxtang Borough, Dauphin County, Pennsylvania (died September 20, 2008). Executor: Terrence Lee Fasick, 117 Hummel Avenue, Lemoyne, PA 17043. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. f13-f27

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ESTATE OF ELIZABETH W. KRIEG, late of Swatara Township, Dauphin County, Pennsylvania. Executor: John R. Zonarich, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. Attorney: Matthew J. Golden, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. f13-f27

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Wallett's Flooring Services, Inc. v. Daniels, et al. v.  
Norfolk Southern Corporation, et al.

distant and infrequent contact between separate entities, Ernst & Young USA and Ernst & Young Cayman or Ernst & Young BBC, do not establish a sufficient connection with Pennsylvania to subject Husband to the jurisdiction of Pennsylvania courts.

#### CONCLUSION

For all of the foregoing reasons, we enter the following:

#### ORDER

AND NOW, this 28th day of January, Defendant's Preliminary Objections to Plaintiff's Complaint based upon lack of *in personum* jurisdiction are **SUSTAINED**.

—————o—————

### **Wallett's Flooring Services, Inc. v. Daniels, et al., v. Norfolk Southern Corporation, et al.**

#### **Practice — Joinder of Additional Defendants — Timeliness — Reasonable Justification — Prejudice.**

Plaintiffs suffered flood damage on September 18, 2004 to property leased from the Defendants, and filed this action on September 15, 2006. On August 5, 2008, the Defendants filed an "Uncontested Motion for Leave to Join Additional Defendants," which the Court granted on August 6, 2008. The Defendants then filed a joinder complaint on August 12, 2008, and the Additional Defendants responded with Preliminary Objections, alleging insufficient justification for and prejudice by the late joinder.

1. The filing of preliminary objections is the proper method to challenge an untimely motion for joinder. *Prime Properties Development Corp. v. Binns*, 580 A.2d 405 (Pa. Super. 1990).

2. Only the original plaintiff may object to late joinder on the basis that the joining party has not shown a reasonable justification for its delay. Pa. R.C.P. 2253(b). (*Explanatory Comment - 2005.*)

3. Cost incurred in defending a lawsuit is not prejudice *per se*. Prejudice, in the context of late joinder, is that which would compromise the ability of a defendant to present a defense. To bar a claim is an extreme sanction. It follows that the measure of prejudice required to support the sanction must be of equal portion.

Preliminary Objections. C.P., Dau. Co., No. 2006 CV 4152. Granted in part, otherwise denied.

Wallett's Flooring Services, Inc. v. Daniels, et al. v.  
Norfolk Southern Corporation, et al.

*Wiley P. Parker*, for Plaintiff

*Scott D. McCarroll*, for Defendant Daniels

*Stephen L. Blanko*, for Defendant Hartman and Associates, Inc.

*Craig J. Staudenmaier*, for Defendant Norfolk Southern Corporation

KLEINFELTER, J., January 30, 2009. – The preliminary objections before us require application of recently amended Pa. R.C.P. 2253 to the admittedly late joinder of an additional defendant.

The case was commenced by Wallett's Flooring Services, Inc. ("Wallett's") against Clair E. Daniels, Debra A. Daniels, and Robert G. Hartman and Associates, Inc. ("Daniels") by writ of summons filed September 15, 2006. Wallett's filed its complaint on June 29, 2007.

The several counts of the complaint seek to impose liability on Daniels for flood damage to property leased by Wallett's from Daniels. The flooding and water damage occurred on September 18, 2004. Daniels filed preliminary objections on August 20, 2007, which were dismissed on November 21, 2007. Daniels filed an answer with new matter on December 17, 2007.

On August 5, 2008, Daniels filed an "Uncontested Motion for Leave to Join Additional Defendants," namely, Norfolk Southern Corporation and Norfolk Southern Railway Company ("Norfolk"). This court granted the motion on August 6, 2008. On August 12, 2008, Daniels filed a joinder complaint against Norfolk.

On September 3, 2008, Norfolk filed Preliminary Objections to the Joinder Complaint which is the matter presently before the court for disposition. Norfolk premises its objections on the argument that (1) there is no reasonable justification for the delay in filing the joinder complaint; and (2) Norfolk is prejudiced by the late joinder.

The issue is controlled by Pa. R.C.P. 2253, Time for Filing Praecipe or Complaint. The rule was amended January 6, 2005 and again on June 1, 2007:

(a) Except as provided by Rule 1041.1(e), neither a praecipe for a writ to join an additional defendant nor a complaint if the joinder is commenced by complaint, shall be filed no later than

(1) sixty days after the service upon the original defendant of the initial pleading of the plaintiff or any amendment thereof, or

Walleff's Flooring Services, Inc. v. Daniels, et al. v.  
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(2) the time for filing the joining party's answer as established by Rule 1026, Rule 1028 or order of court,

whichever is later, unless such filing is allowed by order of the court or by the written consent of all parties approved by and filed with the court.

— — — —

(b) Any party may object to a motion to join an additional defendant after period prescribed by subdivision (a) on the ground that the party will be prejudiced by the late joinder. The plaintiff may also object to the late joinder on the ground that the joining party has not shown a reasonable justification for its delay in commencing joinder proceedings.

(c) A person not previously a party who is joined as an additional defendant may object to the joinder by filing preliminary objections asserting prejudice or any other ground set forth in Rule 1028.

The Explanatory Comment – 2005 notes that the former rule was revised by deleting the words “upon cause shown” except in subdivision (b) which still permits plaintiff to object on this basis.

Preliminarily, we note that Daniel's motion for leave to join Norfolk on August 5, 2008, was filed well beyond the 60 days post service of the complaint, June 29, 2007. We also note that Daniel's characterization of its motion to join Norfolk as an “Uncontested Motion” is rather disingenuous since Norfolk did not join the “Stipulation” signed by the other parties.<sup>1</sup> As soon as Norfolk learned that it was joined *ex parte* as an additional defendant it filed preliminary objections on September 3, 2008. The filing of preliminary objections is the proper method to challenge an untimely motion for joinder. *Prime Properties Development Corp. v. Binns*, 580 A.2d 405 (Pa. Super. 1990).

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1. Our review of the record shows that the “Uncontested Motion for Leave to Join Additional Defendants” was filed on August 5, 2008, and signed by the motions judge, Honorable Lawrence F. Clark, Jr., the following day, August 6, 2008. The certificate of service attached to the motion does not even include counsel for Norfolk.

Wallett's Flooring Services, Inc. v. Daniels, et al. v.  
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Norfolk first objects to the joinder complaint “to the extent it states a claim of sole liability against it.” Daniels answers in their brief that they concur and seek only “contribution and/or indemnification and as otherwise permitted by Pa. R.C.P. 2252.” Accordingly, our order will grant this preliminary objection limited only to the understanding that Norfolk cannot be held directly liable.

Norfolk next objects to the joinder complaint as being untimely and prejudiced. On the timelines issue, Norfolk claims that Daniels is required “to show a reason for defying the sixty-day deadline for joinder.” Such a showing, claims Norfolk, is required even in the absence of prejudice.

Norfolk’s argument (and authority cited in support of it), are trumped by the rule change which occurred in 2005. Prior to the 2005 amendments, any party moving for joinder after the 60-day limit for same was indeed required to justify their delay. Since the rule change, only the original plaintiff may object to late joinder on the basis that the joining party has not shown a reasonable justification for its delay. Since Norfolk is not the plaintiff, it has no standing to challenge the joinder motion based on Daniels admitted delay.<sup>2</sup>

On the other hand, Rule 2253 still permits an additional defendant to object to a late joinder by “asserting prejudice.” In this regard Norfolk argues:

14. The late joinder prejudices Norfolk Southern, in that it is forced to defend claims which arose four years ago in an action which has been pending for two years in which discovery has already begun and in duplicating discovery because of the late joinder, particularly in light of the extensive discovery and depositions which have taken place in the Kuba action to date.

The “Kuba action” referenced here is a similar case which arose out of the same flooding incident. In that pending action, filed September 15, 2006, Norfolk and the Camasta defendants are being sued by Brian K. Stahl, d/b/a Kuba’s Auto Sales and Service. As noted earlier, the case at bar was initiated by writ of summons on September 15, 2006, the same date that Kuba filed its complaint. Unlike the Kuba case, Norfolk was not joined in the instant action until some 23 months later.

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2. Former Rule 2253 prohibited any late filing of a motion to join unless “upon cause shown.”

Wallett's Flooring Services, Inc. v. Daniels, et al. v.  
Norfolk Southern Corporation, et al.

Norfolk's prejudice claim seems to center on the fact that "extensive discovery and depositions" have taken place in the Kuba action which must now be duplicated in the Wallett's/Daniels action. More specifically, Norfolk argues in its brief that it will now incur additional expense and time to redefend itself and that deponents will be "afforded an opportunity to alter their testimony." (Norfolk Brief, 8).

We are unable to find in these assertions the "prejudice" contemplated by Rule 2253. At least as to the issue of liability, the issues as to responsibility for flooding seem to be quite similar – if not identical in both cases. Thus, most of the fact discovery regarding liability would appear to be complete. While Wallett's/Daniels could choose to re-depose some witnesses, one would think such would not be extensive. Even were it otherwise, costs incurred in defending a lawsuit is not prejudice *per se*.

Rather, we view "prejudice" in the context of barring late joinder as that which would compromise the ability of the defendant to present a defense. What comes to mind is the inability to locate witnesses, witnesses with memories dimmed by the passage of time, the spoliation of tangible evidence, or lost or destroyed documents. Norfolk claims no prejudice from this quarter; if anything, its argument that discovery has been ongoing for two years would suggest that the evidence, tangible and testimonial, has been adequately preserved.

To bar a claim is an extreme sanction. It follows that the measure of prejudice required to support the sanction must be of equal portion. In this case it is not.

We enter the following:

#### ORDER

AND NOW, this 30th day of January, 2009, upon consideration of the Preliminary Objections of Norfolk Southern Corporation, Norfolk Southern Railway Company, Additional Defendants, to the Joinder Complaint of Clair E. Daniels and Debra Daniels,

IT IS HEREBY ORDERED that the Preliminary Objections are granted insofar as Norfolk's liability is limited to contribution and/or indemnification and as otherwise permitted by Pa. R.C.P. 2252. The Preliminary Objections are otherwise denied. Defendants shall file an answer to the Joinder Complaint within 20 days of the date of this Order.

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**SECOND PUBLICATION**

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**Estate Notices**

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ESTATE OF MARY M. WAGNER, late of Harrisburg, Dauphin County, Pennsylvania (died December 4, 2008). Executor: C. Michael Wagner, 4923 Killington Drive, Harrisburg, PA 17112. Attorney: Amy M. Moya, Esq., 5011 Locust Lane, Harrisburg, PA 17109. f13-f27

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ESTATE OF JAMES H. WOODRUFF, late of Dauphin County, Pennsylvania (died January 13, 2009). Personal Representative: Jean D. Woodruff, 210 Parkway Road, Harrisburg, PA 17110. f13-f27

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ESTATE OF DENNIS L. COOPER, late of Halifax Township, Dauphin County, Pennsylvania. Executrix: Carol L. Cooper, 3005 Peters Mountain Road, Halifax, PA 17032. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. f13-f27

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ESTATE OF WILLIAM J. SHOCKLOSS, late of West Hanover Township, Dauphin County, Pennsylvania. Executrices: Patricia Shockloss, 7297 Olde Mill Road, Harrisburg, PA 17112 and Mary Galie, 1119 Ross Lane, Phoenixville, PA 19460. Attorney: Gerald J. Shekletski, Esq., Stone LaFaver & Shekletski, P.O. Box E, New Cumberland, PA 17070. f13-f27

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ESTATE OF RUTH M. HAGAMAN, late of Derry Township, Dauphin County, Pennsylvania (died November 12, 2008). Executor: Allan E. Hagaman, 285 Crescent Drive, Hershey, PA 17033. Attorney: C. Thomas Work, Esq., Stevens & Lee, 111 North 6th Street, P.O. Box 679, Reading, PA 19603-0679. f13-f27

ESTATE OF JAMES F. GIBSON, late of Susquehanna Township, Dauphin County, Pennsylvania (died March 1, 2005). Executor: James P. Gibson, Jr., 2028 Chavey Chase Drive, Harrisburg, PA 17110. Attorney: James G. Nealon, III, Esq., Kerwin & Kerwin, 2411 North Front Street, Harrisburg, PA 17110. f13-f27

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ESTATE OF DOUGLAS E. HELT, late of Millersburg Borough, Dauphin County, Pennsylvania. Executor: Russell D. Helt, Jr., 156 Wilt Boulevard, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. f13-f27

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**THIRD PUBLICATION**

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ESTATE OF JAMES R. ZIKMUND a/k/a JAMES RICHARD ZIKMUND, late of the Borough of Hummelstown, Dauphin County, Pennsylvania. Executrix: Elizabeth C. Zikmund. Attorney: Nancy Mayer Hughes, Esq., Barley Snyder LLC, 126 East King Street, Lancaster, PA 17602. f6-f20

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ESTATE OF DENNIS A. MOORE, late of Susquehanna Township, Dauphin County, Pennsylvania. Administrator: David S. Moore, 309 Monroe Street, Mechanicsburg, PA 17055. Attorney: David R. Getz, Esq., Wix, Wenger & Weidner, 508 North Second Street, P.O. Box 845, Harrisburg, PA 17108-0845. Telephone (717) 234-4182. f6-f20

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ESTATE OF GAYLE J. JONES, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Mary Livingston, P.O. Box 77, McKnightstown, PA 17343. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. f6-f20

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**THIRD PUBLICATION**

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**Estate Notices**

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ESTATE OF CHARLES F. BERKE, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Elizabeth A. Fite, 1111 Victor Lane, Dauphin, PA 17018. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. f6-f20

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ESTATE OF DOROTHY D. WEAVER, late of Susquehanna Township, Dauphin County, Pennsylvania (died January 4, 2009). Executrix: Deborah W. Kalman, Mechanicsburg, PA. Attorney: Jacqueline A. Kelly, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. Telephone (717) 541-5550. f6-f20

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ESTATE OF ERIC M. SHARBAUGH a/k/a E. M. SHARBAUGH, late of Middle Paxton Township, Dauphin County, Pennsylvania (died December 17, 2008). Executor: Joseph Gondek. Attorney: David H. Radcliff, Esq., 1011 Mumma Road, Suite 201, Lemoyne, PA 17043. f6-f20

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ESTATE OF HERBERT S. RUSSELL, late of Middletown Borough, Dauphin County, Pennsylvania. Executrix: Donna D. McQuiggan, 5021 Pajabon Drive, Harrisburg, PA 17111. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor Harrisburg, PA 17101. f6-f20

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ESTATE OF SAM MERMELSTEIN, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Paul Wambach, 920 Green Street, Harrisburg, PA 17102-2914. Attorney: Steve C. Nicholas, Esq., 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099. f6-f20

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ESTATE OF MARY ANN JORICH, late of Steelton Borough, Dauphin County, Pennsylvania. Executor: Douglas G. Jorich, 436 Kelker Street, Steelton, PA 17113. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. f6-f20

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ESTATE OF AGNES E. KOTALICK, late of Middletown, Dauphin County, Pennsylvania (died January 25, 2009). Executor: Joseph T. Vrabel. Attorney: David C. Miller, Jr., Esq., 1100 Spring Garden Drive, Suite A, Middletown, PA 17057. Telephone (717) 939-9806, email: DavidCMillerJr@verizon.net. f6-f20

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ESTATE OF ANN D. ELLINGER, late of Harrisburg City, Dauphin County, Pennsylvania (died December 18, 2008). Administrator: Eugene S. Ellinger. Attorney: Steven P. Miner, Esq., Daley Zucker Meilton Miner & Gingrich, LLC, 1035 Mumma Road, Suite 101, Wormleysburg, PA 17043. f6-f20

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ESTATE OF BRYCE W. BLAIR a/k/a BRYCE WILSON BLAIR, late of Hummelstown, Dauphin County, Pennsylvania (died December 26, 2008). Executrix: Nancy T. Blair, 617 West Main Street, Hummelstown, PA 17036. Attorney: Donald L. Jones, Esq., Jones & Henninger, P.C., 339 W. Governor Road, Suite 201, Hershey, PA 17033. f6-f20

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ESTATE OF WALTER A. RILAND, JR, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Kenneth A. Riland, 69 Millers Gap Road, Enola, PA 17025. Attorney: Scott W. Morrison, Esq., Center Square, P.O. Box 232, New Bloomfield, PA 17068. f6-f20

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ESTATE OF EDWIN VAN JESZENKA, late of Derry Township, Dauphin County, Pennsylvania (died January 8, 2009). Executrix: Margaret Rose Jeszenka, 555 Hilltop Road, Hummelstown, PA 17036. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. f6-f20

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that **Platinum Select Healthcare Staffing, Inc.**, a foreign business corporation incorporated under the laws of the State of Texas, where its principal office is located at 325 N. St. Paul, Suite 4200, Dallas, Texas 75201, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at National Registered Agent of Dauphin. f20

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NOTICE IS HEREBY GIVEN that **Rx Pro Health, Inc.**, a foreign business corporation incorporated under the laws of the State of Colorado, where its principal office is located at 2601 Blake Street, Suite 400, Denver, CO 80205, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at National Registered Agent of Dauphin. f20

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NOTICE IS HEREBY GIVEN that **Sempre Energy Solutions, Inc.** with a Commercial Registered Agent Provider in c/o National Registered Agents, Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 4129(b), The address of its principal office under the laws of its jurisdiction is 101 Ash Street, San Diego, CA 92101. This shall serve as official notice to creditors and taxing authorities. f20

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NOTICE IS HEREBY GIVEN that **ASUN STAR, INC.**, has filed a Certificate of Organization 8/15/2008 in the Commonwealth of Pennsylvania under the Provisions of Pennsylvania Business Corporation Law of 1988. f20

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **PRO CREDIT TRACK, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. f20

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on February 6, 2009, by **MANDIANT CORPORATION**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 675 North Washington Street, Alexandria, VA 22314, 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 shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. f20

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on February 11, 2009, by **SAMSON CONTROLS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 4111 Cedar Boulevard, Baytown, TX 77523, 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. f20

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NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **THE DENTAL CONCERN, INC.**, a corporation of the Commonwealth of Kentucky, with principal office at 500 W. Main Street, 27th Floor, Louisville, KY 40202, and having a Commercial Registered office Provider and county of venue as follows: c/o Corporation Service Company, Dauphin County, which, on July 24, 1995, was granted a Certificate of Authority to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. f20

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **PIPER TRANSPORT, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. f20

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NOTICE IS HEREBY GIVEN that **THE COMPUTING TECHNOLOGY INDUSTRY ASSOCIATION, INC.**, a Connecticut 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. f20

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NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **TENNECO, INC.**, a corporation of the State of Nevada, with principal office at 1515 Market Street, Philadelphia, PA 19102, and having a Commercial Registered office Provider and county of venue as follows: c/o CT Corporation System, Dauphin County, which, on February 5, 1988, was granted a Certificate of Authority to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. f20

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NOTICE IS HEREBY GIVEN that **FDH Engineering, Inc.**, a foreign business corporation incorporated under the laws of the State of North Carolina, where its principal office is located at 2730 Rowland Road, Suite 100, Raleigh, NC 27615, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at CT Corporation System in Dauphin County. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. f20

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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 January 30, 2009, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **PACER BIOSCIENCE INC.**, c/o AAAGENT Services, LLC.

This corporation is incorporated under the laws of the State of New York.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 74 North Castlerock Lane, East Amherst, NY 14051.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. f20

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **IQT, INC.** The address of its principal office under the laws of its jurisdiction is 874 Walker Road, Suite C, Dover, DE 19904. The Commercial Registered Office address is United Corporate Services, Inc. in the County of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124(b). f20

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NOTICE IS HEREBY GIVEN that **Sudeep Pramanik, M.D., P.C.**, a foreign business corporation incorporated under the laws of the State of Maryland, with its principal office located at 300 East Lombard Street, Baltimore, Maryland has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 1230 Stone Creek Drive, Hummelstown, Pennsylvania. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

HEATHER D. ROYER, Esq.  
Smigel, Anderson & Sacks, LLP  
4431 North Front Street  
Harrisburg, PA 17110

f20

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **ULSTER CARPET MILLS (NORTH AMERICA) INC.** on February 12, 2009. The address of its principal office under the laws of its jurisdiction is 81 Whitlock Avenue, Marietta, GA 30064-2344. The address of its Commercial Registered Office Provider is United Corporate Services, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). f20

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Non-Profit Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Cambridge Credit Counseling Corp.** The address of its principal office under the laws of its jurisdiction is 67 Hunt Street, Agawam, MA 01001. The Commercial Registered Office Provider is United Corporate Services, Inc. in the County of Dauphin. This is filed in compliance with the requirements of the applicable provisions of 15 Pa.C.S. 6124(b). f20

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **APOLLO HEALTH STREET INC.** on February 12, 2009. The address of its principal office under the laws of its jurisdiction is 615 South Dupont Highway, Dover, DE 19901. The address of its Commercial Registered Office Provider is National Corporate Research, Ltd. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). f20

NOTICE IS HEREBY GIVEN that **K & H SUPERMARKET INC.** has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988. f20

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NOTICE IS HEREBY GIVEN that **PA UTILIPRO SOLUTIONS TRUST**, a Maryland corporation intends to file an Application for Termination of Authority and the registered office is located at c/o CSC - Lawyers Incorporating Service Company, Dauphin County, Pennsylvania. f20

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 24th day of December 2008, for a business corporation organized under the Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the Corporation is **5by5, INC.**

MICHAEL CHEREWKA, Esq.  
624 North Front Street  
f20 Wormleysburg, PA 17043

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NOTICE IS HEREBY GIVEN that an Application was made to the Dept. of State of the Commonwealth of Pennsylvania (PA) at Harrisburg, PA, on 2/11/09 by **Nexius, Inc.**, a foreign corporation formed under the laws of the State of Virginia with its principal office located at: 12950 Worldgate Drive, Suite 150, Herndon, VA 20170 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. f20

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**FIRST PUBLICATION**

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**Fictitious Notices**

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NOTICE IS HEREBY GIVEN that an Application for Registration of a fictitious name, **JUST PLAIN MEDITATION**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 3121 GREEN STREET, HARRISBURG, PA 17110, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 19th day of January, 2009, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in the said business is: **JUST PLAIN ENTERPRISES, LLC**, 3121 GREEN STREET, HARRISBURG, PA 17110. f20

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NOTICE IS HEREBY GIVEN that an Application for Registration of the fictitious name, **Mid-Atlantic Eye Consultants**, for conduct of business in the Commonwealth of Pennsylvania, with its principal place of business at 300 East Lombard Street, Baltimore, Maryland 21202, was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about January 22, 2009, pursuant to the Fictitious Names Act of December 16, 1982, Act 295 (54 Pa.C.S.A. 301 et seq.). The name and address of the person owning or interested in said business are: Sudeep Pramanik, M.D., P.C., 300 East Lombard Street, Baltimore, MD 21202.

HEATHER D. ROYER, Esq.  
Smigel, Anderson & Sacks, LLP  
4431 North Front Street  
Harrisburg, PA 17110

f20

NOTICE IS HEREBY GIVEN pursuant to the Fictitious Names Act, 54 Pa. C.S.A. § 301, et seq., as amended, that the fictitious name of **CROSSINGS HOSPICE OF THE VNA** was registered with and filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 3, 2009. The principal place of business is 3315 Derry Street, Harrisburg, PA 17111.

The name and address of the party owning and interested in said business is: Visiting Nurses Association of Central PA Inc., 3315 Derry Street, Harrisburg, PA 17111.

TODD P. KERSTETTER, Esq.  
Schlesinger & Kerstetter, LLP  
545 North Second Street  
Shamokin, PA 17872

f20

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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

**ORPHANS' COURT DIVISION**

**No. 89 ADOPT-2007**

**NOTICE OF HEARING  
TO TERMINATE PARENTAL RIGHTS**

**IN THE MATTER  
OF K.R. BORN IN  
DAUPHIN COUNTY, PENNSYLVANIA  
TO NATASHA ROGERS, MOTHER**

**TO: UNKNOWN NATURAL FATHER  
to MALE CHILD, K.R.  
born 12/16/06**

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that a Petition has been filed asking the Court to put an end to all rights you have to your child. The Court has set a hearing to consider ending your rights to your child. That hearing will be held at the Dauphin County Courthouse, Front and Market Streets, Harrisburg, Pennsylvania, in Courtroom 5, Third Floor, on March 6, 2009 at 9:00 A.M. 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 you being present. You have a right to be represented at the hearing by a lawyer. 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 to find out where you can get legal help. You are also warned that if you fail to file either an acknowledgement or paternity pursuant to 23 Pa.C.S.A. Section 5103 and fail to either appear at the hearing to object to the termination of your rights or file a written objection to such termination with the Court prior to the hearing, your rights may also be terminated under Pa.C.S.A. Section 2503(d) or Section 2504(c) of the Adoption Act.

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

f20

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2008 CV 16860 MF

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE SPECIALTY  
UNDERWRITING AND RESIDENTIAL  
FINANCE TRUST MORTGAGE LOAN  
ASSET-BACKED CERTIFICATES  
SERIES 2007-AB 1, Plaintiff**

vs.

**TONY L. ABRAHAM  
a/k/a ANTHONY ABRAHAM,  
MORTGAGOR AND REAL OWNER,  
Defendant**

**TO: TONY L. ABRAHAM  
a/k/a ANTHONY ABRAHAM,  
MORTGAGOR AND REAL  
OWNER, DEFENDANT  
whose last known address is  
3118 North Second Street  
Harrisburg, PA 17110**

**THIS FIRM IS A DEBT COLLECTOR  
AND WE ARE ATTEMPTING  
TO COLLECT A DEBT OWED  
TO OUR CLIENT.**

**ANY INFORMATION OBTAINED  
FROM YOU WILL BE USED  
FOR THE PURPOSE OF  
COLLECTING THE DEBT.**

YOU ARE HEREBY NOTIFIED that Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST MORTGAGE LOAN ASSET-BACKED CERTIFICATES SERIES 2007-AB 1, has 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. 2008 CV 16860 MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 3118 North Second Street Harrisburg, PA 17110, whereupon your property will be sold by the Sheriff of Dauphin County.

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FIRST PUBLICATION

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Miscellaneous Notices

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NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

CENTRAL PENNSYLVANIA  
LEGAL SERVICES  
213-A North Front Street  
Harrisburg, PA 17101  
(717) 232-0581

MICHAEL T. MCKEEVER, Esq.  
Goldbeck McCafferty & McKeever, P.C.  
Suite 5000, Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
(215) 627-1322

f20

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2008-CV-17211-MF

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

**BANK OF NEW YORK AS TRUSTEE  
FOR THE CERTIFICATE HOLDERS  
CWALT, INC. ALTERNATIVE LOAN  
TRUST 2005-80CB MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2005-80CB, Plaintiff**

vs.

**UNKNOWN HEIRS OF  
BRIAN J. GARVEY and ANNA GARVEY,  
SOLELY IN HER CAPACITY AS  
HEIR OF BRIAN J. GARVEY, DECEASED  
MORTGAGOR AND REAL OWNER,  
Defendant(s)**

**TO: UNKNOWN Heirs of  
BRIAN J. GARVEY, Deceased,  
MORTGAGOR AND REAL  
OWNER, DEFENDANT(S),  
whose last known address is  
1926 CHESTNUT STREET  
HARRISBURG, PA 17104**

**THIS FIRM IS A DEBT COLLECTOR  
AND WE ARE ATTEMPTING  
TO COLLECT A DEBT OWED  
TO OUR CLIENT.  
ANY INFORMATION OBTAINED  
FROM YOU WILL BE USED  
FOR THE PURPOSE OF  
COLLECTING THE DEBT.**

YOU ARE HEREBY NOTIFIED that Plaintiff, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS CWALT, INC. ALTERNATIVE LOAN TRUST 2005-80CB MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-80CB, has 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. 2008-CV-17211-MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 1926 Chestnut Street, Harrisburg, PA 17104, whereupon your property will be sold by the Sheriff of Dauphin County.

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

CENTRAL PENNSYLVANIA  
LEGAL SERVICES  
213-A North Front Street  
Harrisburg, PA 17101  
(717) 232-0581

MICHAEL T. MCKEEVER, Esq.  
Goldbeck McCafferty & McKeever, P.C.  
Suite 5000, Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
(215) 627-1322

f20

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

**CIVIL ACTION – LAW**

**CIVIL DIVISION**

**No. 2008-CV-18042-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

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

**vs.**

**THE ESTATE OF SCOTT D. MESUCH  
and JOYCE M. MESUCH,  
ADMINISTRATRIX OF THE ESTATE  
OF SCOTT D. MESUCH, UNKNOWN  
HEIRS, SUCCESSORS, ASSIGNS,  
AND ALL PERSONS, FIRMS,  
OR ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST  
FROM OR UNDER SCOTT D. MESUCH,  
DECEASED, Defendants**

**NOTICE**

**TO: UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS,  
FIRMS, OR ASSOCIATIONS  
CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER  
SCOTT D. MESUCH, DECEASED**

YOU ARE HEREBY NOTIFIED that on DECEMBER 31, 2008, 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. 2008-CV-18042-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 81 PAWNEE LANE, HALIFAX, PA 17032 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.

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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**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

f20

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

**CIVIL ACTION – LAW**

**No. 2008-CV-00694-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS INDENTURE  
TRUSTEE FOR THE REGISTERED  
HOLDERS OF OCWEN REAL ESTATE  
ASSET LIQUIDATING TRUST 2007-1,  
ASSET-BACKED NOTES, SERIES 2007-1,  
Plaintiff**

**vs.**

**LARRY A. COLBERT, Defendant**

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

**TO: Larry A. Colbert, Defendant,  
whose last known address is  
1510 South 13th Street  
Harrisburg, PA 17104**

YOU ARE HEREBY NOTIFIED that your house (real estate) at: 1510 South 13th Street, Harrisburg, PA 17104 is scheduled to be sold at Sheriff's Sale on April 9, 2009 at 10:00 AM, in Dauphin County Administration Bldg., Fourth Floor - Commissioners Hearing Room, Market Square (former Mellon Bank Bldg.), Harrisburg, PA 17101, to enforce the court judgment of \$51,923.06 obtained by Deutsche Bank National Trust Company, as Indenture Trustee for the registered holders of Ocwen Real Estate Asset Liquidating Trust 2007-1, Asset-Backed Notes, Series 2007-1 (the mortgage) against you.

**PROPERTY DESCRIPTION**

ALL THAT CERTAIN lot or parcel of land, situate in the 1st Ward of the City of Harrisburg, Dauphin County, Pennsylvania, bounded and described in accordance with a survey and plan thereof made by Gerrit J. Betz, Registered Surveyor, dated January 17, 1972, as follows:

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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BEGINNING at a point on the West side of South 13th Street, said point being 999.51 feet South of the Southwest corner of South 13th and Magnolia Streets; thence along the West side of South 13th Street, South 14 degrees 51 minutes East 18 feet to a corner of premises known as No. 1521 South 13th Street; thence along said premises and passing through the center of a partition wall, South 75 degrees 9 minutes West 87 feet to a point on the East side of Pigeon Street; thence along the same North 14 degrees 51 minutes West 18 feet to a corner of premises known as 1508 South 13th Street; thence along said premises and passing through center of a partition wall, North 75 degrees 9 minutes East 87 feet to the point and place of BEGINNING.

BEING THE SAME PREMISES which Douglas A. Reider by deed dated 10/28/98 and recorded 11/3/98 in the Recorder of Deeds in and for Dauphin County in Deed Book 324, page 209 granted and conveyed to Larry A. Colbert.

SEIZED AND SOLD as the property of Larry A. Colbert under Judgment Number 2008-CV-00694-MF.

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

TO PREVENT THIS SHERIFF'S SALE you must take immediate action: The sale will be cancelled if you pay back to the mortgagee the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: (610) 278-6800. 1. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause. 2. You may be able to stop the sale through other legal proceedings. 3. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See following notice on how to obtain an attorney.)

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

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling (610) 278-6800. 2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property. 3. The sale will recorded only if the purchaser pays the Sheriff the full amount of the bid. To find out if this has happened yet, you may call the Sheriff's Office at: 717-255-2660. 4. If the amount due from the purchaser is not paid to the Sheriff, the sale must be rescheduled. 5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings, if necessary, to evict you. 6. You may be entitled to a share of the proceeds, which were paid for your house. A proposed schedule of distribution of the money bid for your house will be prepared by the Sheriff within thirty (30) days from the date of the sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of said schedule of distribution. 7. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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FIRST PUBLICATION

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Miscellaneous Notices

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PURSUANT TO THE FAIR DEBT COLLECTIONS PRACTICE ACT, THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

CHRISTOPHER A. DeNARDO, Esq.  
Shapiro & DeNardo, LLC  
3600 Horizon Drive  
Suite 150  
King of Prussia, PA 19406  
f20 (610) 278-6800

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SECOND PUBLICATION

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Miscellaneous Notices

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing regarding **Middletown Area School District's Petition for Approval of Private Sale** of Real Estate under Section 707 of the Public School Code has been scheduled for Friday, March 27, 2009 at 9:15 a.m., to be held before the Honorable John F. Cherry at the Dauphin County Courthouse, Court Room Number 8, Fifth Floor, Front and Market Streets, Harrisburg, PA 17101.

The property subject to the private sale is an approximately 1.017 acre tract located at 232 Ann Street, Middletown, Pennsylvania and having property ID number 40-002-001-000-0000. The property is the site of the George D. Mansberger Elementary School, which is no longer in service.

Additional information regarding this property and the hearing may be obtained by contacting the Middletown Area School District.

MIDDLETOWN AREA  
SCHOOL DISTRICT  
f13-f27 DAVID FRANKLIN

NOTICE OF AUDIT

TO LEGATEES, NEXT OF KIN,  
CREDITORS AND ALL  
OTHER PERSONS CONCERNED

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled there to *on Tuesday, March 17, 2009*. Pursuant to Dauphin County Orphans' Court Rule 6.10.1, objections to an account must be filed in writing with the Register or Clerk *no later than the close of business on Tuesday, March 10, 2009*.

1. FOULK, HELEN D., Deceased, First and Final Account of Manufacturers and Traders Trust Company, Trustee (Trust Under Will f/b/o Fifth Street United Methodist Church).
2. GROSS, RAMONA B., Deceased, First and Final Account of John D. Killian, Esquire, Administrator DBNCTA.
3. HARP, RAYMOND, Deceased, First and Final Account and Schedule of Distribution of Peter S. Poster, Executor.
4. JONES, JR., BENJAMIN JACKSON a/k/a BEN JONES, JR., Deceased, First and Final Account of James D. Cameron, Executor.
5. WALFRED, HUGO A., Deceased, First and Final Account of Manufacturers and Traders Trust Company, Successor to Allfirst Trust Company of PA, N.A. and Marian A. Walfred, Deceased, Co-Trustees (Unified Credit Trust Under Item V of the Will).
6. WALFRED, HUGO A., Deceased, First and Final Account of Manufacturers and Traders Trust Company, Successor to Allfirst Trust Company of PA, N.A. and Marian A. Walfred, Deceased, Co-Trustees (Q-TIP Trust A Under Item VI of the Will).

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**SECOND PUBLICATION**

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**Miscellaneous Notices**

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7. WOLFRED, HUGO A., Deceased, First and Final Account of Manufacturers and Traders Trust Company, Successor to Allfirst Trust Company of PA, N.A. and Marian A. Wolfred, Deceased, Co-Trustees (Q-TIP Trust B Under Item VI of the Will).
8. WELSH, JEFFREY C., Deceased, First and Final Account of Charles S. Welsh, Administrator.

Dated: February 6, 2009

/s/ SANDRA C. SNYDER

Register of Wills and

f13-f20 Clerk of the Orphans' Court Division

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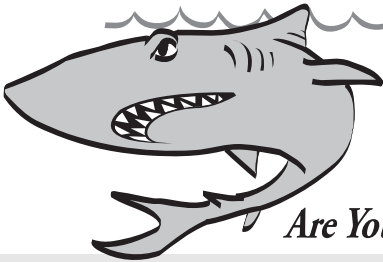
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**REPORTING OF ERRORS IN ADVANCE SHEET**

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*

FEBRUARY 2009  
MARCH 2009

Judge Richard A. LEWIS  
Judge Lawrence F. CLARK, JR.

*Opinions Not Yet Reported*

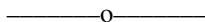
January 30, 2009 – Kleinfelter, J., **Pennsy Supply, Inc. v. Cameron Real Estate, LP, et al.**, No. 2008 CV 12922

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

*Opinions Not Yet Reported*

February 3, 2009 – Kleinfelter, J., **Commonwealth v. Carroll**, No. 4862, 4863, 4864 CR 2007

February 4, 2009 – Kleinfelter, J., **Dock v. Harrisburg Hospital, et al.**, No. 2004 CV 2532 CV



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**BAR ASSOCIATION PAGE – Continued**

**MISCELLANEOUS SECTION**

**DAUPHIN COUNTY COURT OF COMMON PLEAS**

As a service to members of the *Dauphin County Bar Association*, a brief synopsis of verdicts from each civil trial term will be printed.

Summary of Verdicts from the January 2009 Civil Jury Term

The Judges have completed the January 2009 civil jury term. A total of two cases reached verdict. The summaries are as follows:

**HELEN MUDRY, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF JOHN MUDRY v. HERSHEY MEDICAL CENTER AND CHARLES E. CHAMBERS, M.D. (2000 CV 1020)**

John Mudry, then 63 years old, was admitted to Shamokin Hospital on March 22, 1998 with cardiovascular problems. He was IV infused, with among other things, Dopamine to sustain his blood pressure. He was transferred the next day to Hershey Medical Center and diagnosed with myocardial infarction. Dr. Chambers, a Hershey Medical Center Cardiologist, continued him on a lower dosage of Dopamine through use of a peripheral IV line, to improve renal function. The Dopamine infiltrated his subcutaneous tissue eventually causing severe damage to his right arm from infection and necrosis. Mr. Mudry underwent further surgery on his right arm including a skin graft and lost nerve function and could not dress, shave or wash himself. Mr. Mudry died from unrelated causes (renal failure) on December 5, 2002.

At trial, plaintiff's widow/administrator asserted that the defendant hospital was negligent for not having available the drug Regitine, which is an antidote for Dopamine infiltration, and which was prescribed to him by Hershey Medical Center doctors when the infiltration was discovered. Plaintiff also asserted that Dr. Chambers was negligent for ordering the Dopamine when he allegedly knew that Regitine was not available, since infiltration is a known risk of a peripheral IV drip. Alternatively, plaintiff asserted that Dr. Chambers should have chosen to administer a central line IV in light of the absence of Regitine. The hospital pharmacy had notified the doctors of the unavailability of Regitine by sending a single email out to staff two years prior to the incident with Mr. Mudry.

**Counsel for Plaintiff:** Theresa Giannone  
**Counsel for Defendant:** Charles Eppolito, III  
**Judge:** Jeannine Turgeon  
**Verdict:** Plaintiff — \$22,000.00 for decedent's non-economic damages (pain and suffering). Dr. Chambers was held not negligent.

**BAR ASSOCIATION PAGE – Continued**

**MISCELLANEOUS SECTION**

**FREDERICK A. CLARK v. MARTIN CUNNINGHAM (2007 CV 6263)**

Defendant was traveling on Market Street in front of the Courthouse and struck the opened car door of Plaintiff's parked Aston-Martin. Both Plaintiff's Aston-Martin and Defendant's Honda Pilot were damaged. Repair costs to each vehicle were stipulated and the jury only determined liability. Verdict represents amount after reduction for Plaintiff's comparative negligence.

**Counsel for Plaintiff:** Bruce D. Foreman

**Counsel for Defendant:** Corey J. Adamson

**Judge:** Bruce F. Bratton

**Verdict:** Plaintiffs – \$11,866.60

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