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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 Notices

ESTATE OF SANDRA A. MESSNER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Co-Executors: N. Alan Messner, 17 Cumberland Estates Drive, Mechanicsburg, PA 17050; Kevin L. Messner, 14 Mountain Crest Way, Dillsburg, PA 17019. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. n2-16

ESTATE OF ARDA M. MATINCHEK, late of Middletown Borough, Dauphin County, Pennsylvania, (died: September 30, 2018). Executrix: Louise Matinckek. Attorney: David C. Miller, Jr., Esquire, 1846 Bonnie Blue Lane, Middletown, PA 17057, (717) 939-9806, Email: davidcmillerjr@verizon.net. n2-16

ESTATE OF ERNEST L. DAVIS, of East Hanover Township, Dauphin County, Pennsylvania. Personal Representative/Administratrix: Connie F. Davis, 1315 Ridge Road, Grantville, PA 17028 or to: Attorney: Robert Freedenberg, Esquire, SkarlatosZonarich, LLC, 17 S. 2nd St., Floor 6, Harrisburg, PA 17101. n2-16

ESTATE OF BONNIE J. CHAMBERS a/k/a BONNIE JEAN CHAMBERS, late of Derry Township, Dauphin County. Personal Representative: Frederick Hartman, c/o Megan C. Huff, Esquire, Nestico Druby, P.C., 1135 East Chocolate Avenue, Suite 300, Hershey, PA 17033. n2-16

ESTATE OF NICHOLE M. HARVEY, late of Harrisburg City, Dauphin County, Pennsylvania (died: July 1, 2018). Administratrix: Kassandra C. Lalli, 519 Cedar Avenue, Hershey, PA 17033 or to Attorney: Jill M. Wineka, Esquire, Purcell, Krug & Haller, 1719 North Front Street, Harrisburg, PA 17102. n2-16

ESTATE OF RONALD RAY HOOVER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died: September 13, 2018). Executor: Robert S. Steigler. Attorney: Veronica N. Range, Esquire, Cunningham, Chemicoff & Warsawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. n2-16

allow it to more expeditiously resolve future proceedings than would a court learning the case anew. This factor heavily weighs in favor of this court exercising jurisdiction.

The eighth factor is the familiarity of the court with the facts and issues. This factor is similar to the one discussed above. As noted, this court has a history with this custody action while the Hungarian court does not, other than a request by Father to register the Pennsylvania custody order there. This factor similarly weighs in favor of this court exercising jurisdiction.

As noted, the eight listed factors under Section 5427(b) are not exclusive and this court can consider other relevant factors. Most notably, Mother has no connection whatsoever to Hungary and does not speak the language. If the matter were transferred to Hungary, Mother would have to hire a Hungarian attorney in order to be adequately represented and to overcome language barriers. Father has been connected to the Central Pennsylvania area for much of his life. The parties were married here and lived here during their marriage. Father routinely travels here since his move to Hungary. In addition, Father's mother lives in this area, Father maintains an interest in his Pennsylvania business and owns real estate and a car here. All these factors weigh in favor of this court exercising jurisdiction.

Inasmuch as nearly all factors weigh in favor of finding Pennsylvania the more convenient forum, I denied Father's petition to transfer the matter to Hungary.

Accordingly, I entered my order August 17, 2018 overruling Father's preliminary objection challenging Pennsylvania subject matter jurisdiction and denying his motion to transfer venue.

Dickerson, et al.v.Lower Swatara Twp. Zoning Hearing Board v.Lower Swatara Twp.

Municipal Corporations - Land Use Appeal - Standard of Review - Variance

Appellants sought relief at the Court of Common Pleas from a Decision and Order of a Zoning Hearing Board, which had denied their Application for a Variance. The Court held that the Board did not abuse its discretion in denying the variance and dismissed the appeal.

1. In a zoning appeal case in which the Court of Common Pleas takes no additional evidence, the standard of review is limited to determining whether the zoning hearing board abused its discretion or committed an error of law. *Zoning Hearing Bd. of Sadsbury Twp. v. Bd. of Supervisors of Sadsbury Twp.*, 804 A.2d 1274, 1278 (Pa. Commw. Ct. 2002). An abuse of discretion will be found only if the zoning board's findings are not supported by substantial evidence, that is, such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. *Id.*

2. Variances, as a rule, should be granted sparingly and only under exceptional circumstances. *Gateside-Queensgate Co. v. Delaware Petroleum Co.*, 580 A.2d 443, 447 (Pa. Commw. Ct. 1990). The burden on a landowner seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious and compelling. *Bawa Muha'yaddeen Fellowship v. Philadelphia Zoning Bd. of Adjustment*, 19 A.2d 36, 39-40 (Pa. Commw. Ct. 2011).

3. The mere fact that a property can be put to more profitable use than that permitted under the zoning ordinance does not entitle the property owner to a variance. *Vanguard Cellular*, 568 A.2d 703 (Pa. Commw. Ct. 1989).

Land Use Appeal. C.P., Dau. Co., No. 2017-CV-00961-LU. Appeal dismissed.

David J. Tshudy, for the Appellants

Scott T. Wyland, for the Appellee

Peter R. Henninger Jr., for the Intervenor

Clark, S.J., October 22, 2018

TRIAL COURT MEMORANDUM OPINION

Appellants Fritz Lee Dickerson IV (“Dickerson IV”), Ashton Chase Dickerson (“Dickerson”), Thomas N. Steele (“Steele”), Ann M. Korb (“Korb”), and Fritz Lee Dickerson III (“Dickerson III”) (hereinafter referred to collectively as “Appellants”) appeal the January 26, 2017 Decision and Order of the Zoning Hearing Board (hereinafter “ZHB” or “the Board”) of Lower Swatara Township, Dauphin County (hereinafter “the Township”), which denied Appellants’ Application for a Variance following a public hearing. For the reasons set forth below, we will affirm the decision of the ZHB.

I. Factual Background¹ and Procedural History.

Appellants are individuals who own in fee or have an equitable ownership in five (5) contiguous parcels of land (hereinafter referred to collectively as the “Subject Property” or “the Property”) in the Township. The Subject Property, which measures 17.08 acres in total and is located in the Township’s Residential-Suburban (“R-S”) zone, fronts the eastern right of way line of North Union Street on the Property’s western boundary and the southern right of way line of Pennsylvania Route 283 (“Route 283”) on the Property’s northern boundary. The parcels which comprise the Subject Property include the following: (1) Parcel No. 36-011-052 (“Dickerson Parcel 1”), located at 1880 North Union Street and owned in fee simple by Dickerson IV and Dickerson; (2) Parcel No. 36-011-019 (“Dickerson Parcel 2”), located at 1860 North Union Street and also owned in fee simple by Dickerson IV and Dickerson; (3) Parcel No. 36-011-20 (“the Steele Parcel”), located at 1802 North Union Street and owned in fee simple by Steele; (4) Parcel No. 36-011-021 (“the Korb Parcel”), located at 54 Condran Drive and owned in fee simple by Korb; and (5) a portion of Parcel No. 36-011-062 (“the Church Parcel”), which Dickerson III has a contractual option to purchase.²

¹ Appellants did not request that we abrogate our appellate jurisdiction and hear this matter *de novo*. (See Transcript of Oral Argument, 4/23/18, at 4-5). Therefore, our factual recitation is based solely upon the record developed before the ZHB.

² The Church Parcel is currently owned in fee simple by Robert R. Church, Linda E. Church, and Derek S. Nakamura, as co-trustees of the Jerry M. Church GST Trust, which was established in 1997.

Except for the Church Parcel, which contains no dwellings, all of the Parcels on the Subject Property, despite their lack of connection to public water and sewer, either are currently being used for residential purposes, or have been utilized for such purposes within the last eleven years.

Korb currently resides in a 1,400-square-foot house on the Korb Parcel, where she has lived since late-2001 or early-2002. (ZHB Testimony, Volume 1, hereinafter “Vol. 1”, at 28-29, 32).³ Korb’s house and Parcel are well maintained. (Vol. 1 at 29).

Dickerson IV and Dickerson own Dickerson Parcel 1 and Dickerson Parcel 2 (hereinafter referred to collectively as “the Dickerson Parcels”). Together, the Dickerson Parcels contain three homes. (Vol. 1 at 61). One of these homes has been the residence of Dickerson IV for about a decade, and another of the homes has been the home of Dickerson and Dickerson III for about two decades. (Vol. 1 at 61, 72). A third home is currently unoccupied.

The Steele Parcel, which contains four homes, is the only residential Parcel that is not currently utilized for residential purposes. Steele purchased the Parcel in May of 2002, and he lived in one of the homes on the Parcel from 2002 to 2007. (Vol. 1 at 40-41). During the same time frame, Steele continuously rented the other three homes to various individuals for residential use. (Vol. 1 at 42). However, around 2007, Steele began encountering septic problems on his property. (Vol. 1 at 42). Steele was able to connect two of the homes to a private septic system in 2008, but he was unable to do so for the remaining two homes, rendering them unsuitable for occupancy. (Vol. 1 at 42-43, 49). Steele, who currently resides at a different location, testified that it would be possible for him to live on the Steele Parcel (in one of the homes connected to the private septic system), but he prefers to reside at his current location. (Vol. 1 at 45, 49). Moreover, Steele has not recently expended any time or resources to attempt to lease out the two usable residences. (Vol. 1 at 52). Since Steele vacated the Steele Parcel, the Parcel, as well as the homes thereon, have not been maintained. (Vol. 1 at 43-44, 48).

In the time since Appellants acquired their respective parcels years ago, the area across Route 283 from the Subject Property—specifically, Fulling Mill Road—has experienced an augmentation in industrial growth.⁴ This industrial growth includes the construction of multiple warehouses, perhaps most prominently a large FedEx warehouse built in recent years. Because of said industrial growth and their proximity to Route 283, Appellants residing on the Subject Property have experienced a noticeable increase in vehicle traffic, pedestrian traffic, noise pollution, air pollution, light pollution, and odors in the area surrounding the subject property. The individuals currently residing on the Subject Property have expressed a desire to relocate to a more desirable location, but they are of the belief that they would be unable to successfully market their properties for residential purposes. However, neither the Dickersons

³ Regarding Appellants’ variance application, an extensive hearing was held before the ZHB over four separate dates: July 14, 2016; September 8, 2016; September 28, 2016; and October 31, 2016. The transcribed testimony from each separate hearing date was bound into four volumes, ranging from Volume 1 through Volume 4, respectively.

⁴ In addition to the industrial development across Route 283 from the Subject Property, a 200-acre parcel of land referred to as the “Shope Property,” which is located across North Union Street from the Subject Property, is currently zoned as “Commercial Highway” and had been zoned as such since 2008. (ZHB Testimony, Volume 2, hereinafter “Vol. 2”, at 34, 66). However, for reasons that are somewhat unclear from the record, the Shope Property has not yet been developed for any commercial purposes.

nor Korb have attempted to put their respective properties on the market in recent years, (see Vol. 1 at 34, 67, 75), and both Dickerson and Dickerson IV testified that they have not had their homes appraised. (Vol. 1 at 67, 75).

On April 28, 2016, Appellants collectively submitted an Application for Land-Use Variance to the Township's ZHB with respect to the Subject Property. The Appellants thereafter amended their Application on July 6, 2016. In the Application, Appellants sought relief from Sections 27-502 (permitted uses in the R-S District) and 27-508 (impervious coverage regulations in the R-S District) of the Township's Zoning Ordinance ("the Zoning Ordinance"). Appellants' intent, if they had been granted the variance sought, was to combine the Subject Property's existing residential parcels into a single parcel that would then be subdivided and developed as a five-lot industrial complex (hereinafter "the Proposed Development"), consisting of one restaurant, one office building, two small retail buildings, and a 79-room hotel. As a condition on approval of the variance, Appellants or their successor(s)-in-interest would have extended public water and public sewer service to the Proposed Development and North Union Street south of Route 283.

From July 14, 2016 to October 31, 2016, the ZHB held a series of hearings on Appellants' Application. Throughout the course of these hearings, all the Appellants testified on their own behalf.⁵ The Appellants also presented the testimony of four additional witnesses: (1) Robert Shaffer ("Shaffer"), the designated professional engineer for the Proposed Development who is also a sewage enforcement officer; (2) Bill Gladstone ("Gladstone"), a sales agent for commercial real estate; (3) Jarred Neal ("Neal"), a licensed professional traffic engineer; and (4) Thomas Luttrell ("Luttrell"), a development consultant. The Township presented the testimony of two witnesses: (1) Eric J. Stump, a licensed professional traffic engineer; and (2) Jamie B. Keener, a certified land use planner. Finally, the hearing featured the testimony of six individuals who were granted party status as intervenors. These individuals included: (1) Sherry Santoro ("Santoro"); (2) Joseph Hoover ("Hoover"); (3) Wilfred Anfang ("Anfang"); (4) Tom Librandi ("Librandi"); (5) David Zavoda ("Zavoda"); and (6) Nancy Avolese ("Avolese").

Shaffer testified that the cost of connecting the Subject Property to public sewer and water would be between \$400,000 and \$500,000. (Vol. 2 at 22). However, Shaffer admitted that the Subject Property could be developed residentially without public water and sewer, even though "there's not a lot of room for density" regarding on-lot sewage. (Vol. 2 at 19). Shaffer stated that he is unaware of any DEP action regarding any alleged malfunctioning on-lot sewage systems on North Union Street. (Vol. 2 at 37).

Gladstone, a sales agent for commercial real estate, testified that the "highest and best use" of the Subject Property, given its proximity to a traffic light and four lane highway (Route 283), would be a "commercial-type use." (Vol. 2 at 53). Gladstone explained that the "highest and best use" for a property is the one that "would obtain the owner of the property the most amount of money." (Vol. 2 at 62). Similarly, Luttrell, a former residential real estate agent, testified that if each parcel of land on the Subject Property were to be sold for residential purposes, the sale prices would be "not anywhere close" to what the sale prices would be if the parcels were sold for the Proposed Development. (ZHB Testimony, Volume 3, hereinafter "Vol. 3", at 21). Although they would not be the "highest and best" uses for the Subject Property, Gladstone never stated that it would be infeasible to market the Subject Property for a use

⁵ We will not deliver a recitation of Appellants' testimony before the ZHB, as the pertinent facts elicited from their testimony are already stated above.

permitted in the Township's R-S District, such as a medical or dental clinic, golf course, country club, cemetery, church, park, or accessory apartment dwelling. (Vol. 2 at 59-60). In fact, Gladstone conceded that the Subject Property "could" be used for medical or dental clinics. (Vol. 2 at 61).

Keener also opined that the Subject Property was suitable for multiple uses permitted in the Township's R-S districts, including single-family residential homes, churches, public recreation, certain municipality buildings, and/or public utility services and facilities. (Vol. 3 at 99-100). In addition, Section 27-503 of the Township's Zoning Ordinance allows for certain special exceptions in the Township's R-S districts. Of these special exceptions, Keener testified that a medical or dental clinic could possibly be placed on the Subject Property. (Vol. 3 at 100). Moreover, with respect to intensity, Keener testified that the Township's Zoning Ordinance establishes zones which are more intense than residential-suburban, but less intense than commercial-highway. (Vol. 3 at 102). These zones that fall in between residential-suburban and commercial highway include: residential-urban, residential multi-family, and commercial highway, which—according to Keener—is "typically a pocket at an intersection." (Vol. 3 at 102). Permitted uses in a residential-urban zone include duplexes and home gardening. (Vol. 3 at 120-121). Permitted uses in a residential multi-family district include townhouses; apartments; and boarding, lodging, or rooming houses. (Vol. 3 at 121). Keener testified that there is no evidence in the Appellants' application for a variance that they considered any proposed uses within the residential-urban, residential multi-family, or commercial highway zones when applying for a variance. (Vol. 3 at 102).

Neal and Stump, the parties' respective traffic engineers, offered extensive testimony regarding the potential traffic impact of the Proposed Development. Their testimony established that a total of 3,434 new daily motor-vehicle trips on North Union Street would result from the Proposed Development. (Vol. 2 at 144; Vol. 3 at 68). Of these 3,434 new daily trips, approximately 20 percent would be to the south of the Proposed Development (i.e. the portion of North Union Street on which individuals would still be residing), and the portion of North Union Street south of the Proposed Development would be subject to an 18 percent increase in traffic over a 24-hour period. (Vol. 3 at 69).

Six intervenors (Santoro, Hoover, Anfang, Librandi, Zavoda, and Avolese), all who either lease out or live in residences south of the Subject Property in the same residential area as Appellants, testified at the fourth and final hearing before the ZHB. Some of the intervenors expressed the same displeasure as did Appellants regarding the increased noise, light, and pollution from the industrial facilities on Fulling Mill Road across Route 283. Specifically, Hoover, whose northern property line abuts the Dickerson Parcels, testified that the noise and light from FedEx on Fulling Hill Road has gotten to a point where it is "not pleasurable." (ZHB Testimony, Volume 4, hereinafter "Vol. 4", at 25). Similarly, Librandi expressed displeasure with the "constant" truck sounds that he hears coming from the FedEx facility. (Vol. 4 at 50). The intervenors objected to the Proposed Development out of a fear that such development would even further increase traffic, noise, light, and pollution to their immediate residential area, and some expressed a fear that the Proposed Development would further complicate vehicular egress from their respective residences due to the proximity of their properties to the Proposed Development's planned driveway.

On January 26, 2017, the ZHB issued a Decision and an Order denying Appellants' Application for a Variance with respect to the Subject Property. The ZHB noted that in order to qualify for a use variance, an applicant must prove each and every one of various elements, each of which will be discussed in further detail below. The ZHB held that in the instant matter, Appellants did not satisfy all of the

requisite elements and, therefore, did not qualify for the use variance that they requested. On February 7, 2017, Appellants filed with this Court an appeal of the ZHB's decision. Oral argument was held on April 23, 2018, and the matter is now ripe for this Court's disposition.

II. Discussion.

A. *Standard of Review for Decisions of a Zoning Hearing Board.*

In a zoning appeal case such as the instant matter, in which the Court of Common Pleas takes no additional evidence, our standard of review is "limited to determining whether the zoning hearing board abused its discretion or committed an error of law." Zoning Hearing Bd. of Sadsbury Twp. v. Bd. of Supervisors of Sadsbury Twp., 804 A.2d 1274, 1278 (Pa. Commw. Ct. 2002). "An abuse of discretion will be found only if the zoning board's findings are not supported by substantial evidence, that is, such relevant evidence that a reasonable mind might accept as adequate to support a conclusion." Id. (citing Valley View Civic Ass'n v. Zoning Bd. of Adjustment, 462 A.2d 637 (Pa. 1983); Teazers, Inc. v. Zoning Bd. of Adjustment, 682 A.2d 856 (Pa. Commw. Ct. 1996)). "[A] court may not substitute its judgment for that of the [zoning hearing] board; and, assuming the record demonstrates substantial evidence, the court is bound by the board's findings which result from resolutions of credibility and the weighing of evidence rather than a capricious disregard for the evidence." Id. (citing Vanguard Cellular Sys., Inc. v. Zoning Hearing Bd. of Smithfield Twp., 568 A.2d 703 (Pa. Commw. Ct. 1989)). For the reasons set forth below, we find that the ZHB's findings are supported by substantial evidence, and that, therefore, the ZHB did not abuse its discretion in denying the variance sought by Appellants.

B. *A Variance Applicant's Burden:*

Our courts have recognized that "variances, as a rule, should be granted sparingly and only under exceptional circumstances." Gateside-Queensgate Co. v. Delaware Petroleum Co., 580 A.2d 443, 447 (Pa. Commw. Ct. 1990). Thus, "[t]he burden on a landowner seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious and compelling." Bawa Muhaiyaddeen Fellowship v. Philadelphia Zoning Bd. of Adjustment, 19 A.3d 36, 39-40 (Pa. Commw. Ct. 2011) (citing Valley View, 462 A.2d 637). In order to meet that heavy burden, a variance-seeking landowner must establish that: (1) an unnecessary hardship will result if the variance is denied, due to the unique physical circumstances or conditions of the property; (2) because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance and a variance is necessary to enable the reasonable use of the property; (3) the hardship is not self-inflicted; (4) granting the variance will not alter the essential character of the neighborhood nor will it be detrimental to the public welfare; and (5) the variance sought is the minimum variance that will afford relief. Wilson v. Plumstead Twp. Zoning Hearing Bd., 894 A.2d 845, 850-51 (Pa. Commw. Ct. 2006) (citing Taliaferro v. Darby Twp. Zoning Hearing Bd., 873 A.2d 807, 811-12 (Pa. Commw. Ct. 2005); 53 P.S. § 10910.2).

1. **Variance Element #1 – Unique Physical Circumstances and Unnecessary Hardship**

A variance applicant must first show that if the variance sought is denied, an unnecessary hardship will result due to the unique physical circumstances or conditions of the property in question. For

this element to be satisfied, an applicant must show that any unnecessary hardship is caused by physical conditions peculiar to the particular property rather than the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located. 53 P.S. § 10910.2(a)(1). Moreover, for a variance to be justified, an applicant must show that “the [alleged] hardship must encompass the subject property *as a whole*, not just a portion thereof.” Vanguard Cellular, 568 A.2d at 708 (emphasis added) (citing 813 Assocs. v. Zoning Hearing Bd. of Springfield Twp., 479 A.2d 677 (Pa. Commw. Ct. 1984)).

Our Supreme Court has held that “in determining whether unnecessary hardship has been established, courts should examine whether the variance sought is use or dimensional.” Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh, 721 A.2d 43, 50 (Pa. 1998). A landowner seeking a dimensional variance “is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations.” Id. at 47. On the other hand, a landowner seeking a use variance is seeking to “use the property in a manner that is wholly outside the zoning regulation.” Id. Consequently, the grant of a use variance is of greater moment than the grant of a dimensional variance, and the standard for establishing unnecessary hardship will be more stringent for landowners seeking a use variance. Id. at 47-48; see also Zappala Grp., Inc. v. Zoning Hearing Bd., Town of McCandless, 810 A.2d 708, 711 (Pa. Commw. Ct. 2002).

A landowner seeking a use variance, as are Appellants in the instant matter, may establish unnecessary hardship by providing evidence that: (1) the physical features of the property are such that it cannot be used for a permitted purpose; or (2) that the property can be conformed for residential use only at a prohibitive expense; or (3) that the property has no value for any purpose permitted by the zoning ordinance. Hertzberg; 721 A.2d at 47 (citing Allegheny West Civic Council, Inc. v. Zoning Bd. of Adjustment of City of Pittsburgh, 689 A.2d 225, 227 (Pa. 1997)). There is a lack of record evidence to show that any of these three circumstances apply to the Subject Property; and, therefore, Appellants have failed to show that they suffer from an unnecessary hardship that would justify the granting of the sought use variance.

First, as the ZHB pointed out, Appellants’ argument that the Subject Property cannot be used for a permitted purpose is directly contradicted by the fact that various parcels on the Subject Property are *currently* being used for permitted residential purposes. Appellant Korb testified that she has lived in a 1,400-square-foot house on the Korb Parcel for nearly seventeen years and that her house and property are well maintained. The Dickerson Parcels contain three homes, two of which are currently used as residences by the Dickersons. The Steele Parcel contains four residential structures, all of which were continuously occupied from 2002 to 2007. While septic problems allegedly began plaguing the Steele Parcel around 2007, Steele was able to connect two of the structures to a private septic system in 2008, rendering those two structures still suitable for residential purposes. While these structures have been vacant for years, Steele stated multiple times during his testimony before the ZHB that he could still reside on the Steele Parcel, but he simply prefers residing at another location. Moreover, it is not clear that the structures on the Steele Parcel are unrentable because Steele admitted that he has not expended any time or resources to attempt to rent the structures in recent years.

Second, there is insufficient record evidence to establish that the Subject Property can be conformed for residential use only at a prohibitive expense. Appellants appear to contend that the Subject

Property can only be developed for residential purposes if public sewer and water are extended to the Property, and that extending public sewer and water to the Property would constitute a prohibitive expense. Appellants also aver that that on-site sewer is infeasible due to soil conditions and topography. However, as the ZHB pointed out in its decision, the record evidence suggests that at least part of the Subject Property can be utilized for residential purposes without access to public sewer or water. Even though none of the Subject Property is currently connected to public water and public sewer, multiple Appellants currently reside on the Subject Property without any apparent septic problems. The Dickersons currently reside on the Dickerson Parcels, and have done so for years, and Korb currently resides on the Korb parcel where she has resided for approximately 17 years. Although Steele began experiencing septic problems on the Steele Parcel in 2007, he testified that he was able to successfully connect at least two of the homes on his Parcel to a private septic system in 2008 such that the homes were livable. While Steele testified to his belief that a private septic system may not comport with current septic-system requirements, such testimony was merely speculative, and he was not aware of any issues that had been caused by the private septic system. Additionally, Appellants' own expert witness, Professional Engineer Shaffer, indicated in his testimony before the ZHB that the Subject Property could be developed residentially without public water and public sewer, even though "there's not a lot of room of density with regard to on-lot sewage."

Appellants also have also failed to show that the Subject Property has no value for any purpose permitted by the Township's Zoning Ordinance.⁶ Appellants suggest that the Subject Property is unmarketable for residential purposes due to its undesirable proximity to the noise, light, and pollution from nearby industrial facilities. The record, however, is devoid of conclusive evidence to support this assertion. Neither the Dickersons nor Korb have attempted to put their respective Parcels on the market in recent years, and both Dickerson and Dickerson IV testified that they have not had their homes appraised. Moreover, even if the Subject Property were not marketable for single-family residential homes, there is sufficient record evidence to suggest that the Subject Property could be marketed for *other* uses that are permitted in the Township's R-S district. Specifically, Appellants' expert, Mr. Gladstone, indicated that it would be feasible to market the Subject Property for uses such as medical or dental clinics, golf courses, country clubs, cemeteries, churches, parks, or accessory apartment dwellings, even though these uses would not produce the greatest profit for Appellants.

Appellants' desire is to market the Subject Property for commercial or industrial purposes (i.e. the Proposed Development), as Gladstone testified that a "commercial-type use" would be the "highest and best use" of the Property given its proximity to a traffic light and Route 283. As Gladstone explained, the "highest and best use" for a property is the use which "would obtain the owner of the property the most amount of money." Similarly, another one of Appellants' experts, Mr. Luttrell, testified that selling the Subject Property for residential purposes would yield a price that is "not anywhere close" to what the sale price would be if the Property was sold for the Proposed Development. However, "the mere fact that a property can be put to more profitable use than that permitted under the zoning ordinance does not entitle

⁶ Appellants argue that variance applicants need not show that their property is completely valueless in order to establish the requisite unnecessary hardship to qualify for a variance. We acknowledge that the demonstration of a property's lack of value is only one way to establish unnecessary hardship, and, as we discussed above, there are multiple situations in which a variance applicant may establish unnecessary hardship. Appellants, however, have failed to establish that *any* of those situations apply to them in this case.

the property owner to a variance.” Vanguard Cellular, 568 A.2d at 707; see also Laurel Point Assocs. v. Susquehanna Twp. Zoning Hearing Bd., 887 A.2d 796, 803 (Pa. Commw. Ct. 2005) (“Although we might agree that the Property is not the best site for residential development and that it would be more profitable for Laurel Point to develop the Property commercially, that does not entitle Laurel Point to a . . . variance”). Therefore, while the Township’s current zoning classification for the Subject Property does not permit the use (i.e., the Proposed Development) that would be most lucrative for Appellants, this does not constitute an unnecessary hardship that justifies a use variance.

Not only have Appellants failed to establish that the physical circumstances complained of rise to the level of an unnecessary hardship required for a variance, but they have also failed to show that the alleged physical circumstances are unique to the Subject Property rather than the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located. Appellants aver that “unlike most other properties in the R-S district, the Subject Property is adversely affected by noise, lights and other factors caused by the proximity to U.S. Route 283 and the industrially developed properties located on the north side of U.S. Route 283.” (Appellants’ Brief, 6/5/17, at 1). However, many individuals residing in the same neighborhood as Appellants testified before the ZHB that the noise, traffic, and other annoyances caused by the nearby commercial facilities affect them as well. Thus, the nuisances caused by commercial development across Route 283 from the Subject Property in recent years not only affects the Appellants’ Subject Property, but the residential neighbors of the Appellants as well. Taking this into consideration, a more appropriate remedy would be to seek a rezoning of the entire affected neighborhood rather than a variance solely for Appellants’ Subject Property. See, e.g., Soc’y Created to Reduce Urban Blight v. Zoning Bd. of Adjustment for the City of Phila., 772 A.2d 1040, 1044 (Pa. Commw. Ct. 2001) (noting that “[a]ny impropriety in the Property’s zoning classification is not a unique *physical* circumstance or condition” and that “the need of an area for a complete rezoning classification does not permit the Board to grant a variance to a single property.”).

2. Variance Element #2 – Whether Variance is Necessary for Reasonable Use of Property

We next turn to the second element of the variance analysis, which requires a variance applicant to show that because of the properties’ unique physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance and a variance is necessary to enable the “reasonable use” of the property. In order to show that a variance is necessary for the reasonable use of property, a variance applicant must establish that “a denial of the requested variance would make the property practically useless.” Larsen v. Zoning Bd. of Adjustment of City of Pittsburgh, 672 A.2d 286, 291-92 (Pa. 1996). “Where an applicant fails to establish that the property has no reasonable use as zoned, then a variance is improper, whether or not the use is regarded as beneficial.” Abe Oil Co. v. Zoning Hearing Bd. of Richmond Twp., 649 A.2d 182, 185 (Pa. Commw. Ct. 1994) (holding that a variance to build a gas station was not necessary for reasonable use of a property when variance applicant’s own witness admitted that the property could be used for multiple permitted uses without the need for variances). All of this considered, Appellants in the instant matter have not established that the sought variance is necessary to enable the reasonable use of the Subject Property. As discussed above, the Subject

Property is *currently* being used for a permitted purpose (i.e. single-family residential homes), and, moreover, Appellants' own witness, Mr. Gladstone, indicated that the Subject Property could be marketed for *other* purposes permitted in the Township's R-S District as well. Therefore, Appellants fail to satisfy the second element of the variance analysis.

3. Variance Element #3 – Whether Hardship was Self-Inflicted

The third element of the variance analysis requires a variance-seeking landowner to show that the unnecessary hardship complained of was not self-inflicted. In the instant matter, the ZHB determined that the hardships asserted were not caused by Appellants, reasoning that Appellants “did not cause the light or noise” and that they “did not create unusual topography or change the soil characteristics.” (ZHB Decision, 1/26/17, at 11). Neither party disputes the ZHB's determination as to this element, and we find that the ZHB did not abuse its discretion in finding that the asserted hardships were not caused by Appellants.

4. Variance Element #4 – Whether Granting the Variance Will Alter the Essential Character of the Neighborhood or be Detrimental to the Public Welfare

Fourth, a variance-seeking landowner must establish that the variance sought will not alter the essential character of the neighborhood nor will it be detrimental to the public welfare. The ZHB found that Appellants satisfied this element, reasoning as follows:

This element was the subject of extensive testimony and evidence concerning traffic and noise. The upshot of the evidence, we find, is that the traffic and associated noise are likely to increase in the area regardless of whether the Subject Property is used in a manner consistent with current zoning or with a use variance. Accordingly, we do not find there would be an adverse impact on the health safety [sic] and welfare of the public if the requested relief were granted. Development of parcels other than the Subject Property will increase traffic on North Union Street. While commercial development of the Subject Property would not make things better, that development alone would not itself adversely affect the public health, safety and welfare.

(ZHB Decision, 1/26/17, at 11). We find that the ZHB's reasoning pertaining to this element is supported by substantial evidence. We understand that the residents neighboring the Subject Property would likely be adversely affected if a large hotel, restaurant, retail shops, and office buildings (i.e., the Proposed Development) were to be placed right in their residential neighborhood.⁷ However, there was evidence and testimony presented before the ZHB suggesting that other land in the immediate vicinity of the Subject Property and the neighboring residents may also be developed in the near future. Particularly, a 200-acre parcel of land referred to as the “Shope Property,” which is located across North Union Street from the Subject Property, is currently zoned as “Commercial Highway” and had been zoned as such since 2008.

⁷ We acknowledge that there are already various industrial facilities in the vicinity of the Subject Property, such as the FedEx warehouse. However, these facilities are separated from Appellants and their neighboring residents by a four-lane highway, namely, Route 283. No such highway would separate the Proposed Development from Appellants' neighbors.

(Vol. 2 at 34, 66). Therefore, even though the Shope Property has not yet been developed, the ZHB's conclusion that the Proposed Development "alone would not itself adversely affect the public health, safety and welfare" did not constitute an abuse of discretion in light of the fact that a prospective development of the nearby, larger Shope Property could adversely affect the public health, safety and welfare of the area residents as well.

5. Variance Element #5 – Whether the Variance Sought is the Minimum Variance that Will Afford Relief

Finally, we address the fifth element of the variance analysis, which requires a landowner to establish that the variance sought is the minimum variance that will afford relief. The ZHB concluded that "[b]ecause the Subject Property may be used for a number of Permitted Uses without relief from the current R-S zoning, . . . the requested relief is excess of that needed to afford relief." (ZHB Decision, 1/26/17, at 11). We find that the ZHB's conclusion is supported by substantial evidence. As discussed above, various witnesses who testified before the ZHB indicated that it would be feasible to market the Subject Property for medical or dental clinics, golf courses, country clubs, cemeteries, churches, parks, or accessory apartment dwellings, all which are uses permitted either by the Township's Zoning Ordinance or a special exception thereto. Moreover, Mr. Keener, a certified land planner and expert witness of the Township's, testified that that the Proposed Development contemplated by Appellants would normally be found within the Township's Commercial-Highway zone, which is one of the most intense zones on the Township's spectrum. Mr. Keener stated that the Township's Zoning Ordinance establishes three zones which are more intense than Residential-Suburban, but less intensive than Commercial-Highway; these three zones include Residential-Urban, Residential-Multi-Family, and Commercial-Neighborhood. Permitted uses in the Residential-Urban zone include duplexes and home gardening. Permitted uses in the Residential-Multi-Family zone include townhouses; apartments; and boarding, lodging, or rooming houses. Keener testified that there is no evidence in Appellants' application for a variance that they contemplated any proposed uses within the Residential-Urban, Residential-Multi-Family, or Commercial-Neighborhood zones when applying for a variance. Considering the fact that Appellants seek a variance for an intense Commercial-Highway use, and that they failed to even contemplate or explore the feasibility of less intense variances, Appellants have failed to carry their burden of showing that the variance sought is the minimum that will afford relief.

III. Conclusion.

As noted above, the burden on a landowner seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious and compelling. In light of the above discussion, Appellants in this matter have fallen woefully short of satisfying their heavy burden, and the ZHB's decision to deny the use variance sought by Appellants was supported by substantial evidence. Therefore, we find that the ZHB did not abuse its discretion in denying the variance sought by Appellants, and we will affirm the ZHB's Decision and Order of January 26, 2017. An appropriate order follows.

Dickerson, et al. v. Lower Swatara Twp. Zoning Hearing Board v. Lower Swatara Twp.

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.

FIRST PUBLICATION

Estate Notices

ESTATE OF HORACE H. HARDEN, JR., late of Londonderry Township, Dauphin County, PA, (died: October 16, 2018). Executrix: Kathy G. Seidl, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. o26-n9
n2-16

ESTATE OF NINA S. GENEMATAS, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Mariann G. Ernst, 2353 Forest Hills Drive, Harrisburg, PA 17112 or to Attorney: Stanley A. Smith, Esquire, Barley Snyder, 213 Market Street, 12th Floor, Harrisburg, PA 17101. n2-16

SECOND PUBLICATION

Estate Notices

ESTATE OF DOROTHY O. BRUBAKER, a/ k/a DOROTHY OLIVIA BRUBAKER, late of Dauphin County, Pennsylvania. Executrix: Elaine J. Meinsler, c/o Allied Attorneys of Central Pennsylvania, LLC, 61 West Louther St., Carlisle, PA 17013. o26-n9

ESTATE OF GERALDINE R. JUDY, late of Middletown, Dauphin County, Pennsylvania, (died: October 3, 2018). Executor: Randall Richards, 971 Red Hill Plaza Rd Middletown, PA 17057. Attorney: A. Mark Winter, Esq., 310 W. Chocolate Ave, Hershey, PA 17033. Phone (717) 533-4868. o26-n9

ESTATE OF MILDRED VAN FOSSEN, late of Middletown Borough, Dauphin County, PA, (died: September 2, 2016). Executor: John P. Van Fossen, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. o26-n9

ESTATE OF BEVERLY S. KLINK (aka BEVERLY S. SPRECHER, aka BEVERLY H. SPRECHER, aka BEVERLY ADELE SPRECHER), late of Wicomico County, Maryland. Executrix: April Filer c/o Attorney: Linda S. Siegle, Siegle Law, 1010 Eichelberger Street, Suite 3, Hanover, PA 17331. o26-n9

ESTATE OF SHARI L. TAYLOR, late of Dauphin Borough, Dauphin County, Pennsylvania (died: May 1, 2018). Executor: Robert D. Taylor, 3420 Maple Drive, South Park, PA 15129. Attorney: Mark D. Hipp, Mette, Evans and Woodside, 3401 N. Front Street, Harrisburg, PA 17110; Telephone: (717) 232-5000. o26-n9

ESTATE OF HELEN T. SUKNAIC, late of Lower Paxton Township, Pennsylvania, (died: October 10, 2018). Administrator: John Suknaic, 6119 Almari Lane, Harrisburg, PA 17111. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. o26-n9

ESTATE OF MORRIS E. RILL a/k/a MORRIS EUGENE RILL, late of Susquehanna Township, Dauphin County, Pennsylvania (died: September 28, 2018). Executrix: Sandra G. Kline, 3106 Madison Hill Court, Alexandria, VA 22310. Attorney: Ivo V. Otto III, Esquire, Martson Law Offices, 10 East High Street, Carlisle, PA 17013. o26-n9

ESTATE OF SHERRY WALKER a/k/a SHERRY A. WALKER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Patricia Tamayo, 5055 Stacey Drive, Apt. 1601, Harrisburg, PA 17111. Attorney: Marlene Wilson, Esq., Wilson Law, 1461 Pheasant Hill Rd., Dauphin, PA 17018. o26-n9

ESTATE OF VERNON L. GEHRON, late of Middletown, Dauphin County, Pennsylvania, (died: August 26, 2018). Executor: Allison Smithgall, c/o Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster PA 17603. Attorney: Barbara Reist Dillon, Esquire, 212 North Queen Street, Lancaster PA 17603. o26-n9

ESTATE OF ARDELLA M. GIBSON, late of Swatara Township, Dauphin County, Pennsylvania, (died: May 30, 2018). Executrix: Alice Metka, c/o Jacqueline A. Kelly, Esquire, JSDC Law Offices, 555 Gettysburg Pike, Suite C400, Mechanicsburg, PA 17055, (717) 533-3280. o26-n9

ESTATE OF RICHARD E. GRIMM, late of Lower Swatara Township, Dauphin County, Pennsylvania, (died: August 28, 2018). Executor: Joh W. Ertel, 212 Roadcap Lane, Halifax, PA 17032. o26-n9

ESTATE OF FERN E. SMITH, late of the Borough of Millersburg, Dauphin County, Pennsylvania. Administrator: Evan C. Smith c/o Lacy Hayes, Jr., Esq., 2216 Walnut Street, Harrisburg, PA 17103. Attorney for the Administrator: Lacy Hayes, Jr. o26-n9

THIRD PUBLICATION

Estate Notices

ESTATE OF CHARLOTTE RISSLER, late of Derry Township, Dauphin County, PA, (died: August 7, 2018). Co-Executors: John Rissler and Priscilla Trauger, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. o19-n2

ESTATE OF MAUD MARIE MARKUNAS, late of Dauphin Borough, Dauphin County, Pennsylvania (died: February 21, 2018). Co-Executor: Jeanne Markunas, 2476 Hieter Road, Quakertown, PA 18951; Co-Executor, Frances Markunas, 9627 Puffin Avenue, Fountain Valley, CA 92708; Co-Executor: Bernard Markunas, 718 Prairie Avenue, Glen Ellyn IL 60137. Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethtown, PA 17023. o19-n2

ESTATE OF ALLEN LEEVAN, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: August 19, 2018). Executor: Mark Leevan, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Allen Leevan, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. o19-n2

ESTATE OF LEAH E. CARL, late of Lower Paxton Township, Dauphin County, Pennsylvania (died: September 17, 2018). Co-Executors: Harold R. Carl, 5960 Linglestown Road, Harrisburg, PA 17112 and Patricia Ann Hepschmidt, 1760 Heather Lane, Dauphin, PA 17018. Attorney: Robert G. Radebach, Esquire, 912 North River Road, Halifax, PA 17032. o19-n2

ESTATE OF ISAAC EDWARD GREEN a/k/a ISAAC E. GREEN, late of Harrisburg, Dauphin County Pennsylvania, (died: July 19, 2018). Administratrix: Juanita N. Green, 710 South 25th Street, Harrisburg, PA 17111. Attorney: Susan E. Lederer, Esquire, 5011 Locust Lane, Harrisburg, PA 17109. o19-n2

ESTATES OF DONALD R. KINDERMAN, SR. and MURIEL R. KINDERMAN, late of Harrisburg, Dauphin County, Pennsylvania (died: July 25, 2018 [Donald R.] and August 27, 2018 [Muriel R]). Executrix: Deborah Behney, 1079 Wooded Pond Drive, Harrisburg, PA 17111. o19-n2

ESTATE OF PAUL S. WENRICH, late of the Township of Williams, County of Dauphin, Pennsylvania (died September 21, 2018). Executrix: Carol Deiter, 16 Lion Lane, Jonestown, Pennsylvania 17038; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. o19-n2

ESTATE OF EDWARD C. PATRY, JR., a/k/a EDWARD C. PATRY, late of 68 Kathy Drive, Middletown, Dauphin County, Commonwealth of Pennsylvania, (died: September 4, 2018). Administratrix: Brandi L. Patry, 3625 Rutherford Street, Harrisburg, PA 17111. Attorney: Peter R. Henninger, Jr., Esq., Jones & Henninger, P.C., 339 W. Governor Rd., Ste. 201, Hershey, PA 17033. o19-n2

ESTATE OF MARY C. STAKEM, late of the Borough of Williamstown, County of Dauphin, Pennsylvania, (died: August 24, 2018). Executor: Thomas M. Stakem, Jr., 227 North West Street, Williamstown, Pennsylvania 17098; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. o19-n2

ESTATE OF ALBERTHA CAMPBELL a/k/a ALBERTHA H. CAMPBELL, late of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania. Administratrix: Cristina S. Alterio, 116 Peregrine Lane, Hummelstown, PA 17036 or to Attorney: Heather D. Royer, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, Third Floor, Harrisburg, PA 17110. o19-n2

ESTATE OF HARRY W. POOLE, late of Hershey, Derry Township, Dauphin County, Pennsylvania, (died September 30, 2018). Executor: Bruce Poole, 101 Woods Lane, Landenberg, PA 19350. Attorney: A. Mark Winter, Esq., 310 W. Chocolate Ave, Hershey, PA 17033. Phone (717) 533-4868. o19-n2

ESTATE OF MARION L. WEBB, late of Harrisburg, Dauphin County, Pennsylvania. Executor: Frederick H. Murphey, 116 BlueBell Drive, Mechanicsburg, PA 17050 or to Attorney: Stanley A. Smith, Esquire, Barley Snyder, 213 Market Street, 12th Floor, Harrisburg, PA 17101. o19-n2

ESTATE OF MARVIN L. THOMAS, late of Harrisburg, Dauphin County, Pennsylvania, (died: September 10, 2018). Executrix: Theresa Fazzolari, 114 Yellow Breeches Drive, Camp Hill, PA 17011. o19-n2

ESTATE OF SANDRA M. SPIDEL, late of West Hanover Township, Dauphin County, Pennsylvania. Executor: Gerald J. Brinser c/o Attorney: Keith D. Wagner, P. O. Box 323, Palmyra, PA 17078. o19-n2

ESTATE OF DALE R. PALMER, late of City of Harrisburg, Dauphin County, Pennsylvania, (died: September 15, 2018). Personal Representative: Diane Robinson, 521 Susan Way, Harrisburg, PA 17109 or to Attorney: Jean D. Seibert, Esquire, CALDWELL & KEARNS, PC, 3631 North Front Street, Harrisburg, PA 17110. o19-n2

THIRD PUBLICATION

Estate Notices

ESTATE OF PATRICIA A. CALDWELL, late of the County of Dauphin, Commonwealth of Pennsylvania, (died: September 7, 2018). Executor: Wilma A. Stabley, 327 Redwood Street, Harrisburg, PA 17109. o19-n2

ESTATE OF DAVID R. HOCKER, late of Swatara Township, Dauphin County, Pennsylvania, (died: September 14, 2018). Executor: Joshua David Shutt, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of David R. Hocker, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. o19-n2

ESTATE OF DEAN W. FOSTER a/k/a DEAN WARD FOSTER, late of West Hanover Township, Dauphin County, Pennsylvania (died: July 28, 2018). Executor: Dean W. Foster, Jr., 84 Woods Road, Klingeringstown, Pennsylvania 17941; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. o19-n2

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN by **Wiconisco High School Alumni Scholarship Foundation**, a Pennsylvania nonprofit corporation, that said corporation is winding up its affairs in the manner prescribed by section 5975 of the Nonprofit 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.

GREGORY M. KERWIN, ESQUIRE
KERWIN & KERWIN, LLP
Attorneys-at-Law
4245 Route 209
Elizabethville, PA 17023
n2 (717) 362-3215

NOTICE IS HEREBY GIVEN that **DSR Engineering, P.C.**, a foreign professional corporation formed under the laws of the State of New Jersey where its principal office is located at 86 Bayard Street, New Brunswick, New Jersey 08901, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 19, 2018, 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. n2

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **EPIC Industrial, Inc.**, a corporation incorporated under the laws of the State of Texas will withdraw from doing business in Pennsylvania. The address of its principal office in its jurisdiction of incorporation is 15301 Interstate 20, Canton, TX 75103 and the name of its commercial registered office provider in Pennsylvania is CT Corporation System n2

NOTICE IS HEREBY GIVEN **EasyMile, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at c/o Pramex International, 535 Mission St., San Francisco, CA 94105, 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. n2

NOTICE IS HEREBY GIVEN **Winsupply Frederrick MD Co.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at c/o WGS - Compliance Services, 3110 Kettering Blvd., Moraine, OH 45439-1924, 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 c/o Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808. 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. n2

NOTICE IS HEREBY GIVEN in compliance with the requirements of the applicable provisions of 15 PA. C.S./415 or /417, the undersigned registered foreign association hereby states that **Plum Creek Marketing, Inc.** is not doing business in the Commonwealth and withdraws its registration to do business in this Commonwealth. The jurisdiction of formation is Delaware, with the PA registered agent being c/o: Corporation Service Co. This statement of withdrawal will take place effective 10/1/2018. n2

NOTICE IS HEREBY GIVEN **Chainstone Labs, Inc.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 155 Fleet St., Portsmouth, NH 03801. The commercial registered office provider is in care of Cogency Global Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. n2

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **drchrono Inc.**, filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 328 Gibraltar Street, Sunnyvale, CA 94089. The commercial registered office provider is in care of Corporation Service Company in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa C.S. 412. n2

NOTICE IS HEREBY GIVEN that **Inspired Gaming (USA) Inc.**, a foreign business corporation, filed a Statement of Registration to do business in the Commonwealth of Pennsylvania in compliance with the requirements of the applicable provisions of 15 Pa. C.S. § 124. The corporation is incorporated under the laws of the State of Delaware. The address of its principal office under the laws of said jurisdiction is 1209 Orange Street, Wilmington, DE 19801. The commercial registered agent in Pennsylvania is CT Corporation System in Dauphin County. n2

NOTICE IS HEREBY GIVEN by **Elizabethville Area Bicentennial Committee Inc.**, a Pennsylvania nonprofit corporation, that said corporation is winding up its affairs in the manner prescribed by section 5975 of the Nonprofit 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.

GREGORY M. KERWIN, ESQUIRE
KERWIN & KERWIN, LLP
Attorneys-at-Law
4245 Route 209
Elizabethville, P A 17023
n2 (717) 362-3215

NOTICE IS HEREBY GIVEN to all creditors and claimants of **Iroquois-Chestnut Ridge Inc.**, a Pennsylvania (PA) business corporation originally incorporated under the Business Corporation Law of 1933 on 2/14/1994, that said corporation has filed Articles of Dissolution under the provisions of PA Business Corporation Law on 10/22/2018. The name of the commercial registered office provider and the county of the venue is c/o: The Prentice-Hall Corporation System, Inc., Dauphin County. n2

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for a business corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is **Golden Nugget Pennsylvania Inc.** n2

NOTICE IS HEREBY GIVEN that **Align Strategy, Inc.**, a foreign corporation formed under the laws of the State of Massachusetts and having its principal office at 470 Atlantic Ave, Fl. 4, Boston, MA 02210, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, on 10/23/2018, 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. n2

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for a professional corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is **Implant Dentistry Associates of Pittsburgh, P.C.** n2

NOTICE IS HEREBY GIVEN that **MAST AUCTIONEERS, LLC** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 7302 Township Road, #604, Millersburg, Ohio 44654. The commercial registered office provides is in care of CUNNINGHAM, CHERNICOFF & WARSHAWSKY, P.C. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions in 15 Pa. C.S. 412.

Bruce J. Warshawsky, Esquire
CUNNINGHAM, CHERNICOFF
& WARSHAWSKY, P.C.
2320 North Second Street
Harrisburg, PA 17110
n2 (717) 238-6570

NOTICE IS HEREBY GIVEN **BODYSHOPS, INC.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is One N. Dearborn, Suite 600, Chicago IL 60602. The commercial registered office provider is in care of Cogency Global Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. n2

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **PARTSCHANNEL, INC.**, a corporation incorporated under the laws of the State of Texas will withdraw from doing business in Pennsylvania. The address of its principal office in its jurisdiction of incorporation is 15914 Aurora Crest Drive, Whittier, CA 90605 and the name of its commercial registered office provider in Pennsylvania is CT Corporation System. n2

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Topflight Combatives and Defense, LLC** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 6740 Jordan Drive, Harrisburg, PA 17111 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 2nd Day of October, 2018 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are: Yolanda N. Waters. n2

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Key Estates Warranty**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 5300 Derry Street, Harrisburg, PA 17111, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 15th day of October 2018, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in said business is: U.S. Home Protection, LLC, 5300 Derry Street, Harrisburg, PA 17111. n2

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 **FOODWORKS** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 10/22/2018. Purpose: provide contract food and beverage services. Principal place of business: 2400 Yorkmont Rd., Charlotte, NC 28217. The name and address of the person/entity owning or interested in said business is Compass Group USA, Inc., (a company organized in Delaware), with an address of 2400 Yorkmont Rd., Charlotte, NC 28217. The PA registered office is Corporation Service Co. n2

NOTICE IS HEREBY GIVEN an application for registration of the fictitious name **Countryside Illuminations**, 464 N Crossroads Rd, Lykens, PA 17048 has been filed in the Department of State at Harrisburg, PA, File Date 6/22/18 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Benuel S King, 464 N Crossroads Rd, Lykens, PA 17048. n2

NOTICE IS HEREBY GIVEN that **HR Services, Inc.**, with a fictitious name of: HR Services of DE, Inc., a foreign corporation formed under the laws of the State of Ohio and having its principal office at 911 Panorama Trail South, Rochester, NY 14625, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, on 10/24/2018, 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. n2

FIRST PUBLICATION

Miscellaneous Notices

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

NO. 2018-CV-03783-MF

NOTICE OF SHERIFF'S SALE

**PNC BANK, NATIONAL ASSOCIATION,
PLAINTIFF
VS.
ROBERT M. BITER, DEFENDANT**

NOTICE TO: ROBERT M. BITER

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

Being Premises: 1117 GREEN STREET, HARRISBURG, PA 17102-2920

Being in HARRISBURG CITY, County of DAUPHIN, Commonwealth of Pennsylvania, 05-013-027-000-0000

Improvements consist of residential property.

Sold as the property of ROBERT M. BITER

Your house (real estate) at 1117 GREEN STREET, HARRISBURG, PA 17102-2920 is scheduled to be sold at the Sheriff's Sale on 1/10/2019 at 10:00 AM at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012 to enforce the Court Judgment of \$83,473.69 obtained by, PNC BANK, NATIONAL ASSOCIATION (the mortgagee) against the above premises.

**PHELAN HALLINAN DIAMOND
& JONES, LLP
Attorney for Plaintiff**

n2

FIRST PUBLICATION

Miscellaneous Notices

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

NO. 2018 CV 5676 MF

CIVIL ACTION - LAW

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**PENNSYLVANIA HOUSING FINANCE
AGENCY, PLAINTIFF
VS.**

**WALTER E. ALLEN AND TRUDY WEISS,
DEFENDANTS**

TO: TRUDY WEISS:

You are hereby notified that on August 22, 2018, Plaintiff, Pennsylvania Housing Finance Agency, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2018 CV 5676-MF, wherein Plaintiff seeks to foreclose its mortgage securing your property located at 817 N. RIVER ROAD, HALIFAX, PA 17032, whereupon your property would be sold by the Sheriff of Dauphin County.

You are hereby notified to plead to the above referenced Complaint on or before 20 DAYS from the date of this publication or a Judgment will be entered against you.

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 and a Judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, TELEPHONE THE OFFICE BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ON AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Dauphin County Lawyer Referral Service
Dauphin County Bar Association
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

Leon P. Haller, Esquire
Attorney ID #15700
1719 North Front Street
Harrisburg, PA 17102
717-234-4178

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

NO. 2018-CV-06281-MF

CIVIL ACTION - LAW

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WELLS FARGO USA HOLDINGS INC.
SUCCESSOR BY MERGER TO WELLS
FARGO FINANCIAL PENNSYLVANIA,
INC., PLAINTIFF**

VS.

**DESMOND THOMAS A/K/A DESMOND R.
THOMAS, IN HIS CAPACITY AS HEIR OF
CAROL W. THORPE A/K/A CAROL
THOMAS A/K/A CAROL W. THOMAS
A/K/A CAROL WINIFRED THOMAS,
DECEASED**

**JAMES THORPE, IN HIS CAPACITY AS
HEIR OF CAROL W. THORPE A/K/A
CAROL THOMAS A/K/A CAROL W. THOMAS
A/K/A CAROL WINIFRED THOMAS,
DECEASED**

**BETHANY MOSES, IN HER CAPACITY AS
HEIR OF CAROL W. THORPE A/K/A
CAROL THOMAS A/K/A CAROL W.
THOMAS A/K/A CAROL WINIFRED
THOMAS, DECEASED**

**PATRICE CAMPBELL, IN HER CAPACITY
AS HEIR OF CAROL W. THORPE A/K/A
CAROL THOMAS A/K/A CAROL W.
THOMAS A/K/A CAROL WINIFRED
THOMAS, DECEASED**

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST FROM OR UNDER CAROL
W. THORPE A/K/A CAROL THOMAS A/K/A
CAROL W. THOMAS A/K/A CAROL
WINIFRED THOMAS, DECEASED,
DEFENDANTS**

NOTICE

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Miscellaneous Notices

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER CAROL W. THORPE A/K/A CAROL THOMAS A/K/A CAROL W. THOMAS A/K/A CAROL WINIFRED THOMAS, DECEASED

You are hereby notified that on September 21, 2018, Plaintiff, WELLS FARGO USA HOLDINGS INC. SUCCESSOR BY MERGER TO WELLS FARGO FINANCIAL PENNSYLVANIA, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2018-CV-06281-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1723 EVERGREEN ROAD, HARRISBURG, PA 17109-1802 whereupon your property would be sold by the Sheriff of DAUPHIN County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

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

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

NO. 2017-CV-5109-MF

NOTICE OF SHERIFF'S SALE

**WELLS FARGO BANK, N.A. AS TRUSTEE
FOR OPTION ONE MORTGAGE LOAN
TRUST 1999-C, ASSET-BACKED
CERTIFICATES, SERIES 1999-C,
PLAINTIFF**

VS.

**QUENT NEELY, IN HIS CAPACITY AS
ADMINISTRATOR AND HEIR OF THE
ESTATE OF DORIS NEELY A/K/A DORIS
JEAN NEELY A/K/A DORIS J. NEELY,
CHARLES NEELY, IN HIS CAPACITY AS
HEIR OF THE ESTATE OF DORIS NEELY
A/K/A DORIS JEAN NEELY A/K/A DORIS J.
NEELY, PAMELA NEELY, IN HER
CAPACITY AS HEIR OF THE ESTATE OF
DORIS NEELY A/K/A DORIS JEAN NEELY
A/K/A DORIS J. NEELY, ET'INTE FLOOD A/
K/A ETINTE FLOOD, IN HIS CAPACITY AS
HEIR OF THE ESTATE OF DORIS NEELY
A/K/A DORIS JEAN NEELY A/K/A DORIS J.
NEELY AND UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND ALL PER-
SONS, FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST
FROM OR UNDER DORIS NEELY A/K/A
DORIS JEAN NEELY A/K/A DORIS J.
NEELY, DECEASED, DEFENDANT(S)**

NOTICE TO: QUENT NEELY, IN HIS CAPACITY AS ADMINISTRATOR AND HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY, CHARLES NEELY, IN HIS CAPACITY AS HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY, PAMELA NEELY, IN HER CAPACITY AS HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY, ET'INTE FLOOD A/K/A ETINTE FLOOD, IN HIS CAPACITY AS HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY

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

Being Premises: 323 WOODBINE STREET,
HARRISBURG, PA 17110-1856

Being in the City of Harrisburg, County of DAUPHIN, Commonwealth of Pennsylvania, 10-047-031

Improvements consist of residential property.

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Miscellaneous Notices

Sold as the property of QUENT NEELY, IN HIS CAPACITY AS ADMINISTRATOR AND HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY, CHARLES NEELY, IN HIS CAPACITY AS HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY, PAMELA NEELY, IN HER CAPACITY AS HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY, ET'INTE FLOOD A/K/A ETINTE FLOOD, IN HIS CAPACITY AS HEIR OF THE ESTATE OF DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY and UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DORIS NEELY A/K/A DORIS JEAN NEELY A/K/A DORIS J. NEELY, DECEASED

Your house (real estate) at 323 WOODBINE STREET, HARRISBURG, PA 17110-1856 is scheduled to be sold at the Sheriff's Sale on 01/10/2019 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$37,800.95 obtained by, WELLS FARGO BANK, N.A. AS TRUSTEE FOR OPTION ONE MORTGAGE LOAN TRUST 1999-C, ASSET-BACKED CERTIFICATES, SERIES 1999-C (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND
& JONES, LLP

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Attorney for Plaintiff

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

NUMBER: 2018-CV-02633-MF

CIVIL ACTION LAW

**HOME POINT FINANCIAL
CORPORATION, PLAINTIFF
VS.**

STEPHANIE PASTORE, DEFENDANT

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

TO: Stephanie Pastore

Your house (real estate) at 243 Walnut Street, Highspire, Pennsylvania 17034 is scheduled to be sold at Sheriff's Sale on January 10, 2019 at 10:00

a.m. at Dauphin County Administration Building, Corners of Second and Market Streets, Commissioners Hearing Room, Harrisburg, Pennsylvania 17101 to enforce the court judgment of \$103,587.25 obtained by Home Point Financial Corporation against the above premises.

**NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to Home Point Financial Corporation the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, LLC, Esquire at (215) 790-1010.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.
You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE YOUR
PROPERTY AND YOU HAVE OTHER
RIGHTS EVEN IF THE SHERIFF'S SALE
DOES TAKE PLACE**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, LLC, Esquire at (215) 790-1010.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, LLC, at (215) 790-1010.
4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out

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Miscellaneous Notices

in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

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

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

LAWYER REFERRAL SERVICE
ASSOCIATION DE LICENCIADOS
Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, Pennsylvania 17101
(717) 232-7536

McCABE, WEISBERG & CONWAY, LLC
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
n2 215-790-1010

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

CIVIL DIVISION

WRIT NO. 2018-CV-2352-M

**AMOUNT \$2,338.00 PLUS PENALTIES,
ADDITIONAL SEWER CHARGES,
ATTORNEY FEES
AND COSTS**

**PARCEL# 35-050-158
PLAINTIFF: \$74.50
ATTORNEY: \$3.00
SHERIFF: \$182.50
THIS WRIT: \$10.00**

**LOWER PAXTON TOWNSHIP AUTHORITY
425 PRINCE STREET, SUITE 139
HARRISBURG, PA 17109, PLAINTIFF
VS.**

**ESTATE OF JAMES E. BOLTON
4212 JONESTOWN ROAD
HARRISBURG, PA 17109, DEFENDANT**

PRAECIPE FOR WRIT OF EXECUTION
PA.R.C.P. 3180-3183

TO: PROTHONOTARY OF SAID COURT:

Issue a writ of execution in the above captioned case.

DATE: October 25, 2018

Signature: /s/ Steven A. Stine
Steven A. Stine, Esquire
23 Waverly Drive,
Hummelstown, PA 17036
Attorney for Lower Paxton Township Authority
(717) 903-1268

n2 Supreme Court ID No. 44859

**WRIT OF EXECUTION –
PA.R.C.P. 3180-3183**

**COMMONWEALTH OF PENNSYLVANIA
) SS:
COUNTY OF DAUPHIN**

TO THE SHERIFF OF SAID COUNTY:

To satisfy the judgment, interest, costs and additional attorneys' fees in the above-captioned case, you are directed to levy upon and sell the property described as follows:

The Real Property located at 4212 Jonestown Road, Harrisburg, PA 17109.

Date: October 25, 2018 /s/ Matthew R. Krupp
PROTHONOTARY

n2 /s/ Lee Ann Bechtel
DEPUTY

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Miscellaneous Notices

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

NO.: 2018-CV-2352-MU

CIVIL DIVISION

**LOWER PAXTON TOWNSHIP AUTHORITY
425 PRINCE STREET, SUITE 139
HARRISBURG, PA 17109, PLAINTIFF
VS.
ESTATE OF JAMES E. BOLTON
4212 JONESTOWN ROAD
HARRISBURG, PA 17109
PARCEL# 35-050-158, DEFENDANT**

**NOTICE OF SHERIFF SALE
OF REAL PROPERTY PURSUANT TO
PENNSYLVANIA RULE OF
CIVIL PROCEDURE**

TO: Estate of James E. Bolton
4212 Jonestown Road
Harrisburg, PA 17109

TAKE NOTICE:

That the Sheriff's Sale of Real Property (Real Estate) will be held in the Commissioners' Hearing Room, 4th Floor, Dauphin County Administration Building, 2 South Second Street, Harrisburg, PA 17101 on Thursday, January 10, 2019 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. (SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A").

The LOCATION of your property to be sold is:
4212 Jonestown Road
Harrisburg, PA 17109

The JUDGMENT under or pursuant to which your property is being sold is docketed to: No. 2018-CV-2352-MU.

THE NAME OF THE OWNER OR REPUTED OWNER OF THIS PROPERTY IS: **ESTATE OF JAMES E. BOLTON.**

A SCHEDULE OF DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example to banks that hold mortgages and municipalities that are owed taxes), will be filed by the Sheriff thirty (30) days after the sale., and distribution of the proceeds of

sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it, within ten (10) days of the date it is filed. Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of Dauphin County, 101 Market Street, Harrisburg, PA 17101.

THIS PAPER 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 you 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. 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 PAPER 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

THE LEGAL RIGHTS YOU MAY HAVE ARE:

1. You may file a petition with the Court of Common Pleas of Dauphin County to open the Judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation of the procedure used against you.

2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of Dauphin County to set aside the sale for a grossly inadequate price or for other proper cause. The petition must be filed before the Sheriff's Deed is delivered.

3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of Dauphin County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition. If a specific return date is desired, such date must be obtained from the Court Administrator's Office, Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101, before presentation of the petition to the Court.

Dated: October 25, 2018 By: /s/ Steven A. Stine
Steven A. Stine, Esquire
Supreme Court I.D. #44859

FIRST PUBLICATION

Miscellaneous Notices

23 Waverly Drive
Hummelstown, PA 17036
Phone: (717) 903-1268
Fax: (717) 583-2943
stevestine@att.net
Attorney for Plaintiff

**EXHIBIT "A"
LEGAL DESCRIPTION**

SALE NO. _____
PLAINTIFF'S ATTORNEY: Steven A. Stine,
Esquire

JUDGMENT AMOUNT: \$2,338.00 plus penalties, additional sewer charges, attorneys' fees and costs

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

BEGINNING at a concrete monument on the western right-of-way line of Hollywood Road (50'), said monument being the Southeastern corner of the lands now or formerly of Martin A. Arch and Barbara J. Arch, his wife; thence along the western right-of-way line of Hollywood Road (50'), South eleven degrees, fifty-eight minutes thirty-six seconds East (S. 11 degrees 58 minutes 36 seconds E.) fifty and no one-hundredths feet (50.00 feet) to a corner of lot #3; thence along Lot #3 the following two (2) courses and distances: 1) S. 78 degrees 01 minutes 24 seconds W., 88.27' to a railroad spike, 2) S. 11 degrees 16 minutes 41 seconds E., 164.50' to a steel reinforcing bar set on the northern right-of-way line of Ramp "E" to (L. R. #768); thence along the aforesaid right-of-way line the following two (2) courses and distances: 1) By a curve to the right having a radius of 181.18' for an arc length of 68.36 feet to a point; 2) N. 71 degrees 31 minutes 46 seconds W. 18.82 feet to a steel reinforcing bar set at the southeastern corner of Lot #1; thence along Lot #1, North eleven degrees, fifty-eight minutes, thirty-six seconds West (N. 11 degrees 58 minutes 36 seconds W.) one hundred eighty-two and eleven one-hundredths feet (182.11 feet) to an existing pipe, a common corner of Lot #1, Lot #2 and the lands now or formerly of Joseph J. Papandrea, Jr. and Martin A. Arch; thence along the southern line of the lands now or formerly of Martin A. Arch and Barbara J. Arch, his wife, North seventy-eight degrees, one minute, twenty-four seconds East (N.

78 degrees 01 minutes 24 seconds E.), one hundred seventy and fifty one hundredths feet (170.50') to a concrete monument the place of BEGINNING.

Containing in area 14,975.7 square feet or 0.3438 acres.

Being Lot #2 as shown on a Subdivision Plat by Reed Engineering, Inc. dated January 19, 1987, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, in Plan Book "O", Volume 4, page 30.

TAX PARCEL NO. 35-050-158
PREMISES BEING: 4212 Jonestown Road,
Harrisburg, PA 17109

Seized and sold as the property of the Estate of James E. Bolton under Judgment #2018-CV-2352-MU. n2

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

NO. 2018-CV-04659-MF

NOTICE OF SHERIFF'S SALE

**BRANCH BANKING AND TRUST
COMPANY S/B/M TO SUSQUEHANNA
BANK, PLAINTIFF
VS.
JOAN M. GRIFFITHS, DEFENDANT**

NOTICE TO: JOAN M. GRIFFITHS

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

Being Premises: 43 TOURIST PARK ROAD,
HALIFAX, PA 17032-9542

Being in HALIFAX TOWNSHIP, County of
DAUPHIN, Commonwealth of Pennsylvania, 29-
007-051-000-0000

Improvements consist of residential property.

Sold as the property of JOAN M. GRIFFITHS

Your house (real estate) at 43 TOURIST PARK ROAD, HALIFAX, PA 17032-9542 is scheduled to be sold at the Sheriff's Sale on 1/10/2019 at 10:00 AM at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012 to enforce the Court Judgment of \$24,669.77 obtained by BRANCH BANKING AND TRUST COMPANY S/B/M TO SUSQUEHANNA BANK (the mortgagee) against the above premises.

PHELAN HALLINAN DIAMOND
& JONES, LLP
Attorney for Plaintiff

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Miscellaneous Notices

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

NO. 2018-CV-04441-MF

NOTICE OF SHERIFF'S SALE

**WELLS FARGO BANK, NA, PLAINTIFF
VS.
BRIAN K. ETZWEILER, DEFENDANT**

NOTICE TO: BRIAN K. ETZWEILER

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

Being Premises: 814 SUMMIT STREET, MILLERSBURG, PA 17061-1174

Being in MILLERSBURG BOROUGH, County of DAUPHIN, Commonwealth of Pennsylvania, 46-008-025-000-0000

Improvements consist of residential property.

Sold as the property of BRIAN K. ETZWEILER

Your house (real estate) at 814 SUMMIT STREET, MILLERSBURG, PA 17061-1174 is scheduled to be sold at the Sheriff's Sale on 1/10/2019 at 10:00 AM at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012 to enforce the Court Judgment of \$80,949.83 obtained by WELLS FARGO BANK, NA (the mortgagee) against the above premises.

**PHELAN HALLINAN DIAMOND
& JONES, LLP**
n2 Attorney for Plaintiff

FOURTH PUBLICATION

Miscellaneous Notices

**IN THE JUVENILE COURT OF
JASPER COUNTY
STATE OF GEORGIA**

IN THE INTEREST OF:

**O.G. SEX: F AGE: 8 DOB: 11/16/09
CASE#: 079-18-046**

**A.G. SEX: F AGE: 2 DOB: 10/15/15
CASE#: 079-18-047**

**T.G. SEX: M AGE: 2 DOB: 10/15/15
CASE#: 079-18-048**

CHILDREN UNDER 18 YEARS OF AGE.

**NOTICE OF SUMMONS & EFFECT OF
TERMINATION JUDGMENT**

TO WHOM IT MAY CONCERN Dustin Jeffrey, Jeremiah Gebhart and any and all unknown biological fathers of O.G., A.G., and T.G., children born to Patricia Greene:

Georgia law provides that you can permanently lose your rights as a parent. A petition to terminate parental rights has been filed requesting the court to terminate your parental rights to your children. A court hearing for your case has been scheduled for the 12th day of December, 2018 at 1:00 p.m., at the Juvenile Court of Jasper County. A copy of the petition may be obtained by the parents from the Clerk of the Juvenile Court at Jasper County Courthouse, Monticello, Georgia, during regular business hours, Monday through Friday, 9:00 o'clock am until 5:00 o'clock p.m. exclusive of holidays. A free copy shall be available to the parent. Upon request, the copy will be mailed to the requester – parents or alleged parents only. The allegations concern your failure to comply with your reunification case plan, abandonment, and failure to address dependency issues affecting your child.

If you fail to appear, the court can terminate your rights in your absence. If the court at the trial finds that the facts set out in the petition to terminate parental rights are true and that termination of your rights will serve the best interest of your child, the court can enter a judgment ending the rights to your child. If the judgment terminates your parental rights, you will no longer have any rights to your child. This means that you will not have the right to visit, contact, or have custody of your child or make any decisions affecting your child or your child's earnings of property. Your child will be legally freed to be adopted by someone else. Even if your parental rights are terminated: (1) You will still be responsible for providing

FOURTH PUBLICATION

Miscellaneous Notices

financial support (child support payments) for your child's care unless and until your child is adopted; and (2) Your child can still inherit from you unless and until your child is adopted.

This is a very serious matter. You should contact an attorney immediately so that you can be prepared for the court hearing. You have the right to hire an attorney and have him or her represent you. If you cannot afford to hire an attorney, the court will appoint an attorney if the court finds that you are an indigent person. Whether or not you decide to hire an attorney, you have the right to attend the hearing in your case, to call witnesses on your behalf, and to question those witnesses brought against you.

To Jeremiah Gebhart, Dustin Jeffrey and any unknown biological fathers of O.G., A.G., and T.G., children born to Patricia Greene: Jasper County DFCS has filed a petition to terminate your parental rights. Therefore, set-out below is an exact copy of O.C.G.A § 15-11-283, which has important information to a biological father concerning his illegitimate child when there is a petition for termination of parental rights.

The Code Section is as follows:

When notice is given pursuant to this Code section, it shall advise such biological father who is not the legal father that he loses all rights to the child and will not be entitled to object to the termination of his rights to the child unless, within 30 days of receipt of such notice, he files:

(1) A petition to legitimize the child pursuant to Code Section 19-7-22; and

(2) Notice of the filing of the petition to legitimize with the court in which the action under this Code section is pending.

If you have any questions concerning this notice, you may call the telephone of the clerk's office which is 706-468-4901.

WITNESS THE HONORABLE PHILIP B. SPIVEY, Judge of said Juvenile Court.

This 3rd day of October, 2018.

Chrissy Mason
CLERK, JUVENILE COURT OF
JASPER COUNTY, GEORGIA

Prepared by: Lee R. Moss
Special Assistant Attorney General
288 South Main Street
Madison, Georgia 30650
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o12-n2

FIRST PUBLICATION

Name Change Notices

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

DOCKET NO: 2018 CV 03484 NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on 15th day of June 2018, the Petition of Sharon Wanjiku Kamau was filed in the above named court, requesting a decree to change his/her name from **Sharon Wanjiku Kamau** to **Sharon Laura Wanjiku**.

The Court has fixed Monday, November 19, 2018 at 9:30 a.m. in Courtroom No. 9, 2nd Floor., at the Dauphin County Courthouse, 101 Market Street, 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. n2

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DAUPHIN COUNTY COURT SECTION
Opinions Not Yet Reported

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