

ADVANCE SHEET

Pages 42-48

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CONTAINING THE DECISIONS RENDERED IN THE
12th JUDICIAL DISTRICT

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Estrada v. Olt, et al.

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Bar Association Page

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INTELLECTUAL PROPERTY LAW

Patentability and Infringement Studies
Patent Applications Worldwide
Can client use invention without infringing?
Can client prevent others from using invention?

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TERMS

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

Telephone (717) 232-7536

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 DOROTHY L. FULTON, late of Halifax Township, Dauphin County, Pennsylvania. Executrix: Kathryn M. Snyder, 4083 Shanamantown Road, Annville, PA 17033. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. o10-o24

ESTATE OF NANCY F. WAGNER, late of Millersburg Borough, Dauphin County, Pennsylvania (died September 20, 2008). Administrator: G. David Wagner, 1650 Oakwood Drive, Apt. #E-214, Penn Valley, PA 19072. Attorney: Holly M. Kerwin, Esq., Kerwin & Kerwin, 27 North Front Street, Harrisburg, PA 17101. o10-o24

ESTATE OF ROSANNA DESANTIS, late of Newark, Essex County, New Jersey (died August 1, 1991). Executrix: Diana Capra, 181 Conover Avenue, Nutley, NJ 07110. Attorney: Elizabeth D. Snover, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043. o10-o24

ESTATE OF ROSARIO CROCE, late of Hershey, Swatara Township, Dauphin County, Pennsylvania (died August 8, 1968). Executrix: Joan Luongo, 308 Stanley Drive, Palmyra, PA 17078. Attorney: Elizabeth D. Snover, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043. o10-o24

ESTATE OF DERRICK B. ROADCAP, late of the Borough of Millersburg, Dauphin County, Pennsylvania (died August 18, 2008). Executor: Ronald D. Matter, P.O. Box 136, Gratz, PA 17030. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. o10-o24

ESTATE OF EDWARD MAFF a/k/a EDWARD B. MAFF, SR., late of the City of Harrisburg, Dauphin County, Pennsylvania (died April 30, 2008). Executor: Edward B. Maff, Jr., 11 Hearstone Court, Mechanicsburg, PA 17011. Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. o10-o24

ESTATE OF FRANCIS V. LEO, late of Hershey, Dauphin County, Pennsylvania (died March 2, 2008). Executrix: Maryann Keane, 108 North 46th Street, Harrisburg, PA 17111. o10-o24

FIRST PUBLICATION

Estate Notices

ESTATE OF BARBARA B. MUMMEY, late of the Borough of Middletown, Dauphin County, Pennsylvania (died September 19, 2008). Administratrix: Janet E. Fogg. Attorney: Stephanie Kleinfelter, Esq., Keefer Wood Allen & Rahal, LLP, 635 N. 12th Street, Suite 400, Lemoyne, PA 17043. o10-o24

ESTATE OF PHILIP JOHN WALKER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died August 16, 2008). Executrix: Helen S. Walker, 5207 Woodlawn Drive, Harrisburg, PA 17109. o10-o24

ESTATE OF JOHN E. HAAS, late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Deborah E. Maguire, 990 E. Canal Road, Dover, PA 17315. Attorney: David J. Lenox, Esq., The Wiley Group, 130 W. Church Street, Suite 101, Dillsburg, PA 17019. o10-o24

ESTATE OF RICHARD U. MANNING, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Beverly M. Geiger, 2031 Chatham Drive, Bensalem, PA 19020. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. o10-o24

ESTATE OF HAROLD DAVID MEDLEY a/k/a HAROLD D. MEDLEY, late of Harrisburg, Dauphin County, Pennsylvania (died March 15, 2008). Administrator: Harold David Cooper. Attorney: Bruce J. Warshawsky, Esq., Cunningham & Chernicoff, P.C., 2320 North Second Street, Harrisburg, PA 17110. o10-o24

ESTATE OF PHILIP W. PETERSON, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator, D.B.N.C.T.A./ Attorney: Jeffrey R. Boswell, Esq., Boswell, Tintner & Piccola, 315 North Front Street, P.O. Box 741, Harrisburg, PA 17108-0741. o10-o24

SECOND PUBLICATION

ESTATE OF PAUL M. GAISKI, JR., late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Bonnie L. Foust, 175 Lambs Gap Road, Marysville, PA 17053. Attorney: Craig A. Hatch, Esq., Gates, Halbruner & Hatch, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. o3-o17

ESTATE OF JOHN P. NESTOR, JR., late of the Borough of Lykens, Dauphin County, Pennsylvania (died August 29, 2008). Executrix: Eileen A. Nestor, Box 152, Route 209, Lykens, PA 17048. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethville, PA 17023. o3-o17

ESTATE OF JOHN P. SHERIDAN, late of Upper Paxton Township, Dauphin County, Pennsylvania. Administrator: Paul Sheridan, 521 Gale Road, Camp Hill, PA 17011. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethville, PA 17023. o3-o17

ESTATE OF EVANGELENE WORMSLEY-KIMBER, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator: Xavier D. Kimber, 3508 Washington Avenue, Baltimore, MD 21224. Attorney: Dean A. Weidner, Esq., Wix, Wenger & Weidner, 508 North Second Street, P.O. Box 845, Harrisburg, PA 17108-0845. Telephone (717) 234-4182. o3-o17

Estrada v. Olt, et al.

* * *

(Court's Charge to the Jury, pp 512-16)

When charging the jury the trial court is not to be an advocate, but, rather, the court's duty is to crystallize the applicable issues raised by the parties and to explain the principles germane to those issues. *See, McKee v. Evans*, 380 Pa. Super. 120, 144, 551 A.2d 260, 271 (1988). The given charge accurately defined the issues and correctly reviewed the law. It is not the duty of the trial court bring attention to inferences or make arguments for parties.

CONCLUSION

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

—o—

Estrada v. Olt, et al.

Torts — Negligence — Medical Malpractice — Certificate of Merit — Request for Production of Expert Reports — Summary Judgment — Waiver — Motion for Sanctions — Expert Witness Fees — Attorney's Fees.

Plaintiff's counsel relied upon an unsigned letter from a neurologist when submitting a certificate of merit in a medical malpractice case alleging a negligently performed abdominal hysterectomy. After the Plaintiff failed to respond to Defendants' Motion to Compel Expert Reports and the Court's subsequent order to produce the reports, the Court granted a Motion for Sanctions and precluded the Plaintiff from introducing any expert testimony at the trial. The Court then granted Defendant's Motion for Summary Judgment, and subsequently imposed monetary sanctions for expert witness and attorney's fees, finding that the Defendants incurred unnecessary costs in defending this matter because Plaintiff's counsel had improperly filed the Certificates of Merit.

1. An appeal from the grant of summary judgment, a final order, must be filed within 30 days of that order. Pa.R.A.P. 903(b).

2. A court may impose appropriate sanctions if it determines that an attorney improperly certified that an appropriate licensed professional has supplied a written statement that there exists a reasonable probability that the care, skill or knowledge experienced or exhibited in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm. Pa.R.Civ.P. 1042.7(b).

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Pa. R.C.P. 1925 Opinion. C.P., Dau. Co., No. 2004-CV-4890-CV.

Donald A. Bailey, for Plaintiff

Jonathan B. Stepanian, for Defendant

HOOVER, J., July 31, 2008. – This appeal follows the trial court’s Order of February 22, 2008, which granted the Motion of Defendants Dr. George J. Olt, M.D. and Milton Hershey Medical Center for Sanctions in the amount of \$6,900.00 (\$5,000.00 in expert fees and \$1,900.00 for attorney’s fees). For the reasons set forth herein, the Order should be affirmed.

BRIEF FACTUAL BACKGROUND

Olga Estrada commenced this medical professional liability action by filing a Writ of Summons on November 4, 2004, followed by a Complaint and supporting Certificates of Merits on December 13, 2004.

Plaintiff asserts that Defendant Dr. George Olt negligently performed an abdominal hysterectomy on November 11, 2002.

PROCEDURAL HISTORY

Plaintiff commenced this action by filing a Writ of Summons on November 4, 2004, followed by a Complaint and supporting Certificates of Merits on December 13, 2004, against Defendants Dr. George Olt and the Milton Hershey Medical Center at Docket No. 2004 CV 4890.

On July 10, 2006, Defendants filed a Motion to Compel Expert Reports pursuant to Dauphin County Local Rule 4019. Defendants asserted therein that they had served Plaintiff on August 12, 2005 with a Rule 1042.28 Request for Production of Expert Reports asking that Plaintiff’s counsel produce expert report(s) within 180 days. (Motion of Defendants to Compel Expert Reports, para. 4). Defendants asserted that as of July 10, 2006, ten months after being served with the Rule 1042.28 Request for Production of Documents, Plaintiff’s counsel had failed to respond. (*Id.* para. 7). Defendants asserted that Plaintiff had filed a Certificate of Merit with the Complaint indicating that “Plaintiff clearly has an expert witness to consult for purposes of providing an expert report.” (*Id.* para. 8). Defendants further asserted that they were “unduly prejudiced in the preparation of their defense to the Plaintiff’s claims given the fact that they have not yet been provided with Plaintiff’s expert report(s).” (*Id.* para. 9). At the court’s October 26, 2006 discovery conference, the court directed Plaintiff to submit an expert report to defense counsel on or before December 30, 2006 and directed that Plaintiff shall be available for deposition within forty-five days of October 26, 2006.

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Thereafter, on January 9, 2007, Defendants filed a Motion for Sanctions Pursuant to Pa.R.Civ.P. 1042.31(b) based upon Plaintiff's Failure to Produce Expert Reports. In the Motion for Sanctions, Defendants requested that the court preclude the Plaintiff from introducing expert testimony due to the complete disregard for the Defendants' Request for Production of Expert Reports pursuant to Pa.R.Civ.P. 1042.28 and this court's October 26, 2006 Order compelling the production of such reports. Defendants asserted that Plaintiff had a total of 16 months to produce expert reports; specifically, they had an additional 10 months after the six month period permitted by Pa.R.Civ.P. 1042.28 expired. (Motion for Sanctions Pursuant to Pa.R.Civ.P. 1042.31(b), para. 10). By the court's Order filed January 29, 2007, we granted Defendants' Motion for Sanctions Pursuant to Pa.R.Civ.P. 1042.31(b), and therefore precluded Plaintiff from introducing any expert testimony at the trial of this matter.

On April 10, 2007, Defendants filed a Motion for Summary Judgment. Since expert testimony is necessary in a medical professional liability action and Plaintiff was precluded from introducing expert testimony at trial due to the court's granting of the Motion for Sanctions pursuant to Pa.R.Civ.P. 1042.31, the court granted Defendants' Motion for Summary Judgment on June 26, 2007.

Thereafter, on September 6, 2007, Defendants filed a Motion for Sanctions Pursuant to Pa.R.Civ.P. 1042.7.¹ Defendants asserted that Plaintiff failed to provide Defendants with written statements obtained from the licensed medical professionals upon which the certificates of merit were based. In this Motion for Sanctions, Defendants requested monetary sanctions upon Plaintiff's counsel. A hearing was scheduled and conducted on the matter. By the Memorandum Opinion and Order filed February 22, 2008, the court granted Defendants' Motion for Sanctions Pursuant to Pa.R.Civ.P. 1042.7. The court found that Defendants incurred unnecessary costs in defending this matter, because Plaintiff's counsel improperly filed Certificates of Merit. Accordingly, sanctions in the amount of \$6,900.00 (\$5,000.00 in expert fees and \$1,900.00 for attorney's fees) were imposed on Plaintiff's counsel.

Plaintiff filed a Notice of Appeal on March 21, 2008. On March 31, 2008, the court Ordered the Plaintiff to file a Concise Statement of

1. The Pennsylvania Rules of Civil Procedure amendments to Pa.R.Civ.P. 1042.7 took effect June 16, 2008, and is now Pa.R.Civ.P. 1042.8.

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Matters Complained of on Appeal in accordance with Pa.R.A.P. 1925 (b). Plaintiff filed a Rule 1925(b) Concise Statement of Matters Complained of on Appeal on April 22, 2008.

DISCUSSION

ISSUES 1, 3, AND 4 OF THE PLAINTIFF'S CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL MAY NOT BE CONSIDERED IN THAT THEY RELATE TO THE COURT'S GRANT OF SUMMARY JUDGMENT FROM WHICH PLAINTIFF TOOK NO TIMELY APPEAL.

Plaintiff has improperly included issues decided by the June 26, 2007 Order, which granted the Defendants' Motion for Summary Judgment, from which Plaintiff took no appeal. Accordingly, issues 1, 3, and 4 of the Plaintiff's Concise Statement of Matters Complained of on Appeal are waived.

Pursuant to Pa.R.A.P. 903(b), an appeal, in this instance, from the grant of summary judgment, a final order, must have been filed within 30 days of that order. Pa.R.A.P. 903(b) provides:

Except as otherwise prescribed by this rule, the notice of appeal required by Rule 902 (manner of taking appeal) shall be filed within 30 days after entry of the order from which the appeal is taken.

Issues 1, 3 and 4 all relate to the court's application of Pa.R.Civ. 1042.3 which requires the filing of a certificate of merit which represents that an appropriate licensed professional has supplied a written statement which renders the necessary expert opinion. Plaintiff sets forth the following issues;

1. Did the trial Court err in its interpretation and application of the applicable rules (Pa.R.Civ. 1042.3) and P.S. §1303.512 to the facts and circumstances of this case?

* * *

2. Is 1042.3 ambiguous or unclear as written such that any citizen or attorney using the statute is sufficiently put on notice of the requisite details to satisfy it?

* * *

3. Was expert testimony of an appropriate licensed professional necessary to prosecute the claim?

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(Plaintiff's Concise Statement of Matters Complained of on Appeal).

By our Memorandum Opinion and Order granting Summary Judgment, this court held that expert testimony is required, and since plaintiff was barred by this Court, on January 29, 2007, from introducing any expert testimony, defendants were entitled summary judgment as a matter of law. (Memorandum Opinion on Motion for Summary Judgment, p. 6). Plaintiff did not timely appeal the holding that expert testimony was necessary or whether the court applied and interpreted the appropriate rules, within thirty days thereafter, and may not now raise the claim in the context of the appeal on the imposition of sanctions.

THE COURT PROPERLY INCLUDED EXPERT FEES WHEN ASSESSING THE AMOUNT OF SANCTIONS IMPOSED.

Based upon the pleadings before us, the briefs of the parties, and oral argument of counsel, the court properly included expert fees in the Order of February 22, 2008, which granted the Defendants' Motion for Sanctions Pursuant to Pa.R.Civ.P. 1042.7 and ordered Plaintiff's counsel to make payment in the amount of \$6,900.00 (\$5,000.00 in expert fees and \$1,900.00 for attorney's fees).

Pursuant to Pennsylvania Rules of Civil Procedure, the court properly exercised its discretion imposing sanctions. Rule 1042.7 (b) provides for sanctions where, as in the case at bar, a party improperly certifies that a licensed professional has supplied an opinion. The Rule provides:

A court may impose appropriate sanctions, including sanctions provided for in Rule 1023.4, if the court determines that an attorney violated Rule 1042.3(a)(1) and (2) by improperly certifying that an appropriate licensed professional has supplied a written statement that there exists a reasonable probability that the care, skill or knowledge experienced or exhibited in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

Further, generally as to the court's consideration of a motion for sanctions, Pa.R.Civ.P. 1023.2(b) provides in part:

If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion.

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Also, Pa.R.Civ.P. 1023.4 (a)(2)(iii) provides:

If imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.

Accordingly, the court is permitted to use its discretion for reasonable expenses in the award for sanctions.

In exercising its discretion, the court considered the testimony of Plaintiff's counsel and found that it lacked credibility with the court. During the testimony, Plaintiff's counsel indicated that he was unclear what was required for an individual to be considered an expert. (Notes of Testimony of Hearing dated February 19, 2008, p. 41-42). He indicated that the expert he chose was more or less to get him "over the hump" since he was close to the statute of limitations. (N.T. p. 42). Also, his testimony conflicted with the testimony of his expert in regards to whether the expert signed the letter he authored for Plaintiff's counsel and whether the expert made the statement that he did not intend his letter to be used for any legal purpose. (N.T. p. 43-45). Despite the dispute, Plaintiff's counsel failed to produce a signed copy of the letter for the court.

Further, upon review of the qualifications of Plaintiff's expert, it was evident that the doctor obtained did not qualify as an appropriate expert for this matter. The doctor obtained was certified by the American Board of Psychiatry and Neurology with his medical practice devoted to neuropsychiatry and addictionology. Plaintiff's expert testified that he told Plaintiff's counsel that he did not qualify as an expert in this matter and that an OBGYN was necessary to review this case. (N.T. p. 7, 12). Plaintiff's expert also testified that he did not sign the letter he wrote to Plaintiff's counsel, because he did not feel as though the letter should have been used in a legal proceeding. (N.T. p. 13). It was this unsigned letter that Plaintiff's counsel relied upon when submitting his certificate of merit, which prompted the Defendants to also obtain an expert witness.

As to the amount awarded for expert fees, the court notes that Defendant requested \$9,000, but the court appropriately exercised its discretion in awarding a lesser amount of \$5,000. (N.T. p. 48). The court recognized that the purpose for sanctions is to ensure that certain acts are not committed again and found that that message could be received by a mitigation of the requested amount.

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This court properly exercised its discretion in determining that defense expert fees were a reasonable expense, incurred as a direct result of Plaintiff improperly certifying the attainment of an appropriate expert. Therefore, there was no error of law or abuse of discretion by the court in including expert fees in the award for sanctions.

CONCLUSION

For all of the foregoing reasons, the Order of February 22, 2008 should be affirmed.

—————○—————

SECOND PUBLICATION

Estate Notices

ESTATE OF CONSTANCE L. MARZARI, late of Dauphin County, Pennsylvania (died July 18, 2008). Executrix: Diane Marzari Fuller, Middletown, PA. Attorney: Jacqueline A. Kelly, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. Telephone (717) 541-5550. o3-o17

ESTATE OF CAROL ANN FETTERHOFF, late of Williamstown Borough, Dauphin County, Pennsylvania (died September 10, 2008). Executor: Bradley Williard, 6435 Terrace Court, Harrisburg, PA 17111. Attorney: Holly M. Kerwin, Esq., Kerwin & Kerwin, 27 North Front Street, Harrisburg, PA 17101. o3-o17

ESTATE OF KATHRYN G. DeLONG, late of the Township of Derry, Dauphin County, Pennsylvania. Executor: Daniel A. DeLong, Sr., 1741 E. Chocolate Avenue, Hershey, PA 17033. Attorney: Thomas N. Cooper, Esq., Steiner, Sandoe & Cooper. o3-o17

ESTATE OF ALEXANDER KALENAK, late of Derry Township, Dauphin County, Pennsylvania (died September 9, 2008). Co-Executors: Beth Ann Richards, 107 McClary Court East, State College, PA 16801 and Alexander E. Kalenak, 173 Richard Drive, Aliquippa, PA 15001. Attorney: Stanley A. Smith, Esq., Rhoads & Sinon LLP, One South Market Square, P.O. Box 1146, Harrisburg, PA 17108. o3-o17

ESTATE OF CORDELIA J. NELSON, late of Upper Paxton Township, Dauphin County, Pennsylvania. Co-Executors: William G. Nelson, 900 Center Street, Millersburg, PA 17061 and Gloria M. Romberger, 104 Glenbrook Avenue, Danville, PA 17821. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. o3-o17

THIRD PUBLICATION

ESTATE OF SAMUEL J. KINSEY, late of Middletown Borough, Dauphin County, Pennsylvania (died August 26, 2008). Executrix: Carolyn L. Leach, 55 Runyon Road, Hummelstown, PA 17036. Telephone (717) 566-6907. s26-o10

ESTATE OF LAURA R. JOHNSON, late of the Borough of Penbrook, Dauphin County, Pennsylvania. Executrix: Kathleen M. Campbell, 2811 Boas Street, Harrisburg, PA 17103. Attorney: Anthony T. McBeth, Esq., 407 North Front Street, Harrisburg, PA 17101. s26-o10

ESTATE OF MARGARET E. SHOOP, late of the Borough of Millersburg, Dauphin County, Pennsylvania (died September 4, 2008). Executor: Thomas N. Wasson, 481 Locust Street, Halifax, PA 17032. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethville, PA 17023. s26-o10

ESTATE OF SADIE M. HENNIGAN, late of Dauphin County, Pennsylvania. Co-Executors: David Houser and Josie Houser a/k/a Josephine Houser, 429 Trudy Road, Harrisburg, PA 17109. Attorney: John R. Beinhour, Esq., Beinhour & Curcillo, 3964 Lexington Street, Harrisburg, PA 17109. s26-o10

ESTATE OF AMELIA H. CAMPBELL, late of Susquehanna Township, Dauphin County, Pennsylvania (died September 6, 2008). Co-Executrices: Amelia S. Hartzel, 609 Shield Street, Harrisburg, PA 17109 and Ann E. Rhoads, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. Attorneys: Cleckner and Fearn, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. s26-o10

THIRD PUBLICATION

Estate Notices

ESTATE OF RUTH K. DERR, late of the Borough of Hummelstown, Dauphin County, Pennsylvania (died August 4, 2008). Co-Executrices: Ruth Jean Wright, 706 Shaffer Street, Enola, PA 17025 and Camelia Mae Reinfeld, 132 Graystone Drive, Hummelstown, PA 17036. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. s26-o10

ESTATE OF MARY ANN GRIEST, late of the Borough of Middletown, Dauphin County, Pennsylvania. Executrix: Jennifer L. Gusler, 2600 N. Third Street, Harrisburg, PA 17110. Attorney: John R. Beinhaus, Esq., Beinhaus & Curcillo, 3964 Lexington Street, Harrisburg, PA 17109. s26-o10

ESTATE OF JAMES A. HOUCK, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Ioleta, L. Houck, 2187 Paxton Drive, Harrisburg, PA 17101. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. s26-o10

ESTATE OF DOROTHY L. BYERS, late of Penbrook Borough, Dauphin County, Pennsylvania. Co-Executrices: Janet Lee Oxenford, 2303 Canby Street, Harrisburg, PA 17103 and Karen Cordner, 7570 Morningstar Avenue, Harrisburg, PA 17112. Attorney: Charles B. Swigart, Esq., 223 Washington Street, Huntingdon, PA 16652. s26-o10

ESTATE OF MICHAEL C. HOUSE a/k/a MICHAEL CLARK HOUSE, late of Derry Township, Dauphin County, Pennsylvania (died July 31, 2008). Co-Executors: Amy House Flood and Robert J. Flood, 5 Jeremy Court, Allen, TX 75002. Attorney: Jon M. Gruber, Esq., 930 Red Rose Court, Suite 300, Lancaster, PA 17601. s26-o10

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 **DARBY CORPORATE SOLUTIONS, INC.** on September 26, 2008. The address of its principal office under the laws of its jurisdiction is 300 Jericho Quadrangle, Jericho, NY 11753. The address of its Commercial Registered Office Provider is United Corporate Services, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). o10

NOTICE IS HEREBY GIVEN that Articles of Incorporation for a Domestic Non-Profit-Corporation were filed in the Department of State of the Commonwealth of Pennsylvania for **Liberty FSC of Philadelphia**. This corporation is incorporated under the provisions of the Pennsylvania Non-Profit Corporation Law of 1988, as amended. o10

NOTICE IS HEREBY GIVEN that the Certificate of Authority was filed with the Commonwealth of Pennsylvania on 9/9/2008 for the purpose of obtaining a Certificate of Authority pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 1101. The name of the corporation is **Cerebronix, Ltd.**

The purpose for which the corporation is organized is to provide management, technology and instructional services to the general public and businesses and to conduct mail order wholesales and retail sales of general technology and educational products and materials. o10

NOTICE IS HEREBY GIVEN that **PLACEMENT PROS INC.**, a Delaware Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that the Certificate of Authority was filed with the Commonwealth of Pennsylvania on 9/15/2008 for the purpose of obtaining a Certificate of Authority pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 1101. The name of the corporation is **Vedicsoft Solutions Inc.**

The purpose for which the corporation is organized is software consulting. o10

NOTICE IS HEREBY GIVEN that **N J Commercial Realty Inc.**, a foreign business corporation incorporated under the laws of the State of New Jersey, where its principal office is located at 5 Farm Road, Randolph, NJ 07869, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 300 N. Second Street, Suite 630, Harrisburg, PA 17101.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o10

NOTICE IS HEREBY GIVEN that **Grantville Community Outreach, Inc.**, a Pennsylvania Non-profit Corporation, having its registered office located at 111 S. Faith Road, Grantville, PA 17028, has filed a Certificate of Dissolution with the Department of State of the Commonwealth of Pennsylvania, pursuant to and in accordance with the provisions of the Non-profit Corporation Law, and that the said corporation is winding up its affairs in the manner prescribed by said law, so that its corporate existence shall be ended upon the issuance of a Certificate of Dissolution by the Department of State of the Commonwealth of Pennsylvania.

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

o10

NOTICE IS HEREBY GIVEN that **InfoPro Incorporated**, a foreign business corporation incorporated under the laws of the State of Maryland, received a Certificate of Authority in Pennsylvania on January 29, 2002, and surrenders its Certificate of Authority to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: CSC 2704 Commerce Drive, Harrisburg, PA 17110, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

Notice of its intention to withdraw from Pennsylvania was mailed by certified or registered mail to each municipal corporation in which the registered office or principal place of business of the corporation in Pennsylvania is located.

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for Termination of Authority is: 8200 Greensboro Drive, Suite 1450, McLean VA 22102. o10

NOTICE IS HEREBY GIVEN that **Fortiva Financial Group, Inc.** with a Commercial Registered Office Provider in care of National Registered Agents, Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 4129(b). The address of its principal office under the laws of its jurisdiction is Five Concourse Parkway, Suite 400, Atlanta, GA 30328. This shall serve as official notice to creditors and taxing authorities. o10

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 July 2, 2008, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **DUTCH BROTHERS, INC.**, c/o AAAgent Services, LLC.

This corporation is incorporated under the laws of the State of Delaware. The principal office is located at: 20077 Doddtown Road, Harbeson, DE 19951. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended.

o10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 11, 2008, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Derf Electronics Corp.**, c/o AAAGENT Services, LLC.

This corporation is incorporated under the laws of the State of New York. The principal office is located at 925 West Chester Avenue, White Plains, New York 10604. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended.

o10

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 September 24, 2008, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Ewing Two, Inc.**, c/o AAAGENT Services, LLC.

This corporation is incorporated under the laws of the State of New Jersey. The principal office is located at 429 W. Vernon Avenue, Linwood, NJ 08221. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended.

o10

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 July 11, 2008, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Weston Insurance Services, Inc.**, c/o AAAGENT Services, LLC.

This corporation is incorporated under the laws of the State of Florida. The principal office is located 5450 S. State Road 7, Suite 35, Davie, FL 33314. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended.

o10

NOTICE IS HEREBY GIVEN that **CLEARVIEW FAMILY VISIONCARE, P.C.** HAS FILED A CERTIFICATE OF INCORPORATION ON 9/29/2008 IN THE COMMONWEALTH OF PENNSYLVANIA UNDER THE PROVISIONS OF PENNSYLVANIA BUSINESS CORPORATION LAW OF 1988.

STEPHEN S. SLATON, Esq.
100 East Seventh Street
Mount Carmel, PA 17851

o10

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Profit Corporation was filed with the Department of State of the Commonwealth of Pennsylvania for **R&M SHIP TECHNOLOGIES USA, INC.** on July 15, 2008. The address of its principal office under the laws of its jurisdiction is C/O CORPORATION SERVICE COMPANY, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. The address of this corporation's registered office is Business Filings Incorporated in the County of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 6124.

o10

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **LAMBERSON KOSTER & COMPANY**, a corporation of the State of California, with principal office located at Two Pierce Place, Itasca, IL 60143, and having a Commercial Registered Office Provider and county of venue as follows: Corporation Service Company, Dauphin County, which on August 13, 2002, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State.

o10

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

o10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **ANDREW CORPORATION**, a corporation of the State of Delaware, with principal office located at 1100 CommScope Place, SE, Hickory, NC 28602, and having a Commercial Registered office Provider and county of venue as follows: Corporation Service Company, Dauphin County, which on February 9, 1996, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. o10

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **B2B WORKFORCE, INC.**, a corporation of the State of Georgia, with principal office located at 60 Harvard Mill Square, Wakefield, MA 01880, and having a Commercial Registered Office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on August 8, 2006, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 5, 2008, by **CIMARRON ENERGY, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1108 Rambling Oaks Dr., Norman, OK 73072, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. o10

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **ACSYS, INC.**, a corporation of the State of Georgia, with principal office located at 60 Harvard Mill Square, Wakefield, MA 01880, and having a Commercial Registered Office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on December 11, 2001, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 23, 2008, by **DuBOIS CHEMICALS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 3630 E. Kemper Road, Sharonville, OH, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 25, 2008, by **ATG-CONNECTICUT, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 184 Shuman Boulevard, Suite 130, Naperville, IL 60563, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. o10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Think Resources, Inc.**, a Georgia Corporation intends to file an Application for Termination of Authority, and the registered office is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 14, 2008, by **SENA SYSTEMS, INC.**, a foreign corporation formed under the laws of the State of New Jersey, where its principal office is located at 379 Thornall Street, Edison, NJ 00837, 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. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 26, 2008, by **CORNERSTONE FIXTURING, INC.**, a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 206 Hill Street, Mount Airy, MD 21771, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 26, 2008, by **KETCHUM DIRECTORY ADVERTISING, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 7015 College Boulevard, Suite 700, Overland Park, KS 66211, 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. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 26, 2008, by **SMART DESTINATIONS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 85 Merrimac Street, Suite 300, Boston, MA 02114, 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. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 1, 2008, by **KAYENTIS INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. o10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 1, 2008, by **LUXOFT USA, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 11, 2008, by **RECOVERY AND RECYCLING SOLUTIONS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1209 Orange Street, Wilmington, DE 19801, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. o10

NOTICE IS HEREBY GIVEN that **UAM Agent Services Corp.**, a foreign business corporation incorporated under the laws of the State of Iowa, where its principal office is located at 1001 Heathrow Park Lane, Suite 5001, Lake Mary, FL 32746-7625 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.

o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 3, 2008, by **HRE KRAVCO II, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. o10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 29, 2008, by **SYFT TECHNOLOGIES, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. o10

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

No. 2007 CV 10946 MF

U.S. BANK NATIONAL
ASSOCIATION AS TRUSTEE,
Plaintiff

vs.

AARON D. BADGETT, Defendant

TAKE NOTICE

NOTICE IS HEREBY GIVEN that your house (real estate) at 1938 Berryhill Street, Harrisburg, PA 17104 is scheduled to be sold at Sheriff's Sale on November 20, 2008 at 10:00 A.M. in the Administrative Building, 4th Floor, Commissioner's Hearing Room, 2nd and Market Streets, Harrisburg, PA 17101 to enforce the Court Judgment of \$60,754.96 obtained by U.S. Bank National Association as Trustee.

A.T.C. lot or piece of ground situated in the 13th Ward, Harrisburg, County of Dauphin, PA.

Tax Parcel: 13-014-051.

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

MARY L. HARBERT-BELL, Esq.
Milstead & Associates, LLC
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

o10

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL DIVISION

No. 2008-CV-9178-MF

AMERICAN HOME MORTGAGE
SERVICING, INC., A DELAWARE
CORPORATION, f/k/a AH
MORTGAGE ACQUISITION CO.,
INC., Plaintiff

vs.

EDWARD L. BEVERLY, III and
ANGELA R. BEVERLY, Defendant

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

o10

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2008-CV-02924

IN QUIET TITLE

KDR INVESTMENTS, LLP, Plaintiff
vs.

BETTY G. MITCHELL, ASSOCIATES
CONSUMER DISCOUNT COMPANY,
ALSO KNOWN AS ASSOCIATES
FINANCIAL SERVICES COMPANY, INC.,
NOW KNOWN AS CITIGROUP,
THEIR SUCCESSORS AND ASSIGNS,
COMMONWEALTH NATIONAL BANK,
NOW KNOWN AS MELLON BANK
NATIONAL ASSOCIATION, THEIR
SUCCESSORS AND ASSIGNS,
GREENTREE CONSUMER DISCOUNT
COMPANY, ITS SUCCESSORS AND
ASSIGNS and BOGLEY, HARTING,
MAHONEY & LEBLING, INC.,
ITS SUCCESSORS AND ASSIGNS,
Defendants

TO: **Bogley, Harting, Mahoney & Lebling**
(a/k/a Bogley, Harting, Mahoney
& Lebling, Inc.), successors and
assigns generally.

TAKE NOTICE, that Plaintiff has commenced a Quiet Title action against Defendants as above captioned relating to real estate in the City of Harrisburg, Dauphin County, PA, described as follows:

BEGINNING at a point on the East side of North 5th Street, said point being 40 feet South of the southeast corner of Curtin and North 5th Streets; thence along premises known as No. 2315 North 5th Street, north 70 degrees 30 minutes east, 89.5 feet to a point; thence south 19 degrees 30 minutes east 20 feet to a corner of premises known as No. 2311 North 5th Street; thence along said premises and passing through the center of a partition wall, south 70 degrees 30 minutes west, 89.5 feet to a point on the east side of North 5th Street aforesaid; thence along the same north 19 degrees 30 minutes west, 20 feet to the point and place of BEGINNING.

HAVING thereon erected a two and one-half story brick dwelling known as No. 2313 North 5th Street. For title see Dauphin County Recorder of Deeds Instrument #20060049801.

NOTICE

IF YOU WISH TO DEFEND, you must enter a written appearance personally or by attorney and file your defenses 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

o10

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

No. 2008-CV-09940-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on August 28, 2008, the Petition of **Chelsea Claire Howard** was filed in the above named court, requesting a decree to change her name from **Chelsea Claire Howard** to **Chelsea Claire Howard-Foley**.

The Court has fixed Friday, October 24, 2008 in Courtroom No. 7 at 11:30 a.m., Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted.

o10

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2007-CV-6110-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK TRUST COMPANY
AMERICAS f/k/a BANKER'S TRUST
COMPANY, AS TRUSTEE and
CUSTODIAN FOR IXIS REAL ESTATE
CAPITAL INC BY: SAXON MORTGAGE
SERVICES, INC. f/k/a MERITECH
MORTGAGE SERVICES, INC.
AS ITS ATTORNEY-IN-FACT,
Plaintiff**

vs.

**LARRY E. JACKSON, JR. and
WENDI ANN VENTURO, Defendants**

**NOTICE OF SALE
OF REAL PROPERTY**

**To: Larry E. Jackson, Jr. and
Wendi Am Venturo, DEFENDANTS
1848 Cheatnut Street
Harrisburg, PA 17103**

NOTICE IS HEREBY GIVEN that your house (real estate) at 1848 Chestnut Street, Harrisburg, PA 17103 is scheduled to be sold at the Sheriff's Sale on January 8, 2009 at 10:00 a.m., in the Dauphin County Administration Building, 4th Floor, Second and Market Streets, Commissioners Hearing Room, Harrisburg, PA, to enforce the court judgment of \$73,332.68, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

PROPERTY DESCRIPTION

ALL THAT CERTAIN lot or piece of ground, situate in the 9th Ward of the City of Harrisburg, County of Dauphin and Commonwealth of Pennsylvania, described in accordance with a survey and plan thereof dated May 19, 1976, by Michael C.D'Angelo, Registered Surveyor, as follows, to wit:

BEGINNING at a point on the northerly right-of-way line of Chestnut Street, said point being 116 feet west of 19th Street; thence from said BEGINNING point and along the said northerly right-of-way line of Chestnut Street South 79 degrees West 16.25 feet to a point, a corner of No. 1846 Chestnut Street; thence along the same North 11 degrees West 90.00 feet to a point; thence North 79 degrees East 16.25 feet to a point, a corner of 1850 Chestnut Street; thence along the same and through the center of a partition wall, South 11 degrees East 90.00 feet to a point, the place of BEGINNING.

HAVING THEREON ERECTED a three story brick dwelling house known and numbered as 1848 Chestnut Street.

UNDER AND SUBJECT to easements, covenants, reservations, restrictions, and right-of-ways of record.

BEING KNOWN AS: 1848 Chestnut Street, Harrisburg, PA 17103.

PROPERTY ID No. 09-055-036.

TITLE TO SAID PREMISES IS VESTED IN LARRY E. JACKSON, JR. AND WENDI ANN VENTURO, TENANTS IN COMMON BY DEED FROM HAMONY REAL ESTATE, LLC DATED 11/17/06 RECORDED 12/8/06 INSTRUMENT NO.: 20060050059.

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

o10

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

CIVIL ACTION – LAW

No. 2008 CV 5509 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WACHOVIA MORTGAGE CORP.,
Plaintiff**

vs.

**BRADLEY D. SMITH and
PATRICIA A. SMITH, Defendants**

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

**TO: PATRICIA A. SMITH,
DEFENDANT**

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

TAKE NOTICE that the real estate located at 11 SANDY HILL ROAD, HUMMELSTOWN, PA 17036, is scheduled to be sold at Sheriff's Sale on NOVEMBER 20, 2008 at 10:00 A.M., at Commissioners Hearing Room, Dauphin County Administration Building (formerly Mellon Bank Building), Harrisburg, PA 17101 to enforce the court judgment of \$479,653.66, obtained by WACHOVIA MORTGAGE CORP. (the mortgagee).

PROPERTY DESCRIPTION

Prop. sit. in S. Hanover Twp. BEG at an iron pin located on the eastern dedicated right of way line of Sandy Hill Rd. at the dividing line between Lot Nos. 22 and 23, said pin also being located 838.11 ft. S. of the intersection of the southern right of way line of Sandy Hill Rd. and the western right of way line of Overview Dr. Front: 150 ft. Depth: Irregular. BEING Lot No. 22 and containing 1.39 acres, as shown on Final Subdivision Plan of High Ridge, Section IV, recorded in Plan Book P, Volume 3, page 86. BEING prem.: 11 Sandy Hill Road, Hummelstown, PA 17036. Improvements consist of residential property. Sold as the property of BRADLEY D. SMITH and PATRICIA A. SMITH.

TERMS OF SALE: The purchaser at sale must pay the full amount of his/her bid by twelve o'clock noon 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 purchaser all the right, title, interest and claim which the said defendant has in and to the said property at the time of levying the same. If the above conditions are not complied with on the part of the purchaser, the property will again be offered for sale by the Sheriff

at two o'clock P.M., on the same day. The said purchaser will be held liable for the deficiencies and additional costs of said sale.

TAKE NOTICE that a Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days after the filing of the schedule.

GREGORY JAVARDIAN, Esq.
1310 Industrial Boulevard, 1st Floor
Suite 101
Southampton, PA 18966
o10 (215) 942-9690

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

ORPHANS' COURT DIVISION

**NOTICE OF HEARING
TO TERMINATE PARENTAL RIGHTS**

OCTOBER 23, 2008

10:00 a.m. **Unknown father, father and
Salithia McDuffey, mother**
Docket No. 83 — Adopt-2008
In Re: Male child CM
born 12/23/06

NOTICE IS HEREBY GIVEN that a petition has been filed asking the Court to put and end to all rights you have to your child. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Dauphin County Courthouse, Front and Market Streets, Harrisburg, Pennsylvania, in Courtroom 5, Third Floor, on the date and time specified. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below to find out where you can get legal help. You are also warned that if you fail to file either an acknowledgement or paternity pursuant to 23 Pa.C.S.A.

FIRST PUBLICATION

Miscellaneous Notices

Section 5103 and fail to either appear at the hearing to object to the termination of your rights or file a written objection to such termination with the Court prior to the hearing, your rights may also be terminated under Pa.C.S.A. Section 2503(d) or Section 2504(c) of the Adoption Act.

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

o10

SECOND PUBLICATION

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

ORPHANS' COURT DIVISION

No. 2008-0423

**IN RE: BABY BOY TOBER,
A Minor**

TO Jason Michael Thomas

YOU ARE HEREBY NOTIFIED that a Petition to Involuntary Termination of Parental Rights has been filed against you, asking the Court to terminate all rights you have to your child, BABY BOY TOBER (born February 4, 2008). The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Court Room No. 6 (Orphans' Court Room), on the Third Floor of the Lancaster Co. Court House, situate at 50 N. Duke Street, Lancaster, PA, said hearing to be held on 10/22/08, at 4:00 o'clock p.m. If you do not appear at this hearing, the court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you, and your rights to your child may be ended by the Court without your being present.

YOU ARE ALSO NOTIFIED that following the hearing to consider ending your rights to your children, an adoption hearing may be held, as a result of which the Court may decree that an adoption take place whereby your child shall be adopted by another and all parental rights with respect to the child shall be placed in another.

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

Court Administrator
Court Administrator's Office
Lancaster Co. Court House
50 N. Duke Street
Lancaster, PA 17602
(717) 299-8041

o3-o10

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For Information or Fee Schedule

Contact us at:

104 Walnut Street
Harrisburg, PA 17101

Or

P: 717-232-6739

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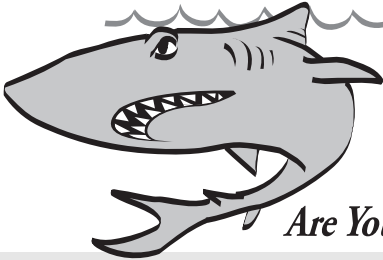
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REPORTING OF ERRORS IN ADVANCE SHEET

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

DAUPHIN COUNTY COURT SECTION

Motion Judge of the Month

OCTOBER 2008	Judge Scott Arthur EVANS
NOVEMBER 2008	Judge Todd A. HOOVER

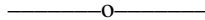
Opinions Not Yet Reported

August 27, 2008 – Kleinfelter, J., **Lopresti v. Hershey Medical Center, et al.** (No. 2007 CV 8718 MM)

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

Opinions Not Yet Reported

September 26, 2008 – Turgeon, J., **Wilson, et al. v. Cox** (No. 24280 DR 1982; PACSES 601000876; No. 619 DR 1999; PACSES 094100816; No. 2830 DR 1991; PACSES 219000972; No. 555 DR 2002; PACSES 482104357)



DAUPHIN COUNTY COURT OF COMMON PLEAS

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

Summary of Verdicts from the August 2008 Civil Jury Term.

The Judges have completed the August 2008 Civil Jury Term. A total of four cases reached verdict. The summaries are as follows:

NATALIE DARKES v. JOHN M. MATHIESON, II (2002 CV 3076)

This was a rear-end collision that happened in July 2000. Plaintiff claimed to have suffered a herniated disk and sacroiliac syndrome causing continuing headaches and neck pain. Plaintiff claimed that the injuries forced her to retire in 2004. Defendant admitted liability but disputed causation.

Counsel for Plaintiff: Stephen Held
Counsel for Defendant: John Ninosky
Judge: Joseph H. Kleinfelter
Verdict: Defendant

**JAY S. BUCK, EXECUTOR OF THE ESTATE OF JACK C. HYNEN, DECEASED
v. ITALIAN AMERICAN CLUB OF HARRISBURG, MELISSA CUMMINGS,
DOMINIC DEPASTINO and DANIELLE DEPASTINO
(2004 CV 5391)**

This case arose out of a fatal pedestrian accident which occurred on Front Street near the Harrisburg Hospital on June 21, 2004. Melissa Cummings was driving intoxicated, having consumed alcohol at the Italian Club. Cummings was arrested, charged and pled guilty to homicide by vehicle while intoxicated.

Counsel for Plaintiff: David Dowling
Counsel for Defendant: Christopher Reeser
Angelo Scarcamazza, Jr.
Judge: Todd A. Hoover
Verdict: Plaintiff – Compensatory damages
\$1,216,150.20
Punitive Damages — \$1,000,000.00

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

RYAN A. DIETRICH v. FRANK CANIGLIA (2005 CV 4091)

Plaintiff was permanently injured in a September 7, 2005 motorcycle - automobile accident. Injuries have resulted in Plaintiff's inability to work to the level prior to the accident.

Counsel for Plaintiff: Robert Claraval
Counsel for Defendant: James Nealon
Judge: John F. Cherry
Verdict: Plaintiff — \$25,000.00

ALICE E. MCARTHUR v. SANDRA L. SHERWOOD (2007 CV 1993)

This is an appeal from an arbitration award. Plaintiff was involved in a rear-end collision which resulted in soft tissue injury.

Counsel for Plaintiff: Richard Sadlock
Counsel for Defendant: Seth Black
Judge: Richard A. Lewis
Verdict: Plaintiff — \$10,000.00

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