



Dauphin County Reporter ADVANCE SHEET

(USPS 810-200)

A weekly Journal containing the decisions rendered in the 12th
Judicial District

No. 6156 Vol. 126

July 13, 2018

No: 159

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

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

222 Shoemaker v. Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc.
Bar Association Page Back Pages



The
Dauphin County Reporter
Edited and published
by the
Dauphin County Bar Association
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

ELIZABETH G. SIMCOX
Executive Director
KENDRA HEINBAUGH
Office Manager
BRIDGETTE L. HILBISH
CLE Coordinator/Reporter Designer

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

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

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



Estate Notices

DECEDENTS ESTATES

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

FIRST PUBLICATION

Estate Notices

ESTATE OF REAMUS E. JONES, late of Gadsden County, Florida (died: October 12, 2010). Executor: Derek Jones, 3922 Seabiscuit Way, Harrisburg, PA 17112. Attorney: Gerald S. Robinson, Esquire, P.O. Box 5320, Harrisburg, PA 17110. jy13-27

ESTATE OF MICHAEL T. SEILHAMER, late of Lower Swatara Township, Dauphin County, Pennsylvania (died: May 26, 2018). Executrix: Megan R. Seilhamer c/o Susan H. Confair, Esquire Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011, (717) 763-1383. jy13-27

ESTATE OF SHAWNEE LYNN LENHART, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043 or to Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. jy13-27

SECOND PUBLICATION

Estate Notices

ESTATE OF GAYLE E. HOWARD late of Lower Paxton Township, Dauphin County, Pennsylvania (died: May 21, 2018). Administrator: Boyd Howard, 100 N 23rd Street, Camp Hill, PA 17011. jy6-20

ESTATE OF DENNIS E. HALL, a/k/a DENNIS EARL HALL, late of Dauphin County, Pennsylvania. Executor: Abigail V. Lance. Attorney: William R. Kaufman, Esq., 940 Century Drive, Mechanicsburg, PA 17055-4376. jy6-20

ESTATE OF MARIE M. BOYD, late of Derry Township, Dauphin County, Pennsylvania. Co-Executors: Jerome Myles Boyd and Maureen Boyd Gingrich c/o Richard B. Druby, Esquire, Nestico Druby, P.C., 1135 East Chocolate Avenue, Suite 300, Hershey, PA 17033. jy6-20

defendant's eviction for breach of the lease for failure to pay rent when due, and because defendant has admitted to such breach, judgment must be granted in plaintiff's favor.

Accordingly, I enter the following:

ORDER

AND NOW, this 13th day of February, 2018, upon consideration of the parties' Cross Motions for Summary Judgment, it is hereby directed that Plaintiff's Motion is **GRANTED** and Plaintiff is awarded possession of the property known as 1600-D Hillside Village, Harrisburg Pa., 17103. Plaintiff's request for costs of suit, counsel fees and other charges is **DENIED**. Defendant's Motion is **DENIED**.

**Shoemaker
 v.
 Lower Paxton Township Board of Supervisors
 And
 Hoffman Ford Sales, Inc.**

**Municipal Corporations - Conditional Land Use - Zoning Ordinance - Lawful Nonconforming Use -
 Abandonment of Nonconformity - Due Process**

Appellant appealed a decision by the Lower Paxton Township Board of Supervisors granting an Application for Conditional Land Use filed by Hoffman Ford Sales, Inc. The Court determined that Appellant was not provided with proper notice or an opportunity to be heard with respect to the alleged nonconforming use of his properties.

1. A nonconforming use is a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). *Lower Paxton Township Zoning Ordinance, Article 1 (definitions)*. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. *Lower Paxton Township Zoning Ordinance, Article 8, § 805.B (Continuation of Nonconformities)*.
2. Abandonment of a nonconforming use cannot be established by mere proof of a failure for a time to use the property, or of a temporary use of the property not inconsistent with an intention to use it for the original purpose. There must be evidence of intention to abandon. *Pappas v. Zoning Bd. of Adjustment of City of Philadelphia, 589 A.2d 675, 677 (Pa. 1991)*. Abandonment of a nonconforming use requires: (1) an intention to abandon, and (2) actual abandonment. *Salahuddin v. Zoning Hearing Bd. of West Chester, 55 A.3d 1285, 1287 (Pa. Commw. Ct. 2012)*.
3. The Supreme Court of Pennsylvania has noted that the protections afforded to nonconforming uses are, in this Commonwealth, of constitutional dimension. *Nettleton v. Zoning Bd. of Adjustment of City of Pittsburgh, 828 A.2d 1033 (Pa. 2003)*. This is because a nonconforming use creates a vested property right in the owner of the property which is protected by due process. *Domeisen v. Zoning Hearing Bd., O'Hara Twp., 814 A.2d 851, 856 (Pa. Commw. Ct. 2003)*.
4. The fundamental components of procedural due process are notice and opportunity to be heard. *In re McGlynn, 974 A.2d 525, 531 (Pa. Commw. Ct. 2009)*. The due process clause requires an individual be afforded with the chance to be heard "at a meaningful time and in a meaningful manner." *Montgomery Cty., 836 A.2d at 1014*. It is well established that due process is fully applicable to adjudicative hearings

involving substantial property rights before administrative tribunals. *Soja v. Pa. State Police*, 455 A.2d 613, 615 (Pa. 1982).

Land Use Appeal. C.P., Dau. Co., No. 2016-CV-02231-LU. Remanded for further proceedings.

Susan J. Smith, for the Appellant

Steven A. Stine, for the Appellee

Helen L. Gemmil, for Applicant

Clark, S.J., June 6, 2018.

OPINION

Currently before this Court is James Shoemaker’s appeal of a February 16, 2016 decision of the Lower Paxton Township Board of Supervisors. In that decision, the Lower Paxton Township Board of Supervisors granted an Application for Conditional Land Use filed by Hoffman Ford Sales, Inc. For the reasons set forth below, this matter will be remanded to the Lower Paxton Township Board of Supervisors for further proceedings.

I. Background.

On November 2, 2015, Hoffman Ford Sales, Inc. (hereinafter “Hoffman Ford” or “Intervenor”) filed an Application for Conditional Use (hereinafter “Application” or “Application for Conditional Use”) with Lower Paxton Township (hereinafter “the Township”), seeking conditional use approval for an auto repair garage on a six-parcel, 3.926-acre tract of land (hereinafter “the Hoffman Property”) located between Jaycee Avenue and Lockwillow Avenue in a residential neighborhood in Lower Paxton Township, Dauphin County.

Appellant James Shoemaker (hereinafter “Appellant”) owns two properties in the Township— one property which is located at 5 Chiara Drive, and the second which is located at 5300 Jonestown Road (hereinafter referred to collectively as “Appellant’s properties”). Both of Appellant’s properties are located within the vicinity of the Hoffman Property, and the Chiara Drive property actually abuts the Hoffman Property. Although Appellant’s properties are currently zoned as “Commercial General,” they each contain a structure which Appellant asserts to be a residential dwelling. Appellant avers that he utilized his properties for residential purposes before they were zoned as Commercial and that, therefore, his maintenance of dwellings on each of his properties constitutes a lawful nonconforming use.

According to the Township's Zoning Ordinance, an auto repair garage (i.e., the type of structure that Hoffman Ford is attempting to construct on the Hoffman Property) is a permitted use in the Township's Commercial General district, provided that the Township's Board of Supervisors (hereinafter "Board of Supervisors" or "the Board") finds that the use comports with all conditional use requirements for auto repair garages set forth in the Zoning Ordinance. See Lower Paxton Township Zoning Ordinance, § 306.B.2. The Zoning Ordinance specifies various requirements for commercial-use properties which are located contiguous to existing dwellings. First, of relevance to this matter, § 402.A.9.f. of the Zoning Ordinance sets forth the following requirement regarding auto repair garages specifically:

Service bay doors shall not face directly towards **an abutting dwelling** (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

Lower Paxton Township Zoning Ordinance, § 402.A.9.f. (emphasis added). Second, and of greater relevance to the instant matter, § 803.D of the Zoning Ordinance establishes the following requirement for all lots used principally for non-residential purposes:

A minimum 30 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is **contiguous to a lot occupied by an existing principal dwelling**¹ or an undeveloped residentially zoned lot.

Lower Paxton Township Zoning Ordinance, § 803.D (emphasis added).

Because Hoffman Ford's Application for Conditional Use contemplates the construction of buildings on the Hoffman Property within fifteen (15) feet of Appellant's abutting Chiara Drive property, the issue of whether Hoffman Ford's Application comports with the Township's zoning ordinance is dependent upon the presence, or lack thereof, of an existing nonconforming principal dwelling on Appellant's Chiara Drive property. If the structure on the Chiara Drive property constitutes an existing nonconforming residential dwelling, as Appellant alleges, Hoffman Ford's construction of buildings within only fifteen (15) feet of the Chiara Drive property could not possibly comport with § 803.D of the Township's Zoning Ordinance because the Ordinance would require a minimum thirty (30)-foot-wide buffer yard between the boundary line of the Hoffman Property and Appellant's Chiara Drive property. However, if the purported dwelling on the Chiara Drive property in fact no longer can be classified as an

¹ The Zoning Ordinance defines the term "dwelling" as a "building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory." Lower Paxton Township Zoning Ordinance, § 202.

existing nonconforming residential dwelling, the buffer-yard provision of the Zoning Ordinance would not apply to Hoffman Ford's Application, and said provision would not prohibit Hoffman Ford from constructing the buildings within fifteen (15) feet of Appellant's Chiara Drive property. It is interesting to note that the Application and accompanying Plan documents filed by Hoffman Ford that were originally submitted for review and approval utilized a 15-foot buffer, instead of the 30-foot buffer required in cases of an abutting dwelling structure. This seemingly suggests that somehow Hoffman Ford was attuned to the pivotal issue of buffer setback and was presumptively asserting (by implication) abandonment of the Appellant's claimed pre-existing, non-conforming use of the structure on the premises as being a "dwelling." However, no such actual assertion of abandonment of that "dwelling" status was asserted in the original Application documents, and indeed was raised *sua sponte* by the Board at the Hearing, without any reasonable prior notice of that gravamen issue to the Appellant.

On January 4, 2016, a Hearing on Hoffman Ford's Application was held before the Board of Supervisors. Public notice of the Hearing was published twice in a newspaper of general circulation within the Township, and notice of the Hearing was also posted at points deemed sufficient by the Lower Paxton Township Zoning Officer. Appellant was granted objector status and was a party, appearing by counsel, at the Hearing. After approximately one and a half (1 ½) hours of testimony related to Appellant's property, the Board of Supervisors appeared to be of the impression that Appellant had abandoned the nonconforming residential use of both of his properties; thus, Appellant's counsel requested a recess until the next hearing date to allow his client the opportunity to testify regarding the use of his properties. (Notes of Testimony, Public Hearing Before the Lower Paxton Township Board of Supervisors dated January 4, 2016, hereinafter "N.T.," at 92-94). Appellant's counsel stated that he was prepared to discuss Hoffman Ford's Application, but was not prepared to conduct a hearing on the use of Appellant's properties. (N.T. at 93). After a lengthy discussion, the Board denied the request for a recess. (N.T. 94-103). However, it reluctantly agreed to allow counsel for Appellant to submit proposed findings of facts and conclusions of law prior to the next meeting. (N.T. at 103-106).

On February 16, 2016, the Board of Supervisors issued a twenty-two (22) page decision approving Hoffman Ford's Application. This decision included findings that Appellant's properties did not contain "dwellings", as defined in the Township's Zoning Ordinance, and that any lawful nonconforming residential use of the properties had been abandoned by Appellant's predecessor in interest. In finding that the structures on Appellant's properties were not in fact dwellings, the Board of Supervisors reasoned that

the structures were “unsafe for human habitation and have been without a certificate of occupancy since at least 2008.” (Decision by the Lower Paxton Township Board of Supervisors, dated February 16, 2016, at 19). However, it appears that the Board of Supervisors made no determination as to when the buildings actually ceased to be dwellings, nor did it consider any evidence or testimony from Appellant. Additionally, while the record indicates that the Board of Supervisors established that it is the proper body to hear and decide applications for conditional uses, there is no indication in the record that the Board of Supervisors determined itself to be the proper body to find abandonment of a non-conforming use. (*Id.* at 16).

The Board of Supervisors also determined “that if Objecter’s Property² ever was a lawful preexisting nonconforming residential use, Objecter and his predecessor in interest abandoned that use.” (*Id.* at 19). This determination was based on findings that “Objecter and his predecessor in interest demonstrated an intent to abandon that residential use and actually abandoned that use by allowing Objecter’s Property to fall into such disrepair that the Township issued demolition notices for it...and by converting the property into commercial space (“vacant” commercial space) and offering it for lease as such.” (*Id.*) The decision further notes that “Objecter did not present any evidence that the Objecter’s property is currently being used as living quarters” and that “Objecter did not present any evidence that Objecter’s property has been used as living quarters since 2008.” (*Id.* at 10).

Because the Board determined that the structure on the Chiara Drive property was not a “dwelling” as defined in the Township’s Zoning Ordinance, it found that the buffer-yard requirement of § 803.D of the Zoning Ordinance was inapplicable.³ (*Id.* at 19).

II. Procedural History of the Instant Action

On March 17, 2016, Appellant filed a Notice of Land Use Appeal (“Notice of Appeal”), arguing that the Board of Supervisors had erred by approving Hoffman Ford’s Application. Hoffman Ford filed a Notice of Intervention on March 30, 2016. On February 9, 2017, an Order was issued directing the

² Appellant was referred to as “Objecter” in the Board’s decision. In issuing its decision, it appears that the Board of Supervisors utilized the term “Objecter’s Property” to refer to the 5 Chiara Drive property and the 5300 Jonestown Road property collectively. (See Decision by the Lower Paxton Township Board of Supervisors, dated February 16, 2016, at 9).

³ The Board likewise determined that § 402.A.9.f. of the Zoning Ordinance, which prohibits garage service bay doors from directly facing an abutting residential property, was inapplicable. (Decision by the Lower Paxton Township Board of Supervisors, dated February 16, 2016, at 21). The Board also noted that even were that provision applicable, Hoffman Ford’s Application would not violate it because the Application “depict[ed] service bay doors as triangles and none face Objecter’s property.” (*Id.*)

parties to file a Joint Status Report. The parties filed a Joint Status Report on February 21, 2017, expressing their belief that the issues in this matter could be resolved through briefs.

Appellant filed his Brief in Support of Land Use Appeal on April 4, 2017, and, thereafter, on May 11, 2017, Hoffman Ford filed a Brief in Opposition to the Land Use Appeal (the Board of Supervisors concurred in Hoffman Ford's Brief via a letter of concurrence attached to the Brief). On October 23, 2017, Appellant filed a Reply Brief in Support of Land Use Appeal. On November 2, 2017, an Order was issued scheduling oral argument for January 8, 2018. On December 29, 2017, the "Reply Brief of Intervenor Hoffman Ford Sales, Inc. in Opposition to Land Use Appeal" was filed.

On January 8, 2018, we heard oral argument on Appellant's land use appeal. At oral argument, Appellant's counsel argued that the Board of Supervisors erred by refusing Appellant an opportunity to prepare and present a case on the alleged nonconforming use of his properties and the issue of whether he abandoned that nonconforming use. Specifically, Appellant's counsel averred that the Township's Zoning Officer had made no finding of abandonment prior to the Board's January 4, 2016 Hearing on Hoffman Ford's Application and that Appellant, therefore, was caught off guard when the issues of nonconforming use and abandonment arose at that Hearing. Appellant's counsel also asserted that it is specifically the responsibility of the Township's Zoning Officer to make findings of abandonment and that an interested party should have the opportunity to appeal the Zoning Officer's abandonment finding to the Township's Zoning Hearing Board. For the reasons set forth below, we find it necessary to remand this matter to the Board of Supervisors for further proceedings

III. Discussion

The Township's Zoning Ordinance defines a nonconforming use as "[a] use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s)." Lower Paxton Township Zoning Ordinance, Article 1 (definitions). The Zoning Ordinance further states that "[a] lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners." Lower Paxton Township Zoning Ordinance, Article 8, § 805.B (Continuation of Nonconformities).

The Township's Zoning Ordinance further provides that a nonconforming use is abandoned if the nonconforming use of a building or land is "discontinued, razed, removed or abandoned for 12 or more months." Lower Paxton Township Zoning Ordinance, Article 8, § 805.E(1) (Abandonment of a

Nonconformity). **“The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.”**⁴ Lower Paxton Township Zoning Ordinance, Article 8, § 805.E(2) (Abandonment of a Nonconformity) (emphasis added).

The Supreme Court of Pennsylvania has consistently held that “abandonment of a nonconforming use **cannot** be established by mere proof of a failure for a time to use the property or of a temporary use of the property not inconsistent with an intention to use it for the original purpose. **There must be evidence of intention to abandon.**” *Pappas v. Zoning Bd. of Adjustment of City of Philadelphia*, 589 A.2d 675, 677 (Pa. 1991) (emphasis added) (citing *Appeal of Twp. of Upper Darby*, 138 A.2d 99 (Pa. 1958)). Abandonment of a nonconforming use requires: (1) an intent to abandon, and (2) actual abandonment. *Salahuddin v. Zoning Hearing Bd. of West Chester*, 55 A.3d 1285, 1287 (Pa. Commw. Ct. 2012) (citing *Latrobe Speedway v. Zoning Hearing Bd.*, 686 A.2d 888, 890 (Pa. Commw. Ct. 1996), *aff’d*, 720 A.2d 127 (Pa. 1998)). Moreover, the courts have noted:

Intent to abandon will be presumed by lack of occupancy of the nonconforming use for the prescribed period of time in a municipality with a discontinuation ordinance. However, if evidence of intent contrary to abandonment is introduced, then the presumption is rebutted and the burden of persuasion shifts back to the party claiming abandonment.”

Id. (internal citations omitted).

In a case involving an alleged nonconforming use, such as the instant matter, it is critical to consider “the nature of the protections afforded to preexisting nonconforming uses and structures; entirely lawful when constructed or initiated but violative of later-enacted zoning regulations.” *Nettleton v. Zoning Bd. Of Adjustment of City of Pittsburgh*, 828 A.2d 1033, 1036 (Pa. 2003). The Supreme Court of Pennsylvania has noted that the protections afforded to nonconforming uses are, in this Commonwealth, of constitutional dimension.” *Id.* This is because a “nonconforming use creates a vested property right in the owner of the property” which is protected by due process. *Domeisen v. Zoning Hearing Bd., O’Hara Twp.*, 814 A.2d 851, 856 (Pa. Commw. Ct. 2003); *see also Nettleton*, 828 A.2d at 1036 (recognizing that the protections afforded to nonconforming uses “evolved as a conceived element of due process.”). “The fundamental components of procedural due process are notice and opportunity to be heard.” *In re McGlynn*, 974 A.2d 525, 531 (Pa. Commw. Ct. 2009); *see also Montgomery Cty. Tax Claim Bureau v. Mermelstein Family Trust*, 836 A.2d 1010, 1014 (Pa. Commw. Ct. 2003) (“It is a cornerstone of our legal

⁴ The Court notes that based upon the case law discussed below, the Township’s ordinance placing the burden of disproving abandonment may be an illegal shift of the burden of production.

system that persons will not be deprived of their property without notice and an opportunity to be heard.”). “Notice is the most basic requirement of due process,” and “notice should be reasonably calculated to inform interested parties of the pending action.” *Bornstein v. City of Connellsville*, 39 A.3d 513, 519 (Pa. Commw. Ct. 2012) (quoting *Pa. Coal Mining Ass’n v. Ins. Dept*, 370 A.2d 685, 692–93 (Pa. 1977)). As for the due process clause’s “opportunity to be heard” component, the courts have recognized that the due process clause requires an individual be afforded with the chance to be heard “at a meaningful time and in a meaningful manner.” *Montgomery Cty.*, 836 A.2d at 1014 (quoting *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)). It is “well established” that “due process is fully applicable to adjudicative hearings involving substantial property rights before administrative tribunals.” *Soja v. Pa. State Police*, 455 A.2d 613, 615 (Pa. 1982) (collecting cases).

Although Appellant has a constitutionally guaranteed right to due process, he was neither given proper notice nor an opportunity to be heard with respect to the nonconforming use of his properties. While there was public notice of the January 4, 2016 hearing on Hoffman Ford’s conditional use request, Appellant was not notified that in deciding Hoffman Ford’s request, the Board of Supervisors would also be weighing the issue of Appellant’s alleged nonconforming use status. Nonetheless, most of the January 4, 2016 Hearing was devoted to discussion of the Appellant’s nonconforming use and alleged abandonment thereof. At that hearing, Appellant’s counsel, who understandably was not prepared to litigate the issues of nonconforming use and abandonment, requested a continuance of the Hearing so that Appellant could be flown in from Florida to testify as to the use of his properties. The Board, however, flatly denied the request for a continuance, and, therefore, Appellant was not afforded with the chance to be heard at a meaningful time and in a meaningful manner as to the issues of nonconforming use and abandonment.

Having refused to grant a continuance and hear testimony from Appellant himself, the Board issued a decision on February 16, 2016, finding that Appellant’s nonconforming use had been abandoned. In finding that Appellant had abandoned his nonconforming use, the Board of Supervisors reasoned that the dwellings on Appellant’s properties had fallen into severe disrepair and that Appellant “failed to present any evidence” that his property has been used as living quarters since 2008. The Board’s reasoning, however, is critically flawed because Appellant was not presented with a reasonable *opportunity* to present such evidence on this issue. Simply put, while there may have been circumstantial evidence from which the Board presumed abandonment of Appellant’s nonconforming use, it was inappropriate for the Board’s

to make that presumption without affording Appellant his due process right to provide testimony or evidence to rebut that presumption.

Moreover, because it appears that the Township's Zoning Officer never actually made a finding of abandonment with respect to Appellant's nonconforming use, it is highly questionable whether the Board of Supervisors even had the authority to make an initial finding of abandonment as it did. Of importance to this issue is an examination of the relative duties of the Township's Zoning Officer and the Township's Zoning Hearing Board (hereinafter "ZHB"), as set forth in the Township's Zoning Ordinance.

According to the Township's Zoning Ordinance, the Zoning Officer's duties and powers include "maintain[ing] available records concerning non-conformities" and "tak[ing] enforcement actions as provided by the State Municipalities Planning Code, as amended." Lower Paxton Township Zoning Ordinance, Article 1, § 110.B(6) (Duties and Powers of Zoning Officers). The ZHB, on the other hand, is to "hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance." Lower Paxton Township Zoning Ordinance § 111.D(1) (Appeal of a Decision by the Zoning Officer).

Thus, the Township's Zoning Ordinance clearly implies that the Zoning Officer is charged with the maintenance and enforcement of nonconforming uses within the Township, and if a property owner disagrees with a Zoning Officer's determination as to the abandonment of a nonconforming use, the owner shall appeal the decision of the Zoning Officer to the ZHB – *not* the Board of Supervisors. The State Municipalities Planning Code supports this interpretation:

- (a) The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

* * * *

- (3) Appeals from the determination of the zoning officer, including, but not limited to . . . the registration or refusal to register any nonconforming use, structure or lot.

53 P.S. § 10909.1 (Jurisdiction).

In the instant matter, it does not appear that the Township's Zoning Officer made a finding of abandonment with respect to Appellant's nonconforming use, nor was Appellant presented with an opportunity to present such a finding before the ZHB. Thus, by *sua sponte* finding that the nonconforming use had been abandoned in the instant matter, it appears that the Board of Supervisors usurped the role of the Zoning Officer and ZHB, as set forth in the Township's Zoning Ordinance. The Board of Supervisors'

authority to do so is far from certain, and the Board's decision attempts to inordinately justify its (the Board's) direct involvement in the determination of an "expired" or "abandoned" non-conforming use.

A. Conclusion.

In conclusion, Appellant was not provided with proper notice or an opportunity to be heard with respect to the alleged nonconforming use of his properties. Moreover, upon review of the Township's Zoning Ordinance, it is uncertain, at a minimum, as to whether the Board of Supervisors had authority to make the initial determination as to whether Appellant had abandoned the nonconforming use of his properties. Consequently, this matter will be remanded to the Lower Paxton Township Board of Supervisors which shall proceed in the manner explained in our Order issued this date.

ISSUED AT HARRISBURG, the date first above written.

ORDER

AND NOW, to wit, this 6th day of June, 2018, **IT IS ORDERED** that this matter is **REMANDED** to the Lower Paxton Township Board of Supervisors in accordance with the Opinion issued of even date herewith, and said Board **SHALL PROCEED AS FOLLOWS**:

1. The Board of Supervisors shall first conclusively determine, on the record, whether, in light of the pertinent provisions of the Lower Paxton Township Zoning Ordinance and the State Municipalities Planning Code as discussed in the Court's Opinion pertaining hereto, by what authority the Board is authorized to make an initial finding of abandonment of a nonconforming use, or rather, whether such authority lies appropriately with the Township Zoning Officer;
2. If on such reconsideration, the Board of Supervisors ascertains that the task of making an initial determination of abandonment of a nonconforming use is most appropriately laid before the Zoning Officer, the matter shall proceed in that manner;
3. If the Board concludes, with persuasive statutory and case law in support of any such decision, that it is the appropriate body to make an initial determination with regard to abandonment of a nonconforming use, **IT IS CRITICAL** that before the Board makes such a determination with respect to Appellant James Shoemaker's properties at 5 Chiara Drive and 5300 Jonestown Road in Lower Paxton Township, Appellant be provided with ample notice that the Board intends to make such a determination; and, moreover, prior to

making such a determination, Appellant shall be provided with a meaningful opportunity to present relevant testimony and/or other evidence regarding his use of those properties.

ISSUED AT HARRISBURG, the date first above written.

SECOND PUBLICATION**Estate Notices**

ESTATE OF PATRICIA A. FAUS, a/k/a PATRICIA ANN FAUS, late of the Borough of Dauphin, Dauphin County, Pennsylvania. Executor: Scott D. Faus, c/o PLACEY & WRIGHT, 3621 North Front Street, Harrisburg, PA 17110.

jy6-20

ESTATE OF IVAN KLINE HUFF, JR., late of Dauphin County, Pennsylvania. Administrator: Ivan Forrest c/o William R. Kaufman, Esq., 940 Century Drive, Mechanicsburg, PA 17055-4376.

jy6-20

ESTATE OF LAURA A. BEISTLINE a/k/a LAURA GEBHARD BEISTLINE, of Harrisburg City, Dauphin County, Pennsylvania. Executor: John L. Beistline, 7036 Sleepy Hollow Road, Harrisburg, PA 17112 or Attorney: Jennifer M. Merx, Esquire, SkarlatosZonarich, LLC, 17 S. 2nd St., Floor 6, Harrisburg, PA 17101.

jy6-20

ESTATE OF JULIE A. FAKE, late of Derry Township, Dauphin County, Pennsylvania. Administrator: David O. Fake, c/o Attorney: Keith D. Wagner, P. O. Box 323, Palmyra, PA 17078.

jy6-20

ESTATE OF HELEN M. HUGHES, late of Steelton Borough, Dauphin County, Pennsylvania (died: December 22, 2017). Executor: Christopher J. Hughes, 425 Catherine St., Steelton, PA 17113. Attorney: Laura C. Reyes Maloney, Esquire, Laguna Reyes Maloney, LLP, 1119 N. Front St., Harrisburg, PA 17102.

jy6-20

ESTATE OF GENE A. MOSBY, late of Susquehanna Township, Harrisburg, Dauphin County, Pennsylvania (died: May 15, 2017). Executor: Humane Society of Greater Harrisburg, c/o Andrew S. Rusniak, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601, Telephone: 717-581-3704.

jy6-20

ESTATE OF LENORA R. SELDERS late of Dauphin County, Pennsylvania (died: June 10, 2018). Executrix: Beth Anne Selders, 415 Ruthersford Road, Harrisburg, PA 17109. Attorney: Brian C. Linsenbach, Esquire, Stone, Wiley & Lisensenbach, P.C., 3 N. Baltimore Street, Dillsburg, PA 17019.

jy6-20

THIRD PUBLICATION**Estate Notices**

ESTATE OF MARION E. HENTZ, late of the Borough of Millersburg, County of Dauphin, Pennsylvania (died May 27, 2018). Executrix: Denise M. Hoffman, 278 Ridge Road, Halifax, Pennsylvania 17032; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, Pennsylvania 17023. jn29-jy13

ESTATE OF LUCY A. LISKIEWICZ, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Michael R. Liskiewicz, 1602 Green Street, Harrisburg, PA 17102 or Attorney: James H. Rowland, Jr., 812 N 17TH Street, Harrisburg, PA 17103. jn29-jy13

ESTATE OF JAY L. SPONSLER, late of the Township of Halifax, County of Dauphin, Pennsylvania (died May 12, 2018). Administratrix: Shirley J. Sponsler, 10 Matamoras Road, Halifax, Pennsylvania 17032; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, Pennsylvania 17023. jn29-jy13

ESTATE OF GERALDINE M. REED, late of Jackson Township, Dauphin County, Pennsylvania (died May 31, 2018). Executrix: Kelly J. Atchamou, 1349 Wood Road, Hummelstown, PA 17036 or to Attorney: Christa M. Aplin, Esquire, JSDC Law Offices, 11 E. Chocolate Avenue, Suite 300, Hershey, PA 17033, (717) 533-3280.

jn29-jy13

ESTATE OF JANET E. GUILLES, late of Bloomfield Borough, Perry County, Pennsylvania. Administratrix: Galene G. Weller c/o Melanie Walz Scaringi, Esquire, Scaringi & Scaringi, P.C., 2000 Linglestown Road, Suite 106, Harrisburg, PA 17110. jn29-jy13

ESTATE OF MARY CHABINO aka MARY A. CHABINO, late of Swatara Township, Dauphin County Pennsylvania. Executor: Jerry Chabino c/o Linda S. Siegle, Esquire, Siegle Law, 1010 Eichelberger Street, Suite 3, Hanover, PA 17331. jn29-jy13

ESTATE OF NICHOLAS J. LAUS, late of Lower Paxton Township, Dauphin County, Pennsylvania (died June 9, 2018). Administratrix: Channele N. Laus, 3300 Warde St. NW, Washington, D.C. 20010-2523; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 27 North Front Street, Harrisburg, PA 17101. jn29-jy13

THIRD PUBLICATION

Estate Notices

ESTATE OF ANN S. COLEMAN a/k/a F. ANN S. COLEMAN, (died December 15, 2017), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Susan A. Coleman, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Ann S. Coleman, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110.

jn29-jy13

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **Emerge Diagnostics, Inc.**, a foreign corporation formed under the laws of the state of Delaware, where its principal office is located at 5840 El Camino Real, Carlsbad, CA 92008, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on July 2, 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. jy13

NOTICE IS HEREBY GIVEN **Interstate Business Corporation**, a foreign corporation formed under the laws of the state of Delaware, where its principal office is located at POB 1928, LaPlata, MD 20646, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 25, 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. jy13

NOTICE IS HEREBY GIVEN that **The Hawthorne Gardening Company**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 800 Port Washington Blvd., Port Washington, NY 11050, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 7/3/2018, 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. jy13

NOTICE IS HEREBY GIVEN **Clear Choice Health Inc.**, a foreign business corporation incorporated under the laws of Florida, with its principal office located at 8078 Chianti Ln., Naples, FL 34114, 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. jy13

NOTICE IS HEREBY GIVEN **Yogome, Inc.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 535 Mission St., San Francisco, CA 94105. The commercial registered office provider is in care of National Registered Agents, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. jy13

NOTICE IS HEREBY GIVEN **Bluecrew, Inc.**, a foreign corporation formed under the laws of the state of Delaware, where its principal office is located at 645 7th St, San Francisco, CA 94103 has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on July 2, 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. jy13

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the PA Business Corporation Law of 1988, **Viva Group Brokerage, Inc.**, a corporation with its jurisdiction of formation in DE and its principal office at 950 E. Paces Ferry Rd., NE, Ste. 2600, Atlanta, GA 30326, and having a Commercial Registered Office Provider and County of Venue as follows: c/o CT Corporation System, Dauphin County, has filed a Statement of Withdrawal of Foreign Registration with the PA Dept. of State. jy13

NOTICE IS HEREBY GIVEN that Articles of Incorporation - Non-Profit were filed with the Department of State of the Commonwealth of Pennsylvania on the 26th day of June, 2018. The name of the corporation is **Susquehanna Marketplace Hotel Condominium Association**. The corporation has been organized under the provisions of the Nonprofit Corporation Law of 1988, as amended.

jy13

Stacey R. MacNeal, Esq.

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **INTELLICORP RECORDS, INC.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 545 Washington Blvd., 21st Fl., Jersey City, NJ 07310, 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 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. jy13

NOTICE IS HEREBY GIVEN **Melroy Engineering, Inc.**, a foreign business corporation incorporated under the laws of Nevada, with its princ. office located at 370 E. Windmill Ln., Ste. 100, Las Vegas, NV 89123, 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. jy13

NOTICE IS HEREBY GIVEN **The Troyer Group, Inc.**, a foreign corporation formed under the laws of the state of Indiana where its principal office is located at 550 Union St, POB 543, Mishawaka, IN 46544 has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 13, 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. jy13

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **Cessna Aircraft Company**, a corporation incorporated under the laws of the State of Kansas will withdraw from doing business in Pennsylvania. The address of its principal office in its jurisdiction of incorporation is One Cessna Boulevard, Building C1, Wichita, Kansas 67215 and the name of its commercial registered office provider in Pennsylvania is CT Corporation System. jy13

NOTICE IS HEREBY GIVEN **Iroquis Northeast, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at PO Box 806, Olean, NY 14760, 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 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. jy13

NOTICE IS HEREBY GIVEN to all creditors and claimants of **MORSTAN GENERAL AGENCY OF PENNSYLVANIA, INC.**, a Pennsylvania corporation, with its registered office at c/o Corporation Service Company, Dauphin County, that the corporation is voluntarily dissolving and that its Board of Directors is now engaged in winding up and settling the affairs of the corporation so that its corporate existence shall be ended pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988. jy13

NOTICE IS HEREBY GIVEN **Peerless Midwest, Inc.**, a foreign business corporation incorporated under the laws of Indiana, with its princ. office located at 55860 Russell Industrial Pkwy., Mishawaka, IN 46545, 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. jy13

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Planet Renovation Capital**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 10025 Governor Warfield Parkway, Suite 301, Columbia, MD 21044 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 27th day of June, 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: Planet Management Group, LLC, 10025 Governor Warfield Parkway, Suite 301, Columbia, MD 21044. jy13

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Bucket Manager**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 324 Colebrook Road, Middletown, PA 17057-3807, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 9th day of April, 2018, pursuant to the Fictitious Names Act. The name and address of the only person owning or interested in the said business is:

Kostyak Painting & Deck Refinishing Co., LLC
c/o Donald Scott Kostyak, Sole Member
324 Colebrook Road
jy13 Middletown, PA 17057-3807

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Dauphin County, Pennsylvania under the assumed or fictitious name, style or designation of Name: **Buckingham Strategic Wealth**, with its principal place of business at: 825 Third Avenue, 27th Floor, New York, NY 10022. The names and addresses of all persons or entities owning or interested in said business are: Buckingham Asset Management, LLC, 825 Third Avenue, 27th Floor, New York, NY 10022. The application has been filed on 1/12/2017. jy13

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Dauphin County, Pennsylvania under the assumed or fictitious name, style or designation of Name: **BAM Alliance**, with its principal place of business at: 825 Third Avenue, 27th Floor, New York, NY 10022. The names and addresses of all persons or entities owning or interested in said business are: Buckingham Asset Management, LLC, 825 Third Avenue, 27th Floor, New York, NY 10022. The application has been filed on 1/18/2018. jy13

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Dauphin County, Pennsylvania under the assumed or fictitious name, style or designation of Name: **BAM Advisor Alliance**, with its principal place of business at: 825 Third Avenue, 27th Floor, New York, NY 10022. The names and addresses of all persons or entities owning or interested in said business are: Buckingham Asset Management, LLC, 825 Third Avenue, 27th Floor, New York, NY 10022. The application has been filed on 1/18/2018. jy13

FIRST PUBLICATION

Miscellaneous Notices

**INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS**

**IN THE MATTER OF THE ADOPTION OF
MINOR FEMALE CHILD N.J.H. -
DOB: 12/03/2016**

BORN TO: STEPHANIE HONG STEWART

68 IN ADOPTION 2018

**ATTENTION:
UNKNOWN BIOLOGICAL FATHER**

If you could be the parent of the above mentioned child at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphans' Court of Erie County, Pennsylvania, at the Erie County Court House, Senior Judge Shad Connelly, Court Room No. B - #208, City of Erie, on Friday, September 14, 2018, at 1:30 p.m., and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. 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.

FIRST PUBLICATION

Miscellaneous Notices

You have a 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.

Family/Orphans' Court Administrator
Room 204 - 205, Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742. This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the Court. The agreement must be signed and approved by the Court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Erie County Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

jy13

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

NO. 2017-CV-05128-MF

CIVIL ACTION-LAW

**NOTICE OF ACTION
IN MORTGAGE FORECLOSURE**

**JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION SUCCESSOR BY MERGER
TO CHASE HOME FINANCE LLC,
SUCCESSOR BY MERGER TO CHASE
MANHATTAN MORTGAGE
CORPORATION, PLAINTIFF
VS.**

JOSEPH S. GUNTER, DEFENDANT

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

To: Joseph S. Gunter, Defendant, whose last known address is 575 Second Street, Highspire, PA 17034.

Your house (real estate) at: 575 Second Street, Highspire, PA 17034, 30-028-006-000-0000, is scheduled to be sold at Sheriff's Sale on 10/11/18, at 10:00AM, at Dauphin County Admin. Bldg., 4th Fl., Commissioners Hearing Rm., Market Sq. (former Mellon Bank Bldg.), Harrisburg, PA 17101, to enforce the court judgment of \$64,102.08, obtained by JPMorgan Chase Bank, National Association successor by merger to Chase Home Finance LLC, successor by merger to Chase Manhattan Mortgage Corporation (the mortgagee) against you.

**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 cancelled if you pay back to JPMorgan Chase Bank, National Association successor by merger to Chase Home Finance LLC, successor by merger to Chase Manhattan Mortgage Corporation, the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: 610.278.6800.

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 be able to stop the sale through other legal proceedings.

4. 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 notice below 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**

5. 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 610.278.6800.

6. 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.

7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 717.255.2660.

8. 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.

9. 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.

FIRST PUBLICATION

Miscellaneous Notices

10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule.

11. You may also have other rights and defenses or ways of getting your house 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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Dauphin County Lawyer Referral Service
213 N. Front St.
Harrisburg, PA 17101
717-232-7536

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Christopher A. DeNardo, Kristen D. Little,
Kevin S. Frankel, Samantha Gable, Daniel T. Lutz,
Leslie J. Rase, Alison H. Tulio,
Stephanie A. Walczak & Katherine M. Wolf,
Attys. for Plaintiff
SHAPIRO & DeNARDO, LLC
3600 Horizon Dr., Ste. 150
King of Prussia, PA 19406
610-278-6800

jj13

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

NO. 2017-CV-2794-MF

NOTICE OF SHERIFF'S SALE

**LAKEVIEW LOAN SERVICING, LLC,
PLAINTIFF**

VS.

**SHONN J. TURNER AND CHRISTIE ANN
TURNER A/K/A CHRISTIE A. TURNER,
DEFENDANT(S)**

NOTICE TO: SHONN J. TURNER and CHRISTIE ANN TURNER A/K/A CHRISTIE A. TURNER

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

Being Premises: 4821 TAMAR DRIVE, HARRISBURG, PA 17111-3620

Being in LOWER PAXTON TOWNSHIP, County of DAUPHIN, Commonwealth of Pennsylvania, 35-094-078-000-0000

Improvements consist of residential property.

Sold as the property of SHONN J. TURNER and CHRISTIE ANN TURNER

Your house (real estate) at 4821 TAMAR DRIVE, HARRISBURG, PA 17111-3620 is scheduled to be sold at the Sheriff's Sale on 10/11/2018 at 10:00 AM at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012 to enforce the Court Judgment of \$190,731.58 obtained by LAKEVIEW LOAN SERVICING, LLC (the mortgagee) against the above premises.

**PHELAN HALLINAN DIAMOND
& JONES, LLP**

Attorney for Plaintiff

jj13

FIRST PUBLICATION

Name Change Notices

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

DOCKET NO: 2018-CV-03678-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on June 25, 2018, the Petition of Ana Vaca-Garcia was filed in the above named court, requesting a decree to change her infant sons name from **J.D.v.to J.D.G-V.**

The Court has fixed Monday August 13, 2018 at 9:30am in Courtroom No. 9 at the Dauphin County Court House, 101 Market Street Harrisburg, PA 17101 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.

Attorney Richard R. Gan, Esquire
2023 North Second Street, Suite 201
Harrisburg, PA 17102
(717) 648-1098

jy13

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

DOCKET NO: 2018-CV-03498-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on June 15, 2018, the Petition of Jose Luis Vazquez was filed in the above named court, requesting a decree to change his name from **Jose Luis Vazquez** to **Jose Luis Marquez.**

The Court has fixed Monday, August 13, 2018 at 9:30am 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.

jy13

DAUPHIN COUNTY REPORTS
TABLE OF CASES

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

B.L., J.B. v. G.L., T.W.,187
 B.P.M., S.W. v. A.H. and190
 Baby Boy Lundon, Adoption of (Father’s Appeal) 70
 Baby Boy Lundon, Adoption of (Mother’s Appeal) 76

C.O., N.G. v. 1
 C.S., V.H., and R.D., T.S. v. 81
 City of Harrisburg, McFarland LP v.121
 Commonwealth v. Forde 11
 Commonwealth, Kline v.131
 Commonwealth v. Lee..... 48
 Commonwealth v. McLeod202
 Commonwealth v. New Vision Management, LLC121
 Commonwealth, Haymaker v. 26

Eisenhour v. Eisenhour. 38
 Eisenhour, Eisenhour v. 38

Forde., Commonwealth v. 11

Garland v. PennDOT161
 GAT Distribution Corp., et al., Mumma, et al. v.112
 G.L., T.W., B.L., J.B. v.187

H.E. Rohrer, Inc. et.al, Kuhns v. 55
 Harrisburg Housing Authority v. Lane210
 Haymaker v. Commonwealth 26
 Hoffman Ford Sales, Inc., Shoemaker v. Lower Paxton Township Board of Supervisors and.222

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

K.P., T.J. v. W.H., Jr. and106
 Kapp v. Kapp v. Updegraff..... 64
 Kapp, Kapp v. Updegraff..... 64
 Kline v. Commonwealth131
 Kuhns v H.E. Rohrer, Inc. et.al. 55

Lane, Harrisburg Housing Authority v.210
 Lee, Commonwealth v. 48
 Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc., Shoemaker v.222

M.D.L., Adoption of178
 M.E.L., Adoption of178

Table of Cases

M.L.M., Adoption of	60
M.S. v. J.D.	99
McFarland LP v. City of Harrisburg	121
McLeod, Commonwealth v.	202
Mumma, et al. v. GAT Distribution Corp., et al.	112
N.G. v. C.O.	1
New Vision Management, LLC v. Commonwealth	121
PennDOT, Garland v.	161
R.D., T.S. v. C.S., V.H., and	81
R.S. v. S.Z and M.Z.	168
Shoemaker v. Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc.	222
S.T.E. v. A.T.	194
S.W. v. A.H. and B.P.M.	190
S.Z and M.Z., R.S. v.	168
T.J. v. W.H., Jr. and K.P.	106
T.L. f/k/a T.D., W.T.D. v.	150
T.S. v. C.S., V.H., and R.D.	81
T.W., B.L., J.B. v. G.L.,	187
Updegraff, Kapp v. Kapp v.	64
V.H., and R.D., T.S. v. C.S.,	81
W.H., Jr. and K.P., T.J. v.	106
W.T.D. v. T.L. f/k/a T.D.	150



Local Expertise,
Global Reach

Commercial Real Estate Services, Worldwide.

EXPERT SOLUTIONS FOR REAL ESTATE CHALLENGES

- Industrial
- Land
- Retail
- Mangement
- Office
- Hospitality
- Consulting
- Testimony

Central Pennsylvania's No. 1 Ranked
Commercial Real Estate Firm

*Ranked by transaction volume CPBJ through 2015

1015 Mumma Drive
Lemoyne, PA 17043
+1 717 761 5070
naicir.com

**INCORPORATION AND
LIMITED LIABILITY COMPANY
FORMATION**

CONVENIENT, COURTEOUS SAME DAY SERVICE

PREPARATION AND FILING SERVICES IN ALL STATES

**CORPORATION OUTFITS AND
LIMITED LIABILITY COMPANY OUTFITS**

SAME DAY SHIPMENT OF YOUR ORDER

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

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

M. BURRKEIM COMPANY

SERVING THE LEGAL PROFESSIONAL SINCE 1931

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

2021 ARCH STREET, PHILADELPHIA, PA 19103

WWW.MBURRKEIM.COM

LOOKING FOR ESTATE NOTICES

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

Go to www.palegalads.org

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



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

Board of Directors

Peter M. Good
President

Brooks R. Foland
President-Elect

Liza M. Benzie
Vice-President

Thomas P. Gacki
Treasurer

Paula J. McDermott
Secretary

Matthew M. Haar
Past President

Anthony M. Hoover
Young Lawyers' Chair

Jessica E. Smith
Young Lawyers' Vice Chair

Directors:

Directors

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

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

Arlene A. Marshall-Hockensmith

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

REPORTING OF ERRORS IN ADVANCE SHEET

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

DAUPHIN COUNTY COURT SECTION
Opinions Not Yet Reported

June 19, 2018, Clark, S.J., Edwards v. PennDOT, C.P. Dau. Co., No. 2017-CV-08121-LS. Dismissed

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

ACADEMIC AFFAIRS COORDINATOR/ENROLLMENT SERVICES SPECIALIST: The Pennsylvania State University - Dickinson Law in Carlisle, PA has an immediate opening for an Academic Affairs Coordinator/Enrollment Services Specialist. The successful candidate will work directly with Law School students, faculty and staff. This position is responsible for supporting the Offices of Academic Affairs, the Registrar and Career Services (CSO). Responsibilities include, but are not limited to: greeting students, faculty and visitors; supporting registration, degree audits and other student record and reporting processes; supporting accreditation and reporting projects; coordinating exam administration; maintaining the master calendar for CSO programming and coordinating events; managing tasks in the on-line Career Services portal; coordinating employment surveys and other CSO projects. Professional demeanor and excellent customer services skills are required. Law school or legal firm/agency experience is desirable. Proficiency in Microsoft Office programs, e.g. Word, Excel, and PowerPoint, including the ability to create footnotes and citations, are required. The successful candidate will possess: excellent verbal and written communication, interpersonal, and problem-solving skills; the ability to handle multiple projects simultaneously with attention to detail; and excellent organizational skills. The ability to work with people of diverse cultural backgrounds is essential. The candidate will be required to keep student information strictly confidential in accordance with Penn State policy and federal law. Successful completion of a standard background check is also required. Review of applications will begin immediately and will continue until the position is filled. To learn more about Dickinson Law please visit our website <https://dickinsonlaw.psu.edu/>. Typically requires an Associate's degree or higher plus three years of related experience, or an equivalent combination of education and experience. For more information and to apply, please go to: <https://psu.jobs/job/80178>.
j6-20

ATTORNEY 1 COMMONWEALTH COURT OF PENNSYLVANIA - PROTHONOTARY: This is entry level professional legal work in the Prothonotary's Office . Typical Duties: • Review, research and drafting of orders, memos, opinions, etc. • Assist multiple judges with duty week assignments • Proofread proposed opinions • Review, summarize and recommend cases for assignment • Respond to inquiries from judges, court staff, counsel and pro se litigants. • Perform other duties as directed by the Prothonotary or the President Judge. Minimum Qualifications: • Graduation from an approved School of Law; and • Possession of certificate of admission to the Bar of the Supreme Court of Pennsylvania; and • Minimum of three years of progressively responsible legal experience. Additional Preferences / Requirements: • Knowledge of the unified judicial system of the Commonwealth. • Knowledge of judicial procedure and rules of practice. • Knowledge of the principles, methods, materials, and practices of legal research. • Skill in analyzing, appraising, and organizing facts, evidence, and material, and presenting such material in a clear and logical form for written presentation as opinions, memoranda or orders, or orally. • Ability to establish and maintain effective working relationships with judges, court staff, the bar, and the public. • Judicial clerkship or trial court experience . How to Apply: Candidates interested in applying for this position are requested to submit a resume, references and writing sample of no more than five pages by **July 16, 2018** to: Commonwealth Court of Pennsylvania OR Nichole.Smith@pacourts.us; Office of the Prothonotary, ATTN: Nichole Smith, PO Box 69185, Suite 2200, Harrisburg, Pennsylvania 17106-9185.
jy13

ATTORNEY 2 COMMONWEALTH COURT OF PENNSYLVANIA - PROTHONOTARY: This is advanced professional legal work in the Prothonotary's Office. Typical Duties: • Review, research and drafting of orders, memos, opinions, etc. • Assist multiple judges with duty week assignments • Proofread proposed opinions • Review, summarize and recommend cases for assignment • Develop expertise in specific areas for Court's jurisdiction • Respond to inquiries from judges, court staff, counsel and pro se litigants • Analyze legal issues ranging from simple to moderately complex • Perform other duties as directed by the Prothonotary or the President Judge. Minimum Qualifications: • Graduation from an approved School of Law; and • Possession of certificate of admission to the Bar of the Supreme Court of Pennsylvania; and • Minimum of five years of progressively responsible legal experience. Additional Preferences / Requirements: • Knowledge of the unified judicial system of the Commonwealth. • Knowledge of and experience addressing judicial procedures and general rules of procedure, especially the Rules of Civil Procedure and the Rules of Appellate Procedure. • Knowledge of the principles, methods, materials, and practices of legal research. • Skill in analyzing, appraising, and organizing facts, evidence, and material, and presenting such material in a clear and logical form for written presentation as opinions, memoranda or orders, or orally. • Ability to establish and maintain effective working relationships with judges, court staff, the bar, and the public. • Judicial clerkship or trial court experience . How to Apply: Candidates interested in applying for this position are requested to submit a resume, references and writing sample of no more than five pages by **July 16, 2018** to: Commonwealth Court of Pennsylvania OR Nichole.Smith@pacourts.us. Office of the Prothonotary, ATTN: Nichole Smith, PO Box 69185, Suite 2200, Harrisburg, Pennsylvania 17106-9185.
jy13

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

ATTORNEY 3 COMMONWEALTH COURT OF PENNSYLVANIA PROTHONOTARY: Description: This is complex professional legal work in the Prothonotary's Office . Typical Duties: • Review, research and drafting of orders, memos, opinions, etc. • Assist multiple judges with duty week assignments • Proofread proposed opinions • Review, summarize and recommend cases for assignment • Develop expertise in specific areas for Court's jurisdiction • Respond to inquiries from judges, court staff, counsel and pro se litigants • Analyze legal issues ranging from simple to considerably complex • Provide recommendations on matters involving trial court litigation • Provide assistance to other members of staff • Perform other duties as directed by the Prothonotary or the President Judge. Minimum Qualifications: • Graduation from an approved School of Law; and • Possession of certificate of admission to the Bar of the Supreme Court of Pennsylvania; and • Minimum of seven years of progressively responsible legal experience with some experience in complex appellate legal work. Additional Preferences / Requirements: • Knowledge of the unified judicial system of the Commonwealth. • Knowledge of and experience addressing judicial procedures and general rules of procedure, especially the Rules of Civil Procedure and the Rules of Appellate Procedure. • Knowledge of the principles, methods, materials, and practices of legal research. • Skill in analyzing, appraising, and organizing facts, evidence, and material, and presenting such material in a clear and logical form for written presentation as opinions, memoranda or orders, or orally. • Ability to establish and maintain effective working relationships with judges, court staff, the bar, and the public. • Judicial clerkship and trial court experience. How to Apply: Candidates interested in applying for this position are requested to submit a resume, references and writing sample of no more than five pages **by July 16, 2018** to: Commonwealth Court of Pennsylvania OR Nichole.Smith@pacourts.us, Office of the Prothonotary, ATTN: Nichole Smith, PO Box 69185, Suite 2200, Harrisburg, Pennsylvania 17106-9185. jy13

ASSOCIATE ATTORNEY: Established Lebanon County law firm with diverse practice is seeking an associate attorney to join our firm. Our attorneys are committed to community involvement and leadership while providing exceptional legal representation. Candidates residing outside of Lebanon County must be willing to relocate. Subject to background check. Experience preferred. Qualified candidates should submit a confidential cover letter, resume, and salary requirements for consideration to: Office Manager, 1601 Cornwall Road, Lebanon PA 17042. NO PHONE CALLS WILL BE ACCEPTED. jy13-27

ASSISANT COUNSEL 3: The Pennsylvania Public Utility Commission (PUC) has an opening for a PUC Assistant Counsel 3 in the law bureau with an excellent medical benefit program. This is permanent, part-time employment, sharing a position with another Assistant Counsel 3. If you are a highly motivated, experienced individual that values integrity, teamwork and trust, then apply today! [Apply here](#). jy13-27

ATTORNEY 2 – OFFICE OF ADMINISTRATIVE LAW JUDGE: The Public Utility Commission is looking for a highly responsible and motivated attorney in our Office of Administrative Law Judge! Apply today to become a part of our team! [Apply here](#). jy13-27

ATTORNEY 2: The Office of Chief Counsel for the Pennsylvania Infrastructure Investment Authority is looking for a person with 2-4 years of experience in loan servicing, collections, creditor rights actions, chapter 11 bankruptcy and litigation to join a small legal office providing in house counsel to a lending agency with \$4B in assets and \$2.5B in revolving loan portfolios. Transactional and real estate experience is a plus. The candidate must be authorized to practice law in the Commonwealth of Pennsylvania and have excellent lawyering skills (analytical, written, verbal and interpersonal skills), impeccable character and a strong work ethic. The position is headquartered in Harrisburg but entails the ability and space to work predominantly in a remote environment. The position is for an attorney 2 position classified under the Commonwealth of Pennsylvania, Office of General Counsel. Interested candidates should send their resume directly to Jayne Blake, Chief Counsel, Pennsylvania Infrastructure Investment Authority at jblake@pa.gov. jy13-27

ASSOCIATE - Harrisburg/Philadelphia: Obermayer Rebmann Maxwell & Hippel LLP (a long-established Philadelphia law firm with offices in five states and over 100 attorneys) is seeking a litigation associate to be based in its Harrisburg office, but share time in its Philadelphia office. Candidates must have 3-5 years strong litigation experience, (with labor and employment law or land use experience a plus), and be a member in good standing of the PA bar. Qualified candidates must possess excellent analytical abilities, be able to work independently, and demonstrate strong writing and oral communication skills. Qualified candidates must also demonstrate that they have a desire and an ability to independently generate new business and/or have a portable book of business. Obermayer offers a friendly office environment, competitive salary and excellent benefits package, including 401(k) and medical insurance. Please send resume, writing sample and salary requirements to pmm@obermayer.com. jy13-27

ATTORNEY DISCIPLINARY / ETHICS MATTERS

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

James C. Schwartzman, Esq.

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

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

INTELLECTUAL PROPERTY LAW

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

Hooker & Habib, P.C.

150 Corporate Center Drive, Suite 203

Camp Hill, PA 17011

Telephone: 717-232-8771

Facsimile: 717-232-8773

E-mail: hhpc@ptd.net

Website: www.h-hpc.com

Serving Central Pennsylvania for over 47 years