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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 MARION G. MOLINARI, (died: February 27, 2016), late of Lower Paxton Township, County of Dauphin, Pennsylvania. Executor: Anthony J. Molinari, 4071 W. Tilden Road, Harrisburg, PA 17112 or to Attorney: Stanley A. Smith, Esquire, Rhoads & Sinon LLP, Attorneys at Law, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146. a8-22

ESTATE OF VIRGINIA L. SHIFFLETT, A/K/A VIRGINIA L. WOLF, late of Derry Township, Dauphin County, Pennsylvania. Executor: Charles G. Wolf, 138 N. Lingle Avenue, Hershey, PA 17033. Attorney: Keith D. Wagner. a8-22

ESTATE OF MARY E. ZUGAY, (died: November 26, 2015), late of West Hanover Township, Dauphin County, PA. Administrator: Jonathan C. Glusko, 2222 Dover Road, Harrisburg, PA 17112. Attorney: Brian J. Hinkle, Esquire, Mette, Evans & Woodside, 3401 N. Front Street, Harrisburg, PA 17110; (717) 232-5000. a8-22

ESTATE OF ROSEMARIE A. RODGERS, (died: February 28, 2016), late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Dianne M. Rodgers c/o Jan L. Brown, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, Telephone: 717-541-5550. a8-22

ESTATE OF DAVID RITTNER, late of High-spire Borough, Dauphin County, PA. Executrix: Amy Rittner, c/o Michael Hynum, Esquire, Hynum Law, 2608 N. 3rd St., Harrisburg, PA 17110; (717) 774-1357. a8-22

ESTATE OF PAULINE M. SWEIGARD A/K/A PAULINE SWEIGARD, late of Millersburg Borough, Dauphin County, Pennsylvania. Administrator: Benjamin J. Butler, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043 or to Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. a8-22

ORDER

AND NOW, this 17th day of February, 2016, the Petition filed by Kevin Forde seeking relief under the Post-Conviction Relief Act is hereby DENIED. Petitioner is notified of his right to appeal from this Order within thirty (30) days of its entry.

Haymaker v. Commonwealth**Motor Vehicles - License Suspension Appeal - Driving Under the Influence -
Uncalibrated Breathalyzer Devices**

The Pennsylvania Department of Transportation (PennDOT) appealed the Court's Order sustaining the Plaintiff's appeal of his driver's license suspension. He had consented to a preliminary breath test that reflected a blood alcohol content of three times the legal limit, but displayed no other significant signs of impairment. It was not known whether the testing device had ever been calibrated, and no other field sobriety tests were conducted.

1. Reasonable grounds exist to support a license suspension when a person in the position of police officer, viewing the facts and circumstances at the time, could have concluded that the licensee was operating the vehicle while under the influence of intoxicating liquor. *Stahr v. Dep't of Transp., Bureau of Driver Licensing*, 969 A.2d 37, 40 (Pa.Cmwlth. 2009).
2. There is no set list of behaviors or conditions that a person must exhibit for an officer to have reasonable grounds for making an arrest, case law has provided examples of what has been accepted as reasonable grounds, such as: staggering, swaying, falling down, belligerent or uncooperative behavior, slurred speech, and the odor of alcohol. *Stancavage v. Dep't of Transp., Bureau of Driver Licensing*, 987 A.2d 895, 899 355 (2010). Moreover, the showing of glassy eyes alone is insufficient to support the conclusion that an officer had reasonable grounds to believe an individual was intoxicated at a given point in time. *Id.* In cases where glassy eyes were found to be an indicator of intoxication, at least one other obvious physical condition has been present to provide reasonable grounds. *Id.*
3. Any alcohol measuring breath device must be approved and calibrated prior to its results being admissible in evidence. Devices shall have been calibrated and tested for accuracy within a period of time and in a manner specified by regulations of the Department of Health and Transportation. 75 Pa.C.S. § 1547(c).

Pa.R.A.P. 1925(a) Opinion. C.P., Dau. Co., No. 2014-CV-4587-LS; No. 2319 CD 2015.

Kelly E. Solomon, for the Commonwealth

Justin J. McShane, for the Plaintiff

Clark, S.J., March 15, 2016.

Note: On March 28, 2016, the Commonwealth Court granted Defendant/Appellant's request to discontinue the appeal before decision.

IN RE: OPINION PURSUANT TO PA. R.A.P. 1925

CLARK, S.J., Issued: March 15, 2016.

This is a civil case arising under the Implied Consent Laws of Pennsylvania. The Commonwealth, Department of Transportation, Bureau of Driver Licensing (hereinafter “Appellant” and/or “PennDOT”) appeals from this Court’s October 29, 2015 Order sustaining the Plaintiff’s appeal¹ and rescinding the licensing suspension sought to be imposed by PennDOT.

The basis for the appeal has been expressed by PennDOT in a concise statement of errors complained of on appeal as follows:

1. The trial court erred as a matter of law when it sustained the statutory appeal of William Haymaker (Haymaker) from a one-year suspension of his operating privilege, which the Bureau had imposed in accordance with the requirements of 75 Pa.C.S. § 1547(b)(1)(i).²

This Opinion is offered to our Appellate Courts in support of this Court’s October 29, 2015 determination and is written pursuant to Pennsylvania Rule of Appellate Procedure 1925(a).

FACTUAL HISTORY

On March 8, 2014, Officer Christopher Santiago (Officer Santiago), employed by the Highspire Borough Police Department since August 2001, received a radio call from Dauphin County 911 Dispatch advising him that certain vehicles were traveling into the Borough of Highspire, Dauphin County, Pennsylvania that were allegedly involved in a “road

¹ William Haymaker had appealed his suspension of his privilege of operating a motor vehicle in Pennsylvania for a period of 12 months pursuant to Section 1547(b)(1) of the Pennsylvania Vehicle Code.

² Appellant’s Concise Statement of Errors Complained of on Appeal, filed December 29, 2015. The Appellant further submits that “[i]n order to support the one-year suspension of Haymaker’s operating privilege, the Bureau was required to prove that Haymaker (1) was arrested for violation of 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance) by a police officer who had reasonable grounds to believe that he was operating or was in actual physical control of the movement of a vehicle while he was in violation of 75 Pa.C.S.A. § 3802 (DUI); (2) was asked to submit to a chemical test; (3) refused to do so; and (4) was specifically warned that a refusal would result in the suspension of his operating or driving privilege and would result in his being subject to the penalties set forth in 75 Pa.C.S. § 3804(c) (relating to penalties) if he were later convicted of violating 75 Pa.C.S. § 3802(a)(1).”

rage” incident.³ Officer Santiago testified that as the vehicles were approaching his position, he noticed that the driver of the Nissan⁴ was “throwing his arms around inside the vehicle” and was “reaching his head out of the window” in an attempt to apparently yell something at the Mini Cooper. *Id* at 7. At this point, Officer Santiago proceeds to initiate a traffic stop on the Nissan (but, curiously, did not attempt to likewise stop the Mini Cooper, even though the Mini Cooper was ahead of the Nissan, which would have allowed for both vehicles to be simultaneously stopped). *Id*. At this initial interaction, Officer Santiago approached the Nissan vehicle and asked the operator for his driver’s license and his vehicle registration. *Id*. The driver of the Nissan, later identified as William Haymaker (hereinafter “Haymaker” and/or “Appellee”), handed the officer his driver’s license. *Id*. Mr. Haymaker then proceeded to look about the interior of the vehicle for his vehicle information, but according to Officer Santiago’s testimony, was unable to find it. *Id*. Officer Santiago testified that once Mr. Haymaker made eye contact with him, he observed that Mr. Haymaker’s “eye lids were wide open and his eyes were bulging and his eyes appeared to be glassy.” *Id*.

Next, Officer Santiago went to talk to the driver of the Mini Cooper, which had pulled over nearby. *Id* at 8. Officer Santiago spoke with the female operator of the Mini Cooper and observed some damage on her vehicle, which appeared to be scratches and rubber smudges on the driver’s side of her vehicle. *Id* at 9. It is not known what was discussed between Officer Santiago and the driver of the Mini Cooper. However, it is sufficient to confirm that there had indeed been contact between the two vehicles at some point prior to contact with the police. At this point, Officer Miller from Lower Swatara Township Police Department arrived on the scene. *Id*. Officer Santiago and Officer Miller conferred together, and then they jointly approached the passenger side door of Nissan, whereupon Officer

³ Transcript of Proceedings, 5,6, License Suspension Appeal Hearing, October 29, 2015 (hereinafter “N.T. _____”). It is unclear, at best, what was actually said to the 911 Dispatcher and by whom. However, the event was dispatched as a “road rage” incident and thereafter described by the two officers during their testimony as a “road rage” incident. See below for further discussion.

⁴ The officer testified that he received a call from 911 Dispatch identifying a blue Mini Cooper and a brown Nissan as allegedly being involved in a “road rage” incident. However, the facts established during the instant proceedings belie the “road rage” description; and, in fact, strongly suggest that the operator of the blue Mini Cooper was actually attempting to flee the scene of a contact motor vehicle accident involving the Nissan vehicle operated by Mr. Haymaker.

Santiago noticed a handgun sitting upright against the center console. *Id* at 9. Officer Santiago instantly pulled out his service weapon from its holster, pointed that service weapon directly at Mr. Haymaker, and demanded Mr. Haymaker to “show his hands” (it should be noted that Mr. Haymaker’s hands were already clearly visible throughout this entire portion of the episode and were gripping the steering wheel). *Id*. At 10. At this point, Officer Santiago testified that once he placed Mr. Haymaker in handcuffs, he noticed a passing odor of an alcoholic beverage coming from his breath (but no such observation of an odor of alcohol had been made by Officer Santiago during the initial encounter with Mr. Haymaker at the driver’s side window). *Id*.

After Officer Santiago placed him in the police vehicle, he (Santiago) had Mr. Haymaker get back out and asked him (Haymaker) to consent to a preliminary breath test (PBT), to which request Mr. Haymaker willingly complied. *Id*. The testing device (PBT) used in this case was originally issued to the Highspire Police Department in 2010. *Id* at 13. Officer Santiago testified that the device **was not known to have ever been calibrated, and it is totally unknown if that PBT device had ever been tested since its issuance in 2010.** *Id* at 15. It is also unknown as to how many other motorists had been “tested” utilizing that PBT device, but the tenor of the officer’s testimony inferred that the device had been in regular use since 2010. Additionally, there was absolutely no testimony by Officer Santiago that the PBT device had been purged or otherwise cleansed of the residue or other remnants of the breath, saliva, etc., of any previously “tested” motorists since 2010.

In essence, aside from being a PBT device that appears on the Commonwealth’s published listing of “approved devices,” the instant PBT device had no basis to determine what, if any, reliability for accuracy any reading from such device might yield. This total lack of reliability of this PBT, and its rather cavalier use in this case to attempt to establish a “reasonable” belief of a suspected intoxication of a motorist is indeed shocking to this Court, especially in light of the equally incredible fact that absolutely no attempt was made to correlate the PBT “reading” with even the simplest type of field sobriety test(s) of Mr. Haymaker. Officer Santiago testified that the reading of the PBT was a .24 (but, as previously

noted, any such “reading” was totally without foundational significance as to being **actually** accurate). *Id* at 16.

However, that .24 “reading” from the PBT is not without significance. It is **VERY** significant when coupled with the overwhelming lack of other clues of intoxication. It is widely known that an individual who has an **actual** blood alcohol content (BAC) of three times the legal limit ($3 \times .08 = .24$) will display other significant signs of impairment, i.e., slurred speech, inability to stand upright, staggering gait, inability to follow commands, and stuporous conduct, which are just a few of the examples of that level (.24 BAC) of intoxication. So when Officer Santiago, a more than 10 year veteran police officer, saw that .24 “reading” and did **NOT** observe any other concomitant signs of that level of supposed intoxication, Officer Santiago knew, or should have known, that something was not right with that level of a PBT reading. In other words, Mr. Haymaker’s total physical presence, ability to follow commands, to walk unassisted, to converse with the officers, was **NOT** at all consistent with an **actual** BAC of .24. Yet, although there was, then and there, the clear opportunity to corroborate and support that PBT “reading” through time-tested, scientifically-tested, and court-approved field sobriety tests – absolutely none were performed. That scenario begs a very troubling question – **WHY?**

On cross examination, Officer Santiago testified that a PBT device should not be used within fifteen (15) minutes of last drink. *Id* at 18. Officer Santiago further indicated that he gave the PBT test within fifteen (15) minutes of Mr. Haymaker’s being detained and most probably within that minimum 15 minute period. *Id*. Officer Santiago testified that: 1) there was no testing or other data on the PBT device’s calibration or accuracy, and 2) there was no periodic calibration or accuracy testing that would be in keeping with the Pennsylvania Code. *Id* at 19. Officer Santiago went on to testify that when he first saw the Nissan he had no suspicion of a DUI nor did he see any driving that would be consistent with a DUI, nor did he see any of the 24 nighttime clues of intoxication. *Id* at 21. Officer Santiago also testified that the driver of the Mini Cooper kept on driving after making contact with Mr. Haymaker’s car and did not stop her car to exchange information (as absolutely required by the Pennsylvania Motor Vehicle Code). *Id* at 24-25.

Officer Santiago continued to testify that Mr. Haymaker pulled over after seeing the Officer's emergency lights, that he pulled over safely like any sober driver would do, that Mr. Haymaker followed proper procedure and stayed in the car, and overall did the safe thing to do. *Id* at 26. When Officer Santiago approached the vehicle, Mr. Haymaker gave the officer his driver's license with no issues and/or problems. *Id* at 28. Officer Santiago further agreed that bulging eyes are not a clue of impairment and was unable to give any statistical correlation that bulging eyes correlates to a particular BAC or of even being impaired. *Id* at 31 and 34. Furthermore, according to the testimony, a Southern California Research Institute San Diego study, of which study contents Officer Santiago admitted to knowing, recommends against officers using the blood shot and glassy eyes as a clue of impairment because there are other factors that could lead one to have blood shot eyes. *Id* at 36.

Officer Santiago indicated that Mr. Haymaker was, at the time of the incident, properly licensed to carry a firearm in the Commonwealth of Pennsylvania. *Id* at 40. Amazingly, Officer Santiago did not ever ask Mr. Haymaker if he had a license to carry a firearm⁵. *Id* at 41. Instead, Officer Santiago drew his service weapon, pointed it at Mr. Haymaker, told him not to move, ordered him out of the car at gunpoint, handcuffed him immediately, and detained him in the back of Officer Santiago's patrol car⁶. *Id* 41-43. All the while, it is critical to note that Mr. Haymaker was able to precisely follow directions, did not stumble or fall, was not aggressive towards the Officer, and Mr. Haymaker did exactly what was asked of him. *Id* 41-43. Mr. Haymaker appeared to be in possession of his faculties, such that there was no anger towards Officer Santiago. *Id* at 58. While in custody, Mr. Haymaker

⁵ Officer Santiago likewise did not ask Mr. Haymaker if he was a local, state, or federal law enforcement officer. N.T. at 61-62.

⁶ We take no exception for law enforcement officers initiating **reasonable** steps for their own protection upon observation of a firearm. However, the key is **reasonable**. In the instant matter, there was no described threatening movements, statements, or gestures of any kind that would have placed the Officer's safety in danger. Mr. Haymaker was totally compliant with the Officers and followed their directions and commands. What follows, unfortunately, was the unwarranted conclusions by the Officers. Article I, Section 21 of the Pennsylvania Constitution provides that "[t]he rights of the citizens to bear arms in defense of themselves and the State shall not be questioned." The substance of that provision embodied in the Pennsylvania Constitution, since the Founding Fathers in 1776, is not by Amendment but by core principle. Mr. Haymaker was a properly licensed citizen to carry a weapon concealed on his person or *in a vehicle*, and it is indeed regrettable that this incident was allowed to escalate to the level that it did.

did not undergo any standardized field sobriety tests, even though the full opportunity to conduct such tests was clearly available to the officers. *Id* at 45.

The Commonwealth's second witness was Officer Jonathan Miller (Officer Miller) of the Lower Swatara Township Police⁷. *Id* at 65. Officer Miller responded to the incident and assisted Officer Santiago. *Id* at 67. After Officer Santiago told Officer Miller that he (Officer Santiago) could smell an odor of alcohol coming from Mr. Haymaker's breath, Officer Miller re-approached the vehicle and could now smell an odor of alcohol as well as notice that Mr. Haymaker had "very small pinpoint" eyes which led Officer Miller to believe that Mr. Haymaker was on some type of narcotic⁸. *Id* at 69. Officer Miller was the affiant in this case and transported Mr. Haymaker to the Dauphin County Booking Center after he (Haymaker) had been in custody for approximately one hour, where he read Mr. Haymaker the DL-26 form. *Id* at 71. Mr. Haymaker refused to sign the DL-26 form and likewise refused the chemical test. *Id*.

Officer Miller continued to testify that he did not do a HGN test, the Walk and Turn test, the One-Leg Stand test, the Lack of Convergence test, did not take any of Mr. Haymaker's vital signs (such as his pulse or blood pressure), did not administer the Romberg Balance Test, did not do the Finger to Nose test, did not check his muscle tone, nor did Officer Miller check for injection sites. *N.T.* at 94-97. Officer Miller indicates that the basis for being the affiant in the DUI charge was the pinpoint eyes, the passing odor of alcohol, and the results that Officer Santiago tells him from the PBT test along with the alleged road rage incident. *Id* at 103. **Officer Miller candidly admits that had he not gotten the positive response from the PBT test (as related by Officer Santiago), he would NOT have had the requisite legal basis to arrest Mr. Haymaker on suspicion of DUI.** *N.T.* at 106. However, Officer Miller never bothered to question such a high BAC reading (.24) in light of his (Miller's) ability to personally observe that the total physical presence of Mr. Haymaker was seriously inconsistent with that .24 PBT "reading." Officer Miller had a duty, and a present opportunity to fulfill that

⁷ Officer Miller provided much of the same testimony as to the facts as Officer Santiago. As such, only the facts that are different will be set out.

⁸ On cross-examination, Plaintiff's counsel questioned Officer Miller on the issue of the pinpoint eyes. In this regards, there is what is called MPOETC related training at the Police Academy in which they do **not** instruct trainees that "pinpoint eyes" are indicative of narcotic use. *See N.T.* at 72.

duty, to establish via simple field sobriety tests that what was being relayed to him by Officer Santiago was a **reasonable and legitimate** BAC reading of .24 from the PBT. There is no Nuremberg type defense that can be afforded to Officer Miller's failure to confirm the actual impairment of Mr. Haymaker through those field sobriety tests under these circumstances. The motorists of our Commonwealth should not be subjected to such arbitrary and questionable practices.

DISCUSSION

In order to sustain a suspension of a licensee's operating privilege under Section 1547 of the Code for a refusal to submit to a chemical testing, PennDOT must establish that the licensee:

- (1) was arrested for driving under the influence by a police officer who had reasonable grounds to believe that the licensee was operating or was in actual physical control of the movement of the vehicle while under the influence of alcohol; (2) was asked to submit to a chemical test; (3) refused to do so; and (4) was warned that refusal might result in a license suspension.

Kollar v. Dep't of Transp., Bureau of Driver Licensing, 7 A.3d 336, 339 (Pa.Cmwlth. 2010).

The standard of reasonable grounds to support a license suspension does not rise to the level of probable cause required for a criminal prosecution. *Banner v. Dep't of Transp., Bureau of Licensing*, 558 Pa. 439, 446, 737 A.2d 1203, 1207 (1999) (citing *Vinansky v. Dep't of Transp., Bureau of Driver Licensing*, 665 A.2d 860 (Pa.Cmwlth. 1995)). Reasonable grounds exist to support a license suspension when a person in the position of the police officer, viewing the facts and circumstances at the time, could have concluded that the licensee was operating the vehicle while under the influence of intoxicating liquor. *Stahr v. Dep't of Transp., Bureau of Driver Licensing*, 969 A.2d 37, 40 (Pa.Cmwlth. 2009).⁹

Furthermore, as stated in *Sisinni*, "there is no set list of behaviors or conditions that a person must exhibit for an officer to have reasonable grounds for making an arrest, case law

⁹ See also *Sisinni v. Dep't of Transp., Bureau of Driver Licensing*, 31 A.3d 1254 (Pa.Cmwlth. 2011).

has provided examples of what has been accepted as reasonable grounds, such as: staggering, swaying, falling down, belligerent or uncooperative behavior, slurred speech, and the odor of alcohol. *Stancavage v. Dep't of Transp., Bureau of Driver Licensing*, 987 A.2d 895, 899 355 (2010). Moreover, “the showing of glassy eyes alone is insufficient to support the conclusion that an officer had reasonable grounds to believe an individual was intoxicated at a given point in time.” *Id.* “In cases where glassy eyes were found to be an indicator of intoxication, at least one other **obvious** physical condition has been present to provide reasonable grounds.” *Id.*

The use of electronic devices to measure alcohol content by breath is authorized by section 1547 of the Vehicle code. The statute provides, as set forth in *Commonwealth v. Brigidi*, 977 A.2d 1177 (Pa. Super. 2009)¹⁰, in relevant part:

(c) Test results admissible in evidence.—In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of section 3802 or any other violation of this title arising out of the same action, the amount of alcohol or controlled substance in the defendant's blood, as .0800 shown by chemical testing of the person's breath, blood or urine, *which tests were conducted by qualified persons using approved equipment, shall be admissible in evidence.*

(1) Chemical tests of breath shall be performed on devices approved by the Department of Health using procedures prescribed jointly by regulations of the Departments of Health and Transportation. Devices shall have been calibrated and tested for accuracy

¹⁰ *Brigidi* was affirmed by the Supreme Court. See *Commonwealth v. Brigidi*, 607 Pa. 329, 6 A.3d 995 (2010). This case involved an instance where a group of nineteen persons were rounded up and administered a preliminary type breath test (PBT). The appellant in *Brigidi* was issued a summary citation for underage consumption of alcoholic beverages.

within a period of time and in a manner specified by regulations of the Departments of Health and Transportation. For purposes of breath testing, a qualified person means a person who has fulfilled the training requirement in the use of the equipment in a training program approved by the Departments of Health and Transportation. A certificate or log showing that a device was calibrated and tested for accuracy and that the device was accurate shall be presumptive evidence of those facts in every proceeding in which a violation of this title is charged.

...

(k) **Prearrest breath test authorized.** — *A police officer, having reasonable suspicion to believe a person is driving or in actual physical control of the movement of a motor vehicle while under the influence of alcohol, may require that person prior to arrest to submit to a preliminary breath test on a device approved by the Department of Health for this purpose.* The sole purpose of this preliminary breath test is to assist the officer in determining whether or not the person should be placed under arrest. The preliminary breath test shall be in addition to any other requirements of this title.

Thus, the statute is clear that any alcohol measuring breath device must be “approved” and “calibrated” prior to its results being “admissible in evidence.” 75 Pa.C.S. § 1547(c). As such, calibration is mandatory and, in essence, there is no reading that can be accepted in this case nor can it be a viable factor for the officer’s consideration because the

accuracy, *if any*, is unknown due to the Officer's using a breathing device that was not calibrated. The explicit language of the enabling statute provides that in order to provide admissible evidence "devices shall have been calibrated and tested for accuracy within a period of time and in a manner specified by regulations of the Department of Health and Transportation." 75 Pa.C.S. § 1547(c). Officer Santiago clearly testified that the device he used had not been calibrated.¹¹ Officer Santiago further testified that there was no periodic calibration or accuracy testing that would be in keeping with the Pennsylvania Code.

Officer Miller testified that the basis for being the affiant in the matter stemmed from the "road rage" incident. In regards to the "road rage" incident, the following exchange took place between the Court and Officer Jonathan Miller :

THE COURT: Okay. Well, let's talk about what you just told me. Now you classify it as a road rage incident. There was a vehicle contact incident between the front of the Nissan and the side of the Mini Cooper, right?

THE WITNESS: Correct.

THE COURT: And is it correct that you understood that the Mini Cooper did not stop when that incident happened and that Mr. Haymaker was behind the Mini Cooper when they first encountered Officer Santiago?

THE WITNESS: Correct.

THE COURT: And was it described to you that Officer Santiago saw Mr. Haymaker waving his hands and maybe yelling out the window towards the Mini Cooper which was in front of him that had just recently been involved in a contact accident, right?

THE WITNESS: Correct.

THE COURT: The Mini Cooper didn't stop, right?

THE WITNESS: Correct.

THE COURT: That is a crime, right?

THE WITNESS: Yes.

THE COURT: So how does the road rage as you classified it become a factor in your determination that there is reasonable basis to place Mr. Haymaker under arrest for DUI?

THE WITNESS: With the unable (sic) of driving.

THE COURT: Well, what does that mean?

THE WITNESS: That he was not able to drive the vehicle

at –

THE COURT: Well, you are attributing fault in that contact accident to Mr. Haymaker. How do you know that at that time? Clearly the Mini Cooper is in the front of the Nissan and is not stopping which is a duty under the vehicle code, is it not, Officer?

THE WITNESS: Yes.

THE COURT: So how are you attributing unsafe driving to Mr. Haymaker and not to the driver of the Mini Cooper when that is all you know out there on the road? Tell me how you do that. You don't know, do you?

¹¹ See N.T. at 63.

THE WITNESS: No, I do not, Your Honor.

THE COURT: So the road rage incident is really not a factor in determining whether or not Mr. Haymaker is an eligible candidate to get arrested on suspicion of DUI because you don't know what the true facts of that whole matter are, do you?

THE WITNESS: Once I received the story from the complainant that is when –

THE COURT: But you never asked him what his side of the story was before you arrested him, did you?

THE WITNESS: Right. I asked him what was going on with the whole –

THE COURT: And what does that mean, Officer? Tell me precisely what do the words what is going on in the world of sports, politics, what is going on. Would you agree that that is a very imprecise question?

THE WITNESS: Yes.

THE COURT: And you only got about four or five seconds for any plausible answer before we got into the gun business, right?

THE WITNESS: Correct.

As such, the “road rage” incident cannot be a factor in determining whether the Officers had a reasonable basis to pull over and arrest Mr. Haymaker. The Officers never attempted to make an effort in obtain Mr. Haymaker’s side of the story. Instead, they solely relied on the 911 Dispatcher claiming it was a “road rage” incident despite the fact that: 1) the Mini Cooper was the vehicle in front, 2) Mr. Haymaker was the one waving his hands (perhaps to get the Mini Cooper to pull over), 3) the Mini Cooper is the one that fled the scene of the accident, and 4) there was only mere scuffing alongside the vehicles which hardly classifies it as a road rage incident.

Finally, Officer Miller, the affiant officer, candidly admits that if he had not been told of the positive response from the PBT test by Officer Santiago, he would **NOT** have had anywhere near the requisite legal basis to arrest Mr. Haymaker on suspicion of DUI.¹² Without the PBT testing, the Officers can only rely on a smell of a passing odor of alcohol (which was not detected right away and Mr. Haymaker did not have slurred speech, was able to follow directions, was not falling over or stumbling – all the while having a gun pointed at him) and these “pinpoint” eyes and/or eyes that appeared to be glassy. Furthermore, inexplicably, no field sobriety tests were given to Mr. Haymaker, despite the clear opportunity to undertake

¹² N.T. at 106. One can only imagine the accumulated effect on other drivers who have been presented with this same uncalibrated, uncleaned/unpurged device. This appears to be analogous to reusing the same injection needles on multiple patients in a medical practice.

those tests. There were no attempts made to qualify the device (but given the testimony of Officer Santiago, any such qualification attempt would have likely been a quantum leap into an unknown abyss). Therefore, any reading from the device would have been unqualified and unreliable. And, as indicated in *Sisinni* that “the showing of glassy eyes alone is insufficient to support the conclusion that an officer had reasonable grounds to believe an individual was intoxicated at a given point in time,” the Officers in the instant matter have failed to establish that they had reasonable grounds to believe that the licensee was operating or was in actual physical control of the movement of the vehicle while under the influence of alcohol amounting to legal impairment¹³.

To summarize, first, there was the total lack of reliability from the PBT testing device. It is astounding at the degree of the lack of any calibration and that Officer Santiago admitted that he knew that the device had not been calibrated, but used it anyway! There was a lack of indicia to place any reliance on that reading (except as to its negative connotation as discussed *supra*). Therefore, as a matter of law, no legally acceptable PBT reading took place. And second, neither officer appeared to consider (or want to consider) any sort of field sobriety test, nor did Mr. Haymaker show any trouble walking, show any signs slurred speech, nor did Mr. Haymaker show any signs of visible intoxication.¹⁴ If the PBT testing device “results” are without foundational merit of any kind, coupled with the lack of any field sobriety test conducted, the Officers did not meet the necessary legal standard (reasonable grounds to believe that the licensee was operating or was in actual physical control of the movement of the vehicle while being legally impaired by the influence of alcohol) as a precursor to arrest Mr. Haymaker for suspicion of DUI in the first place. Thus, the legal precondition for requesting Mr. Haymaker to submit to a chemical test for intoxication was without legal foundation.

For the foregoing reasons, it is believed that our October 29, 2015 Order sustaining Appellee’s appeal and rescinding the one-year license suspension was properly entered.

¹³ It is this Court’s impression that the officers realized that they had gone far beyond their authority based upon the facts presented and needed a reason to detain Mr. Haymaker.

¹⁴ Again, this Court is constrained to ask why. Perhaps it was because the officers had already decided to arrest him for something, in an effort to perhaps justify their conduct relating to the seizure of his weapon and their conduct thereafter in regards to this unfortunate situation.

SECOND PUBLICATION

Estate Notices

ESTATE OF PHILIP N. EBRIGHT, late of Dauphin, Dauphin County, Pennsylvania. Executrix: Joan M. Ebright, c/o E. Ralph Godfrey, Esquire, Cipriani & Werner, P.C., 1011 Mumma Road, Suite 201, Lemoyne, PA 17043. a1-15

ESTATE OF DONNA M. WILLIARD, (died: February 22, 2016), late of Williams Township, Dauphin County, Pennsylvania. Co-Executor: Cheryl A. Schauers, 436 Bellaire Road, Elizabethtown, Pennsylvania and Co-Executor: Greg A. Williard, 559 Roller Road, Elizabethtown, Pennsylvania. Attorney: Gregory M. Kerwin, Kerwin & Kerwin, LLP, 4245 Route 209, Elizabethtown, Pennsylvania 17023. a1-15

ESTATE OF LEE A. WEST A/K/A LEE ALLEN WEST, (died: March 3, 2016), late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Stephanie A. Swank (West). Attorney: Nora F. Blair, Esquire, 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. a1-15

ESTATE OF THELMA O. WRIGHT A/K/A THELMA ODESSA WRIGHT, (died: March 5, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Co-Executrix: Leatha (Penny) Hairston and Diana Holmes-Phoenix. Attorney: Nora F. Blair, Esquire, 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. a1-15

ESTATE OF JUDITH M. KNOBLE A/K/A JUDITH MARIE KNOBLE A/K/A JUDITH M. THOMSON, (died: March 3, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Cheryl L. Tucci. Attorney: Nora F. Blair, Esquire, 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. a1-15

ESTATE OF HELEN R. GARRETSON, (died: February 6, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Wilma R. Prendergast, Harrisburg, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. a1-15

ESTATE OF RALPH V. CHEVALIER, (died: 11/20/15), late of Middletown Township. Administrator: David M. Hollar, Esq., 8 Tower Bridge, Suite 400, 161 Washington Street, Conshohocken, PA 19428. Attorney: David M. Hollar, Esq., David M. Hollar, PLLC, 8 Tower Bridge, Suite 400, 161 Washington Street, Conshohocken, PA 19428. a1-15

ESTATE OF CLORINDA I. CARLONI, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Barbara A. Beshore, c/o PLACEY & WRIGHT, 3621 North Front Street, Harrisburg, PA 17110. a1-15

ESTATE OF NETTIE M. RESSLER late of West Hanover Township, County of Dauphin, Commonwealth of Pennsylvania. Executor: Joel M. Ressler, 7350 Devonshire Heights Road, Harrisburg, PA 17111 or Attorney: Heather D. Royer, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, Harrisburg, PA 17110. a1-15

ESTATE OF ELIZABETH DANKMAN A/K/A ELIZABETH L. DANKMAN, late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Ronald D. Butler, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043 or Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. a1-15

ESTATE OF CHARLES D. RITCHIE, SR., late Of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Helen C. Ritchie. Attorney: Craig A. Diehl, CPA, Attorney: Law Offices Of Craig A. Diehl, 3464 Trindle Road, Camp Hill, PA 17011. a1-15

ESTATE OF ROSE C. KOVACH AKA ROSE CAROLINE KOVACH, (died: January 23, 2016), late of West Hanover Township, Dauphin County, Pennsylvania. Executrix: Roseann B. Cordelli, 3923 Ridgeland Blvd., Mechanicsburg, PA 17050. a1-15

THIRD PUBLICATION

Estate Notices

ESTATE OF JEAN M. DIETRICH, (died: February 27, 2016), late of Lykens Borough, Dauphin County, Pennsylvania. Executor: Eric J. Ulsh, 138 W. Broad Street, Williamstown, Pennsylvania. Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 Route 209, Elizabethtown, Pennsylvania 17023. m25-a8

ESTATE OF JEROME HART FITTS, (died: February 18, 2016), late of Dauphin Borough, Dauphin County, Pennsylvania. Co-Executors: Ann Markunas Fitts and Daniel J. Fitts, 170 Hallman Lane, Dauphin, Pennsylvania. Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 Route 209, Elizabethtown, Pennsylvania 17023. m25-a8

THIRD PUBLICATION

Estate Notices

ESTATE OF ELDA M. MEREDITH, (died: February 23, 2016), late of Harrisburg, Dauphin County, Pennsylvania. Executor: Gary L. Meredith, 2424 Adrian Street, Harrisburg, PA 17104. Attorney: John D. Killian, Esquire, Killian & Gephart, LLP, 218 Pine Street, Harrisburg, PA 17101. m25-a8

ESTATE OF JAMES A. STAPLETON, (died: March 7, 2016), late of Londonderry Township, Pennsylvania. Executrix: Barbara Ann Leight, 17018 York Road, Parkton, MD 21120. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m25-a8

ESTATE OF JOAN C. KLINGER, (died: October 30, 2015), late of Borough of Lykens, County of Dauphin, and Commonwealth of PA. Executor: Charles A. Brown, III, 307 West Main Street, Lykens, PA 17048. Attorney: Tracy L. Schrey, Esquire, 41 South Market Street P.O. Box 590 Elizabethtown, PA 17023. m25-a8

ESTATE OF ROBERT F. KUHNERT, JR., late of Swatara Township, Dauphin County, Pennsylvania. Administratrix: Cheryl A. Smith. Attorney: Melanie Walz Scaringi, Esquire Scaringi & Scaringi, P.C., 2000 Linglestown Road, Suite 106, Harrisburg, PA 17110. m25-a8

ESTATE OF FREDERICK J. MERKEL, (died: October 13, 2015), late of Middletown Borough, Dauphin County, PA. Executor: Frederick G. Merkel, 4452 Dunmore Drive, Harrisburg, PA 17112. Attorney: Jeffrey A. Ernico, Esquire, Mette, Evans & Woodside, 3401 N. Front, Street, Harrisburg, PA 17110; (717) 232-5000. m25-a8

ESTATE OF STEPHEN MIKULAK, (died: February 7, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Michael Mikulak c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Stephen Mikulak c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. m25-a8

ESTATE OF VIRGINIA M. MIDDLETON, (died: January 26, 2016), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Robert D. Middleton, Jr., of Annapolis, Maryland. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. m25-a8

ESTATE OF MARY LOUISE POLATAR, of Swatara Township, Dauphin County, Pennsylvania. Personal Representative/Executor: CAROL A. COATES, 1301 Kelley Rd., Harrisburg, PA 17113 or to Attorney: ELIZABETH B. PLACE, ESQ., SkarlatosZonarich, LLC, 17 S. 2nd St., Floor 6, Harrisburg, PA 17101. m25-a8

ESTATE OF ETHEL I. KOONS, (died: February 26, 2016), late of West Hanover Township, Dauphin County, Pennsylvania. Executrix: Madeline K. Creamer, 7556 Morningstar Avenue, Harrisburg, PA 17112. Attorney: Charles J. DeHart, III, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. m25-a8

ESTATE OF LORETTA M. WIEGER, (died: February 16, 2016), late of Steelton Borough, Dauphin County, Pennsylvania. Co-Executor: Judith A. Schmolitz, 3776 Sharon Street, Harrisburg, PA 17111; Co-Executor: Lawrence A. Wieger, 950 Hecks Drive, Dauphin, PA 17018. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m25-a8

ESTATE OF DENNIS L. MYERS, late of Harrisburg, Dauphin County, Pennsylvania. Executor: Lisa D. Bressler (Shank), 315 Old Hershey Road, Elizabethtown, PA 17022. Attorney for Estate: John R. Beinhaur, Esquire, 3964 Lexington Street, Harrisburg, PA 17109. m25-a8

ESTATE OF TIMOTHY J. KILLINGER, late of Harrisburg, Dauphin County, Pennsylvania. Executor: Jessica Rae Killinger, 5532 Locust Street, Harrisburg, PA 17112. Attorney for Estate: John R. Beinhaur, Esquire, 3964 Lexington Street, Harrisburg, PA 17109. m25-a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 10, 2016, by **The IHG Foundation (U.S.), Inc.**, a foreign nonprofit corporation formed under the laws of the State of Georgia, where its principal office is located at Three Ravinia Dr., Ste. 100, Atlanta, GA 30346, for a certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for religious, charitable, scientific, literary or educational purposes under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN to all persons interested or who may be affected, that **Element 5 Inc.**, a Delaware domestic corporation, with a principal office address of 10380 Bren Road West, Minnetonka, MN 55343 and a Pennsylvania registered office address of c/o Corporation Service Company, 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110, intends to file a Statement of Withdrawal of Foreign Registration with the Department of State of the Commonwealth of Pennsylvania for the purpose of voluntarily withdrawing its registration with the Pennsylvania Secretary of State. a8

NOTICE IS HEREBY GIVEN to all persons interested or who may be affected, that **Share It! Inc.** a Pennsylvania corporation, with its registered office located at c/o Corporation Service Company, 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110, intends to file Articles of Dissolution with the Department of state of the Commonwealth of Pennsylvania and that the Board of Directors is now engaged in winding up and settling the affairs of said corporation so that its corporate existence can be terminated under the provisions of the Pennsylvania Business Corporation Law of 1988. a8

NOTICE IS HEREBY GIVEN that **Biomedical Enterprises, Inc.** filed a Foreign Registration for a business corporation with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 14785 Omicron, Suite 205 San Antonio, Texas 78245. The address of this corporation's commercial registered office is 800 North Second St., Suite 100, Harrisburg, PA 17102 in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412. a8

NOTICE IS HEREBY GIVEN that **Presidio Holdings Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 12120 Sunset Hills Rd., Ste. 202, Reston, VA 20190, 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 2711 Centerville Rd., Ste. 400, 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. a8

NOTICE IS HEREBY GIVEN that **Superior Glass of America Inc.**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 6100 219th St., SW, Ste. 460-480, Mountlake Terrace, WA 98043, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 4, 2016, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. a8

NOTICE IS HEREBY GIVEN that **North American Profiles USA, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 30 Royal Group Crescent, Woodbridge, Ontario L4H 1X9, 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. a8

NOTICE IS HEREBY GIVEN that **Heritage Sportswear, Inc.**, a foreign business corporation incorporated under the laws of Ohio, with its princ. office located at 102 Reliance Dr., Hebron, OH 43025, 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 102 Reliance Dr., Hebron, OH 43025. 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. a8

NOTICE IS HEREBY GIVEN that **Respironics Colorado, Inc.**, a foreign business corporation incorporated under the laws of Colorado, with its princ. office located at 12301 N. Grant St., Unit 190, Thornton, CO 80241, 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. a8

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **AM ENGINEERED SALES INC.**, a foreign business corporation incorporated under the laws of Ohio, with its princ. office located at 7908 Cincinnati Dayton Rd., Ste. L, West Chester, OH 45069, 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 7908 Cincinnati Dayton Rd., Ste. L, West Chester, OH 45069. 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.

a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on March 10, 2016, with respect to a proposed non-profit corporation **St. John Harrisburg Outreach Ministry, Inc.** which has been incorporated under the nonprofit Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized is: to provide human and social services to individuals in the community.

a8

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about February 19, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Brad's Carpet & Upholstery Cleaning Inc.** c/o AAAgent Services, LLC

This corporation is incorporated under the laws of Ohio.

The address of its principal office is 50072 Duke Rd., P.O. Box 2545, East Liverpool, OH 43920.

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

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NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 3/14/2016 under the Domestic Business Corporation Law, for **NEXTGEN FURNITURE, INC.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County.

a8

NOTICE IS HEREBY GIVEN that **InSync Staffing, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 550 American Ave., Ste. 301, King of Prussia, PA 19406, 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 2711 Centerville Rd., Ste. 400, 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.

a8

NOTICE IS HEREBY GIVEN that a Registration Statement for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Woertz Carolina Inc.** The address of the association's principal office under the law of the association's jurisdiction is 151 Discovery Dr. #112 Colmar PA 18915. The name of the association's Commercial Registered Office Provider is United Corporate Services Inc in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412.

a8

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

a8

NOTICE IS HEREBY GIVEN that **Complete Innovations USA Inc.** filed a Foreign Registration for a business corporation with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 475 Cochrane Drive, Suite 8, Markham, Ontario, Canada L3R 9R5. The name of this corporation's commercial registered office provider is Corporation Service Company in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412.

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NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 03/30/2016 by **MATERIAUX BLANCHET INC.**, a business corporation formed under the laws of the jurisdiction of Province of Quebec, Canada with its principal office located at 225-5055 Wilfrid-Hamel Blvd., Quebec, G2G 2G6, Canada, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County.

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FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about February 25, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Sunrooms America, Inc.** c/o AAAgent Services, LLC

This corporation is incorporated under the laws of New Jersey.

The address of its principal office is 1041 Glassboro Rd., D-2, Williamstown, NJ 08094.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a8

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about February 4, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **EMI Media, Inc.** c/o AAAgent Services, LLC

This corporation is incorporated under the laws of Maryland.

The address of its principal office is 2700 Lighthouse Point East, Suite 220a, Baltimore, MD 21224.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a8

NOTICE IS HEREBY GIVEN that the Articles of Organization were filed with the Department of State of the Commonwealth of Pennsylvania, which were approved the 15th day of March, 2016, for the purposes of obtaining a Certificate of Organization of a proposed business corporation to be organized under the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 1988.

The name of the Corporation is **Complete Installation, LLC.**

The purpose for which the corporation is organized is to engage in any activity for which corporations may be organized under the Business Corporation Law of the Commonwealth.

Jacobson & Julius
8150 Derry Street
Harrisburg, PA 17111
Phone: 717-909-5858
Fax: 717-909-7788

a8

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 03/24/2016 by **First Niagara Portfolio Management, Inc.**, a business corporation formed under the laws of the jurisdiction of NY with its principal office located at 726 Exchange St., Buffalo, NY 14210, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. a8

NOTICE IS HEREBY GIVEN that **BIRCHMIER CONSTRUCTION, INC.**, a foreign business corporation incorporated under the laws of Florida, with its princ. office located at 549 N. Wymore Rd., Ste. 206, Maitland, FL 32751, 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. a8

NOTICE IS HEREBY GIVEN that **Westrock Packaging, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 504 Thrasher St., Norcross, GA 30071, 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 504 Thrasher St., Norcross, GA 30071. 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. a8

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of The Commonwealth of Pennsylvania for **TH HOLDINGS MERGER-SUB, INC.** under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. a8

NOTICE IS HEREBY GIVEN that a nonprofit corporation named **Middletown Area Blue Raider Foundation** has been incorporated under the provisions of the Nonprofit Corporation Law of 1988, as amended.

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KEGEL KELIN ALMY & LORD LLP

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 03/09/2016 by **First Aid Beauty Limited**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at 70 Bridge St., Suite 203, Newton, MA 02458, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. a8

NOTICE IS HEREBY GIVEN that **Vivint Solar Holdings, Inc.**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 3301 Thanksgiving Way, Ste. 500, Lehi, UT 84043, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 16, 2016, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. a8

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Blue-green Vacations** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 2595 Interstate Drive, Ste. 103, Harrisburg, PA 17110 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 7th day of December, 2015, 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: Bluegreen Vacations Unlimited, Inc., 4960 Conference Way North, Suite 100, Boca Raton, FL 33431. a8

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly of December 16, 1982, Act 295, as amended, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg on March 7, 2016, of an Application for the conduct of a business in Dauphin County, Pennsylvania, under the assumed or fictitious name of **Boulder Ridge Estates**, with its principal place of business at 2805 Old Post Road, Suite 200, Harrisburg, PA 17110.

The name of the entity owning or interested in the aforesaid business is: Custer Development Company

The purpose of the business is the sale and development of residential real estate.

James R. Clippinger, Esquire
Caldwell & Kearns, P.C.
3631 North Front Street
Harrisburg, PA 17110

a8

FIRST PUBLICATION

Miscellaneous Notices

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

ORPHANS' COURT DIVISION

**NO. 3 ADOPTIONS 2016
NO. 4 ADOPTIONS 2016**

ADOPTION OF :

**B.D. DOB: 1/30/02
J.D. DOB: 11/19/09**

TO: The Mother, Dawn Gochenaur

NOTICE

A petition has been filed asking the Court to put an end to all rights you have to your children, B.D. and J.D. The Court has set a hearing to consider ending your rights to your children. The hearing will be held in Courtroom 5, 4th Floor, Cumberland County Courthouse, Carlisle, Pennsylvania, on May 6, 2016 at 11:00 AM. If you do not appear at the hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your children. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your children may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer.

FIRST PUBLICATION

Miscellaneous Notices

You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Cumberland County Bar Assoc.
32 S. Bedford Street
Carlisle, PA 17013
(717) 249-3166

Lindsay D. Baird, Esq.
Solicitor, Cumberland County
Children & Youth Services
a8

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

NO. 2015 CV 2677-MF

**CAPITAL BANK, NA, PLAINTIFF
VS.
JEMM PROPERTIES, LLC, DEFENDANT**

**NOTICE OF SHERIFF'S SALE
OF REAL ESTATE
PURSUANT TO PENNSYLVANIA
RULE OF CIVIL PROCEDURE 3129.2**

TO: JEMM Properties, LLC, with last known addresses of 634 Geary Street, Harrisburg, PA 17110, 22 Scout Lane, Hummelstown, PA 17036, 292 West High Street, Hummelstown, PA 17036, and Lee Valley Ice Centre, Lea Bridge Road, Leyton, London E10 7QL, Great Britain.

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.

Your real estate at 634 Geary Street, Harrisburg, PA 17110, is scheduled to be sold at Sheriff's Sale on **July 21, 2016** at 10:00 a.m. at the Dauphin County Administration Building, 4th Floor, Corners of Second and Market Streets, Commissioner's Hearing Room, Harrisburg, PA 17101, to enforce the Court Judgment of **\$44,732.65** obtained by **Capital Bank, NA** against you. If the sale is postponed, the property will be relisted for sale. In the event the sale is continued, an announcement will be made at the said sale in compliance with Pa.R.C.P. Rule 3129.3.

**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 Capital Bank, NA or its attorney Janet L. Gold, Esquire the total amount due on the Judgment. To find out how much you must pay, you may call (856) 330-6200.

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.

**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 (856) 330-6200.

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 if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call (856) 330-6200.

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 will bring legal proceedings to evict you.

6. You may be entitled to a share of the money, which was paid for your property. A proposed Schedule of Distribution of the money bid for your property will be prepared by the Sheriff within thirty (30) days after the sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exception (reasons why the proposed distribution is wrong) is filed with the Sheriff within ten (10) days after the Schedule of Distribution is filed.

7. You may also have other rights and defenses, or ways of getting your property 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED

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Miscellaneous Notices

BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

Janet L. Gold, Esquire
Eisenberg, Gold, Cettei & Agrawal, P.C.
Attorneys for Plaintiff, Capital Bank, NA
1040 North Kings Highway, Suite 200
Cherry Hill, New Jersey 08034
a8 (856) 330-6200

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

NO. 2015 CV 1100-MF

**NOTICE OF ACTION
IN MORTGAGE FORECLOSURE**

**CAPITAL BANK, NA, PLAINTIFF
VS.
JEMM PROPERTIES, A LIMITED
LIABILITY COMPANY, DEFENDANT**

**NOTICE OF SHERIFF'S SALE OF REAL
ESTATE PURSUANT TO PENNSYLVANIA
RULE OF CIVIL PROCEDURE 3129.2**

TO: JEMM Properties, a limited liability company, Defendant, with last known addresses of 1610 Catherine Street, Harrisburg, PA 17104, 22 Scout Lane, Hummelstown, PA 17036, 292 West High Street, Hummelstown, PA 17036, and Lee Valley Ice Centre, Lea Bridge Road, Leyton, London E10 7QL, Great Britain.

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.

Your real estate at **1610 Catherine Street, Harrisburg, PA 17104**, is scheduled to be sold at Sheriff's Sale on **July 21, 2016 at 10:00 a.m.** at the Dauphin County Administration Building, 4th Floor, Corners of Second and Market Streets, Commissioner's Hearing Room, Harrisburg, PA 17101, to enforce the Court Judgment of **\$42,542.79** obtained by **Capital Bank, NA** against you. If the sale is postponed, the property will be relisted for sale. In the event the sale is continued, an announcement will be made at the said sale in compliance with Pa.R.C.P. Rule 3129.3.

**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 Capital Bank, NA or its attorney Janet L. Gold, Esquire the total amount due on the Judgment. To find out how much you must pay, you may call (856) 330-6200.

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.

**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 (856) 330-6200.

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 if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call (856) 330-6200.

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 will bring legal proceedings to evict you.

6. You may be entitled to a share of the money, which was paid for your property. A proposed Schedule of Distribution of the money bid for your property will be prepared by the Sheriff within thirty (30) days after the sale. This schedule will state who will be receiving the money. The money

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Miscellaneous Notices

will be paid out in accordance with this schedule unless exception (reasons why the proposed distribution is wrong) is filed with the Sheriff within ten (10) days after the Schedule of Distribution is filed.

7. You may also have other rights and defenses, or ways of getting your property 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

Janet L. Gold, Esquire
Eisenberg, Gold, Cettei & Agrawal, P.C.
Attorneys for Plaintiff, Capital Bank, NA
1040 North Kings Highway, Suite 200
Cherry Hill, New Jersey 08034
(856) 330-6200

a8

NOTICE OF AUDIT

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

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled there to **May 4, 2016**. Pursuant to Dauphin County Orphans' Court Rule 6.10.1, objections to an account must be filed in writing with the Register or Clerk **no later than the close of business on May 3, 2016**.

1. KOVALESKI, DIANE, First and Final Account of Susquehanna Trust & Investment Company, now by merger, Branch Banking and Trust Company, Trustee (Trust Under Deed of the Diane Kovaleski Self-Settled Special Needs Trust dated June 27, 2012).

2. STRICKER, DORTHEA L., Deceased, First and Final Account of Althea Gae Sassaman, Executrix.

3. TITTLE, CLARENCE S., Deceased, First and Final Account of Manufacturers and Traders Trust Company, Successor to Allfirst Trust Company of Pennsylvania, N. A.(Trust Under the Will dated March 19, 1996 of Clarence S. Tittle-Credit By-pass Trust).

4. CHUBB, MITCHELL A., Deceased, Second and Final Account of Good News Consulting, Inc., Administrator.

5. KREIDER, B. IRENE AKA KREIDER, BLANCHE IRENE, Deceased, First and Final Account of PNC Bank, National Association, Executor.

May 18, 2016

Jean Marfizo King

Register of Wills & Clerk of the Orphans' Court
a8-15

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

NUMBER: 2016-CV-1910-MF

**NOTICE OF ACTION
IN MORTGAGE FORECLOSURE**

**NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,
PLAINTIFF**

VS.

**DANELLE K. MALESIC, KNOWN
SURVIVING HEIR OF RUTH D. KLINE,
SHELLY WEAVER, KNOWN SURVIVING
HEIR OF RUTH D. KLINE AND UNKNOWN
SURVIVING HEIRS OF RUTH D. KLINE,
DEFENDANTS**

TO: Unknown Surviving Heirs of Ruth D. Kline. Premises subject to foreclosure: 5950 Timothy Road, Harrisburg, Pennsylvania 17112.

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.

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Miscellaneous Notices

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, Pennsylvania 17101
(717) 232-7536**

McCabe, Weisberg & Conway, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
215-790-1010

a8

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

NUMBER: 2016-CV-430-MF

**NOTICE OF ACTION
IN MORTGAGE FORECLOSURE**

**CIT BANK, N.A., PLAINTIFF
VS.
BETTY I. ASHENFELDER, DEFENDANT**

TO: Betty I. Ashenfelder. Premises subject to foreclosure: 2449 Brookwood Street, Harrisburg, Pennsylvania 17104.

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
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McCabe, Weisberg & Conway, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
215-790-1010

a8

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

CIVIL ACTION – LAW

NO.2015-CV-1424-MF

**NOTICE OF ACTION
IN MORTGAGE FORECLOSURE**

**U.S. BANK NATIONAL ASSOCIATION,
PLAINTIFF
VS.
HARRY R. CLELAND AND MARCIA A.
CLELAND, DEFENDANTS**

NOTICE

TO: Harry R. Cleland and Marcia A. Cleland, Defendants, whose last known address is 1000 Chestnut Street, Middletown, PA 17057.

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

Take Notice that the real estate located 1000 Chestnut Street, Middletown, PA 17057, is scheduled to be sold at Sheriff's Sale on June 02, 2016 at 10:00 A.M., in the Sheriff's Office Dauphin County Admin. Bldg., Commissioners Hearing Rm., 4th Fl., Market Sq., Harrisburg, PA 17101.

Property Description: Prop. sit in the Borough Of Middletown, County Of Dauphin. Being prem.: 1000 Chestnut Street, Middletown, PA 17057.

Tax Parcel: #42-008-021.

Improvements consist of residential property. Sold as the property of Harry R. Cleland and Marcia A. Cleland.

TERMS OF SALE: The purchaser at sale must pay the full amount of his/her bid by two o'clock P.M. on the day of the sale, and if complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for Dauphin County conveying to the purchaser all the right, title, interest and claim which the said defendant has in and to the said property at the time of levying the same. If the above conditions are not complied with on the part of the purchaser, the property will again be offered for sale by the Sheriff at three o'clock P.M., on the same day. The said purchaser

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Miscellaneous Notices

will be held liable for the deficiencies and additional costs of said sale.

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

Powers, Kirm & Assoc., LLC
Attys. for Plaintiff
Eight Neshaminy Interplex, Ste. 215
Trevose, PA 19053
(215) 942-2090

a8

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

NO. 2015-CV-3498

CIVIL DIVISION -LAW

**ACTION TO QUIET TITLE AND/OR
FOR DECLARATORY JUDGMENT**

**SANTANDER BANK, N.A., PLAINTIFF
VS.
MARATHON CAPITAL, L.P., DEFENDANT**

TO: Marathon Capital, L.P., and Any and All unknown predecessors, subsidiaries, successors, present or former officers, directors, partners, administrators, attorneys, accountants, insurers, employees, and/ or agents Claiming Right, Title or Interest from or under Marathon Capital, L.P.

BY ORDER DATED SEPTEMBER 9, 2015, THE DAUPHIN COUNTY COURT OF COMMON PLEAS ENTERED AN ORDER AUTHORIZING SANTANDER BANK, N.A. TO SERVE ITS COMPLAINT AND ANY OTHER DOCUMENTS REQUIRED TO BE SERVED UPON YOU BY PUBLICATION.

You are hereby notified that on March 21, 2016, a judgment was entered in favor of Plaintiff, SANTANDER BANK, N.A. and against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2015-CV-3498.

Notice is hereby given that a Default Judgment in the above-captioned matter has been entered against you discharging, canceling, and satisfying Defendant Marathon Capital, L.P.'s Mortgage on real estate located at 48 12 Londonderry Road, Harrisburg, Lower Paxton Township, Pennsylvania, Parcel # 35-067-009 as recorded in the Dauphin County Recorder of Deeds Office at Document 10 Number 20100003470.

If you have any questions regarding this Notice, please contact the filing party:

Samuel E. Cohen, Esquire, Attorney for Plaintiff
Attorney I.D. No. 204617
33 S. 7th Street, PO Box 4060
Allentown, PA 18 105-4060
(610) 820-5450

(This Notice is given in accordance with Pa.R.C.P. 236)

a8

SECOND PUBLICATION

Miscellaneous Notices

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

NO. 2016 - 0605

**ORPHANS' COURT DIVISION
IN RE: BABY GIRL HOLMES, A/K/A
KRISTIAN MARIE HOLMES, A MINOR**

TERMINATION OF PARENTAL RIGHTS OF
JEFFREY MCKEE

TO: JEFFREY MCKEE

You are hereby notified that a Petition to Involuntary Termination of Parental Rights has been filed against you, asking the Court to terminate all rights you have to your child, BABY GIRL HOLMES aka KRISTIAN MARIE HOLMES (born November 11, 2015). The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Court Room No. 6 (Orphans' Court Room), on the Third Floor of the Lancaster County Court House, situate at 50 North Duke Street, Lancaster, Pennsylvania, said hearing to be held on May 5, 2016, at 11:00 o'clock a.m. If you do not appear at this hearing, the court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you, and your rights to your child may be ended by the Court without your being present.

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

SECOND PUBLICATION

Miscellaneous Notices

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

Court Administrator
Court Administrator's Office
Lancaster County Court House
50 North Duke Street
Lancaster, PA 17602
Telephone No. (717) 299-8041

a1-8

FIRST PUBLICATION

Name Change Notices

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

DOCKET NO: 2015-CV-10056-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on February 29, 2016, the Petition of Alexandra Peifer on behalf of for minor child, Benjamin Finn Peifer was filed in the above named court, requesting a decree to change the minor child's name from **Benjamin Finn Peifer** to **Benjamin Joseph Muddiman**.

The Court has fixed Tuesday, April 26, 2016 at 9:30 a.m. in Courtroom No. 12, 7th Floor, Juvenile Justice Center (Human Services Building), 25 South Front 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. a8

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Forde., Commonwealth v. 11

Haymaker v. Commonwealth 26

N.G. v. C.O. 1

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

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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

REPORTING OF ERRORS IN ADVANCE SHEET

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

DAUPHIN COUNTY COURT SECTION
Opinions Not Yet Reported

BAR ASSOCIATION PAGE
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FULL TIME PARALEGAL: Dedicated, energetic paralegal to assist staff attorney in handling cases involving victims of domestic violence, sexual assault and human trafficking by conducting client interviews and meetings, research/preparation/filing of legal documents and providing referrals. Associates Degree or equivalent combination of relevant education and work experience in family law required. Bachelor's degree preferred. Excellent interpersonal skills including empathy for those in crisis - essential. Bilingual skills preferred (Spanish - English). Salary based on experience. Exceptional benefits package. Job description go to: www.enddysa.org. To apply send both cover letter AND resume: Survivors, Inc., PO Box 3572, Gettysburg, PA 17325. Incomplete applications will not be accepted, lack of cover letter counts as incomplete. No calls please. EOE. m18-a1

BOOKKEEPER: Full time experienced Bookkeeper needed for Lebanon County law firm. 8:00 am - 5:00 pm Monday-Friday. High degree of accuracy and attention to detail, proficiency in MS Office required, experience with PC Law or similar law firm software preferred. Responsibilities include A/P, A/R, billing, reconciliations, collections, payroll tax returns, financial statements, year end reporting, other administrative duties as assigned. Competitive salary and benefits package. Applicants will be subject to a background check. Send resume with requirements and references to: Office Manager, 1601 Cornwall Road, Lebanon PA 17042. NO PHONE CALLS WILL BE ACCEPTED. m25-a1

FULL TIME PARALEGAL: Established law firm is seeking a full time Paralegal with two years of experience in Family Law. Experience in Criminal Law is also preferred. Applicants must have good writing and organizational skills and be able to work independently. Knowledge of Word and Excel programs is also a must. Hourly pay based upon experience. Applicants must submit a cover letter and a resume to: Kope & Associates, 3900 Market Street, Camp Hill, PA 17011 Attn: Office Manager. a8-22



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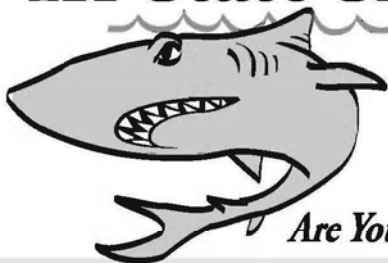
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