

ADVANCE SHEET

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TERMS

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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 PRISCILLA M. RICHUTE, late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Hollyann Richute, 99 Conewago Drive, Hanover, PA 17331.

o17-o31

ESTATE OF BECKY L. SCHUMACHER a/k/a BECKY L. WAGNER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died September 24, 2008). Administrator: George F. Schumacher, 6218 Elaine Avenue, Harrisburg, PA 17112. Attorney: Edward P. Seeber, Esq., James, Smith, Dietterick & Connelly, LLP, Suite C-400, 555 Gettysburg Pike, Mechanicsburg, PA 17055. Telephone (717) 533-3280. o17-o31

ESTATE OF NANCY ROMAINE HOFFMAN, late of Halifax Township, Dauphin County, Pennsylvania (died September 26, 2007). Administrator/Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. o17-o31

ESTATE OF MARY JANE RHOADS a/k/a MARY J. RHOADS a/k/a MARYJANE RHOADS, late of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Kathleen R. Fisher, 8507 E. Monterey Way, Scottsdale, AZ 85251. Attorney: Ira H. Weinstock, Esq., 800 North Second Street, Harrisburg, PA 17102. o17-o31

ESTATE OF MADORA E. WILLIAMS, late of Harrisburg, Dauphin County, Pennsylvania (died September 20, 2008). Executrix: Kim A. Szczypta, 205 Deanhurst Avenue, Camp Hill, PA 17011. Attorney: Donald L. Jones, Esq., Jones & Henninger, P.C., 339 W. Governor Road, Suite 201, Hershey, PA 17033. o17-o31

ESTATE OF MAJOR A. RABUCK, late of Swatara Township, Dauphin County, Pennsylvania (died May 25, 2008). Co-Administrators: Brenda S. Via, 443 South Catherine Street, Middletown, PA 17057 and Donald M. Rabuck, 443 South Catherine Street, Middletown, PA 17057. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. o17-o31

FIRST PUBLICATION

Estate Notices

ESTATE OF HUGH L. CLARKE, III a/k/a HUGH L. CLARKE, late of the Township of Lykens, Dauphin County, Pennsylvania (died August 5, 2008). Administratrix: Jennifer Waltz, 300 Club House Road, Carlisle, PA 17015. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. o17-o31

ESTATE OF HOMER R. HOUTZ, late of Halifax Township, Dauphin County, Pennsylvania. Co-Administrators: Dustin J. Houtz, 77 Lehman Road, Halifax, PA 17032 and Ashley S. Houtz, 1 Valley View Terrace, Halifax, PA 17032. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. o17-o31

ESTATE OF HELEN E. CULINA, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Susan K. Gula, 220 Haley Pass, Alpharetta, GA 30004. Attorney: John R. Zonarich, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. o17-o31

ESTATE OF THEODORE E. CULINA, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Susan K. Gula, 220 Haley Pass, Alpharetta, GA 30004. Attorney: John R. Zonarich, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. o17-o31

SECOND 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 Hearthstone 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

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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.

—————○—————

Lopresti v. Hershey Medical Center, et al.

Torts — Negligence — Medical Malpractice — Certificate of Merit — Appropriate Licensed Professional — Non Pros.

Plaintiffs sought to open a judgment of non pros which had been entered in a medical malpractice case for failure to file a certificate of merit. An extension of time for filing the certificate was not requested by either the original counsel of record or the second attorney, who had been contacted shortly before the time to file the certificate was about to expire. The Court found no “reasonable explanation” for these failures.

1. If, for a reason other than attorney inadvertence, a written statement from an appropriate licensed professional cannot be obtained within the 60-day window, Rule 1042.3(d) provides for an extension. *Yee v. Roberts*, 878 A.2d 906, 910 (Pa. Super. 2005).

2. Pa.R.C.P. 3051(b) requires that a party suffering judgment of non pros for failure to timely file a certificate of merit, or a motion for extension to file, demonstrate: 1) the petition is timely filed, 2) there is a reasonable explanation or legitimate excuse for the inactivity or delay, and 3) there is a meritorious cause of action. Where a plaintiff fails to seek an extension under Rule 1042.3(d), the petition must demonstrate not only a reasonable explanation for failing to file a certificate of merit but also for failing to file for an extension. See, e.g., *Parkway Corp. v. Edelstein*, 861 A.2d 264 (Pa. Super. 2004).

Petition to Open Judgment of Non Pros. C.P., Dau. Co., No. 2007 CV 8718 MM. Petition denied.

Eric J. Wiener, for Plaintiffs

Grant H. Fleming and Erin K. Dragann, for Defendants

KLEINFELTER, J., August 27, 2008. – This matter comes before the court on Plaintiffs’ Petition to Open Judgment of Non Pros entered pursuant to Pa.R.C.P. 1042.6. Rule 1042 establishes procedures in a civil

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action asserting a claim of professional liability. Rule 1042.3 requires the plaintiff to file a Certificate of Merit (“COM”)¹ either with the complaint or within sixty days thereafter. Unless the time for filing a COM is extended by the court upon good cause shown, the prothonotary, upon praecipe of the defendant, shall enter a judgment of non pros against a plaintiff who has failed to file his COM.

We begin our discussion by providing a procedural history of the case:

August 24, 2007	–	Writ of Summons (William T. Smith, Esquire)
September 21, 2007	–	Rule to File Complaint
October 19, 2007	–	Complaint filed ²
December 17, 2007	–	60-Day Run Date for COM
December 18, 2007	–	Praecipe for judgment of Non Pros
January 15, 2008	–	Petition to Open (Eric J. Wiener, Esquire)
March 19, 2008	–	Certificates of Merit filed

Through the pleadings and hearing held April 8, 2008, the following additional facts came to light. On Friday evening (after 6 P.M.) of December 14, 2007, three days before the deadline to file a COM, Attorney Eric J. Wiener, who was not counsel of record and who had not been formally retained by plaintiffs, called the office of defendant’s counsel and left a voice mail advising that he was reviewing the case

1. Pa. R.C.P. 1042.3

(a) In any action based upon an allegation that a licensed professional deviated from an acceptable professional standard, the attorney for the plaintiff, or the plaintiff if not represented, shall file with the complaint or within sixty days after the filing of the complaint, a certificate of merit signed by the attorney or party that either:

(1) an appropriate licensed professional has supplied a written statement that there exists a reasonable probability that the care, skill or knowledge exercised 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, or

(2) the claim that the defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard, or

(3) expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim.

(b) (1) a separate certificate of merit shall be filed as to each licensed professional against whom a claim is asserted.

2. The complaint alleges negligence in the care of Tamara Lopresti who underwent a C-Section at the defendant hospital on August 25, 2005. The complaint alleges that the defendants caused her to suffer a “tonic-clonic seizure” with resulting significant disabilities.

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and might take it over. Defense counsel Grant H. Fleming returned the call on Monday, December 17, (the last day for filing a COM) and learned that, among other things, Mr. Wiener was now requesting an extension of time. Mr. Fleming replied that he could not compromise his client's position as regards the COM, especially with an attorney not of record.

At this point on December 17, Mr. Wiener was clearly aware that the COM was due by that date. He was also aware that defense counsel would not voluntarily grant an extension. Nonetheless, Mr. Wiener failed to avail himself and his potential clients of the remedy provided by Pa. R.C.P. 1042.3(d):

(d) The court, upon good cause shown, shall extend the time for filing a certificate of merit for a period not to exceed sixty days. A motion to extend the time for filing a certificate of merit must be filed by the thirtieth day after the filing of a notice of intention to enter judgment of non pros on a professional liability claim under Rule 1042.6(a) or on or before the expiration of the extended time where a court has granted a motion to extend the time to file a certificate of merit, whichever is greater. The filing of a motion to extend tolls the time period within which a certificate of merit must be filed until the court rules upon the motion.

On December 17, 2007, William T. Smith was still counsel of record. Both in an affidavit appended to the Petition to Open, as well as at the hearing, Mr. Smith gave evidence that:

- 1) he had "suffered a second heart attack on September 16, 2007, in Judge Clark's chambers." "The first was approximately six months earlier;"
- 2) "as a result of failing health and other personal issues, (he) was unable to focus on the needs of Plaintiffs and failed to file Certificates of Merit;"
- 3) "Judge Hoover removed me from several cases in October of 2007 due to failing health;"
- 4) "he had surrendered his license to practice on December 12, 2007, effective in 30 days to allow time to close his practice;"

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- 5) that his son had been sentenced to state prison and was a suspect in his wife's murder in Peru;
- 6) that he had filed for bankruptcy and his home was in foreclosure.

For these reasons, according to Smith, he delivered the Lopresti file to Attorney Wiener with the impression that Mr. Wiener would assume responsibility for the case.

On cross-examination, Smith was constrained to admit that he did not go to the hospital for his heart attack on September 16, 2008. Though he had testified that he was taking no new cases in September, October, or November, Smith was confronted with docket entries in which he had entered his appearance during that time frame. One of these was a medical malpractice case in which Smith represented the plaintiff at a hearing on December 5, 2007. The issue concerned a certificate of merit.³ As for his son's misfortunes, the imposition of sentence in his son's case had occurred in October.

Regarding his contacts with Smith, Mr. Wiener insisted that he had not been retained by the plaintiffs as of December 17, and was not aware of the COM run date until he discussed the case with Mr. Fleming that very day. Attorney Wiener testified that after attempting to reach Mr. Smith by phone he faxed a letter to him at 3:52 P.M. on December 17 advising of the COM issue. The letter succinctly advised that, without meeting the plaintiff or a fee agreement, Wiener could not enter an appearance. The letter also suggests filing the COM "today" and forwarding same to Grant Fleming, Esquire.

Mr. Wiener ultimately entered his appearance on January 15, 2008, the date he filed the Petition to Open judgment of Non Pros. He also provided the court with a COM filed as to each defendant on March 19, 2008.

Defendants argue that the COM's filed on March 19, 2007 are not only untimely but also fail to meet the requirement that the "appropriate licensed professional" filing the COM possess those qualifications which would allow him to testify as an expert in the medical speciality practiced by the defendant physicians.

3. The case is *Estrada v. OLT, M.D. and Milton Hershey Medical Center*, 4890 CV 2004.

LEGAL DISCUSSION

Pa.R.C.P. 3051(b) requires that a party suffering judgment of non pros for failure to timely file a COM, or a motion for extension to file, demonstrate:

- 1) the petition is timely filed,
- 2) there is a reasonable explanation or legitimate excuse for the inactivity or delay, and
- 3) there is a meritorious cause of action.

Rule 3051 is applicable to proceedings to open judgment of non pros entered pursuant to Rule 1042.6. *Yee v. Roberts*, 878 A.2d 906, 909 (Pa. Super. 2005). Where, as here, plaintiff fails to seek an extension under Rule 1042.3(d), the petition must demonstrate not only a reasonable explanation for failing to file a COM but also for failing to file for an extension. *See, e.g., Parkway Corp. v. Edelstein*, 861 A.2d 264 (Pa. Super. 2004).

Given the young history of Rule 1042.3, it is not surprising that there is scant authority on what constitutes a “reasonable explanation” for delay in the context of a professional liability setting. The *Yee*⁴ decision, *supra*, observes: “If, for a reason other than attorney inadvertence, a written statement from an appropriate licensed professional cannot be obtained within the 60-day window, Rule 1042.3(d) provides (for an extension).” 878 A.2d at 910. (emphasis added).

In *Almes v. Burket*, 881 A.2d 861 (Pa. Super. 2005), a legal malpractice case, the sixtieth day post filing the complaint was December 22, 2003. On December 18, 2003, the expert retained to review the case mailed a COM to plaintiff’s counsel. On that same day prior to receiving the COM, counsel learned that his mother-in-law was gravely ill. Counsel, with his wife and children, immediately traveled to his mother-in-law’s residence where the latter died that evening. Burial followed on December 22, 2003. Plaintiff’s counsel returned to his office the day after Christmas, December 26, and discovered not only the COM but also a praecipe for judgment of non pros that had been filed on December 22. On December 31, counsel filed a petition to open the judgment of non pros to which he attached the COM.

4. *Yee* determined that filing of preliminary objections did not operate to toll the 60-day period.

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Counsel's affidavit described the urgent situation that confronted him and that his "heart and mind were focused on the needs of my family." *Id.* at 863.

In its analysis, the court quickly found that plaintiff had met the first and third prong of the test for opening judgment of non pros. Filing the petition within a week was timely and the COM filed with it provided a *prima facie* case of professional negligence. The only issue became a "reasonable explanation or legitimate excuse" for the delay.

In finding that the facts of the case did provide reasonable explanation, the court quoted a passage from *Manson v. First Nat'l Bank*, 77 A.2d 399, 402-403 (Pa. 1951):

While, generally speaking, a litigant is bound by the actions or inactions of his counsel, there is authority for the proposition that when a plaintiff places his case in the hands of reputable counsel he will not be turned out of court if the delay complained of was almost entirely on account of neglect or oversight of his counsel: Standard Pennsylvania Practice, Vol. 5, 78-79.

Id. at 864.

The *Almes* court concluded:

Keeping in mind that the opening of a judgment is an appeal to the equitable powers of the court, we do not believe our law is so cold-hearted as to demand vigilance of an attorney who experiences a death in the family or is so cold as to be unwilling to excuse failure under these circumstances.

881 A.2d at 866.⁵

In contrast with *Almes* is *Lewis v. Reid*, 366 A. 2d 923 (Pa. Super. 1976). In that automobile negligence case, suit was instituted by summons on September 21, 1965, followed by a complaint on March 15, 1966. On November 13, 1969, the defendant filed supplemental interrogatories which were unanswered. A motion for sanctions on March 3, 1970, resulted in an order on March 17, 1970, directing

5. The dissent, however, would have denied the petition to open since, even on December 22, plaintiff's counsel – without COM in hand – had failed to seek an extension.

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answers be filed within 90 days or suffer judgment of non pros. Judgment of non pros was entered on June 26, 1970, for failure to comply. On July 24, 1974, over four years later, plaintiffs filed their petition to open.

The petition to open was premised on an argument that plaintiffs' counsel's negligence "was excusable in light of the unfortunate and continuous personal tragedies he endured for almost eight years." *Id.* at 925. Counsel's difficulties included a deteriorating marriage and the birth of a child with severe defects. His attention to these problems created a mental and emotional strain resulting in a neglect of duties to his clients. After reviewing the record, Superior Court concluded:

While Mr. Rosenberg's domestic problems were most unfortunate, we do not believe that under the circumstances this excuses his failure to answer the supplemental interrogatories. . . . (I)f Mr. Rosenberg's personal problems were so all consuming then it was his obligation to take reasonable measures to protect the rights of his clients. Unfortunately, Mr. Rosenberg did not inform his clients of his dilemma; nor did he associate himself with another attorney until February of 1974; and he never advised his clients to engage other counsel. Furthermore, Mr. Rosenberg's failure to diligently prosecute the instant action can hardly be dismissed as excusable neglect where the record reveals that throughout the duration of his personal hardships, including the seven months the answers to the interrogatories were outstanding, he continued to maintain a functioning law practice.

The facts in the case at bar clearly fall somewhere between the extremes presented in *Almes* and *Lewis*. Moreover, our situation is complicated by the eleventh-hour involvement of a second attorney in the case. Arguably, accountability for the entry of non pros in this case may, to one degree or another, be laid at the feet of both Mr. Smith and Mr. Wiener. Technically speaking, Mr. Wiener had not been retained by plaintiffs as of December 17, 2007, and so had not entered his appearance on their behalf. On the other hand, he accepted the file from Mr. Smith on December 14, 2007, agreeing to review it. On December 17, Mr. Wiener learned from defense counsel that a COM was due on that day and that no extension would be agreed to. Simply

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filing a motion for an extension on December 17 would have stopped the clock. If he had done so, Mr. Wiener argues, he would have run afoul of Pennsylvania Rule of Professional Conduct 3.1.⁶ Perhaps that is so; perhaps not. Pa. R.C.P. 1042.3(d) seems to contemplate the dilemma facing Mr. Wiener:

Pa. R.C.P. 1042.3(d) *Note*.

In ruling upon a motion to extend time, the court shall give appropriate consideration to the practicalities of securing expert review. There is a basis for granting an extension of time within which to file the certificate of merit “*if counsel for the plaintiff was first contacted shortly before the statute of limitations was about to expire,*” or if, despite diligent efforts by counsel, records necessary to review the validity of the claim are not available.

In any event, the events which primarily led to the entry of non pros occurred while the case was directly under the stewardship of Attorney Smith. Mr. Smith did not recall when plaintiffs first retained him, but it was certainly prior to filing the writ of summons on August 24, 2007. Although Smith claims to have had a heart attack in Judge Clark’s chambers on either September 10 or 16 (the evidence varied), it is conceded that he did not go the hospital. The records do show Smith being admitted to Harrisburg Hospital the month before, on August 6, but then leaving against medical advice. Dr. Adrian Hohenwarter, Smith’s treating physician, confirmed in his deposition that at no time in September, October, November, or December was Smith treated for a heart attack. Dr. Hohenwarter did see Mr. Smith during those months and concluded that he was in “poor health” which “would preclude good function as an attorney and to work a full day.” (Dep. 36). Dr. Hohenwarter also opined that, given Smith’s advancing years and poor health, he would be less able to handle emotional stressors such as the situation with his son and that such would impair him from functioning normally. (Dep. 37).

Defendants challenged Dr. Hohenwarter’s competence to render an opinion as to Mr. Smith’s ability to practice law. Furthermore – and in direct rebuttal to Mr. Smith’s contention that he was not taking new

6. A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

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cases, the defense confronted Smith with two cases in which he had entered appearances in late September. Even more telling was Smith's entry of appearance on September 26, 2007, in a medical malpractice case against Hershey Medical Center and his subsequent attendance at a hearing before Judge Cherry on December 5, 2007. Smith argued in opposition to defendants' request for sanctions when plaintiff filed an improper COM.

We are indisposed to believe that Attorney Smith was unable to request an extension of time to file a COM in the case at bar when, just 12 days before the deadline, he made a court appearance in another case on a similar issue. This fact suggests a "functioning law practice" as found in *Lewis v. Reid*, *supra*.

Nor are we satisfied that Attorney Smith's other problems (mortgage foreclosures; accusations against son) so impaired his intellect that he could not, at the very least, have requested an extension of time. When Smith relinquished his license to practice law on December 12, 2007, he testified that he was given 30 days to "wrap-up" his cases. Given his many years of practice, Mr. Smith certainly knew that his responsibilities to his client did not end simply by giving the file to another attorney to review. Until relieved from his entry of appearance by order of court or the entry of appearance by another attorney, Mr. Smith's obligation to his client was continuous. Pa. R.C.P. 1012(b).

We have carefully reviewed the record and concluded that there is no "reasonable explanation" as required by Pa. R.C.P. 3051(b) to open judgment of non pros. We are equally satisfied that error or neglect by counsel do not afford plaintiff with a "reasonable explanation." The latter point was recently made in *Womer v. Hilliker*, 908 A.2d 269 (Pa. 2006).

"[W]e have no hesitation in concluding that the trial court acted well within its discretion in finding that Womer did not provide a reasonable excuse under Pa. R.C.P. No. 3051 for not filing a [certificate of merit]. Indeed, in light of the foregoing, we conclude that it would be manifestly unreasonable and therefore an abuse of discretion for a trial court to conclude that a plaintiff in Womer's circumstances, making the same arguments, presents a reasonable explanation or legitimate excuse for his failure to file a [certificate of merit].

Id. at 280. *See, also, Ditch v. Waynesboro Hospital*, 917 A.2d 317 (Pa. Super. 2007).

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The final issue raised in the Petition and Answer concerns the adequacy of the COM's ultimately filed in this case. In this regard, we first note that the COM's filed by Mr. Wiener on behalf of Plaintiff only arrived on March 19, 2008 – three months after the original December 17, 2007 run date and two months after the Petition to Open was filed.

Secondly, Defendants challenge the content of the COM's filed as not meeting the mandate of Pa.R.C.P. 1042.3(a)(1) which requires the professional supplying a COM be an expert with qualifications in the same subspecialty as each of the defendant physicians. While Attorney Wiener testified that he had only consulted one expert specializing in internal medicine and critical care while the three defendant physicians have different specialties (neurosurgery, obstetrics, physical medicine), we see no point in debating the sufficiency of the COM's. Our ruling holding that plaintiffs have failed to meet the burden of providing a reasonable explanation or legitimate excuse for the delay in filing the COM's makes their adequacy an academic question.

Accordingly, we enter the following:

ORDER

AND NOW, this 27th day of August,

IT IS HEREBY ORDERED that Plaintiffs' Petition to Open Judgment of Non Pros is denied.

—o—

SECOND 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

THIRD 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

THIRD 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

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Cordex North America, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware where its principal office is located at 501 Cambria Avenue, Suite 145, Bensalem, PA 19020-7213, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at: National Registered Agents, Inc., 600 North Second Street, Suite 401, Harrisburg, PA 17101 (Dauphin County).

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o17

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Non-Profit Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **THE WORKFIRST FOUNDATION**. The address of its principal office under the laws of its jurisdiction is 228 East 45th Street, Floor 16, New York, NY 10017. The Commercial Registered Office Provider is Penncorp Servicegroup, Inc. in the County of Dauphin. This is filed in compliance with the requirements of the applicable provisions of 15 Pa.C.S. 6124(b). o17

NOTICE IS HEREBY GIVEN that **BELL & CLEMENTS INC.**, a corporation organized under the laws of the state of Virginia, has applied for a Certificate of Authority under the provisions of the Business Corporation Law of 1988. The address of its principal office under the laws of the jurisdiction in which it is incorporated is: 11921 Freedom Drive, Suite 1150, Reston, VA 20190, and the address of its proposed registered office in this Commonwealth is c/o 116 Pine Street, Suite 320, Harrisburg, PA 17101.

FINEMAN, KREKSTEIN & HARRIS
The Mellon Bank Center
1735 Market Street (600)
Philadelphia, PA 19103
o17

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN in compliance with the requirements of Section 1975(b) of the Business Corporation Law of 1988 that Articles of Dissolution are intended to be filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, for the purpose of dissolving the following corporation in accordance with the Business Corporation Law of 1988, as amended and supplemented. The name of the corporation to be dissolved is: **Doncla, Inc.**

Any party in interest may contact: David W. Reager, Esq., Reager & Adler, P.C., 2331 Market Street, Camp Hill, PA 17011-4642. o17

NOTICE IS HEREBY GIVEN in compliance with the requirements of Section 1975(b) of the Business Corporation Law of 1988 that Articles of Dissolution are intended to be filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, for the purpose of dissolving the following corporation in accordance with the Business Corporation Law of 1988, as amended and supplemented. The name of the corporation to be dissolved is: **Donald Doc, Inc.**

Any party in interest may contact: David W. Reager, Esq., Reager & Adler, P.C., 2331 Market Street, Camp Hill, PA 17011-4642. o17

NOTICE IS HEREBY GIVEN that Articles of Incorporation – Nonprofit have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about September 26, 2008, for: **PAJL**, c/o Dale Ketner, Esq., 512 Market Street, Millersburg, PA 17061.

The corporation's purpose is to improve government through effective legislation. The corporation has been incorporated under the provisions of the Nonprofit Business Corporation Law of 1988. o17

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 August 14, 2008, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **S.A.B. MEDICAL, P.C.**, c/o Corporation Service Company.

This corporation is incorporated under the laws of the State of New Jersey. The principal office is located at: 2071 Lemoine Avenue # 301, Fort Lee, New Jersey 07024. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended. o17

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 October 1, 2008, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **TIMIOS, INC.**, c/o Incorporating Services, Ltd.

This corporation is incorporated under the laws of the State of Delaware. The principal office is located at 3500 S. Dupont Highway, Dover, DE 19901. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended. o17

NOTICE IS HEREBY GIVEN that **CUSTOM VALLEY BUILDERS, LLC**, a Pennsylvania Limited Liability Company under the laws of the Commonwealth of Pennsylvania, with its principal place of business at 299 Picnic Road, Lykens, Pennsylvania 17048, was issued a Certificate of Organization from the Department of State of the Commonwealth of Pennsylvania on September 18, 2008. The Pennsylvania Limited Liability Company is established under the provisions of the Pennsylvania Limited Liability Company Law of 1994, 15 Pa.C.S. 8913, as amended.

JOSEPH D. KERWIN, Esq.
Kerwin & Kerwin
4245 State Route 209
Elizabethville, PA 17023

o17

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 September 29, 2008, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Splice Sleeve North America, Inc.**, c/o AAAGENT Services, LLC.

This corporation is incorporated under the laws of the State of California. The principal office is located at 192 Technology Drive, Suite J, Irvine, CA 92618. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended.

o17

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the PA Business Corporation Law of 1988, **Accu-Bite, Inc.**, a corporation of the State of Michigan with principal office at 1031 Mendota Heights Road, St. Paul, MN 55120 and having a Commercial Registered office Provider and county of venue as follows: Penncorp Service Group, Inc., Dauphin County, which on 04/30/02 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.

o17

NOTICE IS HEREBY GIVEN that an Application was made to the Dept. of State of the Commonwealth of Pennsylvania (PA) at Harrisburg, PA, on 10/02/08 by **Westcon Holdings, Inc.**, a foreign corporation formed under the laws of the State of Delaware with its principal office located at 1209 Orange Street, Wilmington, DE 19801 for a Certificate of Authority to do business in PA under the provisions of the PA Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County.

o17

NOTICE IS HEREBY GIVEN that **Dauphin County Executive Commission on Drugs and Alcohol, Inc.**, a Pennsylvania non-profit corporation with a mailing address of P.O. Box 643, Harrisburg, PA 17108-0643, is now engaged in winding up and settling the affairs of said corporation. The corporation will be filing Articles of Dissolution with the Commonwealth of Pennsylvania at Harrisburg, PA, so that its corporate existence shall be ended by issuance of a Certificate of Dissolution by the Department of State under the provisions of the Nonprofit Corporation Law of 1988 (as amended).

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

o17

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 **E.T. Browne Drug Co., Inc.** The address of its principal office under the laws of its jurisdiction is 440 Sylvan Avenue, Englewood Cliffs, NJ 07632. The Commercial Registered Office Provider is National Corporate Research, 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).

o17

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with and approved by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA on August 26, 2008, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Professional Corporation Act of the Commonwealth of Pennsylvania.

The name of the corporation is:

**SOUTH CENTRAL PA
VETERINARIAN ASSOCIATES, P.C.**

o17

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on October 1, 2008 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 **Marco Polo Garden, Inc.** The registered office is at 4071 Chambers Hill Road, Harrisburg, Dauphin County, Pennsylvania 17111-2440. The purpose of the corporation is: To conduct a licensed restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

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

o17

NOTICE IS HEREBY GIVEN that **ARCO/Murray Corporate Services, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, where its principal office is located at 1750 South Brentwood Boulevard, Suite 701, St. Louis, MO 63144, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o National Registered Agents, Inc., Dauphin County.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o17

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **TOKIO MARINE INVESTMENT (PENNSYLVANIA) INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

SAUL EWING LLP, Solicitors
1200 Liberty Ridge, Suite 200
Wayne, PA 19087-5569
o17

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with and approved by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA, on Sept. 26, 2008, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Professional Corporation Act of the Commonwealth of Pennsylvania. The name of the corporation is: **LOWER BUCKS PHYSICIAN ASSOCIATES, P.C.** o17

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 9, 2008, by **NOVAMED OF LEBANON, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o CSC, 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. o17

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 September 26, 2008, by **BANTA CAMPBELL ARCHITECTS, INC.**, a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 6315 Hillside Court, Suite C, Columbia, MD 21046, 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. o17

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 **FOREST RESEARCH INSTITUTE, INC.**, a foreign corporation formed under the laws of the State of New Jersey, where its principal office is located at 830 Bear Tavern Road, West Trenton, NJ 10022, 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. o17

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 30, 2008, by **IdleAire, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at Corporation Trust Center, 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. o17

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 7, 2008, by **DIAMOND SHINE, INC.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 6120 Parkland Drive, Suite 220, Mayfield Heights, OH 44124, 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. o17

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 2, 2008, by **CONVERGENT STRATEGIES CONSULTING, INC.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 5489 South Highway A1A, Melbourne Beach, FL 32951, 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. o17

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **MYTEX POLYMERS INCORPORATED**, a corporation of the State of Delaware, with principal office located at 800 Bell Street, Suite 1500, Houston, TX 77002, and having a Commercial Registered office Provider and county of venue as follows: Corporation Service Company, Dauphin County, which on April 27, 1987, 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. o17

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 July 22, 2008 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: **SCOREweb**.

The purpose or purposes for which it was organized are: exclusively for charitable, educational and scientific purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

SAUL EWING LLP, Solicitors
1200 Liberty Ridge
Suite 200
Wayne, PA 19087-5569
o17

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, as amended, 54 Pa.C.S.A. 311, that an application for registration of a fictitious name was filed on, October 7, 2008, with the Department of State of the Commonwealth of Pennsylvania at Harrisburg for the conducting of a business under the fictitious name of **SHAPES PLUS FITNESS**, with its principal office or place of business at 424 Shippen Street, Middletown, Pennsylvania 17057. The name and address of the corporation owning or interested in said business is LB Fitness Enterprises, Inc., 424 Shippen Street, Middletown, PA 17057.

JENNIFER B. HIPPI, Esq.
One West Main Street
Shiremanstown, PA 17011
o17

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. Sec. 311 of Act 1982-295, and its amendments and supplements, that Katherine L. Campbell, of 19 Cheltenham Drive, P.O. Box 301, Hummelstown, PA 17036, has filed an Application for Registration of the fictitious name of **KAT'S HIT THE SPOT VENDING CAFE**, which shall have its principal place of business at 19 Cheltenham Drive, Hummelstown, PA 17036.

KEITH D. WAGNER, Esq.
Attorney for Applicant
6 East Main Street – 2nd Floor
P.O. Box 323
Palmyra, PA 17078
o17

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2008-CV-2581-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**PHH MORTGAGE CORPORATION,
Plaintiff**

vs.

KARA M. MNICK, Defendant

NOTICE

TO: KARA M. MNICK

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

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

YOU ARE HEREBY NOTIFIED that your house (real estate) at LOT 29, a/k/a 7872 MANADA COURT UNIT 24, BUILDING 1, HARRISBURG, PA 17112 is scheduled to be sold at the Sheriff's Sale on 1/8/2009 at 10:00 A.M., at the DAUPHIN County Courthouse, to enforce the Court Judgment of \$172,465.32 obtained by PHH MORTGAGE CORPORATION, (the mortgagee), against your Prop. sit. in the City of HARRISBURG, County of DAUPHIN, and State of Pennsylvania.

BEING PREMISES: LOT 29, a/k/a 7872 MANADA COURT UNIT 24, BUILDING 1, HARRISBURG, PA 17112.

IMPROVEMENTS consist of residential property.

SOLD as the property of KARA M. MNICK.

TERMS OF SALE: The purchaser at the sale must take ten (10%) percent down payment of the bid price or of the Sheriff's cost, whichever is

higher, 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.

**THE HIGHEST AND BEST BIDDER
SHALL BE THE BUYER.**

LEGAL DESCRIPTION

ALL THAT CERTAIN Unit, being Building 1, Unit 29 (the 'Unit'), of Manada Court Villas, a Condominium (the 'Condominium'), located in West Hanover Township, Dauphin County, Pennsylvania, which Unit is designated in the Declaration of Condominium of Manada Court Villas (the 'Declaration of Condominium') as recorded in the Office of the Recorder of Deed of Dauphin County in Instrument Number 20060011232, and Declaration Plats and Plans as recorded in the Office of the Recorder of Deeds of Dauphin County in Plan Book P, Volume 9, Page 38.

TITLE TO SAID PREMISES IS VESTED IN Kara M. Mnick, adult individual, by Deed from 7841 Associates, a Pennsylvania general partnership, dated 06/26/2007, recorded 07/02/2007, in Deed Mortgage Inst# 20070026186.

PREMISES BEING: LOT 29, a/k/a 7872 MANADA COURT UNIT 24, BUILDING 1, HARRISBURG, PA 17112.

Tax Parcel No. 68-052-029.

DANIEL SCHMIEG, Esq.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103

o17

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

CIVIL ACTION – LAW

No. 2008-CV-1542-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

CITIMORTGAGE, INC., Plaintiff

vs.

DANIELLE SHEARER, Defendant

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

TO: DANIELLE SHEARER

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

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

YOU ARE HEREBY NOTIFIED that your house (real estate) at 120 HOERNER STREET, HARRISBURG, PA 17103 is scheduled to be sold at the Sheriff's Sale on 1/8/2009 at 10:00 A.M., at the DAUPHIN County Courthouse, to enforce the Court Judgment of \$59,988.68 obtained by CITIMORTGAGE, INC., (the mortgagee), against your Prop. sit. in the City of HARRISBURG, County of DAUPHIN, and State of Pennsylvania.

BEING PREMISES: 120 HOERNER STREET, HARRISBURG, PA 17103.

IMPROVEMENTS consist of residential property.

SOLD as the property of DANIELLE SHEARER.

TERMS OF SALE: The purchaser at the sale must take ten (10%) percent down payment of the bid price or of the Sheriff's cost, whichever is higher, 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.

**THE HIGHEST AND BEST BIDDER
SHALL BE THE BUYER.**

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of land situate in the City of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the West side of Hoerner Street, two hundred six (206 feet) feet and six (6 inches) inches distance in a Northerly direction from the Northwest corner of Walnut and Hoerner Streets; thence in a Westerly direction at right angles with Hoerner Street through the wall dividing the property herein described from the property now or late of Mary E. Bitner, erected on Lot No. 12 in a plan hereinafter mentioned, and a long line of said Lot No. 12, eighty-five (85 feet) feet to the Eastern line of a ten (10 foot) foot wide alley fourteen (14 feet) feet to the line of property now or formerly W.A. Whitman, erected on Lot marked No. 10 on said hereinafter mentioned plan; thence in an Easterly direction at right angles to said ten (10 foot) foot wide alley and along said Lot No. 10 and through the wall dividing the property herein described from property of said W. A. Whitman, eighty-five (85 feet) feet to the West side of Hoerner Street; thence in a Southerly direction along the West side of Hoerner Street fourteen (14 feet) feet to the place of BEGINNING.

HAVING THEREON ERECTED a two and one-half (2-1/2) story brick and frame dwelling house known as 120 Hoerner Street, Harrisburg, Pennsylvania.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Danielle Shearer, by Deed from Marie A. Williams and Robin E. Williams, as joint tenants with the right of survivorship, dated 04/10/2007, recorded 04/12/2007, in Deed Mortgage Inst# 20070014395.

PREMISES BEING: 120 HOERNER STREET, HARRISBURG, PA 17103.

Tax Parcel No. 08-019-021.

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

No. 2008-CV-1 1799-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on September 15, 2008, the petition of **Keith T. Butler** was filed in the above named court requesting a decree to change the name of **Keith Tyler Butler** to **Keith Tyler Garacia**.

The court has fixed Wednesday, November 26, 2008, at 8:15 a.m. in Courtroom No. 4 of the Dauphin County Courthouse, Front and Market Streets, Harrisburg, Pennsylvania, as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

JOHANNA H. REHKAMP, Esq.
Turner and O'Connell
4701 North Front Street
Harrisburg, PA 17110

o17

IN THE COURT OF COMMON PLEAS
OF CUMBERLAND COUNTY
PENNSYLVANIA

ORPHANS' COURT DIVISION

No. 73 ADOPTION 2008

IN RE: ADOPTION OF
JONELL NASHAWN ADAMS

AND

No. 71 ADOPTION 2008

IN RE: ADOPTION OF
DARRIELLE DEVON ADAMS

TO: **Yvette M. Morrison**

YOU ARE HEREBY NOTIFIED that two Petitions for Involuntary Termination of Parental Rights has been filed asking the Court to terminate your parental rights to Darrielle Devon Adams and Jonell Nashawn Adams, on the grounds that for at least the six months prior to the date of filing you have voluntarily not had any contact with the children, have not attempted to contact the children, have not financially supported the children, and consequently, have evidenced a settled purpose to relinquish your parental rights by refusing and failing to perform parental duties. The Court has set a hearing to consider terminating your parental rights to Darrielle Devon Adams and Jonell Nashawn Adams. That hearing will be held in the Cumberland County Court House, One Courthouse Square, Carlisle, Pennsylvania, in Courtroom No. 4 on October 31, 2008, at 2:30 p.m. You are advised that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to Darrielle Devon Adams and Jonell Nashawn Adams may be terminated by the Court without you being present. You have a right to be represented at the hearing by a lawyer. Two Petitions for Adoption has also been filed asking that, after your parental rights to Darrielle Devon Adams and Jonell Nashawn Adams have been terminated, they be adopted by their step-mother, Vicki Michelle Adams.

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.

CUMBERLAND COUNTY
BAR ASSOCIATION
32 South Bedford Street
Carlisle, PA 17013
(717) 249-3166

UNDER SECTION 2313(2.1) of the Adoption Act, it is provided that "[t]he Court shall appoint counsel for a parent whose rights are subject to termination in a termination proceeding, if, upon Petition of the parent, the Court determines that the parent is unable to pay for counsel or if the payment would result in substantial financial hardship."

FIRST PUBLICATION

Miscellaneous Notices

COPIES OF THE ENTIRE PETITIONS for Involuntary Termination of Parental Rights and Petitions for Adoption in the above captioned cases may be obtained from the undersigned upon request.

NICOLE F. BERMAN, Certified Legal Intern
The Family Law Clinic
45 North Pitt Street
Carlisle, PA 17013
o17 (717) 243-2968

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

CIVIL ACTION – LAW

No. 2008 CV 9327 CV

**NOTICE OF ACTION
IN BREACH OF CONTRACT**

**KUSIC FINANCIAL SERVICES, LLC,
Plaintiff**

vs.

JAMES TRAVIS, Defendant

TO: James Travis

PRESENTLY OR FORMERLY of 14308 Colonial Addison Court, Upper Marlboro, MD 20772 and/or 2152 Green Street, Harrisburg, PA 17110. A lawsuit has been filed against you in Breach of Contract because you have failed to make payments pursuant to the Note and Personal Guaranty executed in favor of Plaintiff. The lawsuit is filed in the Dauphin County Court of Common Pleas, at the above term and number.

A copy of the Complaint filed in the lawsuit will be sent to you upon request to the Attorney for the Plaintiff, Scott A. Dietterick, Esquire, P.O. Box 650, Hershey, PA 17033. Phone (717) 533-3280.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 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 LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

CIVIL ACTION – LAW

No. 2008 CV 9324 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**KUSIC FINANCIAL SERVICES, LLC,
Plaintiff**

vs.

JAMES TRAVIS, Defendant

TO: James Travis

PRESENTLY OR FORMERLY of 14308 Colonial Addison Court, Upper Marlboro, MD 20772 and/or 2152 Green Street, Harrisburg, PA 17110. A lawsuit has been filed against you in mortgage foreclosure and against your real estate at 2152 Green Street, Harrisburg, PA 17110 because you have failed to make the regular monthly payments on your mortgage loan and the

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loan is in default. The lawsuit is an attempt to collect a debt from you owed to the plaintiff, Kusic Financial Services, LLC. A detailed notice to you of your rights under the Fair Debt Collection Practices Act (15 U.S.C. §1692, et seq.) is included in the Complaint filed in the lawsuit. The lawsuit is filed in the Dauphin County Court of Common Pleas, at the above term and number.

A copy of the Complaint filed in the lawsuit will be sent to you upon request to the Attorney for the Plaintiff, Scott A. Dieterick, Esquire, P.O. Box 650, Hershey, PA 17033. Phone (717) 533-3280.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 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 LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUR WHERE YOU CAN GET LEGAL HELP.

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

CIVIL ACTION – LAW

No. 2007 CV 10050 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**COUNTRYWIDE HOME LOANS, INC.,
Plaintiff**

vs.

LISA D. REHRER, Defendant

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE
PURSUANT TO
PENNSYLVANIA RULE
OF CIVIL PROCEDURE 3129**

**TO: Lisa D. Rehrer
25 North Fifth Street
Halifax, Pennsylvania 17032**

TAKE NOTICE

The Sheriff's Sale of Real Property (real estate) will be held:

DATE: November 20, 2008

TIME: 10:00 a.m.

LOCATION: Sheriff's Office
Dauphin County Administration Building
Commissioner's Hearing Room
4th Floor - Market Square
Harrisburg, Pennsylvania 17101

THE PROPERTY TO BE SOLD is delineated in detail in a legal description mainly consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land. (SEE FOLLOWING DESCRIPTION)

THE LOCATION of your property to be sold is 25 North Fifth Street, Halifax, Pennsylvania 17032.

THE JUDGMENT under or pursuant to which your property is being sold is docketed in the within Commonwealth and County to: Number 2007 CV 10050 MF.

THE NAME OF THE OWNER OR REPUTED OWNER of this property is: Lisa D. Rehrer.

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A SCHEDULE DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example, to banks that hold mortgages and municipalities that are owed taxes) will be filed by the Sheriff of this County thirty (30) days after the sale and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it within ten (10) days of the date it is filed.

Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of the within County at the Courthouse address specified herein.

**THIS IS A NOTICE OF THE
TIME AND PLACE
OF THE SALE OF YOUR PROPERTY.**

**IT HAS BEEN ISSUED
BECAUSE THERE IS A JUDGMENT
AGAINST YOU.**

**IT MAY CAUSE YOUR PROPERTY
TO BE HELD, TO BE SOLD
OR TAKEN TO PAY THE JUDGMENT.**

You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, YOU MUST ACT PROMPTLY.

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

**THE LEGAL RIGHTS
YOU MAY HAVE ARE:**

1. You may file a petition with the Court of Common Pleas of the within County to open the judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.
2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of the within County to set aside the sale for a grossly inadequate price or for other proper cause. This petition MUST BE FILED BEFORE THE SHERIFF'S DEED IS DELIVERED.
3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of the within County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition.

If a specific return date is desired, such date must be obtained from the Court Administrator's Office - Civil Division, of the within County Courthouse, before a presentation to the Court.

SHERIFF'S OFFICE

ALL THOSE TWO (2) CERTAIN TRACTS OR PARCELS OF LAND, WITH IMPROVEMENTS THEREON ERECTED, SITUATE IN THE BOROUGH OF HALIFAX, DAUPHIN COUNTY, STATE OF PENNSYLVANIA, SEPARATELY BOUNDED AND DESCRIBED AS FOLLOWS:

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Miscellaneous Notices

TRACT NO. ONE:

BEGINNING AT A STAKE ON FIFTH STREET; THENCE NORTHWARDLY ALONG FIFTH STREET NINETEEN AND ONE-HALF (19 1/2) FEET TO A POINT WHICH IS NINETEEN AND ONE-HALF (19 1/2) FEET SOUTH OF A STAKE ON FIFTH STREET; THENCE EAST ALONG LINE OF LAND NOW OR LATE OF LAWRENCE L. SULTZBAUGH ONE HUNDRED AND TWENTY-ONE (121) FEET TO A POINT WHICH IS NINETEEN AND ONE-HALF (19 1/2) FEET SOUTH OF A STAKE ON SYCAMORE ALLEY; THENCE SOUTH ALONG SYCAMORE ALLEY NINETEEN AND ONE-HALF (19 1/2) FEET TO A STAKE; THENCE WEST ALONG LINE OF LAND FORMERLY OF LAWRENCE L. SULTZBAUGH, BEING THE NORTHERN LINE OF LOT NO. ONE HUNDRED FIFTY-EIGHT (158) ON THE PLAN OF LOTS HERINAFTER MENTIONED, ONE HUNDRED AND TWENTY-ONE (121) FEET TO THE PLACE OF BEGINNING.

HAVING THEREON ERECTED THE SOUTHERN HALF OF A 2 1/2 STORY DOUBLE DWELLING. BEING THE SOUTHERN HALF OF LOT NO. ONE HUNDRED FIFTY-SEVEN (157) AS SHOWN UPON EUREKA EXTENSION PLAN OF THE BOROUGH OF HALIFAX, PA., AS LAID OUT BY FRANCIS C. BITTERMAN AND APPROVED BY ORDINANCE OF THE COUNCIL OF SAID BOROUGH OF HALIFAX.

TRACT NO. TWO:

BEGINNING AT A STAKE ON FIFTH STREET; THENCE NORTH ALONG FIFTH STREET THIRTY-NINE (39) FEET TO A POST ON THE SOUTHERN LINE OF LOT NO. 157 ON THE PLAN OF LOTS HEREINBEFORE MENTIONED; THENCE EAST ALONG LINE OF LOT NO. ONE HUNDRED FIFTY-SEVEN (157) (BEING TRACT NO. ONE HEREIN),

ONE HUNDRED TWENTY-ONE (121) FEET TO A STAKE; THENCE SOUTH ALONG SYCAMORE ALLEY THIRTY-NINE (39) FEET TO A STAKE; THENCE WEST ALONG LINE OF LOT NO. 159 (ONE HUNDRED FIFTY-NINE) ONE HUNDRED TWENTY-ONE (121) FEET TO THE PLACE OF BEGINNING, HAVING THEREON ERECTED A FRAME GARAGE, BEING LOT NO. ONE HUNDRED FIFTY-EIGHT (158) IN THE EUREKA PLAN OF LOTS AFOREMENTIONED.

TAX PARCEL NO. 28-004-009.

BEING the same premises which Nancy Btzweiler, Executrix of the Estate of Majorie E. Dockey, deceased by Deed dated December 20, 2003 and recorded January 6, 2004 in Deed Book 5326, Page 158, in the Dauphin County Recorder's Office, granted and conveyed unto Lisa D. Rehrer.

SEIZED, taken in execution and to be sold as the property of which Lisa D. Rehrer, Mortgagor(s) herein, under Judgment No. 2007-CV-10050-MF.

NOTICE is further given to all parties in interest and claimants. A proposed schedule of distribution of the proceeds in the sale will be filed by the Sheriff of Dauphin County, Pennsylvania on a date specified by the Sheriff not later than thirty (30) days after sale and distribution of said proceeds will be made in accordance with said proposed schedule of distribution unless exceptions are filed thereto within ten (10) days thereafter.

TERRENCE J. McCABE, Esq.
MARC S. WEISBERG, Esq.
EDWARD D. CONWAY, Esq.
MARGARET GAIRO, Esq.
McCabe, Weisberg and Conway, P.C.
123 South Broad Street
Suite 2080
Philadelphia, PA 19109
(215) 790-1010

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Miscellaneous Notices

NOTICE OF AUDIT

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

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled there to *on Tuesday, November 18, 2008*. Pursuant to Dauphin County Orphans' Court Rule 6.10.1, objections to an account must be filed in writing with the Register or Clerk *no later than the close of business on Wednesday, November 12, 2008*.

1. ARNOLD, JAMES BERNARD, Deceased, First and Final Account of Maryann Arnold, Executrix.
2. BERGER, MARK, M.D., Deceased, First and Partial Account of Melvin Berger, Testamentary Trustee (for the benefit of Michelle Arts f/k/a Michelle Berger).
3. CRONIN, CHARLES B., Deceased, First and Final Account of C. Michael Cronin, Executor.
4. SHEFFER, MARY MCINROY, Deceased, First and Partial Account of Emily Lenker Long, Sr., Elliot A. Strokoff and Edward Carl Maxwell, Co-Executors.
5. SHEFFER, MARY MCINROY, Deceased, First and Final Account of Emily Lenker Long, Sr., Elliot A. Strokoff, and Edward Carl Maxwell, Co-Trustees (Trust Under Will).
6. WELSH, SIGRID E., Deceased, First and Final Account of Madeleine DeHart, Administratrix.

Dated: October 10, 2008

/s/ SANDRA C. SNYDER
Register of Wills and
o17-024 Clerk of the Orphans' Court Division

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2008 CV 07255 MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE HOME EQUITY
ASSET TRUST 2005-5, HOME EQUITY
PASS THROUGH CERTIFICATES,
SERIES 2005-5, Plaintiff

vs.

REINALDO BONAFACIO and
ERIKA COLON, Mortgagors
and Real Owners, Defendants

TO: REINALDO BONAFACIO and
ERIKA COLON, MORTGAGORS
AND REAL OWNERS,
DEFENDANTS, whose
last known address is
2802 Boas Street
Harrisburg, PA 17103

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

YOU ARE HEREBY NOTIFIED that Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE HOME EQUITY ASSET TRUST 2005-5, HOME EQUITY PASS THROUGH CERTIFICATES, SERIES 2005-5, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2008 CV 07255 MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 2802 Boas Street, Harrisburg, PA 17103, whereupon your property will be sold by the Sheriff of Dauphin County.

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Miscellaneous Notices

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

MIDPENN LEGAL SERVICES
LAWYER REFERRAL SERVICE
213-A North Front Street
Harrisburg, PA 17101
(717) 232-0581

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

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

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IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2008 CV 08651 MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

CITIMORTGAGE INC., Plaintiff

vs.

DAVID G. SUTTON
a/k/a **DAVID GILBEET SUTTON**
Mortgagor and Real Owner, Defendant

TO: DAVID G. SUTTON
a/k/a **DAVID GILBEET SUTTON,**
MORTGAGOR AND
REAL OWNER, DEFENDANT,
whose last known address is
1932 Bellevue Road
Harrisburg, PA 17104

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

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

YOU ARE HEREBY NOTIFIED that Plaintiff, CITIMORTGAGE INC., has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2008 CV 08651 MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 1932 Bellevue Road, Harrisburg, PA 17104, whereupon your property will be sold by the Sheriff of Dauphin County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without

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you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

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IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION – LAW

No. 2008-CV-3368-MF

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

**DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS TRUSTEE,
IN TRUST FOR THE REGISTERED
HOLDERS OF AMERIQUEST
MORTGAGE SECURITIES INC.,
ASSET-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2006-W3,
Plaintiff**

vs.

**MEBRIHIT ANDEMICHAEL-GRAVES
and STEVEN A. GRAVES JR.
Mortgagor and Real Owner, Defendants**

**TO: MEBRIHIT ANDEMICHAEL-GRAVES
and STEVEN A. GRAVES JR.,
MORTGAGOR AND REAL
OWNER, DEFENDANTS,
whose last known address is
901 NORTH 18TH STREET
HARRISBURG, PA 17103**

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

YOU ARE HEREBY NOTIFIED that Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-W3, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2008-CV-3368-MF wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 901 North 18th Street, Harrisburg, PA 17103, whereupon your property will be sold by the Sheriff of Dauphin County.

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Miscellaneous Notices

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

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213 North Front Street
Harrisburg, PA 17101
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MIDPENN LEGAL SERVICES
LAWYER REFERRAL SERVICE
213-A North Front Street
Harrisburg, PA 17101
(717) 232-0581

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

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PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the **Lower Paxton Township Authority**, with a registered office located at 75 South Houcks Road, Harrisburg, Dauphin County, Pennsylvania 17109, intends to file Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania pursuant to Section 5605 of the Municipality Authorities Act, 53 Pa.C.S. §5605. The Articles of Amendment would decrease the number of members of the Board of the Lower Paxton Township Authority from seven to five members and change the registered office address to 425 Prince Street, Harrisburg, Dauphin County, Pennsylvania 17109. The Lower Paxton Township Authority will file the Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania on November 10, 2008. o17

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

CIVIL ACTION – LAW

No. 2008-CV-8362-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

BANK OF AMERICA, N.A.
475 Cross Point Parkway
Getzville, NY 14068, Plaintiff

vs.

ZEREMARIAM ANDEMICHAEAL
6037 Devonshire Road
Harrisburg, PA 17112
2138 North Second Street
Harrisburg, PA 17110, Defendant

**NOTICE OF SALE
OF REAL PROPERTY**

**TO: Zeremariam Andemichael,
DEFENDANT
6037 Devonshire Road
Harrisburg, PA 17112**

YOU ARE HEREBY NOTIFIED that your house (real estate) at 6037 Devonshire Road (Lower Paxton Township), Harrisburg, PA 17112 is scheduled to be sold at the Sheriff's Sale on January 8, 2009 at 10:00 A.M. at Front and Market Streets, Harrisburg, PA 17101, to enforce

FIRST PUBLICATION

Miscellaneous Notices

the court judgment of 119,984.24, obtained by Plaintiff (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

PROPERTY DESCRIPTION

ALL THAT CERTAIN piece, parcel and lot of land, situate in Lower Paxton Township, Dauphin County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the western line of Saradana Road, said point being North 00° 02' 47" East, 340.00 feet from the northern line of Greenfields Lane; thence along Lot 15, North 89° 57' 13" West, 120.00 feet to a point; thence along Lot 13, North 22° 39' 10" West, 83.18 feet to a point on the southern line of Deveonshire Road; thence along said road, North 67° 20' 50" East, 132.73 feet to a point; thence along a curve to the right having a radius of 21.39 feet, an arc distance of 42.08 feet to a point on the western line of Saradana Road; thence along said road, South 00° 02' 47" West, 108.22 feet to a point, the place of beginning and being Lot 14 on Plan of Lots of Fairlane, recorded in Plan Book Y, Volume 2, Page 87.

BEING THE SAME PREMISES which Scott A. Shuey and Lori A. Shuey, formerly known as Lori A. Shirk, husband and wife, by deed dated August 29, 2003 and recorded January 26, 2004 in the Office of the Recorder of Deeds in and for Dauphin County, Pennsylvania in Deed Book 5349, Page 294, granted and conveyed unto Scott A. Shuey and Lori A. Shuey, husband and wife, Grantors herein.

MARK J. UDREN, Esq.
STUART WINNEG, Esq.
LORRAINE DOYLE, Esq.
ALAN M. MINATO, Esq.
CHANDRA M. ARKEMA, Esq.
Udren Law Offices, P.C.
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003-3620
(856) 482-6900

ATTORNEY DISCIPLINARY/ETHICS MATTERS

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James C. Schwartzman, Esq.

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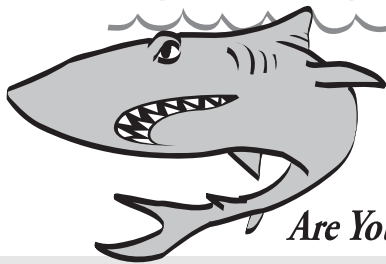
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BAR ASSOCIATION PAGE
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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before 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

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

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)

BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION
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