

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

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12th JUDICIAL DISTRICT

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Bar Association Page

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**INTELLECTUAL PROPERTY LAW**

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- \* Internet Matters

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41 Years in Harrisburg

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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 HERBERT E. UTTS, late of Lower Paxton Township, Dauphin County, Pennsylvania (died July 30, 2011). Personal Representative: Cathy Beer, 1477 Elm Road, Elizabethtown, PA 17022. o7-o21

ESTATE OF BETTY R. SMITH, late of West Hanover Township, Dauphin County, Pennsylvania (died August 20, 2011). Executor: Richard Smith, 3806 Bonnybrook Road, Harrisburg, PA 17109. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. o7-o21

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ESTATE OF ROBERT W. KING, late of the Borough of Middletown, Dauphin County, Pennsylvania (died August 20, 2011). Co-Executors: Daniel Ganse, 1178 Shumaker Road, Manheim, PA 17545 and Sandra Kelly, 561 Springton Way, Lancaster, PA 17601. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. o7-o21

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ESTATE OF LEON ROBERT O'KONSKI a/k/a LEON R. OKONSKI, late of Middletown, Dauphin County, Pennsylvania (died August 7, 2011). Administratrix: Lynne A. Berkowsky. Attorney: Bruce J. Warshawsky, Esq., Cunningham & Chernicoff, P.C., 2302 North Second Street, Harrisburg, PA 17110. o7-o21

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ESTATE OF CAROL A. STRAUP, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Robert P. Straup, 2215 Shippen Dam Road, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. o7-o21

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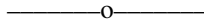
ESTATE OF BETTY GOLD a/k/a REBECCA GOLD, late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Jane Mendlow, 4717 Pine Ridge Road, Harrisburg, PA 17110. Attorney: Howard B. Krug, Esq., Purcell, Krug & Haller, 1719 North Front Street, Harrisburg, PA 17102. o7-o21

Smith v. State Farm

Accordingly, because Plaintiffs' claims are properly arbitrable, I enter the following:

ORDER

AND NOW, this 22nd day of July, 2011, Defendant's Preliminary Objection raising alternate dispute resolution is SUSTAINED and Plaintiff's Complaint is hereby dismissed.



**Smith v. State Farm**

**Insurance — Automobile — Motor Vehicle Financial Responsibility Law — Reasonable and Necessary Medical Treatment — Peer Review — Attorney's Fees — Treble Damages.**

Plaintiff-doctor sought reversal of a peer review determination that the chiropractic treatment he rendered was not medically necessary. He also requested payment of unpaid chiropractic bills and sanctions of attorney's fees, interest, costs, and treble damages. Defendant-insurance company filed a motion for partial summary judgment, which the Court denied.

1. An insurance carrier cannot insulate itself from any liability for attorney fees and treble damages under the Motor Vehicle Financial Responsibility Law merely by invoking the Peer Review process in 75 Pa. C.S. § 1797(b).

2. A party adversely impacted by a Peer Review Organization may challenge that determination before a court under 75 Pa. C.S. § 1797(b)(4). Furthermore, if the court determines that the treatment was medically necessary, the insurer must pay to the provider the outstanding amount, plus interest as well as the costs of the challenge and all attorney's fees. *Herd v. State Farm*, 124 Dauph. 180 (Pa. Ct. Cm. Pl. 2010) (J. Bratton). If the fact finder determines that the insurer's conduct was wanton, the plaintiff is entitled to treble damages as well, *Stefanik v. State Farm*, 115 Dauph. 277 (Pa. Ct. Cm. Pl. 1995) (en banc).

3. A PRO is not a neutral body. *Terminato v. Pennsylvania Nat. Ins. Co.*, 645 A.2d 1287 at 1291 (Pa. 1994).

4. Summary judgment should not be granted where it requires the unquestioned acceptance of the testimony of the moving party's witnesses. *Henninger v. State Farm Ins. Co.*, 719 A.2d 1074, 1077 (Pa. Super. Ct. 1998).

Motion for Partial Summary Judgment. C.P., Dau. Co., No. 2008 CV 00078 CV. Denied.

*Mary Ann Claraval*, for Plaintiff

*Katherine Cole Douglas*, for Defendant

Smith v. State Farm

DOWLING, J., June 30, 2011. –

## MEMORANDUM AND ORDER

This court is called to rule on two issues. First, whether Plaintiff-Smith can legally state a claim for attorney's fees, and treble damages? And, Second, whether Plaintiff-Smith has established a prima facie case against Defendant-State Farm; specifically, that his treatment of patient Deborah Wartell was reasonable and necessary? As to both issues, this court holds in the affirmative; therefore, Defendant-State Farm's Motion for Summary Judgment is DENIED.

Plaintiff-Smith filed a Complaint seeking not only a reversal of a peer review determination as to the reasonableness and medical necessity of treatment it had rendered to patient Deborah Wartell and the payment of its unpaid bills, but also the additional sanctions of attorney's fees, interest, costs, and treble damages under 75 Pa. C.S. §§ 1716, 1797(b), and 1798. Defendant-State Farm now moves for partial summary judgment under Pa. R.C.P. No. 1035.2 with respect to attorney's fees and treble damages. Furthermore, while Defendant-State Farm does not expressly request a demurrer ruling, a close reading of their motion filed reveals that a portion of their arguments appear to be a Preliminary Objection in the nature of a demurrer. Therefore, this motion for partial summary judgment actually has two parts. The first part is, as previously stated, more appropriately labeled as a demurrer because Defendant-State Farm is arguing, without citing to Pa. R.C.P. No. 1028(a)(4), that Plaintiff-Smith's pleadings regarding attorney's fees, and treble damages are legally insufficient to state a claim upon which relief can be granted.

The second part of Defendant-State Farm's Motion for Partial Summary Judgment is properly labeled and turns on whether a genuine issue of material fact exists to establish a claim that Defendant-State Farm unreasonably terminated payments to Plaintiff-Smith for reasonable and necessary services rendered to his patient Deborah Wartell.

Deborah Wartell was injured in a motor vehicle accident on May 25, 2005. Ms. Wartell sought treatment from Plaintiff-Smith. Plaintiff-Smith seeks to collect chiropractic bills for services rendered to Ms. Wartell from her insurance providers, Defendant-State Farm. Defendant-State Farm paid Plaintiff-Smith's chiropractic bills until a Peer Review Organization (PRO) determined that treatment beyond May 1, 2006 was not medically necessary under 75 P. C.S. § 1797(b). Ms. Wartell's treatment was at a frequency of several times per week. All told, bills for approximately one hundred fifty treatments from May 2005 through July 2007, a period exceeding two years, are claimed by Plaintiff-Smith to have been medically necessary for Ms. Wartell's injuries.

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Plaintiff-Smith alleges that the peer review was not performed according to law set forth in Section 1797(b) because the facts of the peer review do not accurately represent the facts presented in this case, nor do they conform to 31 Pa. Code § 69.53(e) which sets forth standards of operation for PROs. Specifically, he alleges that the PRO did not establish written criteria to be used in conducting its peer review based upon typical patterns of practice in the PRO's geographic area of operation as required by 31 Pa. Code § 69.53(e); that Defendant-State Farm failed to comply with 75 Pa. C.S. § 1797 and 31 Pa. Code § 69.53(e) by using a peer review report that did not comply with several of the statute requirements and regulations; and, that Defendant-State Farm's use of an improper peer review demonstrates their willful intent to deny Plaintiff-Smith payment for his care and treatment of Deborah Wartell thereby demonstrating "no reasonable foundation" and should be considered wanton, pursuant to 75 Pa. C.S. § 1797(b)(4).

This case centers around the amended MVFRL of 1990 and its pertinent administrative regulations. Collectively known as "Act 6." The MVFRL established, among other things, a process by which automobile insurers may utilize a peer review system for evaluating and challenging claims by providers, which can be found in 75 Pa. C.S. § 1797(b). Section 1797(b) includes a framework for resolving disputes. The MVFRL also included provisions for attorney's fees and costs in the event of a dispute, which both can be found in Sections 1797(b), 1716, and 1798. Section 1716 "Payment of Benefits" provides that an insurer who acted in an "unreasonable manner in refusing to pay the benefits where due, the insurer shall pay, in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended." Section 1798 "Attorney's Fees and Costs" subsection (b) "Unreasonable refusal to pay benefits" provides that "in the event an insurer is found to have acted with no reasonable foundation in refusing to pay ... benefits due, the insurer shall pay, in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended.

These code sections are supported by 31 Pa. Code §§ 69.52 "Peer Review Procedures" and 69.53 "PRO Standards for Operation." Section 69.52(m) states that "upon determination of a reconsideration by a PRO, an insurer, provider or insured may appeal the determination to the courts." Section 69.53(e) states that "A PRO shall apply national, or when appropriate, regional norms in conducting determinations. If national and regional norms do not exist, a PRO shall establish written criteria to be used in conducting its reviews based upon typical patterns of practice in the PRO's geographic area of operation."

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Significant to understanding the interplay and overall relationship between the above mentioned statutes and regulations is the Pennsylvania Supreme Court's decision in *Terminato v. Penn National Ins. Co.*, 645 A.2d 1287 (Pa. 1994). In *Terminato*, insured brought action challenging PRO's denial of medical claim submitted by insured to her automobile insurer. The insured did not seek reconsideration provided for in 75 P. C.S. 1797(b)(2) or mandated in 31 Pa. Code 69.52(m). The Court determined that an insured or provider did have a statutory right to appeal a peer review without requesting a reconsideration. *Id.* at 1288. The Court reasoned that "to the extent that the regulation forecloses a party from pursuing an action in court without having sought reconsideration of the PRO's initial determination, the regulation is erroneous and may be disregarded." *Id.* at 1293. The Court was referring to 31 Pa. Code 69.52(m) which provides, "upon determination of a reconsideration by a PRO, an insurer, provider or insured may appeal the determination to the courts." Therefore, 31 Pa. Code 69.52(m) is the trigger which entitles a provider to appeal a peer review to court. The question, however, becomes whether *Terminato* allows for the collection of attorney's fees and treble damages under the framework of 1797(b)? Stated differently, the issue before the court is whether an insurance carrier can insulate itself from any liability for attorney fees and treble damages under the MVFRL merely by invoking the Peer Review process described in 75 Pa. C.S. § 1797(b)? This court finds that it cannot.

Furthermore did the Plaintiff state genuine issues of material fact as to a necessary element of Sections 1716, 1797(b), and/or 1798 regarding the reasonableness and necessity of the providers treatment? This court finds that he did.

A. *Legal Insufficiency of a Pleading (Demurrer)*

When a trial court rules upon preliminary objections in the nature of a demurrer, it is limited to a review of the factual averments within the complaint to determine their legal sufficiency for stating a claim upon which relief may be granted. *DeMary v. Latrobe Printing & Pub. Co.*, 762 A.2d 758 (Pa. Super. 2000). Where doubt exists as to whether a demurrer should be sustained, doubt should be resolved in favor of overruling it. *E.g., Krentz v. Consolidated Rail Corp.*, 910 A.2d 20 (Pa. 2006). To be clear and free from doubt that dismissal resulting from preliminary objections is appropriate, it must appear with certainty that the law would not permit recovery by the plaintiff upon the facts averred. *Swisher v. Pitz*, 868 A.2d 1228 (Pa. Super. 2005).

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A cursory reading of 75 Pa. C.S. § 1797(b)(4) alone would lead one to conclude that this statute, which provides for an appeal to court by a provider of healthcare or an insured, applies only when an insurance carrier refuses to pay bills for medical services but has *not* employed the peer review process. However, regulations adopted by the Pennsylvania Insurance Department expanded the availability of an appeal to court to all persons and parties involved, 31 Pa. Code § 69.52(m), and the Pennsylvania Supreme Court's decision in *Terminato* struck down the portion of 31 Pa. Code § 69.52(m) which required the exhaustion of administrative remedies, namely, a request for a PRO to reconsider their determination under 75 Pa. C.S. § 1797(b)(2).

Although higher courts of this Commonwealth have never explicitly discussed whether attorney's fees, and treble damages under 75 Pa. C.S. § 1797(b) are a legally sufficient claim upon which relief can be granted, many lower courts have addressed the issue, including this one.

First, in *Stefanik v. State Farm* this court, sitting en banc, determined that.

[I]f a fact finder determines that the peer review process was not followed and that the medical procedure and treatment was reasonable and necessary, the plaintiff is entitled to recover not only the amount of the claim and interest but also attorney's fees and costs. If the fact finder determines that the insurer's conduct was wanton, the plaintiff is entitled to treble damages as well.

115 Dauph. 277 (Pa. Ct. Cmn. Pl. 1995) (en banc).

The *Stefanik* court reasoned that 75 Pa. C.S. § 1797 was not designed to preclude a claim for extra-contractual liability in an action for first-party benefits, *Id.* at 277-78, because the plaintiff alleges that the defendant did not properly follow the PRO process outlined in 75 Pa. C.S. 1797(b) and the applicable regulations.

Furthermore, in *Herd v. State Farm*, 124 Dauph. 180 (Pa. Ct. Cmn. Pl. 2010) (J. Bratton), this court also ruled on the legal sufficiency of attorney's fees and treble damages under 75 Pa. C.S. § 1979. The *Herd* court held that judicial interpretation of both the statute and the regulations, allow for a party adversely impacted by a PRO to challenge that determination before a court under 75 Pa. C.S. § 1797(b)(4). Furthermore, if the court determines that the treatment was medically necessary, the insurer must pay to the provider the outstanding amount,

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plus interest as well as the costs of the challenge and all attorney's fees under 75 Pa. C.S. § 1797(b)(6). Like *Stefanik* and *Herd*, Plaintiff-Smith challenges the use of, and ultimate determination of, the PRO.

Defendant argues that the Superior Court's decision in *Barnum v. State Farm Mut. Auto. Ins. Co.*, 635 A.2d 155 (Pa. Super. 1993), *reversed and remanded*, 652 A.2d 1319 (Pa. 1994) stands for the proposition that the legislature intended the MVFRL to provide immunity from attorney's fees for insurers who participate in the PRO process. Stated differently, State Farm argues that application of Section 1797(b)(4) and (b)(6) of the MVFRL is "narrowly limited" to instances where the peer review process has been invoked. However, the Superior Court's decision in *Barnum* was reversed by the Pennsylvania Supreme Court and remanded to the Court of Common Pleas for a decision consistent with *Terminato*. Therefore, a PRO is simply an "alternative to immediate litigation." *Herd*, 124 Dauph. at 185. During that process the peer reviewer has the opportunity to support and justify their determination of what treatment is reasonable and necessary. *Id.*

If, however, the peer review organization's decision is based on an opinion which does not stand up under closer examination ... [and] the challenge in court by the provider is successful, [then] we see no reason why the courts should do less than that which the legislature has provided in Act 6, i.e., award the amount of the outstanding bills, costs and fees. Had the legislature intended to grant immunity in Act 6, it certainly could have done so, but it did not. We do not believe that the legislature intended that an insurer's use of a peer review process which results, even if unintentionally, in a decision which during a court proceeding is proved to be flawed, to exempt the insurer from the statute's requirement that fees be awarded. State Farm's immunity interpretation would, in our opinion, only serve to provide an incentive to all insurers to send all bills to a peer review process in which all semblance of objectivity could be all but ignored, so long as the insurer's conduct is not "wanton[.]" and the provider (or an insured) would be left with the enormous expense of seeking redress in the courts with no possibility of recovering those costs and fees.

*Herd*, 124 Dauph at 185-186.



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Because we cannot say with certainty that the law would *not* permit recovery of attorney's fees and treble damages under the facts averred, Defendant-State Farm's first objection, in as much as it is a preliminary objection in the nature of a demurrer, is DENIED.

*B. Summary Judgment*

Summary Judgment is properly granted as a matter of law, "when-ever there is no genuine issue of any material fact as to a necessary element of the cause of action ... or if, after completion of discovery relevant to the motion ... an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action." Pa. R.C.P. No. 1035.2. A fact is "material, for summary judgment purposes, if it directly affects the disposition. *E.g.*, *Pyeritz v. Commw.*, 956 A.2d 1075 (Pa. Commw. Ct. 2008), *appeal granted*, 969 A.2d 1183 (Pa. 2009), or the outcome of the case. *E.g.*, *Fortney v. Callenberger*, 801 A.2d 594 (Pa. Super. Ct. 2002). The court's inquiry in deciding a motion for summary judgment is whether the admissible evidence in the record, in whatever form, from whatever source, considered in the light most favorable to the opposing party fails to establish a prima facie case. *Johnson v. Harris*, 541, 615 A.2d 771 (Pa. Super. Ct. 1992). Only when the facts are so clear that reasonable minds could not differ can a trial court properly enter summary judgment. *Kvaerner Metals, Inc. v. Commercial Union Ins. Co.*, 908 A.2d 888, 895-96 (Pa. 2006). A non-moving party is required to defend against summary judgment by producing facts essential to establish his/her cause of action or defense. The non-moving party may not rest upon the mere allegations or denials of the pleading but must file a response identifying a genuine issue for trial. Pa. R.C.P. No. 1035.3. State Farm alleges that Smith has not met this burden and is therefore entitled to a judgment as a matter of law.

Defendant-State Farm argues in the alternative to their demurrer that this court should still find that there are no genuine issues of material fact which suggest their use of a PRO was unreasonable as required by Section 1716 nor that their decision to use a PRO lacked a "reasonable foundation" as required by 1798(b). Defendant-State Farm essentially argues that their actions were per se reasonable because they did nothing more than follow the law in performing a PRO review.

Furthermore, they argue that the independent nature of PROs necessarily means they are reasonable. They cite 31 Pa. Code § 69.51 and 31 Pa. Code § 69.55 in support. These two Pa. Code provisions regulate

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PROs. Section 69.51 addresses professional standards of performance and care. Section 69.55 addresses criteria for gaining approval to operate as a PRO.

Plaintiff-Smith relies on the plain language of 75 Pa. C.S. §§ 1716, 1797(b) and 1798(b) to support their claim for attorneys fees, costs, and treble damages. Additionally, they rely on *Henninger v. State Farm Ins. Co.*, 719 A.2d 1074 (Pa. Super. Ct. 1998). In that case, arising out of the York County Court of Common Pleas, summary judgment favoring the insurer was granted in a case which had been reviewed by a PRO. The *Henninger* trial court found that because the insured had failed to “identify evidence in the record” to support her claim that a factual issue existed concerning the “medical reasonableness” of her treatment which had been denied by the insurer, the insurer was entitled to judgment as a matter of law. On appeal, the *Henninger* court reversed, relying on *Terminato*, and stating that “[a] PRO is not a neutral body[.]” *Henninger*, 719 A.2d at 1077, and suggests that a PRO determination should be viewed in the same light as a moving party’s witness. *Id.* “Under Pennsylvania law, only the jury is empowered to pass on matters of credibility. Consequently, summary judgment should not be granted where it requires the unquestioned acceptance of the testimony of the moving party’s witnesses.” *Id.* We agree with Plaintiff-Smith. Indeed both *Terminato* and *Henninger* recognize PRO’s inherent bias in favor of insurers. *Henninger* then applies that bias to a summary judgment motion and holds that the bias alone sufficiently states a genuine issue of material fact.

Furthermore, our holding is consistent with a recent decision of this court. Judge Coates of the Dauphin County Court of Common Pleas issued an opinion addressing the exact issue in this case, i.e. attorney fees and treble damages under the MVFRL. In *Tomasetti v. State Farm Mut. Auto. Ins. Co.*, 124 Dauph. 186 (Pa. Ct. Cm. Pl. 2010) (J. Coates), this court denied State Farm’s Motion for Summary Judgment because “[a]lthough the *Terminato* and *Henninger* decisions are not directly on point with the instant matter, they do give this court solid guidance as to the “suspect” light in which a PRO’s report should be viewed.”

Like in *Tomasetti*, Plaintiff-Smith argues that the PROs determination is suspect and he wishes to challenge their conformance with the MVFRL. Furthermore, regardless of whether the use of a PRO alone creates a genuine issue of material fact sufficient to survive summary judgment as held in *Henninger*. Plaintiff-Smith in this case has gone a step further. Specifically Plaintiff-Smith alleges that the peer reviewer did not conform his review with the requirements of 31 Pa.

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Code. § 69.53(e) regarding National or regional norms and therefore incorrectly determined that Plaintiff-Smith's services rendered to Deborah Wartell were not reasonable and necessary. In support of these allegations Plaintiff-Smith provided testimony via a deposition explaining that the norms and standards used by the peer reviewer were neither national or regional standards. Additionally, separate and apart from the deposition, he also points to a study done by the Pennsylvania Insurance Department which highlighted the bias of the peer review determinations generated by the PROs in favor of the insurer and against the health care provider. The Insurance Department statistics allegedly demonstrate that in approximately 80 percent of reviews, the peer reviewing doctor will find that the treating doctor's care was either wholly or partially not reasonable and necessary.

While the PRO doctor is not, strictly speaking, a witness of Defendant-State Farm, they are not independent witnesses either. Due to the credibility of their makers, even uncontradicted affidavits of the moving party or its witnesses cannot support a grant of summary judgment. *Godlewski v. Pars Mfg. Co.*, 597 A.2d 106, 110 (Pa. Super. 1991). Consequently, the *Henninger* court believed that *Terminato* requires us to accord PRO doctors a status akin to that of the insurer's own witness. Given that conclusion, the credibility of the reviewing doctor presents a genuine issue of material fact that should be allowed to develop at trial. *Henninger*, 719 A.2d at 1078. Furthermore, Plaintiff-Smith's testimony and the findings of the Pennsylvania Insurance Department are compelling for purposes of this summary judgment. Viewing this evidence in the light most favorable to Plaintiff-Smith, we believe he has met his burden of proving a prima facie case. It is unclear whether reasonable minds could differ, and therefore summary judgment is inappropriate. State Farm's Motion for Partial Summary Judgment is DENIED.

Accordingly, we enter the following:

## ORDER

AND NOW, this 30th day of June, 2011, upon consideration of Defendant-State Farm's Motion for Partial Summary Judgment, the responses thereto, and oral argument of the parties held June 6, 2011, it is hereby ORDERED that the objections contained therein, in as much as they are in the nature of a demurrer, are DENIED; AND

That the remaining objections in the nature of a summary judgment are likewise DENIED.

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**FIRST PUBLICATION**

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**Estate Notices**

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ESTATE OF JEAN W. BIEHL a/k/a JEAN HELEN BIEHL a/k/a JEAN WILLIAMS BIEHL, late of Swatara Township, Dauphin County, Pennsylvania (died September 12, 2011). Executrix: Suzi B. Follett, 7201 Audubon Drive, Harrisburg, PA 17111. Attorney: Gary L. James, Esq., James, Smith, Dietterick & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036. Telephone (717) 533-3280. o7-o21

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ESTATE OF JANET L. MINEMYER, late of Dauphin County, Pennsylvania (died July 18, 2011). Co-Executors: Sara A. Smith, 6233 Warren Avenue, Harrisburg, PA 17112 and Terry Alan Minemyer, 705 Glenwood Avenue, Johnstown, PA 15905. Attorney: Elizabeth J. Goldstein, Esq., Dilworth Paxson, LLP, 112 Market Street, Suite 800, Harrisburg, PA 17101. o7-o21

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ESTATE OF CATHERINE J. PARKOVICH, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Diane M. Youtz, 1958 Landvater Road, Hummelstown, PA 17036. Attorney: Melanie Walz Scaringi, Esq., Scaringi & Scaringi, P.C., 2000 Linglestown Road, Suite 106, Harrisburg, PA 17110. o7-o21

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ESTATE OF DAVID E. GERHARD, late of Millersburg Borough, Dauphin County, Pennsylvania. Co-Executors: Larry Gerhard, 801 Mountain Road, Dauphin, PA and Michael E. Miller, P.O. Box 355, Elizabethtown, PA 17023. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. o7-o21

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**SECOND PUBLICATION**

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ESTATE OF ROBERT E. TAYLOR, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. Attorneys: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. s30-o14

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ESTATE OF DOROTHY S. SEIBERT, late of Derry Township, Dauphin County, Pennsylvania (died August 19, 2011). Executrix: Dorothy S. Bonsall, 510 East Main Street, Annville, PA 17003. Attorney: Jeffrey M. Mottern, Esq., 28 East Main Street, P.O. Box 87, Hummelstown, PA 17036. s30-o14

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ESTATE OF WALTER E. LAMBERT, late of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Sheri L. Spidle c/o Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055. Attorney: Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055. s30-o14

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ESTATE OF ELLIS P. SIMPSON, late of the Borough of Hummelstown, Dauphin County, Pennsylvania (died July 4, 2011). Executor/Trustee of the Ellis P. Simpson Revocable Trust Agreement: Robert A. Teeter. Attorney: George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033. Telephone (717) 533-7130. s30-o14

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ESTATE OF JOSEPH H. KLEINFELTER, late of West Hanover Township, Dauphin County, Pennsylvania. Co-Executors: Joseph Harper Kleinfelter, 731 Old Quaker Road, Lewisberry, PA 17339 and Mark E. Kleinfelter, 484 Granite Quarry Road, New Cumberland, PA 17070. Attorney: Heather D. Royer, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Harrisburg, PA 17110. s30-o14

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**SECOND PUBLICATION**

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**Estate Notices**

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ESTATE OF CLARENCE THEODORE LICK a/k/a TED LICK a/k/a C. TED LICK, late of Swatara Township, Dauphin County, Pennsylvania (died August 15, 2011). Co-Executors: Kelly L. Lick and Howell C. Mette, 3401 North Front Street, Harrisburg, PA 17110. Attorney: Howell C. Mette, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110. Telephone (717) 232-5000. s30-o14

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ESTATE OF RAYMOND J. CARRU-COLL, late of Middletown Borough, Dauphin County, Pennsylvania (died July 15, 2010). Personal Representative: Michael Anthony Carrucoli, 521 8th Street, New Cumberland, PA 17070. Attorney: Cindy L. Villanella, Esq., 875 Market Street, Lemoyne, PA 17043. s30-o14

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ESTATE OF MICHAEL E. ROLAND a/k/a MICHAEL EDWARD ROLAND, late of the Township of Swatara, Dauphin County, Pennsylvania. Executrix: Cathy L. Roland, 1360 Dayton Road, Oberlin, PA 17113. Attorney: chad d. lubas, Esq., Kozloff Stoult, 2640 Westview Drive, P.O. Box 6286, Wyomissing, PA 19610. s30-o14

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ESTATE OF ARTHUR A. FORRY, late of Hummelstown Borough, Dauphin County, Pennsylvania (died July 1, 2011). Executrix: Audrey A. Forry, 257 West High Street, Hummelstown, PA 17036. Attorney: Francis A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. s30-o14

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ESTATE OF DELMAR HOLLENBACH a/k/a DELMAR L. HOLLENBACH, late of the Township of Halifax, Dauphin County, Pennsylvania (died August 25, 2011). Co-Executors: Betty I. Lebo and Elvin Lebo, 1387 Armstrong Valley Road, Halifax, PA 17032. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. s30-o14

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ESTATE OF GLADYS M. WILBERT a/k/a GLADYS WALTZ WILBERT, late of Hummelstown, Dauphin County, Pennsylvania. Administrator CTA: Mark S. Caltagirone, 50 Devonshire Drive, Wyomissing, PA 19610. Attorney: Brian R. Ott, Esq., Barley Snyder, 50 North 5th Street, P.O. Box 942, Reading, PA 19603-0942. s30-o14

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**THIRD PUBLICATION**

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ESTATE OF ROBERT J. MARTIN, late of the City of Harrisburg, Dauphin County, Pennsylvania (died December 3, 2010). Personal Representative: Ronald E. Martin. Attorney: Susan H. Confair, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011. Telephone (717) 763-1383. s23-o7

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ESTATE OF ANTHONY VASCO, JR., late of Swatara Township, Dauphin County, Pennsylvania. Executor: Joseph M. Vasco, c/o Lisa Marie Coyne, Esq., Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227. Attorney: Lisa Marie Coyne, Esq., Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227. s23-o7

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ESTATE OF SAMUEL F. SHEPLEY, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Mildred M. Shepley, 300 Miller Road, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 534-5600. s23-o7

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THIRD PUBLICATION

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Estate Notices

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ESTATE OF DOROTHY R. FUHRMAN, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 22, 2011). Executor: William K. Leib, 220 Lawrence Drive, Harrisburg, PA 17112. Attorney: Linda J. Olsen, Esq., the Law Firm of Killian & Gephart, 218 Pine Street, P.O. Box 886, Harrisburg, PA 17108. s23-o7

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ESTATE OF WILLIAM M. NAU, late of Williamstown Borough, Dauphin County, Pennsylvania (died September 8, 2011). Co-Executrices: Lizbeth Hoover, 84 Slaymaker Hill Road, P.O. Box 176, Kinzers, PA 17535 and Mary Keenan, P.O. Box 1234, Black Canyon City, AZ 85324. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 27 North Front Street, Harrisburg, PA 17101. s23-o7

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ESTATE OF AMERICA VINCENZI, late of Derry Township, Dauphin County, Pennsylvania. Personal Representative: Lynn A. Reinhold, c/o Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. Attorney: Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. s23-o7

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ESTATE OF ERNEST E. LATSHA, late of Suaquehanna Township, Dauphin County, Pennsylvania (died August 18, 2011). Personal Representatives: Mae S. Sobezak, 2158 Gate Drive, Harrisburg, PA 17110 and Donald E. Latsha, 2260 Forest Lane, Harrisburg, PA 17112. Attorney: William J. Peters, Esq., Peters & Wasilefski, 2931 North, LLP, 27 North Front Street, Harrisburg, PA 17100. s23-o7

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that **MIDWEST MATERIALS COMPANY**, a foreign business corporation incorporated under the laws of the State of MISSOURI, where its principal office is located at 1220 W 13TH STREET, JOPLIN, MO 64804, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at CORPORATION SERVICE COMPANY, 2595 INTERSTATE DRIVE, SUITE 103, HARRISBURG, PA.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o7

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, corporation Bureau of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on August 26, 2011 for **Data Connection Solutions, Inc.**, organized under the provisions of the Business Corporation Law of 1988.

SHAUN E. O'TOOLE, Esq.  
220 Pine Street  
Harrisburg, PA 17101  
o7

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NOTICE IS HEREBY GIVEN that **Aon Risk Services, Inc. of Hawaii**, a foreign business corporation incorporated under the laws of the State of Hawaii, with its principal office located at 201 Merchant Street, City Financial Tower, Honolulu, HI 96813, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. o7

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that **A.R.M. Solutions, Inc.**, a foreign business corporation incorporated under the laws of the State of CA, where its principal office is located at 3760 Calle Tecate, Suite B, Camarillo, CA 93010, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at: c/o Corporation Service Company, Dauphin County, Pennsylvania.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o7

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NOTICE IS HEREBY GIVEN that **International Association of Fire Chiefs**, a foreign corporation incorporated under the laws of the State of New York, with its principal office located at 909 Third Avenue, New York, NY 10022, has applied for a Certificate of Authority in Pennsylvania under the PA Business Corporation Law of 1988.

The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. o7

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NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **NEW YORK ENERGY, INC.** 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, TX 77010.

The Commercial Registered Agent Provider is PennCorp Servicegroup, Inc. in Dauphin County.

The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). o7

NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **ENI TRADING & SHIPPING INC.** The address of its principal office under the laws of its jurisdiction is 1221 Lamar, Suite 500, Houston, TX 77010. The Commercial Registered Agent Provider is Capitol Corporate Services, Inc. in Dauphin County.

The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). o7

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NOTICE IS HEREBY GIVEN that on July 6, 2011, **Gerber Payroll Services, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, has applied for a Certificate of Authority in Pennsylvania, where its registered agent is located at CT Corporation System, Dauphin County, Pennsylvania.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o7

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NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania on or before 09/20/11, with respect to a proposed nonprofit corporation, **Salt of the Earth Ministries Inc.**, which has been incorporated under the Nonprofit Corporation Law of 1988.

A brief summary of the purpose or purposes for which said corporation is organized is: Non profit/Religious. o7

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **AWTP, INC.**, a Corporation organized under the Pennsylvania Business Corporation Law of 1988. o7

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that pursuant to the requirements of Section 5975 of the Pennsylvania Nonprofit Corporation Law, **Upper Dauphin Area Citizen's Action Committee** is currently in the process of voluntarily dissolving.

CHRISTIAN S. DAGHIR, Esq.  
Etzweiler and Associates  
105 N. Front Street  
Harrisburg, PA 17101  
o7

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 15, 2011, for the purpose of forming a new business corporation under the Pennsylvania Business Corporation Law of 1988, as amended.

The name of the new corporation is  
**TABWORKS, INC.**

LATSHA, DAVIS & MCKENNA, P.C.  
1700 Bent Creek Blvd., Suite 140  
Mechanicsburg, PA 17050  
o7

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NOTICE IS HEREBY GIVEN that **MiddleBrook Pharmaceuticals, Inc.**, a corporation incorporated under the laws of the State of Delaware with its principal office located at c/o GlassRatner, 3391 Peachtree Road, Suite 110, Atlanta, GA 30326, has filed an Application for Termination of Authority under Section 4129/6129 of the Business Corporation Law on 09/26/11, and the registered office is located at c/o: Corporation Service Co., Dauphin County. o7

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 23, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Paramount Residential Mortgage Group, Inc., c/o Incorp Services, Inc.**

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 1265 Corona Pointe Court, Suite 301, Corona, CA 92879.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. o7

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NOTICE IS HEREBY GIVEN that **Karcher Floor Care, Inc.** with a commercial registered office provider listed as Corporation Service Company 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 1351 W. Stanford Avenue, Englewood, CO 90110.

This shall serve as official notice to creditors and taxing authorities. o7

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NOTICE IS HEREBY GIVEN that **How Do You Know Productions, Inc.**, a foreign business corporation incorporated under the laws of the State of California, intends to withdraw from doing business in this Commonwealth. The address, including street and number, if any, of its principal office under the laws of its jurisdiction is: c/o Jan Magness, SPP 1132, Sony Pictures Entertainment Inc., 10202 W. Washington Boulevard, Culver City, CA 90232.

Its last registered office in this Commonwealth is c/o National Registered Agents, Inc. and is deemed for venue and official publication purposes to be located in Dauphin County. o7



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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about September 19, 2011, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Cornerstone Advisors, Inc.**, DBA in PA as **Cornerstone Advisors Consulting**, c/o AAAgent Services, LLC.

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

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 7272 E. Indian School Road, Suite 400, Scottsdale, AZ 85251.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. o7

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NOTICE IS HEREBY GIVEN that **Realty Income Pennsylvania Properties Trust 2**, a foreign business trust incorporated under the laws of the State of Maryland, with its principal office located at 7 St. Paul Street, Suite 1660, Baltimore, MD 21202, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988.

The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. o7

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania for **Borderland, Inc.** under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. o7

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NOTICE IS HEREBY GIVEN that

**LodgeNet Healthcare, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, where its principal office is located at 3900 W. Innovation Street, Sioux Falls, SD 57107, has applied for a Certificate of Authority in Pennsylvania, where its registered agent is located at National Registered Agents, Inc.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o7

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NOTICE IS HEREBY GIVEN that **Southeast Restoration, Inc.**, a foreign business corporation incorporated under the laws of the State of North Carolina, where its principal office is located at 2606 Phoenix Drive, Suite 810, Greensboro, NC 27406, has applied for a Certificate of Authority in Pennsylvania, where its registered agent is located at National Registered Agents, Inc.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. o7

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 23, 2011, by **MasterTech Services Inc.**, a foreign corporation formed under the laws of the State of Nevada, where its principal office is located at 691 Corporate Circle, Golden, CO 80401, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o7

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FIRST PUBLICATION

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**Corporate Notices**

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NOTICE IS HEREBY GIVEN that a Certificate of Authority was filed in the Department of State of the Commonwealth of Pennsylvania for **AI Industrial Painting, Inc.** The address of its principal office under the laws of its jurisdiction is 635 Dumont Avenue, P.O. Box 509, Campbell, OH 44405. The Commercial Registered Agent Provider is National Corporate Research, Ltd. in Dauphin County.

The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124(b). o7

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 21, 2011, by **Parsons Brinckerhoff Americas, P.C.**, a foreign corporation formed under the laws of the District of Columbia, where its principal office is located at 1401 K Street, NW, Suite 701, Washington, DC 20005, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o7

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 2, 2011, by **Highwoods Properties, Inc.**, a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 3100 Smoketree Ct., Suite 600, Raleigh, NC 27604, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o7

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, 2011, by **Quality Vision International, Inc.**, a foreign corporation formed under the laws of the State of New York, where its principal office is located at 850 Hudson Ave., Rochester, NY 14621, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania is located at c/o CT Corporation System, Dauphin County, Pennsylvania. o7

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FIRST PUBLICATION

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**Miscellaneous Notices**

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

**No. 2010-CV-11656-MF**

**NOTICE OF SHERIFF'S SALE**

**THE BANK OF NEW YORK MELLON  
F/K/A THE BANK OF NEW YORK  
AS TRUSTEE FOR THE CERTIFICATE  
HOLDERS CWABS, INC. ASSET-  
BACKED CERTIFICATES,  
SERIES 2006-09, Plaintiff**

**vs.**

**JOEL MIRANDA and  
MELISSA MIRANDA, Defendants**

**NOTICE**

**TO: MELISSA MIRANDA**

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

**BEING PREMISES: 5921 HUNTING-  
DON CIRCLE, HARRISBURG, PA 17111-  
4136.**

**BEING in SWATARA Township, County of  
DAUPHIN, Commonwealth of Pennsylvania.**

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FIRST PUBLICATION

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Miscellaneous Notices

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PARCEL Number 63-017-189.

IMPROVEMENTS consist of residential property.

SOLD as the property of JOEL MIRANDA and MELISSA MIRANDA.

YOU ARE HEREBY NOTIFIED that your house (real estate) at 5921 HUNTINGDON CIRCLE, HARRISBURG, PA 17111-4136 is scheduled to be sold at the Sheriff's Sale on OCTOBER 20, 2011 at 10:00 AM., at the DAUPHIN County Courthouse to enforce the Court Judgment of \$194,628.76 obtained by, THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-09 (the mortgage), against the above premises.

o7 PHELAN HALLINAN  
& SCHMIEG, LLP

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NOTICE

NOTICE IS HEREBY GIVEN that the **Tax Claim Bureau of Dauphin County, Pennsylvania**, has presented its Return to the Court of Common Pleas of Dauphin County, Pennsylvania, in regard to the tax sale held September 19, 2011, for the delinquent taxes for the year of 2009 by said Court of Common Pleas and the return has been filed in the office of the Prothonotary of Dauphin County, Pennsylvania to No. 2011 CV 8902 MP.

Objections or exceptions to such report may be filed by any owner or lien creditor within thirty (30) days from September 29, 2011 otherwise the return will be confirmed absolutely.

F. R. MARTSOLF, ESQ., Solicitor  
Dauphin County  
Tax Claim Bureau

STEVEN L. HOWE, Director  
Dauphin County  
Tax Claim Bureau

o7

IN THE COURT OF COMMON PLEAS  
OF LANCASTER COUNTY  
PENNSYLVANIA

CIVIL ACTION – LAW

No. CI 1107048

**WEBBER/SMITH ASSOCIATES, INC.**  
**1857 William Penn Way, Suite 201**  
**Lancaster, PA 17601, Plaintiff**

vs.

**RIZK-CO-ZANN FOODS**  
**CORPORATION**  
**750 N. Front Street**  
**Steelton, PA 17113, Defendant**

**TO: DEFENDANT, RIZK-CO-ZANN**  
**FOODS CORPORATION**

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 this 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 claimed 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, GO OR TELEPHONE THIS OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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LANCASTER COUNTY LAWYER  
REFERRAL SERVICE  
28 East Orange Street  
Lancaster, PA 17602  
(717) 393-0737

**AVISO**

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos veinte (20) días después de la notificación de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede. Preceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE

AGENCIAS QUE OFRECEN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.

LANCASTER COUNTY LAWYER  
REFERRAL SERVICE  
28 East Orange Street  
Lancaster, PA 17602  
(717) 393-0737

Webber/Smith Associates, Inc.  
Attorneys for Plaintiff

ANDREW FYLYPOVYCH, Esq.  
Burns White LLC  
100 Four Falls, Suite 515  
1001 Conshohocken State Road  
West Conshohocken, PA 19428  
(484) 567-5710

o7

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

**CIVIL ACTION – LAW**

**No. 2007-CV-10905-MF**

**NOTICE OF SHERIFF SALE  
OF REAL ESTATE  
PURSUANT TO PA. R.C.P. 3129**

**AURORA LOAN SERVICES LLC,  
Plaintiff**

**vs.**

**WEI FUNG CHANG, Defendant**

**TO: Wei Fung Chang**

YOU ARE HEREBY NOTIFIED that the Sheriff's Sale of Real Property (Real Estate) will be held in the Commissioner's Hearing Room, Dauphin County Administration Building (formerly the Mellon Bank Building). Please enter through the Market Square Entrance, take the elevator to the 4th Floor and turn right. Hearing Room is on the left. Harrisburg, Pennsylvania 17101 on 12/08/2011 at 10:00 a.m. prevailing local time.

THE PROPERTY TO BE SOLD is delineated in detail in a legal description 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.

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FIRST PUBLICATION

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Miscellaneous Notices

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The LOCATION of your property to be sold is: 2229 North 2nd Street, Harrisburg, PA 17102.

The JUDGMENT under or pursuant to which your property is being sold is docketed to: No. 2007-CV-10905-MF.

A complete copy of the Notice of Sheriff Sale will be sent to you upon request to the Attorney for the Plaintiff, Scott A. Dieterick, Esquire, Zucker, Goldberg & Ackerman, LLC, 200 Sheffield Street, Mountaintop, NJ 07092, Phone 908-233-8500

**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. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET FREE LEGAL ADVICE:

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

o7

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

**No. 2011-CV-6985-NC**

**PETITION FOR  
CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on July 20, 2011, the Petition of **Kimberle Ann Buchan** on behalf of the minor child **Jaiden Viola Buchan-Frye** was filed in the above named court, requesting a decree to change her name from **Jaiden Viola Buchan-Frye** to **Jaiden Viola Buchan**.

The Court has fixed October 25, 2011 in Courtroom No. 9, at 10:00 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.

RICHARD B. SWARTZ, Esq.  
4820 Derry Street  
Harrisburg, PA 17111

o7

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

**No. 2011-CV-822-NC**

**PETITION FOR  
CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on August 15, 2011, the Petition of **Guillermo Campbell** on behalf of **Beyah A. Sills, Jr.** was filed in the above named court, requesting a decree to change his name from **Beyah Ali Sills Jr.** to **Tristan Douglas Campbell**.

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FIRST PUBLICATION

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Miscellaneous Notices

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The Court has fixed Tuesday, October 25, 2011 in Courtroom No. 9, Second Floor, at 9:00 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. o7

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IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

No. 2011-CV-825-NC

PETITION FOR  
CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on August 15, 2011, the Petition of **Guillermina Campbell** on behalf of **Beyahlis Sills** was filed in the above named court, requesting a decree to change her name from **Beyahlis Sills** to **Beyahlis Campbell**.

The Court has fixed Tuesday, October 25, 2011 in Courtroom No. 9, Second Floor, at 9:00 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. o7

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

No. 2011-CV-824-NC

PETITION FOR  
CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on August 15, 2011, the Petition of **Guillermina Campbell** on behalf of **Leonnie Naiz Bryant** was filed in the above named court, requesting a decree to change her name from **Leonnie Naiz Bryant** to **Leonnie Naiz Campbell**.

The Court has fixed Tuesday, October 25, 2011 in Courtroom No. 9, Second Floor, at 9:00 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. o7

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IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

No. 2011-CV-823-NC

PETITION FOR  
CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on August 15, 2011, the Petition of **Guillermina Campbell** on behalf of **Tatianna Brathwaite** was filed in the above named court, requesting a decree to change her name from **Tatianna Jaanai Brathwaite** to **Tatianna Jaanai Campbell**.

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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The Court has fixed Tuesday, October 25, 2011 in Courtroom No. 9, Second Floor, at 9:00 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.

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**DAUPHIN COUNTY COURT SECTION**

*Motion Judge of the Month*

OCTOBER 2011	Judge Bernard L. COATES, JR.
NOVEMBER 2011	Judge Deborah Essis CURCILLO

*Opinions Not Yet Reported*

September 12, 2011 – Dowling, J., **Schutjer Bogar v. PA Chamber of Business & Industry**, No. 2010 CV 16007 CV



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*Opinions Not Yet Reported*

September 29, 2011 – Turgeon, J., **Commonwealth v. Dixon**, No. 22-CR-4957-2010  
October 3, 2011 – Turgeon, J., **Colon v. Kmart**, No. 2008-CV-09968-CV

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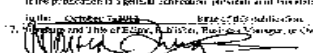
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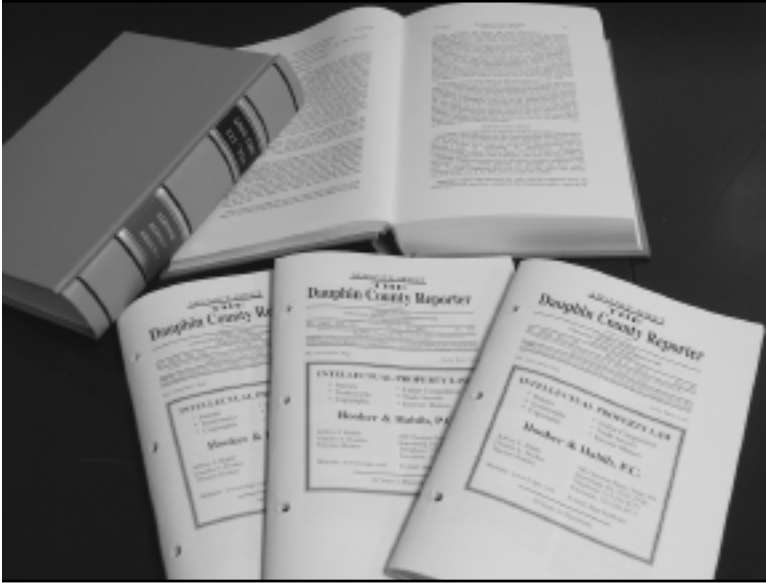
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