

# ADVANCE SHEET

## The Dauphin County Reporter

(USPS 810-200)

---

---

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

---

---

**No. 6181**

**January 4, 2019**

**No. 184**

---

---

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

---

---

**TERMS:** Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101: Telephone: (717) 232-7536, option #4.

---

---

In re Auringer  
Bar Association Page

297  
Back Pages



**THE  
DAUPHIN COUNTY REPORTER**  
Edited and published  
by the  
**DAUPHIN COUNTY BAR  
ASSOCIATION**  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**PATRICE MERZANIS**  
Executive Director  
**KENDRA HEINBAUGH**  
Administrative Assistant/Office Manager  
**BRIDGETTE L. HILBISH**  
Dauphin County Reporter/  
Legal Education Coordinator

Printed by:  
**K-PRESS**  
P.O. Box 1626, York, PA 17405

---

---

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

---

---

**TERMS:** Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101; Telephone: (717) 232-7536, opt #4; Email: [Bridgette@dcba-pa.org](mailto:Bridgette@dcba-pa.org)

---

---

---

---

**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 DAVID L. CVIJIC**, late of Hummelstown, Dauphin County, Pennsylvania. Personal Representatives: PAUL W. RENARD III, 405 Maple Street, Manchester, PA 17345 or to Attorney: JOHN R. ZONARICH, ESQUIRE, SkarlatosZonarich LLC, 17 South 2nd Street, Floor 6, Harrisburg, PA 17101. j4-18

---

**ESTATE OF SHIRLEY A. HEIN**, late of Middletown Borough, Dauphin County, Pennsylvania. Administrator: ROBERT J. HEIN, 2723 Pocono Drive, York, PA 17402 or to Attorney: ELIZABETH B. PLACE, SkarlatosZonarich, LLC, 17 S. 2nd St., Floor 6, Harrisburg, PA 17101. j4-18

---

**ESTATE OF OTHA LIONEL FERGUSON a/k/a OTHA L. FERGUSON**, late of Harrisburg, Susquehanna Township, Dauphin County, Pennsylvania (died: November 8, 2018). Executrix: Kimberly Renee Baskins a/k/a Kimberly Renee Ferguson and a/k/a Kimberly Renee Hunter. Bruce J. Warshawsky, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. j4-18

---

**ESTATE OF CRAIG D. BOWER**, late of Lower Swatara Township, Dauphin County, Pennsylvania (died: November 26, 2018). Administrator: Darryl B. Bower, c/o Pannebaker & Mohr, P.C., 4000 Vine St, Suite 101, Middletown, PA 17057 or to Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine St, Suite 101, Middletown, PA 17057. j4-18

---

**ESTATE OF SHARON S. HARTMAN**, late of East Hanover Township, Dauphin County, Pennsylvania. Co-Executors: Amy J. Rodriguez, Steven M. Hartman, Andrea L. Leavelle and Kimberly R. Rittle c/o Attorney: Keith D. Wagner, P. O. Box 323, Palmyra, PA 17078. j4-18

---

**ESTATE OF JOSEPH B. CONNORS**, late of the Borough of Lykens, County of Dauphin and Commonwealth of Pennsylvania. Executrix: Sandra Schwartz, 108 Oaken Way, Myerstown, PA 17067. Attorney: Timothy T. Engler, Esquire, Steiner & Sandoe. j4-18

---

**ESTATE OF MARY A. FILEPAS**, late of Harrisburg, Dauphin County, Commonwealth of Pennsylvania (died: November 30, 2018). Executrix: JoAnn M. Filepas, 7054 Red Top Road, Harrisburg, PA 17111 or to Attorney: Peter R. Henninger, Jr., Esq., Jones & Henninger, P.C., 339 W. Governor Rd., Ste. 201, Hershey, PA 17033. j4-18

---

**ESTATE OF JAMES E. SEIDLER**, late of Dauphin County Lower Paxton Township (died: October 31, 2018). Executor: James M. Seidler, 1801 Blue Mountain Parkway, Harrisburg, PA 17112. j4-18

**ORDER**

**AND NOW**, this 22nd day of October, 2018, **IT IS HEREBY ORDERED** that Appellants' Land Use Appeal is **DISMISSED**, and the January 26, 2017 Decision and Order of the Zoning Hearing Board of Lower Swatara Township is **AFFIRMED**.

**ISSUED AT HARRISBURG**, the date first above written.

---

**In re Auringer****Incapacitation - Mental Competency - Power of Attorney - Guardianship**

Petitioner sought appointment as plenary guardian of his mother's estate and person. She had previously executed a document granting her stepson power of attorney and nominating him as guardian of her estate. Petitioner alleged that document was invalid because she suffered from dementia at the time it was executed. The Court agreed.

1. Ordinarily, competence is presumed and the burden of proof is upon the person who alleges the incompetence. *Weir by Gasper v. Estate of Ciao*, 556 A.2d 819, 824 (Pa. 1989). Written instruments are not to be set aside except upon convincing testimony that the person so executing them did not have what the law considers sufficient mental capacity to do so. *Id.* The challenging party must prove a lack of capacity or competence by clear and convincing evidence. *See, In re McKinney*, 27 Fid. Rep.2d 359, 360 (Chest. Co. O.C. 2007) (J. Ott) and *In re Hasson*, 2013 WL 11248269 at \*2 (Pa. Com. Pl. 2013). When mental capacity is at issue the real question is the condition of the person at the very time he executed the instrument. *Weir by Gasper, supra.*

2. The selection of a guardian for an incapacitated person should be based on the best interests of such person, considering the judgment, integrity, suitability, and any adverse interests of the prospective guardian. 11 Summ. Pa. Jur. 2d Probate, Estates, and Trusts, § 26:17 (2d ed.) (citing *In re Forsyth's Estate*, 12 Pa. D & C 3d 368, 1979 WL 586 (C.P. 1979)).

3. The appointment of a guardian lies within the discretion of the trial court and will be overturned only upon an abuse of discretion. *In re Duran*, 769 A.2d 497, 506 (Pa. Super. 2001).

Petition for appointment of guardian. C.P. (O.C. Div.), Dau. Co., No. 22-OC-2018. Petition granted.

*Mark A. Mateya*, for the Petitioner

*Bradford Dorrance*, for the Principal

*James H. Turner*, for Principal's Stepson

Turgeon, J., December 5, 2018.

**OPINION**

Before the court is a petition in which John Peterson seeks to be appointed plenary guardian of his mother Helen Auringer's estate and person. Helen's step-son Derek Auringer opposes the petition on grounds that Helen previously executed a document granting him power of attorney and also nominating him to be guardian of her estate should such an appointment become necessary. Helen's son counters that the document executed by his mother is invalid because she suffered from dementia at the time of execution. For the reasons set forth below, I find that Helen's son has proven by clear and convincing

evidence that the document granting Derek power of attorney is invalid. I further grant John's request that he be appointed plenary guardian of his mother's estate and person.

#### Background

On February 3, 2016, Helen, then living in North Carolina with her husband David, executed a "General Power of Attorney" in which she appointed her husband as her agent (attorney-in-fact) and her step-son Derek alternate agent. The General Power of Attorney included a common guardianship provision stating that "[i]f it becomes necessary for a court to appoint a guardian of my estate, I nominate my Agent acting under this document to be the guardian of my estate ..." (4/19/18 Exbt. F) The document had been prepared by a North Carolina attorney and signed by Helen in his office in the presence of her husband and two witnesses who swore they believed her to be of sound mind. (Id.; see N.T. 4/19/18 at 57, 63)

In September 2017, shortly after his father David became gravely ill, Derek registered the General Power of Attorney with a North Carolina court. His father passed away September 15, 2017 and Derek became Helen's agent under the General Power of Attorney. Derek thereafter moved Helen to Pruitt Health Nursing Home in North Carolina. In December 2017, Derek moved Helen from Pruitt Health to the memory care unit at Arden Courts, located in Harrisburg, closer to Derek's home in Hummelstown Pa.

In December 2017, her son John filed a petition in North Carolina seeking guardianship over his mother. The North Carolina court later issued an order relinquishing jurisdiction to Pennsylvania given that Helen had been recently moved here. John then filed his guardianship petition with the Dauphin County Orphan's Court in February 2018. In his petition, John asserts that Derek moved Helen to Pennsylvania without his knowledge and against the wishes of both him and his sister Erica. John and Erica are Helen's only biological children, from her first marriage, and both reside in New Jersey. Both want John to be appointed their mother's guardian and to move her to a New Jersey facility closer to them.

After the matter was assigned to me I issued an order appointing an attorney to represent Helen. I held hearings April 17 and August 27, 2018. At the first hearing, Helen's treating physician in the Arden Courts memory care unit, Jessica Ward, D.O., testified that Helen, then 84 years old, suffers from Alzheimer's dementia which condition will worsen over time. (N.T. 4/19/18 at 3-6, 8) Prior to the hearing, Dr. Ward conducted a short mental exam consisting of ten questions, none of which Helen was able to answer, "babbling nonsensically throughout the examination." (N.T. 4/19/18 at 7) Dr. Ward opined within a reasonable degree of medical certainty that Helen qualified as an "incapacitated person" as that term as defined under the Guardianship Act: "an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that [she] is partially or totally unable to manage [her] financial resources or to meet essential requirements for [her] physical health and safety." (N.T. 4/19/18 at 7) Dr. Ward agreed that Helen's residency with Arden Courts (Harrisburg) is the least restrictive and appropriate residence for her at this time but that other Arden Courts facilities throughout Pennsylvania and New Jersey would provide a similar environment. (N.T. 4/19/18 at 10-11) Dr. Ward testified that if Helen were moved to a new facility with a similar memory care unit, she believed Helen would be able to adequately adjust, after a period of transition. (N.T. 4/19/18 at 8-9)

John testified that he is willing to act as guardian of his mother's estate and of her person. (N.T. 4/19/18 at 23) He currently lives in Denville, New Jersey, is sixty years old and is self-employed as an electrical contractor. (*Id.*) John grew up in his mother's and father's home until he was about 20 years old, when they divorced. (N.T. 4/19/18 at 37) As an adult, John saw his mother frequently including visiting her many weekends with his daughter at his mother's New Jersey summer home. (N.T. 4/19/18 at 37) As of April 2018, John had visited his mother about five times since her December 2017 move to Arden Courts. (*Id.*) Both he and his sister would prefer that their mother reside at an Arden Courts facility in Whippany, N.J., which facility both have visited. (N.T. 4/19/18 at 24-25, 30) To that end, in early November 2017, he asked his step-brother Derek, as her power of attorney, to authorize release of medical and financial records from the North Carolina facility to the proposed New Jersey facility. (N.T. 4/19/18 at 31) John testified that Derek agreed to his proposal but never followed through obtaining the necessary records. (N.T. 4/19/18 at 31-32) According to John, after he became frustrated at not being able to move his mother, he called Derek later in November and Derek told him he planned to move Helen to Pennsylvania. Derek claimed he had discussed the move with Helen. (N.T. 4/19/18 at 33) According to John, Derek did not inform him that he moved Helen to Pennsylvania on December 3, 2017. (N.T. 4/19/18 at 35) John testified that he and Derek had gotten along well for almost forty-five years until Derek moved his mother to Pennsylvania. (N.T. 4/19/18 at 26)

Derek, who currently lives in Hummelstown, testified that Helen married his father David when he was in his mid-teens and he lived with them in their home for about four years. (N.T. 4/19/18 at 43) After Helen and her husband David moved to North Carolina in 1999, Derek continued to visit them about four times a year. (*Id.*) He claimed that he and Helen have a very close relationship. (N.T. 4/19/18 at 43-44) Derek was unaware he had been named her alternate power of attorney and nominated to be her potential guardian in the February 3, 2016 "General Power of Attorney" document until he discovered it in her home after his father was hospitalized. (N.T. 4/19/18 at 44) Following his father's hospitalization, he initially placed Helen in a generalized nursing home in North Carolina (Pruitt Health) but did not consider it adequately specialized for her needs. He also found it too far away from him to provide her efficient care. (N.T. 4/19/18 at 45-46, 50) He thus moved Helen to Arden Courts in Harrisburg in December 2017. (N.T. 4/19/18 at 46) Since her move to Harrisburg, he has visited Helen about twice a week. (*Id.*) Derek was aware at that time he moved Helen that her children preferred that she be moved to New Jersey. (N.T. 4/19/18 at 52) He further admitted that at one point he told John he would fight him if he tried to move Helen to New Jersey but later explored moving Helen there or to a location between where he and John lived but ultimately decided against it. (N.T. 4/19/18 at 53)

Derek testified he is willing to continue to manage Helen's affairs as long as necessary. (N.T. 4/19/18 at 47) He testified he has not used any of her assets for his own benefit and is willing to provide an accounting. (N.T. 4/19/18 at 47-48) He additionally claimed that he never had any discussions with either Helen or his father, when he was alive, about serving as Helen's guardian were something to happen to Helen (N.T. 4/19/18 at 49) He testified that if the court directed Helen be moved to New Jersey, and he were still her guardian, he would continue to provide the same level of care for her. (N.T. 4/19/18 at 51-52)

At the conclusion of the first hearing, I held a discussion with counsel concerning the failure of both John's and Helen's attorneys to provide any evidence as to whether Helen was competent at the time she executed the power of attorney document February 3, 2016 inasmuch as there was evidence Helen had been diagnosed with Alzheimer's disease prior to that date. (N.T. 4/19/18 at 57-64) John's attorney later requested and was granted a continuance to obtain that evidence. I thus held the second hearing August 27, 2018.

Helen's treating physician in North Carolina between June 2015 and January 2017, Walter Wardell, M.D., testified at the second hearing. He stated that when he first saw her on June 5, 2015, she had already been diagnosed with Alzheimer's and had been prescribed Aricept by another physician. (N.T. 8/27/18 at 15-16) Dr. Wardell's progress notes reflect a diagnosis of "Alzheimer type dementia ... at this point fairly mild." (Exbt. p. 115) However, he believed that in June 2015, when he first saw her, she lacked competency or capacity to sign a document. (N.T. 8/27/18 at 19-20) Dr. Wardell continued her Aricept prescription at that time. His notes from the initial visit additionally stated Helen was alert and "oriented times three," i.e. knew who she was, where she was and the date. (N.T. 8/27/18 at 29, Exbt. p. 114) Dr. Wardell testified that whether a person is oriented times three is a valuable finding in assessing a patient's capacity. (N.T. 8/27/18 at 28) Dr. Wardell also included in his notes that Helen did not have memory loss or confusion and "is unable to remember 0 out of 3 objects" at 30 to 40 seconds. (N.T. 8/27/18 at 29-30) He agreed that memory loss is a symptom of Alzheimer's dementia. (N.T. 8/27/18 at 30)

Dr. Wardell saw Helen a second time on July 7, 2015 and his notes reflect her Alzheimer's dementia diagnosis and he again prescribed Aricept. (N.T. 8/27/18 at 6) Dr. Wardell saw Helen again on October 13, 2015, noting in his assessments she had Alzheimer's type dementia and that her husband reported her having some hallucinations. Dr. Wardell increased her Aricept dosage. (N.T. 8/27/18 at 7)

On January 4, 2016, during a follow-up appointment, Dr. Wardell again noted an Alzheimer's diagnosis as well as a recent femur fracture from a fall. (N.T. 8/27/18 at 7-8; Exbt. p. 106) His notes from that visit, entered just four weeks before Helen executed the power of attorney, stated "**patient has a significant dementia and really cannot participate in review of systems questions.**" (N.T. 8/27/18 at 31; Exbt. p. 106) Dr. Wardell explained that most of the review of systems information had to be provided by her husband since Helen was not able to help answer the questions or do so reliably. (N.T. 8/27/18 at 31) Dr. Wardell's progress notes state that her Alzheimer's dementia was "advanced and progressing." (Exbt. p. 107) He found her at that time "not oriented except to 1" and that she was using a walker to ambulate but "at times forgets what it is for." (Exbt. p. 106) Dr. Wardell noted that her orthopedic surgeon felt her dementia had progressed secondary to her fracture. (Exbt. pp. 106-07)

In a progress note from February 22, 2016, Dr. Wardell described Helen's Alzheimer's dementia as stable and that she appeared to be at her baseline with "no discernible decrease in function or decreased mental capacity." (N.T. 8/27/18 at 21-22; Exbt. p. 105) Dr. Wardell testified that Helen conversed with him at that time and expressed opinions about her care "but not necessarily reliably." (N.T. 8/27/18 at 22) Dr. Wardell's progress notes indicate Helen's Alzheimer's was stable for visits on April 7 and July 7, 2016. (N.T. 8/27/18 at 8-9, 20-21; Exbt. pp. 99, 101-03) On October 12, 2016 and on January

16, 2017, Dr. Wardell's assessment was that Helen Alzheimer's disease was stable but slowly progressing. (N.T. 8/27/18 at 9, 21; Exbt. pp. 92, 94) At the October appointment, Dr. Wardell noted Helen was oriented times three. (N.T. 8/27/18 at 27-28; Exbt. p. 94)

Dr. Wardell testified that Helen's Alzheimer's disease generally worsened during the time he treated her, between June 2015 and January 2017. (N.T. 8/27/18 at 19) As mentioned above, he believed that in June 2015, when he first saw her, she was not competent and/or lacked capacity to sign a document. (N.T. 8/27/18 at 19-20) He opined that Helen lacked the mental capacity on February 3, 2016 to sign the power of attorney (as well as a health care power of attorney/advance directive signed the same day). (N.T. 8/27/18 at 23-24; Exbts. F, R-1) He explained his opinion was based upon "knowing how she was when I first saw her and how things progressed, waxed and waned through the time period that I saw her." (N.T. 8/27/18 at 24) Dr. Wardell acknowledged that he did not have any present recollection of Helen's condition from January and February 2016 and had not performed any cognitive tests around that time. (N.T. 8/27/18 at 25) He also acknowledged he did not have the opportunity to evaluate Helen on the day she signed the power of attorney and did not know if her condition was waxing or waning at that time. (N.T. 8/27/18 at 17, 23, 24-25)

#### Legal Discussion

Provisions in both the Guardianship Act and the Power of Attorney statute address the legal status of a person granted a power of attorney and how that designation relates to a guardianship appointment, as follows:

**20 Pa.C.S.A. § 5604** [Probate Code - Power of Attorney Statute]. **Durable powers of attorney**

...

**(c) Relation of agent to court-appointed guardian. --**

(1) If, following execution of a durable power of attorney, the principal becomes an incapacitated person and a guardian is appointed for his estate, the agent is accountable to the guardian as well as to the principal.

(2) A principal may nominate, by a durable power of attorney, the guardian of his estate or of his person for consideration by the court if incapacity proceedings for the principal's estate or person are thereafter commenced. *The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.*

**20 Pa.C.S.A. § 5511** [Guardianship Act]. **Petition and hearing; independent evaluation**

...

**(f) Who may be appointed guardian. --** The court may appoint as guardian any qualified individual, a corporate fiduciary, a nonprofit corporation, a guardianship support agency under Subchapter F (relating to guardianship support) or a county agency. In the case of residents of State facilities, the court may also appoint, only as guardian of the estate, the guardian office at the appropriate State facility. The court shall not appoint a person or entity providing residential services for a fee to

the incapacitated person or any other person whose interests conflict with those of the incapacitated person except where it is clearly demonstrated that no guardianship support agency or other alternative exists. Any family relationship to such individual shall not, by itself, be considered as an interest adverse to the alleged incapacitated person. *If appropriate, the court shall give preference to a nominee of the incapacitated person.*

20 Pa.C.S.A. § 5604 and 20 Pa.C.S.A. § 5511 (italics provided).

As explained by our Superior Court, “Section 5511 must be read together with section 5604(c)(2) of the Probate Code, which states that if a principal nominates by durable power of attorney the guardian of his estate, the ‘court *shall* make its appointment in accordance with the principal’s most recent nomination ... except for good cause or disqualification.’” In re Sylvester, 598 A.2d 76, 83 (Pa. Super. 1991) (italics in original). Furthermore, “[i]n the absence of proof of good cause or disqualification based on competent evidence at the guardianship hearing, there [is] no need to appoint an independent party as permanent guardian.” Id. at 83-84. The Superior Court similarly explained in a later opinion that under Sylvester, “[w]hen a [principal] has executed a [durable power of attorney] and named a personal representative, that choice is given paramount importance” and that these statutory provisions “require the court to give effect to the [principal’s] selection of a guardian, except for good cause or disqualification.” In re Duran, 769 A.2d 497, 506-07 (Pa. Super. 2001) (citing In re Sylvester).

John argues the power of attorney document executed by Helen on February 3, 2016, granting Derek alternate power of attorney and nominating him to be her (alternate) guardian, if necessary, is invalid because Helen was not competent when she executed it.<sup>1</sup>

“Ordinarily, competence is presumed and the burden of proof is upon the person who alleges the incompetence.” Weir by Gasper v. Estate of Ciao, 556 A.2d 819, 824 (Pa. 1989) (citation omitted). “Written instruments are not to be set aside except upon convincing testimony that their execution was tainted with fraud, either actual or constructive, or that the person so executing them did not have what the law considers sufficient mental capacity to do so.” Id. (citations omitted). A number of trial courts have directly addressed challenges to a durable power of attorney appointment on grounds the principal lacked the mental capacity or competency to execute it. In those cases, the trial courts have held that the challenging party must prove a lack of capacity or competence by clear and convincing evidence. See, In re McKinney, 27 Fid. Rep.2d 359, 360 (Chest. Co. O.C. 2007) (J. Ott) and In re Hasson, 2013 WL 11248269, at \*2 (Pa. Com. Pl. 2013). “When mental competency is at issue the real question is the condition of the person at the very time he made the gift or executed the instrument.” Weir by Gasper, supra (citations omitted).

The evidence presented through testimony and records produced by Helen’s treating physician Dr. Wardell established by clear and convincing evidence that Helen was not competent and/or lacked capacity when she signed the power of attorney document February 3, 2016. Helen had nine documented

---

<sup>1</sup> John did not otherwise assert that there is good cause to reverse the nomination made by Helen appointing Derek her guardian, assuming the power of attorney is valid. John produced no evidence showing any grounds upon which Derek should be disqualified as guardian, again assuming the power of attorney appointment is valid.



office visits with Dr. Wardell between June 5, 2015 and January 17, 2017. At her first visit in June 2015, Dr. Wardell testified she came to him with a recent diagnosis of Alzheimer's dementia. At her fourth visit on January 4, 2016, Dr. Wardell conveyed in his contemporaneous progress notes that "**patient has a significant dementia**" and that her Alzheimer's dementia was "**advanced and progressing.**" According to Dr. Wardell, at that time, Helen was unable to assist him in recounting her health history as she was not able answer questions or do so reliably. As noted, this diagnosis and observations were made and documented just four weeks before Helen executed the power of attorney. In addition, at her next visit, on February 22, 2016, just nineteen days after Helen signed the power of attorney, Dr. Wardell found her condition unchanged from the previous visit. He recalled she was able to express opinions to him but not reliably.

Dr. Wardell credibly testified, that based upon his history of treating and examining Helen, he believed she lacked the mental capacity on February 3, 2016 to sign the power of attorney. There was no other evidence presented by the various participants contradicting Dr. Wardell's diagnosis she suffered from significant dementia that was advanced and progressing and lacked the capacity to execute the power of attorney. See In re McKinney (the esteemed trial judge (the Hon. Paula Ott, now of the Superior Court) found that the wife presented clear and convincing evidence that her husband lacked capacity to execute a document changing his power of attorney appointment from his wife to his niece where wife presented an expert neurologist who testified husband was unable to make informed, intelligent decisions due to cognitive impairment at the time he signed the power of attorney).

Having found that the General Power of Attorney document executed by Helen was invalid due to her incompetency and/or incapacity, including the provision nominating Derek her guardian, I turn to the remaining issues. The evidence presented by Helen's current physician, Dr. Ward, definitively established that Helen is a totally incapacitated person as defined under the Guardianship Act. 20 Pa.C.S.A. § 5501.<sup>2</sup> As such, she needs a plenary guardian appointed.

"The selection of a guardian for an incapacitated person should be based on the best interests of such person, considering the judgment, integrity, suitability, and any adverse interests of the prospective guardian." 11 Summ. Pa. Jur. 2d Probate, Estates, and Trusts § 26:17 (2d ed.) (citing In re Forsyth's Estate, 12 Pa. D. & C.3d 368, 1979 WL 586 (C.P. 1979)). "The appointment of a guardian lies within the discretion of the trial court and will be overturned only upon an abuse of discretion." In re Duran, 769 A.2d 497, 506 (Pa. Super. 2001) As between appointment of Helen's son John or her step-son Derek to be her guardian, this court finds them both qualified to act in her best interests. Nevertheless, I choose to appoint John inasmuch as he is Helen's biological child and also because that appointment is supported by Helen's only other biological child, Erica.<sup>3</sup> I am further concerned about past behavior by Derek wherein he moved

---

<sup>2</sup> "Incapacitated person" means an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he is partially or totally unable to manage his financial resources or to meet essential requirements for his physical health and safety.

20 Pa.C.S.A. § 5501.

<sup>3</sup> The new Orphan's Court Rule 14.6, which will become effective June 1, 2019, includes a listing of preferred persons the court must consider in making a selection of a guardian of the person and of the estate

Helen to Pennsylvania without informing John and Erica and also failed to respond to John's past requests for Helen's medical and financial records. Furthermore, Derek's and John's relationship, which had once been friendly, has deteriorated. Hopefully that relationship may now heal moving forward, to provide Helen with their combined love and care.

Accordingly, I enter the following:

---

absent a power of attorney or other appointment. The proposed Rule reflects a preference for an adult child over all other relatives except for a spouse, as follows:

**Rule 14.6. Determination of Incapacity and Selection of Guardian**

...

**(b) Selection of Guardian.** If guardianship services are needed, then the court shall appoint the person nominated as such in a power of attorney, a health care power of attorney, an advance health care directive, a mental health care declaration, or mental health power of attorney, except for good cause shown or disqualification. Otherwise, the court shall consider the eligibility of one or more persons to serve as guardian in the following order:

(1) *Guardian of the Person:*

- (i) The guardian of the estate;
- (ii) The spouse, unless estranged or an action for divorce is pending;
- (iii) An adult child;
- (iv) A parent;
- (v) The nominee of a deceased or living parent of an unmarried alleged incapacitated person;
- (vi) An adult sibling;
- (vii) An adult grandchild;
- (viii) Other adult family member;
- (ix) An adult who has knowledge of the alleged incapacitated person's preferences and values, including, but not limited to religious and moral beliefs, and would be able to assess how the alleged incapacitated person would make decisions; or
- (x) Other qualified proposed guardian, including a professional guardian.

(2) *Guardian of the Estate.* When the estate of the incapacitated person consists of minimal assets or where the proposed guardian possesses the skills and experience necessary to manage the finances of the estate:

- (i) The guardian of the person;
- (ii) The spouse unless estranged or an action for divorce is pending;
- (iii) An adult child;
- (iv) A parent;
- (v) The nominee of a deceased or living parent of an unmarried alleged incapacitated person;
- (vi) An adult sibling;
- (vii) An adult grandchild;
- (viii) Other adult family member; or
- (ix) An adult who has knowledge of the alleged incapacitated person's preferences and values, including, but not limited to religious and moral beliefs, and would be able to assess how the alleged incapacitated person would make decisions.

Where no individual listed in subparagraphs (i)–(ix) of paragraph (b)(2) possesses the skills and experience necessary to manage the finances of the estate, the guardian of the estate may be any qualified proposed guardian, including a professional guardian or corporate fiduciary.

**ORDER**

AND NOW, this 5<sup>th</sup> day of December 2018, this Court hereby finds, upon clear and convincing evidence, that the Power of Attorney executed by Helen Auringer on February 3, 2016 is invalid for the reasons set forth above. This court further grants, under separate Decree, the petition filed by John Peterson seeking a finding that Helen Auringer is incapacitated and further appoints John Peterson as plenary guardian of her estate and person.

---

## FIRST PUBLICATION

---

### Estate Notices

**ESTATE OF CAROL FOLTZ a/k/a CAROL E FOLTZ a/k/a CAROLINE E FOLTZ**, late of Penbrook Borough, Dauphin County, Pennsylvania (died: November 21, 2018). Executor: Daniel Foltz, 2525 Walnut Street Harrisburg, PA 17103. Attorney: Gregory J Katshir, Esquire, 900 Market Street Lemoyne PA 17043. j4-18

**ESTATE OF THERESA LYNN SCHAFFER**, late of Middletown Borough, Dauphin County, Pennsylvania (died: November 26, 2018). Administratrix: Andria Longo. Attorney: Veronica N. Range, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. j4-18

**ESTATE OF ERIC LEACH**, late of Steelton Borough, Dauphin County, Pennsylvania (died: November 21, 2018). Administratrix: Melvena Viola Leach. Attorney: Veronica N. Range, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. j4-18

---

## SECOND PUBLICATION

---

**ESTATE OF LORILEE S. SHELLENHAMER a/k/a LORILEE MASON SHELLENHAMER**, late of Derry Township, Dauphin County, Pennsylvania (died: December 3, 2018). Co-Executor: Diane L. Shellenhamer, 41 Tice Avenue Hershey, PA 17033; Co-Executor: Kristi N. Bishop, 1838 East Chocolate Avenue, Hershey, PA 17033 or to Attorney: Christa M. Aplin, Esquire, James, Smith, Dietterick & Connelly, LLP, 11 E. Chocolate Ave., Suite 300, Hershey, PA 17033, (717) 533-3280. d28-j11

**ESTATE OF HELEN M. DONMOYER**, late of the Borough of Gratz, County of Dauphin, Pennsylvania (died: November 27, 2018). Co-Executors: Ruth D. Sitlinger, 44 East Market Street, P.O. Box 459, Gratz, Pennsylvania 17030 and Thomas E. Donmoyer, 661 Erdman Road, Lykens, Pennsylvania 17048; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. d28-j11

**ESTATE OF DONALD R. BEAVER**, late of Lower Paxton Township, (died: August 29, 2018). Administrator: Gregory J. Beaver, 4862 Sheffield Court, Harrisburg PA 17112; Jeffrey Allen Beaver, 2307 North 2nd street, Harrisburg, PA 17110 and Attorney: Edward C. Greco, 660 Chestnut Street, Kulpmont, PA 17834. d28-j11

**ESTATE OF VIRGINIA C. ZUVICH**, late of 470 North Second Street, Steelton, Dauphin County, Pennsylvania. Executrix: Claire Z. Handley, c/o Wayne M. Pecht, Esquire, Smigel, Anderson & Sacks, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110. d28-j11

**ESTATE OF FRANCES O. NOSS**, late of Harrisburg, Dauphin County, Pennsylvania, (died: November 2, 2018). Co-Executors: Gary R. Nye and Bonnie L. Berkoski, 2192 Brandywine Road, Harrisburg, PA 17110. d28-j11

---

## THIRD PUBLICATION

---

**ESTATE OF CONSTANCE M. DONALDSON**, late of Susquehanna Township, County of Dauphin, Commonwealth of Pennsylvania. Executor: Kent R. Donaldson. Attorney: Heather D. Royer, Esquire, Smigel, Anderson & Sacks, LLP, 4431 N. Front Street, 3rd Floor, Harrisburg, PA 17110. d21-j4

**ESTATE OF ANN M. LOWELL**, late of 135 Ringneck Drive, Harrisburg, PA 17112, Township of Lower Paxton, Dauphin County, Pennsylvania. Co-Executor: Richard J. Lowell, Jr., 30 Waterfowl Way, Elizabethtown, PA 17022; Co-Executor: Rosalie Giandalia, 135 Ringneck Drive, Harrisburg, PA 17112 or to Attorney: Robert R. Kreitz, Esquire, Roland Stock, LLC, 627 North Fourth Street, P.O. Box 902, Reading, PA 19603. d21-j4

**ESTATE OF ANNA J. COOPER**, late of Millersburg Borough, Dauphin County, Pennsylvania (died: November 27, 2018). Executrix: Annette M. Rebeck, 1271 Barnstable Lane, State College, PA 16803. Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethtown, PA 17023. d21-j4

**ESTATE OF GEORGE F. WILT**, late of Millersburg Borough, Dauphin County, Pennsylvania (died: November 28, 2018). Co-Executors: George F. Wilt, Jr., 548 South Main Road, Mountain Top, Pennsylvania 18707; Karen S. Lentz, 142 Senator Road, Millersburg, Pennsylvania 17061; Attorney: Holly M. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. d21-j4

**ESTATE OF WALTER L. YELLOCK a/k/a WALTER LEE YELLOCK**, late of Susquehanna Township, Dauphin County, Pennsylvania (died: October 3, 2018). Executrix: Robbin A. Yellock, 2367 Canby Street, Harrisburg, PA 17103 or to Attorney: Jill M. Wineka, Esquire, Purcell, Krug & Haller, 1719 North Front Street, Harrisburg, PA 17102. d21-j4

---

## THIRD PUBLICATION

---

### Estate Notices

**ESTATE OF LINDA L. WELKER**, late of Lykens Township, Dauphin County, Pennsylvania (died: September 3, 2018). Co-Administrators: Alycia N. Geary, 138 Creekside Drive, Enola, Pennsylvania 17025; Matthew A. Engle, 251 Malta Road, Dalmatia, Pennsylvania 17017; Attorney: Joseph D. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State route 209, Elizabethtown, PA 17023. d21-j4

**ESTATE OF HY LARIFF a/k/a HYMAN S. LARIFF**, late of Susquehanna Township, County of Dauphin, Commonwealth of Pennsylvania. Executor: David G. Lariff, 3237 Larry Drive, Harrisburg, PA 17109 or to Attorney: Heather D. Royer, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110. d21-j4

**ESTATE OF HORACE M. CRUM, SR., a/k/a HORACE M. CRUM**, late of Mifflin Township, Dauphin County, Pennsylvania (died: December 01, 2018). Executor: Bradley E. Crum, 1184 Cypress Point Way, Virginia Beach, VA 23455. Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethtown, PA 17023. d21-j4

**ESTATE OF PATRICIA O. STEVENS, a/k/a PATRICIA ANN STEVENS**, late of Derry Township, Dauphin County, Pennsylvania. Executor: Michael L. Stevens, c/o Attorney: Keith D. Wagner, P. O. Box 323, Palmyra, PA 17078. d21-j4

**LLOYD I. SHEPLEY aka LLOYD SHEPLEY**, late of Borough of Halifax, Dauphin County, Pennsylvania (died: November 14, 2018). Co-Executrix: Dana Welcomer, Co-Executrix: Dawn Schreffler, Co-Executrix: Duane E. Shepley, c/o Kollas and Kennedy Law Office, 1104 Fernwood Avenue, Camp Hill, PA 17011. Attorney: James W. Kollas, Kollas and Kennedy, 1104 Fernwood Avenue, Camp Hill, PA 17011. d21-j4

**ESTATE OF GOLDIE MAY HARMON PELLETIER**, late of Middletown Borough, Dauphin County, Pennsylvania. Personal Representative/Administratrix: Richard Paul Pelletier, Jr., 124 Spruce Street., Middletown, PA 17057 or to Attorney: Elizabeth B. Place, Esquire, SkarlatosZonarich, LLC, 17 S. 2nd St., Floor 6, Harrisburg, PA 17101. d21-j4

**ESTATE OF MARK B. HOY**, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Timothy E. Hoy, 2009 Churchill Street, Slidell, LA 70461. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. d21-j4

**ESTATE OF PHILIP M. DENCI, SR.**, late of Derry Township, Dauphin County, Pennsylvania. Administrator: Philip M. Denci, Jr., c/o Attorney: Gerald J. Brinser P.O. Box 323, Palmyra, PA 17078. d21-j4

**ESTATE OF JAMES ALLEN HAMILL**, late of Lower Paxton Township, Dauphin County, Pennsylvania (died: November 18, 2018). Administrator: Susan E. Bowers-Miller, 3236 Hoffman Street, Harrisburg, PA 17110. d21-j4

**ESTATE OF PHYLLIS L. SNYDER**, late of Washington Township, Dauphin County, Pennsylvania (November 2, 2018). Executrix: Sherrin L. Graby, 1275 Wilhour Road, Millersburg, Pennsylvania 17061. Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. d21-j4

**ESTATE OF EARL W. FETTERMAN**, late of Dauphin County, Pennsylvania (died: November 18, 2018). Executrix: Lynn R. Fetterman, 768 Drakesborough Drive, Bowling Green, Kentucky 42103. Attorney: James P. Sheppard, Esquire, 2201 North Second Street, Harrisburg, PA 17110. d21-j4

**ESTATE OF EDGAR J. YOUNG, SR.**, late of the Susquehanna Township, Dauphin County, Pennsylvania. Co-Executors: Jane E. Shelley and Kathleen E. Stallsmith, c/o Jennifer B. Hipp, Esq., One West Main Street, Shiremanstown, PA 17011. d21-j4

---

## FIRST PUBLICATION

---

### Corporate Notices

NOTICE IS HEREBY GIVEN **GREAT-FENCE.COM, INC.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 1200 Smith St., #1600, Houston, TX 77002. The commercial registered office provider is in care of Paracorp Incorporated in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. j4

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on January 1, 2019 for the purpose of obtaining a Certificate of Incorporation of a Professional Business Corporation to be organized under the Business Corporation Law of 1988.

The name of the proposed corporation is: **BMW Fences and Decks LLC.** j4

---

## FIRST PUBLICATION

---

### Corporate Notices

NOTICE IS HEREBY GIVEN that **Big 33 Scholarship Foundation, Inc.**, a Pennsylvania nonprofit corporation with its registered office at 4750 Lindle Road, Harrisburg, PA 17111, is now engaged in winding up and settling the affairs of said nonprofit corporation. The corporation will be filing Nonprofit Articles of Dissolution with the Commonwealth of Pennsylvania at Harrisburg, PA, so that its 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  
Attorneys at Law  
100 Pine Street  
Harrisburg, PA 17101

j4

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about November 29, 2018, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **FERRATEX SERVICES, INC.** c/o Cogency Global, Inc.

This corporation is incorporated under the laws of Florida.

The address of its principal office is c/o Spiniello Companies, 354 Eisenhower Parkway, Livingston, NJ 07039.

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

j4

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

1. The name of the corporation is **SNAFix Inc.**
2. The location of the registered office of the corporation is 1725 N. 3rd Street, Harrisburg, PA 17102.
3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of 1988.
4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.
5. The Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved by said Department on the 4th day of November, 2018 for operations commencing on the 1st day of January, 2019.

j4

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **Automotive Capital Services, Inc.**, a corporation incorporated under the laws of the State of Delaware will withdraw from doing business in Pennsylvania. The address of its principal office is 16675 Addison Rd, Ste. 100, Addison, TX 75001. The name of its commercial registered office provider in Pennsylvania is CT Corporation System.

j4

NOTICE IS HEREBY GIVEN that **CSI Resource Group**, a foreign business corporation under the laws of the state of Louisiana where its principal office is located at 1113 Range Avenue, Ste. 110-185, Denham Springs, LA 70726 has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Incorp Services, 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.

j4

NOTICE IS HEREBY GIVEN that **Hershire Animal Hospital, Inc.**, a Pennsylvania corporation, having its registered office at 314 Pine Street, Hummelstown, Pennsylvania is winding up its affairs in the manner prescribed by Section 1975 of the Business Corporation Law of 1988, so that its corporate existence shall cease upon the filing of Articles of Dissolution in the Department of State of the Commonwealth of Pennsylvania.

Attorney David D. Engle, Esq.  
Engle, Kauffman & VanHorn, P.C.  
432 Rolling Ridge Drive, Ste. 3B  
State College, PA 16801

j4

NOTICE IS HEREBY GIVEN **Anchor Electric Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 177 Old Churchmans Rd., New Castle, DE 19720, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. Fictitious Name: Anchor Electric of DE Inc. 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.

j4

NOTICE IS HEREBY GIVEN **EMS LINQ INC.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 2528 Independence Blvd., Ste. 200, Wilmington, NC 28412, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. 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.

j4

---

## FIRST PUBLICATION

---

### Corporate Notices

NOTICE IS HEREBY GIVEN **Rhoshan Pharmaceuticals, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 6 Bethel Rd., Glen Mills, PA 19342, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is DE Secy. of State, John G. Townsend Bldg., 401 Federal St., Ste. #4, Dover, DE 19901. 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. j4

NOTICE IS HEREBY GIVEN **Springfield Armory Holdings, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 420 W. Main St., Geneseo, IL 61254, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. 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. Effective date: January 1, 2019. j4

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of engaging in any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended.

The name of the corporation is: **Thirteen Brands Co.**

Articles of Incorporation have been filed on: November 2, 2018. j4

NOTICE IS HEREBY GIVEN that **BHS Hospital Services, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located at 9200 Shelbyville Rd, Ste. 210, Louisville, KY 40222, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 11/21/18, 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 in Dauphin County. j4

NOTICE IS HEREBY GIVEN **Cate Street Capital, Inc.** with a commercial registered office provider in care of Paracorp Incorporated in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth. The address to which any proceeding may be sent is 800 N. Collier Blvd. Ste. 204, Marco Island, FL 34145. This shall serve as official notice to creditors and taxing authorities. j4

NOTICE IS HERBY GIVEN **SIMLA (U.S) INC.** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 2431 ATLANTIC AVE, SUITE 1 MANASQUAN NJ 08736. The Commercial Registered Agent Provider is in care of National Registered Agents, Inc., in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412. j4

NOTICE IS HEREBY GIVEN that **Collection Experts Inc.** a foreign business corporation incorporated under the laws of the State of Illinois, where its principal office is located at 280 Shuman Blvd. Suite 250 Naperville, IL 60563, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Corporation Service Company 2595 Interstate Drive, Suite 103 Harrisburg, 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. j4

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **National Purchasing Corporation**, a corporation incorporated under the laws of the State of California will withdraw from doing business in Pennsylvania. The address of its principal office is 2401 Park Dr, Harrisburg, PA 17110 and the name of its commercial registered office provider in Pennsylvania is CT Corporation System. j4

NOTICE IS HEREBY GIVEN that **Britten, Inc.**, a foreign corporation formed under the laws of the State of Michigan and with its principal office located at 2322 Cass Rd, Traverse City, MI 49684, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 12/21/18, effective 1/1/2019, 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 in Dauphin County. j4

---

## FIRST PUBLICATION

---

### Corporate Notices

NOTICE IS HEREBY GIVEN that **New York Environmental Services Corporation**, a foreign corporation formed under the laws of the State of New York and with its principal office located at 28161 North Keith Drive, Lake Forest, IL 60045, will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, 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 in Dauphin County. j4

---

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of The Commonwealth of Pennsylvania for **Fillamentum USA Inc.** under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. j4

---

NOTICE IS HEREBY GIVEN that **Source, Incorporated of Missouri**, a foreign corporation formed under the laws of the State of Missouri and with its principal office located at 6840 Silverheel, Shawnee, KS 66226, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 8/28/18, 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 in Dauphin County. j4

---

NOTICE IS HEREBY GIVEN **3 Bridge Holding Corp.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 2595 Interstate Dr., Ste. 103, Harrisburg, PA 17110, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 100 S. 5th St., Ste. 300, Minneapolis, MN 55402. 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. j4

NOTICE IS HEREBY GIVEN THAT, on December 31, 2018, Articles of Incorporation were filed with the Department of State for **BAYADA HOME HEALTH CARE, INC.**, a nonprofit corporation organized under the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for charitable, educational and scientific purposes under Section 501(c)(3) of the Internal Revenue Code.

ARCHER & GREINER P.C., Solicitors  
One Centennial Square  
Haddonfield, NJ 08033

j4

---

## FIRST PUBLICATION

---

### Fictitious Name Notices

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Dauphin County, Pennsylvania under the assumed or fictitious name, style or designation of Name: **REX**, with its principal place of business at: 21550 Oxnard St, Ste. 100, Woodland Hills, CA 91367. The names and addresses of all persons or entities owning or interested in said business are: **REX-REAL ESTATE EXCHANGE, INC.**, 21550 Oxnard St, Ste. 100, Woodland Hills, CA 91367. The application has been filed on 12/14/2018. j4

---

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S., that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Xe USA** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 12/21/2018. Purpose: Money transmission services. Principal place of business: 7001 Village Dr., Ste. 200, Buena Park, CA 90621. The name and address of the person/entity owning or interested in said business is Continental Exchange Solutions, Inc., (a foreign corporation organized in Kansas), with an address of 7001 Village Dr., Ste. 200, Buena Park, CA 90621. The PA registered office is c/o: Corporation Service Co. j4



---

**FIRST PUBLICATION**

---

**Miscellaneous Notices**

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

**NO. 2018-CV-4031-MF**

**CIVIL ACTION - LAW**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**PENNSYLVANIA HOUSING FINANCE  
AGENCY, PLAINTIFF  
VS.  
DAVID A. YEISLEY, DEFENDANT**

TO: DAVIDA. YEISLEY

You are hereby notified that on MARCH 7, 2019, a Sheriff Sale of Real Property will be held at 10:00 AM at the DAUPHIN COUNTY COURTHOUSE, 1 SOUTH MARKET SQUARE, HARRISBURG, PA. The location of the property to be sold is 9 Mars Street, Steelton, PA 17109, whereupon this property would be sold by the Sheriff of DAUPHIN County. The said writ of execution has been issued as judgment in Mortgage Foreclosure Action at execution NO. 2018-CV-4031-MF in the amount of \$99,145.44.

**NOTICE**

You have been sued in Court. "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. 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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAUPHIN COUNTY  
LAWYER REFERRAL SERVICE  
213 NORTH FRONT STREET  
HARRISBURG, PA 17101  
717-232-7536

Attorney: Leon P. Haller  
1719 North Front Street  
Harrisburg, PA 17102  
717-234-4178

j4

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

**NO. 2018-CV-05811-MF**

**CIVIL ACTION - LAW**

**NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE**

**PENNSYLVANIA HOUSING FINANCE  
AGENCY, PLAINTIFF  
VS.  
AMINE ELKANOUNI, DEFENDANT**

TO: AMINE ELKANOUNI,

You are hereby notified that on March 7, 2019, a Sheriff Sale of Real Property will be held at 10:00 AM at the DAUPHIN COUNTY COURTHOUSE, 1 SOUTH MARKET SQUARE, HARRISBURG, PA. The location of the property to be sold is 128 North Linden Street, Harrisburg, PA 17103, whereupon this property would be sold by the Sheriff of DAUPHIN County. The said writ of execution has been issued as judgment in Mortgage Foreclosure Action at execution NO. 2018-CV-05811-MF in the amount of \$55,271.81.

**NOTICE**

You have been sued in Court. 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. 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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAUPHIN COUNTY  
LAWYER REFERRAL SERVICE  
213 NORTH FRONT STREET  
HARRISBURG, PA 17101  
717-232-7536

Attorney: Leon P. Haller  
1719 North Front Street  
Harrisburg, PA 17102  
717-234-4178

j4

**INDEX**

A.H. and B.P.M., S.W. v. ....190  
 Adoption of Baby Boy Lunden (Father’s Appeal) ..... 70  
 Adoption of Baby Boy Lunden (Mother’s Appeal) ..... 76  
 Adoption of M.D.L. ....178  
 Adoption of M.E.L. ....178  
 Adoption of M.L.M. .... 60  
 Amos v. Amos ..... 62  
 Amos, Amos v. .... 62  
 A.T, S.T.E. v. ....194  
 Auringer, In re. ....297

B.L., J.B. v. G.L., T.W., .....187  
 B.P.M., S.W. v. A.H. and .....190  
 Baby Boy Lunden, Adoption of (Father’s Appeal) ..... 70  
 Baby Boy Lunden, Adoption of (Mother’s Appeal) ..... 76

C.O., N.G. v. .... 1  
 C.S., V.H., and R.D., T.S. v. .... 81  
 City of Harrisburg, McFarland LP v. ....121  
 Commonwealth v. Forde ..... 11  
 Commonwealth, Kline v.....131  
 Commonwealth v. Lee.....48  
 Commonwealth v. McLeod .....202  
 Commonwealth v. New Vision Management, LLC .....121  
 Commonwealth, Haymaker v. .... 26

Dept. of Transp., Bureau of Driver Licensing, Diaz v.....254  
 Dept. of Transp., Bureau of Driver Licensing, Hoffman v. ....250  
 Diaz v. Dept. of Transp., Bureau of Driver Licensing .....254  
 Dickerson, et al. v. Lower Swatara Twp. Zoning Hearing Board v. Lower Swatara Twp. ....286

Edwards v. PennDOT. ....232  
 Eisenhour v. Eisenhour. .... 38  
 Eisenhour, Eisenhour v. .... 38

F.B., M.R. v. ....239  
 Forde., Commonwealth v. .... 11

Garland v. PennDOT .....161  
 GAT Distribution Corp., et al., Mumma, et al. v. ....112  
 G.L., T.W., B.L., J.B. v. ....187

H.E. Rohrer, Inc. et.al, Kuhns v. .... 55  
 Harrisburg Housing Authority v. Lane .....210  
 Haymaker v. Commonwealth ..... 26  
 Hoffman v. Dept. of Transp., Bureau of Driver Licensing. ....250  
 Hoffman Ford Sales, Inc., Shoemaker v. Lower Paxton Township Board of Supervisors and. ....222

In re Auringer. ....297

J.B. v. G.L., T.W., B.L. ....187  
 J.D., M.S. v. .... 99  
 J.S. v. R.S.S.. ....265

K.P., T.J. v. W.H., Jr. and .....106  
 Kapp v. Kapp v. Updegraff..... 64

INDEX

Kapp, Kapp v. Updegraff..... 64  
 Kline v. Commonwealth .....131  
 Kuhns v H.E. Rohrer, Inc. et.al..... 55

Lane, Harrisburg Housing Authority v. ....210  
 Lee, Commonwealth v..... 48  
 Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc., Shoemaker v. ....222  
 Lower Swatara Twp., Dickerson, et al. v. Lower Swatara Twp. Zoning Hearing Board v.....286  
 Lower Swatara Twp. Zoning Hearing Board v. Lower Swatara Twp., Dickerson, et al. v.....286

M.D.L., Adoption of .....178  
 M.E.L., Adoption of .....178  
 M.L.M., Adoption of ..... 60  
 M.R. v. F.B. ....239  
 M.S. v. J.D. .... 99  
 McFarland LP v. City of Harrisburg .....121  
 McLeod, Commonwealth v. ....202  
 Mumma, et al. v. GAT Distribution Corp., et al. ....112

N.G. v. C.O. .... 1  
 New Vision Management, LLC v. Commonwealth .....121

PennDOT, Edwards v.. ....232  
 PennDOT, Garland v. ....161

R.D., T.S. v. C.S., V.H., and ..... 81  
 R.S. v. S.Z and M.Z. ....168  
 R.S.S., J.S. v.. ....265

Shoemaker v. Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc.....222  
 S.T.E. v. A.T. ....194  
 S.W. v. A.H. and B.P.M. ....190  
 S.Z and M.Z., R.S. v. ....168

T.J. v. W.H., Jr. and K.P. ....106  
 T.L. f/k/a T.D., W.T.D. v. ....150  
 T.S. v. C.S., V.H., and R.D. .... 81  
 T.W., B.L., J.B. v. G.L., ....187

Updegraff, Kapp v. Kapp v. .... 64

V.H., and R.D., T.S. v. C.S., ..... 81

W.H., Jr. and K.P., T.J. v. ....106  
 W.T.D. v. T.L. f/k/a T.D. ....150

**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
**213 North Front Street, Harrisburg, PA 17101-1493**  
**Phone: (717) 232-7536 Fax: (717) 234-4582**

---

Board of Directors

**Peter M. Good**  
*President*

**Brooks R. Foland**  
*President-Elect*

**Liza M. Benzie**  
*Vice-President*

**Thomas P. Gacki**  
*Treasurer*

**Paula J. McDermott**  
*Secretary*

**Matthew M. Haar**  
*Past President*

**Anthony M. Hoover**  
*Young Lawyers' Chair*

**Jessica E. Smith**  
*Young Lawyers' Vice Chair*

Directors:

Directors

**William L. Adler**  
**Amanda L. Batz**  
**Robert E. Chernicoff**  
**Scott B. Cooper**  
**Robert H. Davis, Jr.**  
**Cory A. Iannacone**  
**Scott E. Maier**

**Renee C. Mattei Myers**  
**Judson B. Perry**  
**Courtney Kishel Powell**  
**Laurie A. Saltzgeber**  
**James G. Strupe, Jr.**  
**Rhodia D. Thomas**  
**Leonard Tintner**

**Arlene A. Marshall-Hockensmith**

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**

*Opinions Not Yet Reported*

## LOOKING FOR ESTATE NOTICES

OR OTHER LEGAL NOTICES  
REQUIRING PUBLICATION  
IN A PA LEGAL JOURNAL?

Go to [www.palegalads.org](http://www.palegalads.org)

This FREE site allows you to  
search statewide to determine  
whether a specific legal notice  
has been published.



**INCORPORATION AND  
LIMITED LIABILITY COMPANY  
FORMATION**

*CONVENIENT, COURTEOUS SAME DAY SERVICE*

*PREPARATION AND FILING SERVICES IN ALL STATES*

**CORPORATION OUTFITS AND  
LIMITED LIABILITY COMPANY OUTFITS**

*SAME DAY SHIPMENT OF YOUR ORDER*

**CORPORATION, LIMITED LIABILITY COMPANY  
AND UCC FORMS**

**CORPORATE AND UCC, LIEN AND  
JUDGMENT SERVICES**

**M. BURRKEIM COMPANY**

*SERVING THE LEGAL PROFESSIONAL SINCE 1931*

PHONE: (800) 533-8113      FAX: (888) 977-9386

*2021 ARCH STREET, PHILADELPHIA, PA 19103*

[WWW.MBURRKEIM.COM](http://WWW.MBURRKEIM.COM)

**ATTORNEY DISCIPLINARY / ETHICS MATTERS**

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

**James C. Schwartzman, Esq.**

Judge, Court of Judicial Discipline • Former Chairman, Judicial Conduct Board of Pennsylvania • Former Chairman, Disciplinary Board of the Supreme Court of PA • Former Chairman, Continuing Legal Education Board of the Supreme Court of PA • Former Chairman, Supreme Court of PA Interest on Lawyers Trust Account Board • Former Federal Prosecutor • Named by his peers as Best Lawyers in America 2015 Philadelphia Ethics and Professional Responsibility Law "Lawyer of the Year"

**17 North Second Street, 16th Fl., Harrisburg, PA 17101 • (717) 255-7388**

# Visit the LCL WEBSITE

Lawyers Confidential Helpline: 1-888-999-1941

*Lawyers Concerned for Lawyers*



Our assistance is:

- Confidential
- Non-judgmental
- Safe
- Effective

To talk to a lawyer  
today, call:  
1-888-999-1941  
(717) 541-4360

Suffering is not necessary. Help is available.

Since 1988, we have been discreetly helping lawyers struggling with:

Anxiety  
Depression

Bipolar  
Alcohol

Drugs  
Gambling

Grief  
Eating Disorders

Other Serious  
emotional  
problems

## **INTELLECTUAL PROPERTY LAW**

- \* Patents
- \* Trademarks
- \* Copyrights
- \* Unfair Competition
- \* Trade Secrets
- \* Internet Matters

### **Hooker & Habib, P.C.**

150 Corporate Center Drive, Suite 203

Camp Hill, PA 17011

Telephone: 717-232-8771

Facsimile: 717-232-8773

E-mail: [hhpc@ptd.net](mailto:hhpc@ptd.net)

Website: [www.h-hpc.com](http://www.h-hpc.com)

---

Serving Central Pennsylvania for over 47 years