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THE
Dauphin County Reporter

(USPS 810-200)

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

No. 5552, Vol. 123

May 5, 2006

No. 5

Entered as Second Class Matter, February 16, 1898, at the Post Office at Harrisburg, Pa.,
under the Act of Congress of March 31, 1879

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**THE
DAUPHIN COUNTY REPORTER**
Edited and Published
by the
**DAUPHIN COUNTY BAR
ASSOCIATION**
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Harrisburg, PA 17101-1493
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Printed by
KURZENKNABE PRESS
1424 Herr St., Harrisburg, PA 17103

THE DAUPHIN COUNTY REPORTER (USPS 810-200) is published weekly by the Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101. Periodical postage paid at Harrisburg, PA. POSTMASTER: Send address changes to THE DAUPHIN COUNTY REPORTER, 213 North Front Street, Harrisburg, PA 17101.

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For NON-MEMBERS of the

Dauphin County Bar Association:

Bound Volume 120 _____ \$125.00
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For MEMBERS of the

Dauphin County Bar Association:

Bound Volume 120 _____ \$ 90.00
Advance Sheets, Volume 121 _____ \$ 75.00

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.

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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 ISMAEL I. CABALLERO, late of Derry Township, Dauphin County, Pennsylvania. Executor: Michael D. Caballero. Attorney: Jeanne M. Millhouse, Esq., 53 N. Duke Street, P.O. Box 266, Lancaster, PA 17608-0266.

m5-m19

ESTATE OF HAZEL KATHRYN LOUDEN, late of Millersburg, Dauphin County, Pennsylvania. Executor: Todd A. Hoover, 511 Stoney Creek Road, Dauphin, PA 17018. m5-m19

ESTATE OF MARIAN J. OLEWINE, late of Harrisburg, Dauphin County, Pennsylvania (died April 11, 2006). Executrix: Kristen Olewine Milke. Attorney: Elizabeth P. Mullaugh, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Phone (717) 237-5243. m5-m19

ESTATE OF DOROTHY JEAN BARTHOLOMEW, late of Highspire Borough, Dauphin County, Pennsylvania (died April 7, 2006). Co-Executors: Edward Bartholomew, 162 East Park Street, Elizabethtown, PA 17022 and Sharyl Houser, 202 Manchester Road, Camp Hill, PA 17011. Attorney: James B. Pannebaker, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Phone (717) 944-1333. m5-m19

ESTATE OF BARBARA A. NICKLE, late of Lower Paxton Township, Dauphin County, Pennsylvania (died November 8, 2006). Co-Executors: Kenneth E. Nickle and Paula A. Mumma. Attorney: Robert D. Kodak, Esq., Knupp, Kodak & Imblum, P.C., 407 North Front Street, P.O. Box 11848, Harrisburg, PA 17108. m5-m19

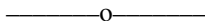
ESTATE OF RICHARD L. HARTWICK, late of Susquehanna Township, Dauphin County, Pennsylvania (died February 27, 2006). Executor: Mr. Vance Lee Hartwick, 1611 Elbridge Road, Harrisburg, PA 17112. Attorney: John A. Roe, Esq., 2520 Doehne Road, Harrisburg, PA 17110-9622. m5-m19

ESTATE OF ELIZABETH ANN BURRIS a/k/a BETTY ANN BURRIS a/k/a BETTY A. BURRIS, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Deborah A. Fralick, 563 Riverview Drive, Millersburg, PA 17061. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. m5-m19

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relief on behalf of a child who is perceived to be at peril. Pa. R.C.P. 1915.4(e) allows a party to seek “emergency or interim special relief at any time.” Dauph. R.C.P. 1915.13 provides the procedure for “applications for special relief (emergency petitions for custody)” in this court. One member of this court is specially assigned to review such applications on a priority basis.

We believe that management of its trial dockets is ultimately a matter for the court of common pleas. Where the efficient administration of justice is served by a particular procedure and such does not adversely affect the rights of a litigant, then such procedure satisfies the requirements of both procedural and substantive due process of law. To direct counsel to pursue relief at the custody docket was not an abuse of discretion.⁷

**Ramer v. Ramer**

Domestic relations — Custody — Primary caretaker doctrine — Relative wealth — Domestic abuse.

Defendant mother appealed from an order awarding primary physical custody of the parties’ children to their father. Defendant suffered from depression and probable untreated bipolar disorder and father had prior criminal convictions for inappropriate sexual conduct toward adult women. Although neither party presented as an ideal parent, the Court determined that the father was presently better equipped to meet the children’s best interests.

Pa.R.A.P. 1925(b) Opinion. C.P., Dau. Co., No. 2005 CV 976.

1. Deciding a child’s best interests is to be made on a case-by-case basis, considering all factors which legitimately have an effect upon the child’s physical, intellectual, moral and spiritual well-being. *Arnold v. Arnold*, 847 A.2d 674, 677 (Pa. Super. 2004).

2. Where a parent in a custody action has been convicted of certain violent and/or sexual offenses, a court must consider such criminal conduct and shall determine that the parent does not pose a threat of harm to the child before making an order of custody. 23 Pa.C.S.A. §5303(b).

7. The court has subsequently learned at a conference with counsel concerning the custody dockets that Mother’s Custody counsel had no idea that her client had independently pursued a PFA through YWCA counsel.

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3. Where two natural parents are both fit, and the child is of tender years, the trial court must give positive consideration to the parent who has been the primary caretaker. This positive consideration is not a mechanical presumption, but part of "a close scrutiny of all particular facts relevant to determining the child's best interests." *Johnson v. Lewis*, 870 A.2d 368, 372 (Pa. Super. 2005). The primary caretaker doctrine includes evaluation of the quality and quantity of care actually given to the child. *Wiseman v. Wall*, 718 A.2d 844, 847 (Pa. Super. 1998).

4. In a custody proceeding, the sole permissible inquiry into the relative wealth of the parties is whether either party is unable to provide adequately for the child; unless the income of one party is so inadequate as to preclude raising the children in a decent manner, the matter of relative income is irrelevant. *Roadcap v. Roadcap*, 778 A.2d 687, 690 (Pa. Super. 2001).

5. In fashioning a custody order, the court shall consider each parent and adult household member's present and past violent or abusive conduct which may include, but is not limited to, abusive conduct as defined under the Protection From Abuse Act. 23 Pa.C.S.A. §5303(a).

Laurie E. Wiest, for Defendant/Appellant

Emily L. Hoffman, for Plaintiff/Appellee

TURGEON, J., March 3, 2006. – Pamela Ramer appeals from a custody order entered November 28, 2005, in which primary physical custody of the parties' children was awarded to their father Keith Ramer. This opinion is written in support of that order. Pa.R.A.P. 1925(b), 42 Pa.C.S.A.

PROCEDURAL BACKGROUND

The parties, who lived together for nine years, are the parents of two daughters currently ages six (DOB 12/15/99) and three (DOB 6/11/02).¹ They separated in February or March of 2005, and father thereafter filed a complaint on March 8, 2005 seeking primary physical custody of both children. Following an unsuccessful custody conciliation, I scheduled a conference and hearing. In the interim, I issued an April 12, 2005 order directing that physical custody be equally split.

The parties appeared before me for a custody hearing on May 25, 2005, following which I issued an interim order awarding primary physical custody to the father and awarding mother physical custody on alternating weekends plus one evening per week. I directed that the case be held open for thirty (30) days pending the receipt of additional mental

1. Mother asserts that she and father were married at common law. She initiated divorce proceedings in 2005. *Ramer v. Ramer*, 2005 CV 2292 DV. Father denies they were ever married although he admits they asserted their status as married so mother could be included on father's medical insurance. (N.T. 5/25/05 at 14)

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health reports from both parties. I required such a report on mother since the record indicated she was depressed and was probably suffering from an untreated bipolar disorder that was affecting her ability to parent her children. As for father, due to his prior criminal convictions involving inappropriate sexual conduct, a mental health evaluation was statutorily required under the Domestic Relations Code to evaluate whether he posed a threat of harm to the children. 23 Pa.C.S.A. § 5303(b). (N.T. 5/25/05 at 60-61)

On June 29, 2005, I denied mother's motion seeking reconsideration of the interim order. Following a continuance, the custody hearing was concluded November 28, 2005. Following that hearing, I issued an order adopting the May 25, 2005 order as the final custody order with a few revisions. The final order, in effect, provided as follows: the parties would share legal custody, father was awarded primary physical custody, mother would exercise her partial physical custody on alternating weekends,² the oldest child would attend school in father's school district and the younger child would be enrolled in a preschool program a few days per week.³ Mother filed a timely appeal from the final custody order, currently before the court.

FACTUAL BACKGROUND

At the May 25 and November 28, 2005 custody hearings, I heard testimony from both parents, the father's stepfather Cloyd (Butch) Keister, mother's mother Carol Laudenslager, father's girlfriend/fiancée Monique (Jewel) Hosler and psychologist Dr. Kasey Shienvold. The evidence presented was as follows: Prior to the parties' separation, they lived with their daughters in northern Dauphin County. Mother testified that during their relationship she primarily cared for the children since father worked either second or third shift and that he had limited involvement with the children. She claims to have been the primary disciplinarian and that he would routinely undermine her efforts. (N.T.

2. Mid-week visits were deleted from the order since they had not been occurring due to transportation and expense problems. (N.T. 11/28/05 at 103)

3. I also found mother in contempt of May 25, 2005 order for failing to abide by numerous requirements directed of both parties, including attendance at a Seminar for Separating Parents in June or July, enrollment within one week in an intensive twelve week parenting class, attendance at an STD class within thirty days and no inappropriate physical punishment of the children. I also found mother in contempt of my order that she ensure the children not be allowed near any vicious dogs on mother's residence unless they were caged and that she enroll in a job skills program. Under the contempt order, mother had the ability to purge her contempt by completing the required evaluations, counseling and classes within thirty days. (11/28/05 at N.T. 76-78, 104-05)

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5/25/05 at 17; 11/28/05 at N.T. 46) Father denied these allegations. (N.T. 5/25/05 at 29) Father also denied that mother primarily cared for the children, testifying that she would always sleep late in the mornings and stay up all night using the internet. (N.T. 5/25/05 at 30-31)

Mother, currently 26 years old and educated through ninth grade, alleged that prior to her separation, father abused her (discussed *infra*). She subsequently moved with the children, in early March 2005, to a Harrisburg shelter and then to a Lebanon County women's shelter. (N.T. 5/25/05 at 5) While at the Lebanon shelter, mother was required to take parenting classes. She was later asked to leave the shelter for either sleeping with her boyfriend Brian Conklin there or because she failed to attend the parenting classes. (N.T. 5/25/05 at 6)

At some point after mother was living in the shelter, father hired a constable to remove the children and deliver them to him. (N.T. 5/25/05 at 5) She reluctantly agreed with the understanding he would give the children back to her in a few days. (N.T. 5/25/05 at 18) He failed to do that, according to mother. Father claimed that although he did not have a court order, he resorted to this extreme measure because mother would not let him see or speak with the children and he was worried for their safety, believing she was acting as she had just prior to their split. At that time, he claimed that she was staying up all night on the internet and sleeping through mornings. (N.T. 5/25/05 at 30-31; 11/28/05 at N.T. 42)

After leaving the shelter, mother moved in with Mr. Conklin for a short time. Father testified that while Mr. Conklin was living with mother, Mr. Conklin contacted him on numerous occasions to alert him about mother's inability to adequately supervise the children. (N.T. 5/25/05 at 15) After mother and Mr. Conklin broke up, mother moved in with Randy Light, a man she had known for only five or six weeks. (N.T. 5/25/05 at 21) She currently resides with Mr. Light in a rural Lebanon rental property. (N.T. 5/25/05 at 7, 21) As of the first hearing, mother worked for her landlord, Mr. Light's uncle, doing painting and trim work in exchange for free rent. (N.T. 5/25/05 at 18) By the November hearing, mother had obtained employment as a cashier working thirty hours per week. She claims a flexible schedule and that she would need only minimal child care if she obtains additional physical custody. (N.T. 11/28/05 at 50) She agrees that the children should maintain relationships with their paternal grandparents and would work to encourage that. (N.T. 5/25/05 at 20)

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Father, currently 36 years old, has a tenth grade education and works a second shift schedule at Michael's Foods, Mondays through Fridays. (N.T. 5/25/05 at 7-8) As of the second custody hearing, father had moved with the children to a northern Dauphin County rental property with a fenced in yard, in the town of Lykens. (N.T. 11/28/05 at 42) He had enrolled the older child in Kindergarten in the Upper Dauphin School District and the younger child in a pre-school program. (N.T. 11/28/05 at 97-98). He claimed the older child was doing well in school. (N.T. 11/28/05 at 97) While father works, either his girlfriend/fiancée Ms. Hosler, or his parents (his mother and stepfather Mr. Keister) watch the children either at father's house or at their own home in nearby Wiconisco. (N.T. 5/25/05 at 8; 11/28/05 at N.T. 96) Father claims to have a very close relationship with his children. (N.T. 5/25/05 at 8) Father notes that both sets of grandparents live in the nearby Berrysburg area and that he often takes the children to visit their maternal relatives, with whom he claims a good relationship. (N.T. 5/25/05 at 15)

Father believes mother has bipolar disorder and is doing nothing to address her situation. (N.T. 5/25/05 at 9) The record did reflect that mother was suffering from significant mental health issues, including depression. Of particular concern to this court was a note father produced that was written by mother while she was living with Brian Conklin during the Spring of 2005. According to father, Mr. Conklin sent this note to father, as well as a poem written by mother, because Mr. Conklin was concerned about mother's depressed state and the children's safety. (N.T. 5/25/05 at 13) The note is replete with suicidal ideation:

I'm the mistake of my mother. She was always telling me
I wasn't to be here so I guess she's right I'm a mistake
that is not loved. I guess I am no longer wanted in life so
fine I will be done. no more bothers to anybody The
mistakes are going to be over now So say by[e] to every
one for me. bye I love you Brian with all my heart.

Deep heart Love. BYE

I [heart] U? Forever & Always

You and my kids are the only Love in my life Now I
have nothing Thank you for what you did for me.

I won't hurt no more anyways because no one loves me.
When I love you so bad it hurts. Bye. Love you

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(Plaintiff's Exbt. A) Mother denied writing this note and claimed she had no idea who had. (N.T. 5/25/05 at 19, 42) It is clear to this court, however, by comparing the handwriting of this note and mother's poem, which she admitted writing, that she is the author. (Plaintiff's Exbt. A and B) Furthermore, the note was written for "Brian" [Conklin], her recent boyfriend and references the fact she has children. That mother lied about her authorship, perhaps out of embarrassment of the letter's contents, is reflective of her mental state.⁴

When I asked her at the first hearing what she was doing for her bipolar disorder, mother denied having such a disorder, though she acknowledged that doctors had told her that was her diagnosis. She claimed that since she hadn't been tested, she wasn't sure the diagnosis was correct. (N.T. 5/25/05 at 21-22) She testified that she hadn't done anything about her condition because she was "more worried about [her] kids." (N.T. 5/25/05 at 22) When I asked her on May 25, 2005, when she was going to undergo testing, mother stated "I am going to make an appointment probably today when I get home." (N.T. 5/25/05 at 22) In addition to her promise to make an appointment, I directed, in the May 25, 2005 interim custody order, that she undergo a mental health evaluation within thirty days. Mother failed to follow through as required although she did finally schedule an appointment six months later and only five days prior to the November 28, 2005 hearing. As of the November hearing, she claimed she was waiting further word on when testing would be scheduled. (N.T. 11/28/05 at 57)

In addition to mother's mental health issues, testimony and documentary evidence demonstrated that the home where mother lives is fraught with danger for her children. Adjacent to the property is an in-ground pool half-filled with four to five feet of stagnant, stinking water. The pool is partially enclosed by a structure and also surrounded on one side by a temporary plastic orange fence. (N.T. 5/25/05 at 9; Petitioner's Exbt. B; N.T. 11/28/05 at 52, 83; Respondent's Exbt. 3 (photos)) Mother claimed the children cannot access the pool except through locked sliding glass doors. Mother admitted the children often chased cats toward the pool area but that they could not get in and that she always supervises them in any event. (N.T. 11/28/05 at 52-53) Ms. Hosler took

4. Mother was also untruthful, in this court's estimation, for whom she had written her poem. The poem, entitled, "How We Met," provides a narrative of mother's meeting over the internet with her "special love," who is not named therein. Mother asserted she had written it for father, not Mr. Conklin. (5/25/05 N.T. 19, 42) Father, who met mother more than nine years ago, countered that he did not meet her on the internet as the poem indicates, which this court finds credible. (5/25/05 N.T. 28)

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photos of the area surrounding mother's home, including the pool. She testified, and the photos reflected, that the children have easy access to the pool since half the glass is missing from the sliding doors. She confirmed that the children are often playing near the pool, chasing some of the twenty-one plus cats that live among the extensive clutter surrounding mother's home. (N.T. 11/28/05 at 82, 84) Ms. Hosler stated that on numerous occasions when she was at the premises (to pick up or drop off the children), the children were unsupervised and would emerge from the pool area. (N.T. 11/28/05 at 84) In fact, in one photo taken by Ms. Hosler, the older child is holding one of the cats right next to the pool. Ms. Hosler explained that she took the photo after following the child, who was chasing a cat, into the pool area. (N.T. 11/28/05 at 82)

Father testified, and the photos again bear out, that the property surrounding the apartment is littered with junk, including garbage, old refrigerators, stoves and appliances, as well as a chemical truck that sits at the front of the house. (N.T. 5/25/05 at 9; 11-28-05 at 73, 86; Respondent's Exbt. 3) Ms. Hosler verified that the chemical truck, with a flammable designation on it, has been parked on the premises for at least a couple of months. (N.T. 11/28/05 at 85) Mother testified the vehicle was in the "mechanics bay" on the property and that her landlord intended to fix it at some point. Mother was unsure whether the vehicle was empty or not. (N.T. 11/28/05 at 73)

In addition, father testified at the first hearing that the children told him they were scared of Mr. Light's two Rottweilers and a German Shepherd, which the children claimed had tried to bite them. (N.T. 5/25/05 at 12) Father testified that the animals were still chained in late May 2005, in contravention of my May 4, 2005 pre-hearing order under which I directed that all dogs located on mother's residence be confined to a cage or locked room during the children's stay with mother. Mother asserted that all the dogs on the premises were owned by the landlord, though she agreed none were penned. She noted the dogs were in the back part of the yard and there was space in the front portion of the yard for the children to play.⁵ (N.T. 5/25/05 at 24-25) By the second hearing, at least one of the dogs, a Rottweiler, remained chained in the back yard. (N.T. 11/28/05 at 99)

A Home Study of mother's home, conducted by Lebanon County Children & Youth on May 16, 2005, confirmed that the exterior of the

5. At the second hearing, mother testified that she had informed her landlord about the court order but that he had told her there was nothing she could legally make him do on his own property. (N.T. 11/28/05 at 55)

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home was littered with household appliances such as stoves, refrigerators, tools, appliances, work equipment and vehicles “that present potential hazard to the children if they are not supervised properly.” The Home Study also stated that the pool, which was described as almost filled to capacity, was easily accessible to the children and “presents a potential safety hazard for drowning.” (Court Exbt. 1) The interior of the home was otherwise rated mostly in “fair” or “good” condition, though “cleanliness” was noted to be “poor,” even though mother had advance notice of the date of the home visit. (N.T. 5/25/05 at 57; Court Exbt. 1)

In April 2005, after father and his parents dropped off the children with mother and her boyfriend Mr. Light, they followed, upon invitation, to see where mother lived. Both father and his step-father, Mr. Keister, testified that Randy drove over 75 m.p.h. Father later discovered the children were not even strapped into their car seats. (N.T. 5/25/05 at 11, 35) Father and Mr. Keister also testified that on another occasion, mother returned the children to them in a pickup truck and had not used car seats since they did not fit in the older model truck. (N.T. 5/25/05 at 11-12, 35) The older girl told her grandfather that she was neither in a car seat nor strapped in with a seat belt. (N.T. 5/25/05 at 37) Father also claimed that mother continued to transport the children without car seats after this occurrence. (N.T. 5/25/05 at 12) Mother denied the car seats were unattached. (N.T. 5/25/05 at 24)

Father also raised issues concerning a lack of adequate medical and dental care provided to the children while they were under mother’s primary care. Mother testified that while the parties were still together, she was in charge of the children’s medical and dental care. (N.T. 5/25/05 at 58) She claimed that she had all shots and immunizations updated on both children. (N.T. 5/25/05 at 58-59) However, this court found credible the testimony of both father and his girlfriend that they have only recently updated all immunizations, noting the oldest child was required to have updated shots and paperwork when they enrolled her in Kindergarten for the 2005-06 school year. (N.T. 11/28/05 at 88, 100) They testified that both children had been years behind on their shots and that the older child hadn’t had any since 1999. (N.T. 11/28/05 at 88-89, 100) Furthermore, sometime around 2003, when the older child was three, she complained of tooth pain and it was soon discovered she had four or five cavities that would cost \$2,300 to remedy. Mother testified that although the parties had dental insurance through father’s job, the insurance was not sufficient and they were unable to afford dental care. The dentist thus prescribed pain medication until the cavities could be filled. (N.T. 11/28/05 at 60-62) Nothing more was

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done for daughter's dental health until after father obtained primary custody, whereupon he took the older child to a dentist, who had to remove eight of the child's teeth. (N.T. 11/28/05 at 75, 88, 99) Father has taken the younger daughter to the dentist as well, as required under court order. (N.T. 11/28/05 at 88)

Mother's primary concern with father having custody is that father was previously convicted for sex offenses; on two occasions he conducted himself in an inappropriate sexual manner towards adult women. Mother also testified that while they lived together, father kept two or three sexually explicit tapes in their home. (N.T. 5/25/05 at 47, 52; 11/28/05 at N.T. 48) Mother is concerned that father might act sexually inappropriate towards their children, or might watch explicit tapes in the their presence, although she made no such accusations that he had so acted during their relationship. (N.T. 11/28/05 at 48-49)

With regard to the tapes, father testified he has since disposed of all sexually explicit materials in his possession. (11/28/05 at 78) With regard to his prior convictions, the record revealed that father first pled guilty in 1995 to indecent assault and indecent exposure. These convictions resulted when father, then twenty-six years old, exposed himself and touched the breast of an eighteen or nineteen year old woman. (N.T. 5/25/05 at 25-26; 11/28/05 at N.T. 31; Defendant's Exbt. A) The victim babysat for one of father's children (from a previous relationship) and occurred while he was driving her home. (N.T. 11/28/05 at 39) Father claimed the woman asked whether he would like to touch her. He denied exposing himself or wanting to touch her but did so when asked a second time. He claims he decided to plead guilty since he did not have money to pay an attorney for a trial and did not qualify for a public defender. (N.T. 11/28/05 at 31-32; Respondent Exbt. 6) Father was sentenced to 23 months probation on these charges. In 1998, father pled no contest to indecent exposure and open lewdness. These charges resulted when he exposed himself and masturbated from the front door of his home in view of a neighbor woman. (N.T. 5/25/05 at 26) Father denied masturbating and claimed that both he and his neighbor would often walk around naked in their homes and that she had exposed herself first. (N.T. 11/28/05 at 35, 40) Father was again sentenced to 23 months probation and also directed to attend one year of group counseling for sexual offenders at T.W. Ponessa. (N.T. 5/25/05 at 25-26; 11/28/05 at N.T. 27, 35-37) The exit summaries made by Ponessa reveal that father made fair to good progress on numerous factors for which he was evaluated.

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(Respondent's Exbt. 2) Father otherwise completed the terms of his probation and has not been involved with the criminal justice system since his 1998 plea.

Dr. Kasey Shienvold, a clinical psychologist who evaluated father as required under the Domestic Relations Code, testified at the November hearing. Dr. Shienvold, who conducted one interview and two personality tests upon father, concluded in his psychological evaluation that father lacks awareness and insight into his emotional functioning and tends to act impulsively. (Respondent's Exbt. 1; N.T. 11/28/05 at 19) Specifically, he testified that father "appears to struggle with sexual boundaries in his adult relationships" but noted that father's "inappropriateness was never reported to occur in front of or towards the children." (Respondent's Exbt. 1) Dr. Shienvold explained that someone who lacks awareness of emotional functioning has a tendency to display whatever emotion he is experiencing in an impulsive response. This condition revealed itself in the two sexual offenses father committed, whereby he responded with poor judgment to situations of a sexual nature, with adults. (N.T. 11/28/05 at 20)

LEGAL DISCUSSION

In her statement of matters complained of on appeal, mother argues that I committed an error of law and/or an abuse of discretion by (1) failing to consider the best interests of the children; (2) granting father primary physical custody without a determination by a qualified professional whether father posed a threat of harm to the children despite his guilty pleas to two separate sex offenses; (3) failing to give adequate weight to mother's role as primary care giver to the children; (4) improperly considering and giving undue weight to economic factors; (5) failing to give adequate consideration to domestic violence perpetrated by father; and (6) giving undue weight to mother's living arrangement and new relationship.

Best Interests of the Children

This court's paramount concern and the polestar of our analysis in making a custody determination is the best interests of the child. *Arnold v. Arnold*, 847 A.2d 674, 677 (Pa. Super. 2004) (citation omitted). Deciding a child's best interests is to be made on a case-by-case basis, considering all factors which legitimately have an effect upon the child's physical, intellectual, moral and spiritual well-being. *Id.*

Although neither party presents as an ideal parent (see N.T. 5/25/05 at 57-60), the record before this court reveals that the best interests of the

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children will be better served if father maintains primary physical custody. Of primary concern to this court is significant and substantial evidence that mother suffers from mental health issues including serious depression, most likely caused by bipolar disorder, and that she has been unwilling or unable to seek treatment. Her depression has manifested in suicidal thoughts, a habit of staying up all night and sleeping during the day and an inertia in her ability to follow through with daily living. For instance, mother failed to schedule a timely mental health evaluation, in contravention of both her promise to the court and this court's order that such an evaluation be done in thirty days. Also, mother was unable to garner the resources and rally herself and clean her home even though she knew the date of the home study. It is clear to this court that mother's mental state has been effecting her ability to supervise and make proper judgments on behalf of her children (and herself): Over the last year, she has been kicked out of a shelter for either sleeping with her boyfriend on the premises or because she failed to attend the shelter-ordered parenting class; she moved in with two subsequent boyfriends after knowing each for only a very short time and she failed to require that her children are either seat belted or in car seats when traveling with her. Most significantly, however, she moved into a home and subjected her children, and on occasion has left them unsupervised, on a property fraught with danger. The children have easy access to a half-filled pool and the property's exterior is in essence a junk yard, containing vast amounts of garbage and items such as a chemical truck, refrigerator, unpenned Rottweilers and the like. Mother further failed to abide by my May 25, 2005 interim custody order, designed to address her lack of parenting and daily living skills, by failing to attend a separating parent seminar, jobs skills class and an intensive parenting class, among others.

On the other hand, the evidence revealed that father is presently better equipped to meet the children's best interests. He has provided a safe home for the children, has ensured they are provided adequate medical and dental care,⁶ and has abided by court orders, issued for the sake of the children, requiring that he attend parenting classes, submit to a timely psychological evaluation and enroll the younger child in a preschool program. While this court is concerned by father's prior sexual offense convictions, there is no evidence that he poses any threat of

6. We note that both parties, while together, were ultimately responsible for discharging this responsibility. Nevertheless, mother, who was a stay-at-home mother for the majority of her relationship with father, made it a point of emphasis that she was in charge of making and getting the children to their various medical and dental appointments. The record revealed she was unsuccessful in these endeavors.

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harm to the children. Dr. Shienvold's testimony was that father's past behavior, which occurred over eight years ago, is not a current threat to his children; he testified that to the extent father is impulsive and struggles with sexual boundaries, these struggles are limited to his adult relationships and that none of his past behavior occurred in front of or towards his children. In fact, all of the behavior at issue occurred prior to when the children were born. "Unless it can be shown that a parent's conduct has had harmful effects on a child, it should have little weight in making a custody decision." *Luminella v. Marcocci*, 814 A.2d 711, 718 (Pa. Super. 2002) (quotation omitted). The significant weight of the evidence presented at the custody hearings revealed that father is currently the parent more able to meet the children's best interests.

Prior Criminal Convictions / Qualified Testimony

Mother argues that the court committed an error of law and abused its discretion by granting father primary physical custody without a determination by a qualified professional whether father posed a threat of harm to the children despite his guilty pleas to two separate sex offenses, in contravention of 23 Pa.C.S.A. § 5303(b). Under that section, where a parent in a custody action has been convicted of certain enumerated violent and/or sexual offenses, this court must "consider such criminal conduct and shall determine that the parent does not pose a threat of harm to the child before making an order of custody ..." 23 Pa.C.S.A. § 5303(b). In this case, father was convicted of three enumerated offenses including indecent assault and indecent exposure in 1995, and indecent exposure in 1998. Subsection (c) further provides that in deciding custody under subsection (b), "the court shall appoint a qualified professional to provide counseling to an offending parent described in subsection (b) and shall take testimony from that professional regarding the provision of such counseling prior to issuing any order of custody, partial custody or visitation." 23 Pa.C.S.A. § 5303(c). As to the first requirement under this subsection, father completed a full year of sex offender counseling at T.W. Ponessa in 2000. As to the second requirement, mother argues that Dr. Shienvold was not a "qualified professional" who could render an opinion as to whether he posed a threat of harm to the children.

At the November hearing, I sustained mother's objection that Dr. Shienvold was not an expert in the evaluation of individuals as to whether they qualified as sex offenders. (N.T. 11/28/05 at 16) I qualified Dr. Shienvold as an expert, however, in clinical psychology and psychological evaluations, noting that within the context of that expertise,

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Dr. Shienvold had training for evaluating parents in custody actions who had committed sex offenses. (N.T. 11/28/05 at 16) It appears that mother would require that Dr. Shienvold have been an expert in sex offender evaluation. This court disagrees. The statute does not require that level of expertise but only that the expert be a “qualified professional” who can render an opinion as to whether the parent poses a threat. Dr. Shienvold was clearly such a professional.

Mother’s Role as Primary Care Giver

Mother asserts that the court abused its discretion by failing to give adequate weight to her role as primary care giver to the children, which disrupted the long standing patterns of the children. Our appellate courts have consistently held that where two natural parents are both fit, and the child is of tender years, the trial court must give positive consideration to the parent who has been the primary caretaker. The trial court should not disregard “the benefits likely to flow to the child from maintaining day to day contact with the parent on whom the child has depended for satisfying his basic physical and psychological needs.” This positive consideration is not a mechanical presumption, but part of “a close scrutiny of all particular facts relevant to determining the child’s best interests.” *Johnson v. Lewis*, 870 A.2d 368, 372 (Pa. Super. 2005) (citations and footnotes omitted).

This court acknowledges mother was at home with the children primarily prior to the parties’ breakup. It is questionable, however, if she was their primary caretaker whereby there was credible evidence presented that her ability to tend to them was compromised by her mental health, including evidence that she was often staying up all night on the internet meeting other men and sleeping during the day. *See, Wiseman v. Wall*, 718 A.2d 844, 847 (the primary caretaker doctrine includes evaluation of the quality and quantity of care actually given to the child). Furthermore, there was no evidence presented of any negative psychological impact upon the children as a result of father having been awarded primary physical custody. *See, Johnson v. Lewis*, at 373.

Economic Factors

Mother argues that the court abused its discretion by improperly considering and giving undue weight to economic factors in fashioning the custody order. “In a custody proceeding, the sole permissible inquiry into the relative wealth of the parties is whether either party is unable to provide adequately for the child; unless the income of one party is so inadequate as to preclude raising the children in a decent manner, the

Ramer v. Ramer

matter of relative income is irrelevant.” *Roadcap v. Roadcap*, 778 A.2d 687, 690 (Pa. Super. 2001). Neither parent presented themselves as wealthy. The award of physical custody to father was not based upon the fact that mother appears to have less wealth than father. This court’s custody determination was based upon numerous factors unrelated to mother’s relative wealth, including her choice to live with her children on a dangerous property, her inability to perceive these dangers, her inability to at times supervise the children on the property and her inability to acknowledge and address her depression.

Domestic Violence

Mother also contends that the court abused its discretion by failing to give adequate consideration to alleged domestic violence perpetrated by father against mother. Mother claimed that in February 2005, father had picked her up and thrown her from a couch, and threatened her, in front of the children, that she wouldn’t see another day. (N.T. 5/25/05 at 16) She also asserted that in December 2004, he accused her of involvement with other men and smashed a coffee table to pieces. (N.T. 5/25/05 at 17) Father then, allegedly, struck her for about five minutes with an open hand and fist and told her she better not go to sleep that night or she wouldn’t see the next morning. (N.T. 5/25/05 at 17) Mother testified that father was a very controlling person who did not permit her to get a driver’s license until she begged, that he sabotaged her ability to maintain employment and belittled her with name calling. Her mother, Ms. Laudenschlager, testified that toward the end of their relationship, father became more jealous and controlling. (N.T. 5/25/05 at 52)

Father denied threatening or physically abusing mother at any time, although he agreed he had struck the coffee table in response to her having struck him and that he was provoked by discovering that mother was cheating on him. (N.T. 5/25/05 at 27, 29; N.T. 11/28/05 at 41) On March 2, 2005, mother filed a petition seeking a protection from abuse order.⁷ On March 9, 2005, father responded with his own petition seeking a PFA order.⁸ Both petitions were ultimately dismissed following a hearing. (N.T. 5/25/05 at 18)

7. *Ramer v. Ramer*, No. 2005 CV 0893 AB.

8. Father asserted in his petition that mother had acted violently against their children. He claimed that shortly before she left their residence, mother, right after screaming at the older child that she would “bust her head wide open,” struck the child in the head and told the child she hated her. (N.T. 5/25/05 at 10) Mr. Ramer also asserted that in late 2004, mother hit the older child in the back and kidney region, leaving a hand mark. He also claimed on another occasion that mother struck the same child such that she flew in the air and fell to her back. (N.T. 5/25/05 at 9). *Ramer v. Ramer*, No. 2005 CV 0994 AB.

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Section 5303(a)(3) of the Domestic Relations Code requires that in fashioning a custody order, “the court shall consider each parent and adult household member’s present and past violent or abusive conduct which may include, but is not limited to, abusive conduct as defined under ... the Protection From Abuse Act.” 23 Pa.C.S.A. § 5303(a). There was no evidence presented that abuse by father against mother (to the extent it occurred) was pervasive or was a significant feature of the parties’ relationship, or that the children were adversely effected. Serious allegations of mother’s abuse of the children, alleged in father’s PFA petition, were equally troubling. *See* footnote 8.

Mother’s Living Arrangements /Relationships

Mother’s final claim on appeal is that the court abused its discretion when it considered mother’s living arrangement and new relationship with Mr. Light, and gave undue weight to these factors. Mother is mistaken that this court placed undue weight upon mother’s decision to live with Randy Light after knowing him for a very short time. While mother’s decision to move in with Mr. Light, which shortly followed a short term live-in relationship with Mr. Conklin, was indicative of the lack of judgment she has exhibited of late, it was not a determinative factor in deciding custody.⁹

Accordingly, I entered the November 28, 2005 order granting father primary physical custody of the parties’ children.

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9. There was no evidence provided as to the nature of the relationship Randy Light has with the children.

FIRST PUBLICATION

Estate Notices

ESTATE OF EMMA M. DEAVEN, late of East Hanover Township, Dauphin County, Pennsylvania (died April 11, 2006). Executrix: Lynn Koons. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. m5-m19

SECOND PUBLICATION

ESTATE OF MILDRED S. DUPLER, late of Lower Swatara Township, Dauphin County, Pennsylvania. Executor: Bryan C. Dupler. Attorney: John M. Smith, Esq., Gingrich, Smith, Klingensmith & Dolan, 222 S. Marker Street, Suite 201, P.O. Box 267, Elizabethtown, PA 17022. a28-m12

ESTATE OF E. JANE TIFFANY, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Janet Sheaffer, 1750 Valley Road, Marysville, PA 17053. a28-m12

ESTATE OF MARY E. DITTY a/k/a MARY ELLEN DITTY, late of Upper Paxton Township, Dauphin County, Pennsylvania (died March 26, 2006). Co-Executrices: Shirley E. Longabach, 489 W. Main Street, Elizabethtown, PA 17023; Grace M. Sweigard, 3137 Route 209, Millersburg, PA 17061 and Lois I. Ditty, 752 W. Broadway, Apt. C, Red Lion, PA 17356. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Phone (717) 234-5600. a28-m12

ESTATE OF JAMES C. KAMARER, late of the City of Harrisburg, Dauphin County, Pennsylvania (died January 25, 2006). Executrix: Margaret A. Kamarer, 2001 Manada Drive, Harrisburg, PA 17104. Attorney: Constance P. Brunt, Esq., Beaufort Professional Center, 1820 Linglestown Road, Harrisburg, PA 17110. a28-m12

ESTATE OF HENRY SCHULTHEISS, late of West Hanover Township, Dauphin County, Pennsylvania (died April 11, 2006). Co-Executrices: Vickie L. Hollowell, 1327 Lincoln Avenue, Harrisburg, PA 17112 and Sandra Wagner, 1177 North Fairville Avenue, Harrisburg, PA 17112. Attorney: David A. Wion, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a28-m12

ESTATE OF ANNA TURRI, late of Derry Township, Dauphin County, Pennsylvania. Executor: Raymond R. Turri, 120 Brownstone Drive, Hershey, PA 17033. a28-m12

ESTATE OF DOROTHY E. KLOUSER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Marcy L. Klouser, P.O. Box 403, Wiconisco, PA 17097. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. a28-m12

ESTATE OF JACK B. GROSS, late of Harrisburg, Dauphin County, Pennsylvania (died March 23, 2006). Co-Administrators: Wachovia Bank, N.A., 100 North Queen Street, Lancaster, PA 17604 and Suzanne Dension, 548 N. 73rd Street, Seattle, WA 98103. Attorney: Howell C. Mette, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110. Phone (717) 232-5000 a28-m12

ESTATE OF CATHERINE E. DONOVAN, late of the Borough of Steelton, Dauphin County, Pennsylvania. Executor: William E. Donovan, 517 Pine Street, Steelton, PA 17113. Attorney: Allen D. Smith, Esq., 51 South Front Street, P.O. Box 7592, Steelton, PA 17113. a28-m12

ESTATE OF ROBERT E. BURGER, late of Middletown, Dauphin County, Pennsylvania (died February 20, 2006). Executrix: Jennie M. Shields, 165 Blue Land, Columbia, PA 17512. Attorney: Donald H. Nikolaus, Esq., 327 Locust Street, Columbia, PA 17512. a28-m12

SECOND PUBLICATION

Estate Notices

ESTATE OF HILDA L. FLEEGAL, late of Lower Paxton Township, Dauphin County, Pennsylvania (died March 17, 2006). Executor: Terry A. Fleegal, 866 Shawnee Drive, Harrisburg, PA 17112. Attorney: Robert L. Knupp, Esq., Knupp, Kodak & Imblum, PC, 407 North Front Street, P.O. Box 11848, Harrisburg, PA 17108. a28-m12

THIRD PUBLICATION

ESTATE OF BERNICE G. BRAMSON, late of the Township of Susquehanna, Dauphin County, Pennsylvania. Executor: Lawrence J. Rosen. Attorney: Joshua M. Goldberger, Esq., Krevsky & Rosen, P.C., 1101 North Front Street, Harrisburg, PA 17102. a21-m5

ESTATE OF ROSE M. SHEEHAN, late of Middletown Borough, Dauphin County, Pennsylvania (died March 24, 2006). Executor: Michael J. Sheehan, 267 Gravel Hill Road, Palmyra, PA 17078. Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Phone (717) 944-1333. a21-m5

ESTATE OF JOAN M. HENCH a/k/a JOAN MARIE HENCH, late of the City of Harrisburg, Dauphin County, Pennsylvania. Co-Executors: Nancy Heilner and Daniel M. Jones. Attorney: Kevin D. Dolan, Esq., Gingrich, Smith, Klingensmith & Dolan, 222 S. Market Street, Suite 201, P.O. Box 267, Elizabethtown, PA 17022. a21-m5

ESTATE OF WAYMON OXNER, late of Dauphin County, Pennsylvania (died May 27, 2005). Executor: John H. Dunlap, 1451 North 21st Street, Harrisburg, PA 17109. Attorney: Harold Dunbar, Esq., 112 Market Street, Harrisburg, PA 17101. a21-m5

ESTATE OF ELIAS R. LEX, late of Derry Township, Dauphin County, Pennsylvania (died March 31, 2006). Co-Executrices: Susan J. Green, 9536 West Law Road, North East, PA 16428; Nancy L. Riddle, 4600 Buffington Lane, Taneytown, MD 21787 and Ruth A. Shissler, 9642 Mowersville Road, Newburg, PA 17240. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a21-m5

ESTATE OF KAY REYES, late of the City of Harrisburg, Dauphin County, Pennsylvania (died September 10, 2006). Administrators: Katie Reyes and Anacaridad Reyes. Attorney: Nora F. Blair, Esq., 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. a21-m5

ESTATE OF MARLIN D. LINGLE, late of Londonderry Township, Dauphin County, Pennsylvania (died January 2, 2006). Executor: Larry E. Lingle, 2360 Schoolhouse Road, Middletown, PA 17057. Attorney: Francis A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a21-m5

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN of the filing of Articles of Incorporation as follows:

1. The name of the corporation is **Nathaniel's World Inc.**
2. The location of the registered office of the corporation is 155 Hiddenwood Drive, Harrisburg, PA 17110.
3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of May 5, 1933, P.L. 364, as amended.
4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.
5. The Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved by said Department on the 15th day of April, 2006.

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania, for **M. Rae, LLC**. The Certificate of Organization was filed on April 12, 2006. Said Limited Liability Company intends to be organized under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania of 1988. The initial registered office of the company is in care of Anthony J. Nestico, Esquire, 840 East Chocolate Avenue, Hershey, PA 17033, (717) 533-5406, Attorney for M. Rae, LLC. m5

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for **Gallivan Family Chiropractic, Inc.** on April 19, 2006. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK LLC
100 Pine Street
m5 Harrisburg, PA 17101

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 March 2, 2006, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Bay View Execution Corporation**, c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of the State of Delaware. The principal office 32 Loockerman Square, Suite 109, Dover, DE 19904. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended.

m5

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on April 12, 2006, 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 **K.D. Analytical Consulting, Inc.** The registered office is 4297 Wimbeldon Drive, Harrisburg, Dauphin County, Pennsylvania 17112-9139. The purpose of the corporation is: to provide business consulting services 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
m5 (717) 540-7746

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 March 15, 2006, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **CWM Survey & Inspection USA, Inc.**, d/b/a: CWM USA, Inc., c/o HIQ Corporate Services, Inc.

This corporation is incorporated under the laws of the State of Delaware. The principal office 3878 Green Ridge Road, Furlong, PA 18925. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended. m5

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 **CHAMPION BILLAARDS & BAR STOOLS, INC.**, April 10, 2006. The address of its principal office under the laws of its jurisdiction is 10700 Hanna Street, Beltsville, Maryland 20705. The commercial registered office provider for this corporation is National Registered Agents, 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). m5

FIRST PUBLICATION

Corporate Notices

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 **Exline, Inc.** April 7, 2006. The address of its principal office under the laws of its jurisdiction is 3256 E. Country Club Road, Salina, KS 67401. The commercial registered office provider for this corporation is National Registered Agents, 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). m5

NOTICE IS HEREBY GIVEN of the filing of Articles of Incorporation as follows:

1. The name of the corporation is **Railroads of Pennsylvania, Inc.**
2. The location of the registered office of the corporation is 200 North Third Street, 18th Floor, Harrisburg, Pennsylvania 17101.
3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of May 5, 1933, P.L. 364, as amended.
4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.
5. The Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved by said Department on the 27th day of April, 2006.

SUZANNE S. BECKER, Esq.
Nauman, Smaith, Shissler & Hall
200 North Third Street, 18th Floor
P.O. Box 840
m5 Harrisburg, PA 17108-0840

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **PEOPLES COMMERCE, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. m5

NOTICE IS HEREBY GIVEN that **AVECIA 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. m5

NOTICE IS HEREBY GIVEN that **CDS Insurance Agency, LLC**, a foreign business corporation incorporated under the laws of the State of Arizona, where its principal office is located at 12439 N 32nd Street, 1A, Phoenix, AZ 85032 has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Corporation Service Company. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County. m5

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on April 5, 2006 for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa.C.S. Section 1101. The name of the corporation is **Shawns Snap On Tools Inc.**

The purpose for which the corporation is organized is Mobile Tools Sales. m5

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 17, 2006, by **AMERICAN SAFETY COUNCIL - INSURANCE DIVISION, INC.**, a foreign corporation formed under the laws of the State of Florida, where its principal office is located at 5125 Adanson St., #500, Orlando, FL 32804, 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. m5

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 13, 2006, for the purpose of obtaining a charter of a Nonprofit Corporation organized under the Nonprofit Corporation Law of 1988 of the Commonwealth of Pennsylvania. The name of the corporation is: **TREASURES OF HAVEN COMMUNITY CHURCH, INC.** The purposes for which it was organized are as follows: We are devoted to imparting a prophetic vision founded upon sound biblical teaching. m5

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on February 17, 2006, by **AINSWORTH GAME TECHNOLOGY, INC.**, a foreign corporation formed under the laws of the State of Arizona, where its principal office is located at c/o Debrah Callicut, Henry & Horne, PLC, 7099 E. Cohise Road, Suite 100, Scottsdale, AZ 85251, 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 will be located at 112 Market Street, Suite 800, Harrisburg, PA 17101. m5

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 30, 2006, by **TechniGraphics, Inc.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 2000 Noble Drive, Wooster, OH 44691, 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. m5

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 13, 2006, by **TELETRUST, INC.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 419 S. Walnut, Sherman, TX 75090, 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. m5

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 19, 2006, by **Crovela BioPharm, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 508 Lapp Road, Malvern, PA 19355, 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. m5

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 18, 2006, by **CF ENTERTAINMENT INC.**, a foreign corporation formed under the laws of the State of California, where its principal office is located at 1925 Century Park East, Suite 1025, Los Angeles, CA 90067, 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. m5

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, that on April 19, 2006, **CROWN ROOMS, INC.**, a corporation incorporated under the laws of the State of Nevada, with principal office at c/o Kenneth A. Klatt, Delta Air Lines, Inc., 1030 Delta Blvd., Dept. 981, P.O. Box 20574, Atlanta, GA 30320, and registered office in Pennsylvania at c/o Corporation Service Company, Dauphin County, which on June 25, 1997, was granted a Certificate of Authority to transact business in the Commonwealth of Pennsylvania, intends to file an Application for Termination of Authority with the Department of State. m5

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL DIVISION

No. 2006 CV 0160 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, N.A., AS TRUSTEE
FOR THE BENEFIT OF THE
CERTIFICATE HOLDERS, PARK PLACE
SECURITIES, INC., ASSET-BACKED
PASS-THROUGH CERTIFICATES SERIES
2005-WCW2, Plaintiff**

vs.

SCOTT D. TORNBLOM, Defendants

NOTICE

TO: SCOTT D. TORNBLOM

YOU ARE HEREBY NOTIFIED that on JANUARY 13, 2006, Plaintiff, WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATE HOLDERS, PARK PLACE SECURITIES, INC., ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES

2005-WCW2, 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. 2006 CV 0160 MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 368 SOUTH 2nd STREET, STEELTON, 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.

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

m5

NOTICE OF DISBARMENT

NOTICE IS HEREBY GIVEN that by Order of the Supreme Court of Pennsylvania dated April 25, 2006, **Steven C. Courtney** has been DISBARRED ON CONSENT from the Bar of this Commonwealth, retroactive to March 3, 2006.

ELAINE M. BIXLER
Secretary of the Board
The Disciplinary Board of the
Supreme Court of Pennsylvania

m5

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2005-CV-5121-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., Plaintiff**

vs.

KYLE A. SPIDLE, Defendant

NOTICE

TO: KYLE A. SPIDLE

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

TAKE NOTICE that the real estate located at 320 HAMILTON STREET, HARRISBURG, PA 17102 is scheduled to be sold at Sheriff's Sale on Thursday, JULY 13, 2006 at 10:00 A.M., Dauphin County Administration Building, 4th Floor, Commissioners Hearing Room, Harrisburg, PA, to enforce the court judgment of \$149,120.15, obtained by MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (the mortgagee).

ALL THAT CERTAIN tract of land situate in the City of Harrisburg, County of Dauphin and Commonwealth of Pennsylvania being more fully bounded and described as follows, to wit:

BEGINNING at a concrete monument to be set at the intersection of the eastern right of way of Logan Street and the northern right of way of Hamilton Street; THENCE along the eastern right of way of Logan Street North twenty-nine degrees thirty-seven minutes twenty-six seconds West (N 29 degrees 37 minutes 26 seconds W) a distance of eighty-five and zero hundredths (85.00) feet to a point at Lot No. 22 of the Capitol Heights Development Phase I recorded in the Dauphin County Court House in Plan Book L, Volume 7, Page 8; THENCE along said Lot No. 22 North sixty degrees twenty-two minutes thirty-four seconds East (N 60 degrees 22 minutes 34 seconds E) a distance of twenty-five and zero

hundredths (25.00) feet to a point at Lot No. 67 of the aforementioned Capitol Heights Development Phase II; THENCE along said Lot No. 67 South twenty-nine degrees thirty-seven minutes twenty-six seconds East (S 29 degrees 37 minutes 26 seconds E) a distance of eighty-five and zero hundredths (85.00) feet to a point on the northern right of way of Hamilton Street; THENCE along the northern right of way of Hamilton Street South sixty degrees twenty-two minutes thirty-four seconds West (S 60 degrees 22 minutes 34 seconds W) a distance of twenty-five and zero hundredths (25.00) feet to a concrete monument to be set at the intersection of the eastern right of way of Logan Street and the northern right of way of Hamilton Street, the place of BEGINNING.

THE ABOVE described tract being know as Lot No. 66 of the Final Subdivision Plan of the Capitol Heights Development Phase II dated August 16, 2002, and recorded in the Dauphin County Recorder of Deeds in Plan Book L, Volume 3, Page 43, on January 15, 2003.

CONTAINING two thousand one hundred twenty-five (2,125) square feet, more or less.

BEING PART OF THE SAME PREMISES which The Redevelopment Authority of the City of Harrisburg, by Deed dated May 15, 2003, and recorded May 23, 2003, in the Recorder of Deeds Office in and for Dauphin County in Record Book 4924, Page 138, granted and conveyed unto Struever Rouse Homes of Capitol Heights Limited Partnership.

TITLE TO SAID PREMISES IS VESTED IN Kyle Spidle, Sole Owner, by Deed from Struever Rouse Homes, of Capitol Heights Limited Partnership, dated 09-29-03, recorded 10-30-03 in Deed Book 5235, page 528.

BEING PREMISES 320 HAMILTON STREET, HARRISBURG, PA 17102.

IMPROVEMENTS consist of residential property.

SOLD as the property of KYLE A. SPIDLE.

CONDITIONS OF SALE: THE HIGHEST AND BEST BIDDER SHALL BE THE BUYER.

TERMS: The purchaser will be required to pay the full amount of his bid by TWO O'CLOCK p.m. on the day of the sale, and complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for Dauphin County, conveying to the purchase all the right, title, interest and claim which said defendant has in and to said property at the time of levying the same. ALTHOUGH NOT PART OF THE MINIMUM BID, PROPERTY SOLD FOR MINIMUM BID DOES NOT DISCHARGE DELINQUENT AND/OR OUTSTANDING

FIRST PUBLICATION

Miscellaneous Notices

TAXES AND THE PURCHASER WILL BE RESPONSIBLE FOR SAME. If above conditions be not complied with on the part of the Purchaser, the property will again be offered for sale by the Sheriff at THREE O'CLOCK p.m. on the same day. The said purchaser will be held liable for the deficiencies and additional cost of said sale.

TAKE NOTICE that a Schedule of Distribution will be filed by the Sheriff on AUGUST 14, 2006, distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereto.

DANIEL G. SCHMIEG, Esq.
Suite 1400, One Penn Center
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

m5

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

**CIVIL ACTION – LAW
CIVIL DIVISION**

No. 2006 CV 0585 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., Plaintiff**
vs.

**ELGER D. LEMELLE and
CARRIE R. LEMELLE, Defendants**

NOTICE

TO: ELGER D. LEMELLE

YOU ARE HEREBY NOTIFIED that on February 8, 2006, Plaintiff, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, 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. 2006 CV 0585 MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 523 WICONISCO STREET, HARRISBURG, PA

17110 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

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

CIVIL ACTION – LAW

No. 2005 CV 4464 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE OF
AMERIQUEST MORTGAGE SECURITIES,
INC., ASSET-BACKED PASS THROUGH
CERTIFICATES, SERIES 2004-X2, UNDER
THE POOLING AND SERVICING
AGREEMENT DATED AS OF
JUNE 24, 2004, Plaintiff**

vs.

NED R. GIVENS, IV, Defendant

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

TO: NED R. GIVENS, IV

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

ALL THAT following described lot of ground situate, lying and being in DAUPHIN, TOWNSHIP OF LOWER PAXTON, County of DAUPHIN, Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

ALL THAT CERTAIN tract or parcel of land and premises, situate, lying and being in the Township of Lower Paxton, in the County of Dauphin and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point on the southerly line of Wimbledon Drive, which point is 436.79 feet West of the southwesterly corner of Forest Lane and Wimbledon Drive and at dividing line between Lots No. 25 and 24 on the hereinafter mentioned plan of lots; thence along said dividing line South 38 degrees 26 minutes 59 seconds West a distance of 304.79 feet to a point at dividing line between Lots No. 20 and 24 on said plan; thence along said dividing line North 0 degrees 6 minutes 33 seconds West a distance of 152.41 feet to a point at dividing line between Lots No. 21 and 24 on said plan; thence along said dividing line and along dividing line between Lots No. 23 and 24 on said plan North 38 degrees 26 minutes 59 seconds East a distance of 185.61 feet to a point on the southerly line of Wimbledon Drive aforesaid, thence along same South 51 degrees 33 minutes 1 second East a distance of 95 feet to a point, the place of BEGINNING.

BEING Lot No. 24 on Final Subdivision Plan of Wimbledon on the Lake, which plan is recorded in the Office of the Recorder of Deeds in and for Dauphin County, Pennsylvania, in Plan Book H, Volume 4, page 63.

SUBJECT, however, to all of the restrictions, reservations, and conditions set forth in the Plan aforesaid.

BEING THE SAME PREMISES WHICH Derek A. Jackson, married man, and Teresa A. Jackson also known as Teresa S. Jackson, his wife, by Deed dated July 31, 1998, recorded August 4, 1998, in Record Book 3170, page 414,

in the Office of the Recorder of Deeds in and for Dauphin County, Pennsylvania, granted and conveyed unto Ned R. Givens, IV, and Maria Y. Givens, his wife, Grantors herein.

BEING PARCEL No. 35-111-076.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Ned R. Givens, IV, individually, by Deed from Ned R. Givens, IV, and Maria Y. Givens, husband and wife, dated 8-23-03, recorded 8-29-03, in Deed Book 5117, page 327.

PRIOR DEED INFORMATION

TITLE TO SAID PREMISES IS VESTED IN Ned R. Givens, IV, and Maria Y. Givens, husband and wife, by Deed from Derek A. Jackson, married man and Teresa A. Jackson, his wife, dated 7-31-98, recorded 8-4-98, in Deed Book 3170, page 414, is scheduled to be sold at the Sheriff's Sale on JULY 13, 2006 at 10:00 A.M., at the DAUPHIN County Courthouse, FRONT and MARKET STREETS, HARRISBURG, PA to enforce the Court Judgment of MARCH 13, 2006, obtained by DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES, INC., ASSET-BACKED PASS THROUGH CERTIFICATES, SERIES 2004-X2, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF JUNE 24, 2004, (the mortgagee), against you.

PROP. SIT. in the Township of LOWER PAXTON, County of DAUPHIN, and State of Pennsylvania.

BEING PREMISES: 4135 WIMBLEDON DRIVE, HARRISBURG, PA 17112.

IMPROVEMENTS consist of residential property.

SOLD as the property of NED R. GIVENS, IV. TERMS OF SALE: THE HIGHEST AND BEST BIDDER SHALL BE THE BUYER.

The purchaser at the sale must make ten (10%) percent down payment of the judgment price, at the time of the sale in the form of cash, money order or bank check. The balance must be paid within ten (10) days of the sale or the purchaser will lose the down money.

DANIEL SCHMIEG, Esq.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2003-CV-3861-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Plaintiff

vs.

**ESTATE OF SALLIE R. BANKS,
DENISE R. WILLIAMS,
CO-ADMINISTRATOR, HEIR, and ALL
HEIRS AT LAW OF THE ESTATE OF
SALLIE R. BANKS, GINA M. BARKLEY,
INDIVIDUALLY, CO-ADMINISTRATOR
and HEIR OF THE ESTATE OF
SALLIE R. BANKS,
CHARLES W. BARKLEY, HEIR OF THE
ESTATE FOR SALLIE R. BANKS,
UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS and ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
GEORGE M. BANKS, Deceased, Defendants**

NOTICE

**TO: ESTATE OF SALLIE R. BANKS,
DENISE R. WILLIAMS,
CO-ADMINISTRATOR, HEIR, and
ALL HEIRS AT LAW OF THE
ESTATE OF SALLIE R. BANKS,
GINA M. BARKLEY,
INDIVIDUALLY,
CO-ADMINISTRATOR and HEIR OF
THE ESTATE OF SALLIE R. BANKS,
CHARLES W. BARKLEY, HEIR
OF THE ESTATE FOR
SALLIE R. BANKS, UNKNOWN
HEIRS, SUCCESSORS, ASSIGNS
and ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE, OR INTEREST FROM OR
UNDER GEORGE M. BANKS,
Deceased**

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

TAKE NOTICE that the real estate located at 1510 Allison Street, Harrisburg, PA 17104 is

scheduled to be sold at Sheriff's Sale on Thursday, July 13, 2006 at 10:00 A.M. Dauphin County Administration Building, 4th Floor, Commissioners Hearing Room, Harrisburg, PA PA, to enforce the court judgment of \$19,038.72, obtained by Mortgage Electronic Registration Systems, Inc. (the mortgagee).

ALL THAT CERTAIN tract or parcel of land situated in the First Ward of the City of Harrisburg, Dauphin County, Pennsylvania, more particularly bounded and described as follows in accordance with a survey made by Ernest Walker, dated March 26, 1974.

BEGINNING at a point on the Westerly line of Allison Street, which point is 77 feet North of the center line of Cammeron Terrace; thence South 53 degrees West, 40.25 feet to a point at Easterly line of property now or late of Snay; thence along same and along the Easterly line of property now or late of Lance Fackler, north 37 degrees West, 50.25 feet to a point; thence North 52 degrees 36 minutes East and through the center of a partition wall, 40.10 feet to a point on the Westerly line of Allison Street, aforesaid; thence along same South 37 degrees 9 minutes East, 50.50 feet to a point, the place of BEGINNING.

HAVING THEREON ERECTED a 2-1/2 story semi-detached brick dwelling house known and numbered as 1510 Allison Street, Harrisburg, Pennsylvania.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Sallie R. Banks and Gina M. Barkley, her daughter, their heirs and assigns by Deed from David C. Bailey and Patricia D. Bauley, his wife dated 4/24/1991 and recorded 4/24/1991 in Record Book 1557, Page 584.

BEING Premises 1510 Allison Street, Harrisburg, PA 17104.

IMPROVEMENTS consist of residential property.

SOLD as the Property of ESTATE OF SALLIE R. BANKS, DENISE R. WILLIAMS, CO-ADMINISTRATOR, HEIR, AND ALL HEIRS AT LAW OF THE ESTATE OF SALLIE R. BANKS, GINA M. BARKLEY, INDIVIDUALLY, CO-ADMINISTRATOR AND HEIR OF THE ESTATE OF SALLIE R. BANKS, CHARLES W. BARKLEY, HEIR OF THE ESTATE OF SALLIE L. BANKS, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER GEORGE M. BANKS, Deceased.

FIRST PUBLICATION

Miscellaneous Notices

CONDITIONS OF SALE: THE HIGHEST AND BEST BIDDER SHALL BE THE BUYER.

TERMS: The purchaser will be required to pay the full amount of his bid by TWO O'CLOCK p.m. on the day of the sale, and if complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for Dauphin County, conveying to the purchase all the right, title, interest and claim which said defendant has in and to said property at the time of levying the same. ALTHOUGH NOT PART OF THE MINIMUM BID, PROPERTY SOLD FOR MINIMUM BID DOES NOT DISCHARGE DELINQUENT AND/OR OUTSTANDING TAXES AND THE PURCHASER WILL BE RESPONSIBLE FOR SAME. If above conditions be not complied with on the part of the Purchaser, the property will again be offered for sale by the Sheriff at THREE O'CLOCK p.m. on the same day. The said purchaser will be held liable for the deficiencies and additional cost of said sale.

TAKE NOTICE that a Schedule of Distribution will be filed by the Sheriff within thirty (30) days of the Sheriff's Sale, distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereto.

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 THE 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 REDUCED FEE OR NO FEE.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
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(717) 232-7536

DANIEL G. SCHMIEG Esq.
Suite 1400, One Penn Center
1617 John F. Kennedy Boulevard
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(215) 563-7000

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OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW
CIVIL DIVISION

No. 2006-CV-1317-MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

CITIBANK, N.A. AS TRUSTEE, Plaintiff
vs.

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE, OR INTEREST FROM OR UNDER
FRED R. KOHR SR., Deceased, Defendants**

NOTICE

**TO: UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS CLAIM-
ING RIGHT, TITLE, OR INTEREST
FROM OR UNDER FRED R. KOHR
SR., Deceased**

NOTICE IS HEREBY GIVEN that you are hereby notified that on MARCH 27, 2006, Plaintiff, CITIBANK, N.A. AS TRUSTEE, 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. 2006-CV-1317-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 421 LUTHTER 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

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

FIRST PUBLICATION

Miscellaneous Notices

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

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IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – NAME CHANGE

No. 2006 CV 1356 NC

IN THE MATTER OF NAME CHANGE
JAMES RHODES, a/k/a JAMES McCALL

NOTICE

NOTICE IS HEREBY GIVEN that on March 29, 2006, the Petition of **JAMES RHODES**, a/k/a **JAMES McCALL**, was filed in the Court of Common Pleas of Dauphin County, Pennsylvania, praying for a Decree to change his name to: **JAMES McCALL**.

The Court has fixed June 8, 2006, at 9:00 o'clock A.M., in Courtroom No. 2, Dauphin County Courthouse, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petitioner should not be granted.

JEFFREY B. ENGLE, Esq.
129 Market Street
Millersburg, PA 17061
717-692-2345

m5

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

No. 5798-CV-2002-MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

BANKERS TRUST COMPANY OF CALIFORNIA, N.A., AS TRUSTEE
1800 Tapo Canyon Road
Simi Valley, CA 93063, Plaintiff
vs.

DENNIS M. JOHNSON and
KADEANA JOHNSON
212 Lincoln Street
Steelton, PA 17113, Defendant(s)

NOTICE OF SALE OF
REAL PROPERTY

To: **Dennis M. Johnson and**
Kadeana Johnson
212 Lincoln Street
Steelton, PA 17113

NOTICE IS HEREBY GIVEN that your house (real estate) at 212 Lincoln Street, Steelton, PA 17113 was scheduled to be sold at the Sheriff's Sale on April 13, 2006 at 10:00 a.m. in the Dauphin County Administration Building, 4th Floor, Second and Market Streets, Commissioners Hearing Room, Harrisburg, PA 17101, to enforce the court judgment of 59,519.61, obtained by Plaintiff above (the mortgage) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

SALE POSTPONED FROM
APRIL 13, 2006 TO JULY 13, 2006

PROPERTY DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE BOROUGH OF STEELTON, DAUPHIN COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF LINCOLN STREET, WHICH POINT IS OPPOSITE THE CENTER OF THE PARTITION WALL SEPARATING HOUSES NOS. 212 AND 214 LINCOLN STREET; THENCE SOUTHWARDLY THROUGH THE CENTER OF SAID PARTITION WALL AND BEYOND A TOTAL DISTANCE OF ONE

JUDICIAL SALE NOTICE

FIRST PUBLICATION

Miscellaneous Notices

HUNDRED (100) FEET TO A POINT; THENCE WESTWARDLY PARALLEL WITH LINCOLN STREET SEVENTY-FIVE (75) FEET TO BAILEY STREET; THENCE NORTHWARDLY ALONG LAST SAID STREET ONE HUNDRED (100) FEET TO LINCOLN STREET; AND THENCE EASTWARDLY ALONG LAST SAID STREET SEVENTY-FIVE (75) FEET TO THE POINT OF BEGINNING.

HAVING THEREON ERECTED A FRAME DWELLING HOSUE NO. 212 LINCOLN STREET AND BEING PARTS OF LOTS NOS. 53-54 AND 55 ON THE BOROUGH PLAN.

BEING KNOWN AS: 212 LINCOLN STREET, STEELTON, PA 17113.

PROPERTY ID No. 59-006-001.

TITLE TO SAID PREMISES IS VESTED IN DENNIS M. JOHNSON AND KADEANA D. JOHNSON, HIS WIFE BY DEED FROM KORY D. UMBERGER AND KATHY J. UMBERGER, HIS WIFE DATED 4/29/99 RECORDED 5/7/99 IN DEED BOOK 3402 PAGE 150.

HAVING THEREON ERECTED A DWELLING HOUSE.

MARK J. UDREN, Esq.
Mark J. Udren & Associates
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
(856) 669-5400

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NOTICE IS HEREBY GIVEN by the Tax Claim Bureau in and for the County of Dauphin under the Act of 1947, Article VI, Section 612, that the said Bureau will expose at Judicial Sale in the Crown Plaza Hotel, 23 South Second Street, in the City of Harrisburg, Pennsylvania, at 6:00 P.M. on June 8, 2006, as previously advertised in the Dauphin County Reporter on August 20, 2004 and in the Patriot-News on August 18, 2004 and the Middletown Press and Journal on August 18, 2004, certain properties. The properties will be sold free and clear of all taxes and municipal claims, mortgages, liens, charges and estate of whatsoever kind, except ground rents, separately taxed and 2006 taxes which will not be discharged by this sale. A list of the properties is available in the Tax Claim Bureau, 2 South Second Street, 1st Floor, Harrisburg, PA with a \$3.00 charge. There will be no redemption period the day of the sale, but these taxes and costs can be paid up to the date of the sale, with a Certified Check, Money Order, or Cash.

TERMS OF SALE: Cash or check payable to the Tax Claim Bureau at the time of sale. Personal checks received and subject to the final payment at the risk of the payer. Registration for the sale will be from 2:00 P.M. to 6:00 P.M. prior to the sale.

F. R. MARTSOLF, Esq.
Solicitor
Tax Claim Bureau

STEVEN L. HOWE
Director
Tax Claim Bureau

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James C. Schwartzman, Esq.

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Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania • Former Chairman, Continuing
Legal Education Board of the Supreme Court of Pennsylvania • Former Federal Prosecutor

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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

MAY 2006
JUNE 2006

Judge Joseph H. KLEINFELTER
Judge Todd A. HOOVER

Opinions Not Yet Reported

April 19, 2006 – Lewis, P.J., **Fromm v. Hershey Medical Center, et al.** (No. 1999 CV 1270)
April 24, 2006 – Kleinfelter, J., **Letteer v. Michalak** (No. 2002 CV 0816)

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

ATTORNEY — A Regional Commercial Litigation firm with headquarters in Philadelphia seeks an established attorney with portables for its Harrisburg office. The firm seeks extensive experience in either business or commercial work and offers competitive compensation and benefits. The firm has an expanding presence in Central Pennsylvania with excellent growth opportunity. Please send your confidential inquires to: Dauphin County Reporter, Attn: J, 213 North Front Street, Harrisburg, PA 17101. a21-m5

ASSOCIATE ATTORNEY — Law firm with locations in York and Harrisburg is seeking an associate attorney. We offer a competitive salary and a generous benefit package. Please send your resume and salary requirements to: Office Manager, Law Firm of Nealon Gover & Perry, 2411 North Front Street, Harrisburg, PA 17110. Please no telephone inquiries. a21-m5

RECEPTIONIST/LEGAL SECRETARY — Barley Snyder, a regional PA law firm with over 70 attorneys, has an opening for a receptionist/legal secretary in our downtown Harrisburg office. The ability to work independently and to handle a variety of duties (receptionist, secretary, clerical, errands) is essential as this position is the sole staff support for our Harrisburg office. Legal or tax secretarial experience preferred. Candidate must have strong client service and organizational skills. Excellent benefits package including health insurance, disability and life insurance, section 125 plans, 401K, Pension Plan, paid parking, 10 paid holidays and immediate sick and vacation time benefits provided. Salary commensurate with experience. Send resume to Barley Snyder, attn: Human Resources, 126 East King Street, Lancaster, PA 17602, or email resume to hr@barley.com. a28-m12

EXPERIENCED PARALEGAL SEEKING EMPLOYMENT — I have fifteen (15) years experience as a paralegal specializing in the areas of Workers' Compensation and Social Security disability law with a working knowledge of Estate Administration and Real Estate law. Please contact Bar Association for resume or send e-mail to jet5840@aol.com. a28-m12

SEEKING ASSOCIATE — Abom & Kutulakis, LLP, a growing mid-sized Central PA general practice seeks an Associate with excellent credentials and 2+ years of civil litigation, and business law experience. Fax or email cover letter and resume to 717-249-3344 or ejfiliberti@earthlink.net. a28-m12

FOR SALE — Complete and up-to-date set of United States Code Annotated, \$3,000. Contact Paul A. Adams at Shumaker Williams, P.C., Phone 717-763-1121. a28-m12

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

CLE Seminar

Pennsylvania Trial Lawyers Association

Thursday, May 11, 2006

24th Annual Auto Insurance Law

Pennsylvania Trial Lawyers Association CLE Seminar, 5/11/06 —
6 substantive CLE credits, 8:50 a.m. — 4:45 p.m. (Registration begins at
8:00); Hilton Harrisburg & Towers, Harrisburg, PA.

Course Planners & Presenters

Leonard A. Sloane, Esq. and James R. Ronca, Esq.

Faculty

David L. Lutz, Esq., Jason E. Matzus, Esq., James C. Haggerty, Esq.,
Frank J. Wesner, Esq., Bruce Stern, Esq. and Scott B. Cooper, Esq.

Call for more information or register at PaTLA (215) 546-6451, or
visit our website at **www.PaTLA.org**. a28-m5

ADMINISTRATIVE ASSISTANT POSITION — Scaringi & Scaringi, P.C.
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Road, Suite 103, Harrisburg, PA 17110, Tel. (717) 657-7770. www.scaringilaw.com.
a21-m5

LITIGATION ATTORNEY — Saul Ewing LLP, Harrisburg office seeks
Associate with 2-4 years commercial litigation experience. Candidates must have
excellent academic credentials and strong research and writing skills.

Please forward your resume, law school transcript and writing sample to: Naomi
Mukalian, Director of Attorney Recruiting, Penn National Insurance Plaza, 2 North
Second Street, 7th floor, Harrisburg, PA 17101, Fax: 717-257-7587, e-mail:
nmukalian@saul.com. m5-m19

LOOKING FOR INFORMATION — Regarding existence of Will of Fay
Hemperly Capone, Deceased, native of Harrisburg, wife of late Orlando Capone.
Contact H. Samson, Atty, 5212 Emerson, Skokie, IL 60077. F. 847-965-6956

m5

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

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ASSOCIATE ATTORNEY

BennLawFirm, York, Pennsylvania, seeks an associate attorney with 3-5 years litigation experience. Competitive salary commensurate with experience. Excellent benefits. Send resume, writing sample and salary requirements to: Niles S. Benn, Esquire at BennLawFirm, 103-107 East Market Street, P.O. Box 5185, York, PA 17405, Fax No. (717) 852-8797 or e-mail: nbenn@bennlawfirm.com. m5-m19

ATTORNEY POSITION

The Pennsylvania Public Utility Commission has one (1) full-time attorney position available in its Office of Administrative Law Judge in Harrisburg.

ATTORNEY 1

This Attorney 1 (Special Agent) position is an entry-level position in the Public Utility Commission's Office of Administrative Law Judge. The duties of the Special Agent will include presiding over hearings, writing initial and/or recommended decisions, and providing analysis of briefs and transcripts. Requirements include graduation from an approved school of law and a certificate of admission to the Pennsylvania Bar (or eligibility for such certification). Starting salary is \$43,893.

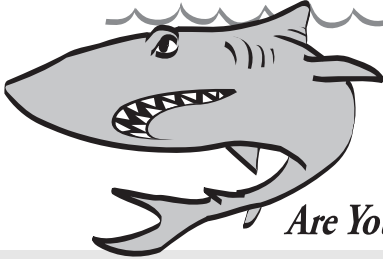
Applicants should submit a resume to or contact by telephone:

Susan Schoenberger
Human Resource Office
PA Public Utility Commission
P.O. Box 3265
400 North Street
Harrisburg, PA 17105-3265

Telephone: (717) 787-8714
Fax: (717) 772-3177

Applications for this position must be postmarked by May 8, 2006. The list of Essential Functions for this position is available from the Human Resource Office, upon request. The Pennsylvania Public Utility Commission is an Equal Opportunity Employer. m5

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