

**ADVANCE SHEET**

Pages 403-413

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

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**Estate Notices**

**DECEDENTS ESTATES**

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

**FIRST PUBLICATION**

ESTATE OF EULA E. BRADLEY a/k/a EULA BRADLEY, late of Harrisburg, Dauphin County, Pennsylvania (died July 2, 2007). Executor: Davis E. Bradley. Attorney: Bruce J. Whshawsky, Esq., Cunningham & Chernicoff, P.C., 2320 North Second Street, Harrisburg, PA 17110. a24-s7

ESTATE OF EDITH S. PETROVICH, late of the City of Harrisburg, Dauphin County, Pennsylvania (died August 7, 2007). Co-Executors: Jeffrey A. Weiner and Phillip S. Weiner. Attorney: Stephanie Kleinfelter, Esq., Keefer Wood Allen & Rahal, LLP, 635 N. 12th Street, Suite 400, Lemoyne, PA 17043. a24-s7

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ESTATE OF WILLIAM K. GINGRICH, late of North Londonderry Township, Lebanon County, Pennsylvania. Co-Executrices: Barbara Johnson and JoAnn Swinehart. Attorney: Robert A. Hopstetter, Esq., Feeman, Mesics & Hopstetter, 247 S. 8th Street, Lebanon, PA 17042. Telephone (717) 272-3477. a24-s7

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ESTATE OF GLADYS M. SHADE, late of the Township of Jackson, Dauphin County, Pennsylvania (died June 6, 2007). Executrix: Carolyn M. Saul, 1305 Tourist Park Road, Halifax, PA 17032. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethville, PA 17023. a24-s7

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ESTATE OF JOAN M. WASHINGTON, late of the City of Harrisburg, Dauphin County, Pennsylvania. Co-Administrators: Catherine Robinson and Nayanda Lugaro, 2248 Logan Street, Harrisburg, PA 17110. Attorney: David R. Getz, Esq., Wix, Wenger & Weidner, 508 North Second Street, P.O. Box 845, Harrisburg, PA 17108-0845. Telephone (717) 234-4182. a24-s7

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ESTATE OF AUDREY Y. KISTLER, late of Susquehanna Township, Dauphin County, Pennsylvania (died July 26, 2007). Executor: Richard S. Kistler, 47 Sunset Drive, Boyertown, PA 19512. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. a24-s7

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ESTATE OF BERNICE M. IBSEN, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Shelia Altaker, 812 Conodoguinet Drive, Camp Hill, PA 17011. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. a24-s7

**Faust v. Walker****Domestic Relations — Child Support — Arrears — Collection of “Net Proceeds” from Monetary Settlement Award.**

The County Domestic Relations Section appealed the Court’s calculation of the amount to be withheld from the settlement of a personal injury claim for payment of overdue child support. The Court had found that the “net proceeds” of a settlement contemplated deduction of attorney’s fees and costs.

1. “Net proceeds” is defined under the Domestic Relations Code to include “Moneys in excess of \$5,000 payable to the prevailing party or beneficiary . . . after payment of attorney fees, witness fees, court costs, reasonable litigation expenses. . . .” 23 Pa.C.S.A. § 4308.1(i).

2. When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit. 1 Pa.C.S. § 1921(b).

3. The common meaning of “net proceeds” is “[t]he amount received in a transaction minus the costs of the transaction (such as expenses or commissions). Also termed *net balance*.” Black’s Law Dictionary 1242 (8th ed.). Furthermore, the common meaning of the adjective “net” is that which remains “after all deductions have been made, as for expenses: net profit.” The American Heritage Dictionary 1214 (3rd ed.).

Pa.R.A.P. 1925(b) Opinion. C.P., Dau. Co., No. 1606 DR 1995; PACSES 381001003

*Jeff Foreman*, for Plaintiff

*Terry S. Hyman*, for Defendant

TURGEON, J., August 9, 2007. – The issue before the court is apparently one of first impression involving the application and interpretation of recently enacted Domestic Relations Code Section 4308.1, which addresses the collection of overdue child and spousal support from certain monetary awards.<sup>1</sup> This law requires that where a support obligor is awarded money in the settlement of a personal injury claim, the obligor’s attorney must determine whether the client owes overdue support, and if so, to forward the “net proceeds” to the domestic relations section for payment to the support obligee. At issue in this case is the meaning of “net proceeds” under the statute; defendant’s law firm Schmidt Kramer PC asserted that the net settlement proceeds it was required to withhold and forward to the Dauphin County Domestic Relations Section totaled \$1,800.93, while the Dauphin County Domestic Relations Section argued the amount was \$5,000. On June 4, 2007, I issued an order finding the proper amount to be

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1. 23 Pa.C.S.A. § 4308.1 (Act 2006-109 (SB 1205) § 1, July 7, 2006, eff. in 60 days).

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\$1,800.93, from which the Dauphin County Domestic Relations Section has appealed. This opinion is written in support of the order, pursuant to Pa.R.A.P. 1925(b).

## BACKGROUND

On August 21, 2006, Michael Walker suffered a back injury while riding in a Capital Area Transit bus that was involved in an accident. Walker retained Schmidt Kramer to represent him. On March 14, 2007, Walker's attorney reached an oral agreement settling the claim for \$10,000 with the third party, who was insured. Shortly thereafter, as required by Section 4308.1, Schmidt Kramer determined that Walker was a child support obligor who was more than \$12,000 in arrears. Under Section 4308.1(a), Walker's overdue support is considered a lien by operation of law against the "net proceeds" of obligor's monetary settlement award. 23 Pa.C.S.A. § 4308.1(a). "Net proceeds" is defined in the statute to include "moneys in excess of \$5,000 payable to the prevailing party or beneficiary ... after payment of attorney fees, witness fees, court costs, reasonable litigation expenses. . . ." 23 Pa.C.S.A. § 4308.1(i). Schmidt Kramer argued that under this definition, the total it was obligated to withhold from Walker and pay to the Dauphin County Domestic Relations Section was \$1,800.93. Schmidt Kramer arrived at this figure by deducting from the \$10,000, its thirty percent attorney fee (\$3,000) and costs for medical records and reports (\$199.07), leaving a net award of \$6,800.93, of which \$1,800.93 was the amount in excess of \$5,000.

Schmidt Kramer thereafter informed the Pennsylvania State Collection and Disbursement Unit (PASCUDU) of the amount it believed it was required to withhold from the settlement check. PASCUDU disputed Schmidt Kramer's interpretation of "net proceeds" under the statute. As a consequence, the Dauphin County Domestic Relations Section generated a "Lump Sum Order of Attachment Income," directing Schmidt Kramer to pay \$5,000 due from Walker's settlement under penalty of contempt or seizure of Schmidt Kramer assets. I signed that order March 23, 2007. In response, Schmidt Kramer filed a "Motion to Strike the Court's Order of Attachment" arguing the attachment order was in contradiction to Section 4308.1. Following oral argument, I issued an order June 4, 2007, granting Schmidt Kramer's Motion to Strike and directing that the Dauphin County Domestic Relations Section issue an attachment order for \$1,800.93. The Dauphin County Domestic Relations Section has appealed from the June 4, 2007 order.

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## LEGAL DISCUSSION

Before commencing a statutory interpretation of the disputed language, it is helpful to understand the related laws and support rules concerning personal injury settlements in the context of support law. First and foremost, a lump sum entitlement to money from a settlement, award or verdict is income to the obligor and must be included in the formula for calculating the amount of support owed by the obligor under the Pennsylvania Support Guidelines. Pa.R.C.P. 1910.16-2(a)(8) (citing 23 Pa.C.S.A. § 4302) (the amount of child or spousal support awarded is based primarily upon the parties' monthly net incomes). In addition, a domestic relations section has the authority under the Domestic Relations Code to seize such income. Section 4305 addresses itself to the broad powers conferred upon domestic relations sections to "expedite the establishment and enforcement of support." 23 Pa.C.S.A. § 4305. One of the many powers conferred, where there is a support arrearage, is for the Domestic Relations Section to issue an order intercepting or seizing a judgment or settlement. 23 Pa.C.S.A. § 4305(b)(10)(ii); *see also*, Pa.R.C.P. 1910.20 (b)(1).

In many cases, an obligor receiving a lump sum award will not report it to the domestic relations section despite his or her legal obligation to do so,<sup>2</sup> and a domestic relations section will otherwise lack knowledge of the judgment or settlement and is thus unable to intercept or seize it. One recent tool has become available, however, to domestic relations sections to find this "hidden money" under the authority of Domestic Relations Code Section 4305(b)(10). 23 Pa.C.S.A. § 4305(b)(10). Beginning in November 2005, the Pennsylvania Department of Public Welfare, Bureau of Child Support Enforcement began participation in the nationally-based Child Support Lien Network (CSLN). Pa. Bureau of Workers' Compensation News & Notes, Vol. 11, No. 4 ([http://www.dli.state.pa.us/landi/lib/landi/bwc/newsletters/vol\\_11\\_no\\_4.pdf](http://www.dli.state.pa.us/landi/lib/landi/bwc/newsletters/vol_11_no_4.pdf) (last visited 8/8/07)). The purpose of the network is the interception of personal injury insurance and workers' compensation payments due noncustodial parents who owe more than \$500 in child support arrears. *Id.* The CSLN obtains insurance settlement award information from insurers who voluntarily participate in the CSLN and matches the insurers' data with information supplied by the Pennsylvania

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2. Both parties to a support order are under a continuing obligation to inform the domestic relations section, and each other, of any material change in their circumstances including a change of income, which would include a lump sum entitlement to a settled personal injury claim. Any party who "willfully fails" meet this obligation may be found in contempt of court. Pa.R.C.P. 1910.17(b).

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Automated Child Support Enforcement System (PACES) with data on delinquent Pennsylvania support obligors. *Id.* When a claim is matched, the CSLN sends a Pennsylvania-specific order to the appropriate insurance company requiring the company to withhold disbursement until the respective county domestic relations section can issue a lien or income withholding order against the settlement.<sup>3</sup> *Id.*

In this case, the insurer that issued the settlement check in payment of Walker's claim was apparently not a member of the CSLN since the \$10,000 in settlement monies were not seized or intercepted by the Dauphin County Domestic Relations Section while the funds were still in the insurer's possession. As such, Section 4308.1 became applicable. This statute, which appears designed to catch settlement and award money that otherwise falls through the voluntary CSLN database system, became effective September 6, 2006 and provides, in its entirety, as follows:

**§ 4308.1. Collection of overdue support from monetary awards.**

(a) GENERAL RULE. — Overdue support shall be a lien by operation of law against the net proceeds of any monetary award, as defined in subsection (i), owed to an obligor, and distribution of any such award shall be stayed in an amount equal to the child support lien provided for under this section pending payment of the lien. Except as provided in subsection (c) or (f), nothing in this section shall provide a basis for a paying agent or an insurer to delay payment of a settlement, verdict or judgment.

(b) GENERAL PROCEDURE. — Except as provided in subsection (f), before the prevailing party or beneficiary can receive the proceeds of a monetary award, the prevailing party or beneficiary shall provide his attorney with a statement made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that includes the prevailing party's or beneficiary's full

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3. The CSLN combines data from delinquent child support obligor records of 24 participating states (plus another four pending) into a single database. Established by Rhode Island, the CSLN database is electronically matched daily with the claims filed with insurance companies across the country. Almost 2,000 insurers have voluntarily signed agreements with the Insurance Service Office (ISO) to share claims information with the CSLN. [www.childsupportliens.com](http://www.childsupportliens.com) (last visited 6/11/07).

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name, mailing address, date of birth and Social Security number. The prevailing party or beneficiary shall also provide his attorney with written documentation of arrears from the Pennsylvania child support enforcement system website or, if no arrears exist, written documentation from the website indicating no arrears. The attorney shall obtain a copy of the prevailing party or beneficiary's statement and a lien report from the website at the time of the delivery of the release; the lien report shall be dated within 20 days of the date of the delivery of the release. In the event that there are arrears, the attorney shall make payment of any lien to the department's State disbursement unit from the net proceeds of any monetary award.

(c) PRO SE ACTIONS. — If the prevailing party or beneficiary is not represented by an attorney, he shall provide the statement and written documentation of arrears or no arrears provided by subsection (b) or (d) to the insurer or other paying agent responsible for distribution of the monetary award who shall make payment of any lien or disputed lien amount, as described in subsection (h) to the department's State disbursement unit from the net proceeds of any monetary award.

(d) USE OF PRIVATE JUDGMENT SEARCH COMPANIES. — In lieu of receiving the statement and written documentation of arrears or no arrears provided in subsections (b), (c) and (f), an attorney or insurer may use the services of a private judgment search company approved by the department, or an insurer may use the services of the child support enforcement lien program operated through a central reporting agency approved by the department. An attorney or insurer may deduct the fee for such a judgment search from any payment to the prevailing party or beneficiary.

(e) IMMUNITY. — An attorney, insurer or other paying agent that makes distribution in accordance with a statement and the written documentation required under subsection (b) or the report of an approved private judgment search company under subsection (d), or an insurer which furnishes information and transmits funds

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under the child support enforcement lien program operated through a central reporting agency approved by the department, [4] shall be immune from any civil, criminal or administrative penalties for making an erroneous distribution. Nothing in this section shall give rise to a claim or cause of action against an attorney or an insurer by any person who asserts he is the intended obligee of the outstanding lien for child support.

(f) **WORKERS' COMPENSATION AWARDS.** —

With respect to any monetary award arising under the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, or the act of June 21, 1939 (P.L. 566, No. 284), known as The Pennsylvania Occupational Disease Act, no order providing for a payment shall be entered by the workers' compensation judge unless the prevailing party or beneficiary, who is a claimant under either or both of the acts, shall provide the judge with a statement made subject to 18 Pa.C.S. § 4904 that includes the full name, mailing address, date of birth and Social Security number for the prevailing party or beneficiary who is a claimant under either or both acts. The prevailing party or beneficiary, who is a claimant under either or both of the acts shall also provide the judge with either written documentation of arrears from the Pennsylvania child support enforcement system website or, if no arrears exist, written documentation from the website indicating no arrears. The judge shall order payment of the lien for overdue support to the department's State disbursement unit from the net proceeds due the prevailing party or beneficiary who is a claimant under either or both acts.

(g) **EXCEPTION.** — This section shall not apply to any monetary award due to a prevailing party or beneficiary under 12 years of age or, in the case of an award under the Workers' Compensation Act or The Pennsylvania Occupational Disease Act, a claimant under 12 years of age.

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4. The current "child support enforcement lien program operated through a central reporting agency approved by the department" is the CSLN, discussed in the opinion *infra*.



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(h) **ESCROW.** — In the event that there is a dispute as to the amount of arrears owed by the prevailing party, beneficiary or claimant based on a mistake of fact, the amount in dispute shall be placed in escrow in the department's State disbursement unit by the prevailing party's or beneficiary's attorney, and the escrowed funds shall not be distributed until the dispute is resolved. In such event, the distribution of the remaining net proceeds of the monetary award shall not be stayed. A mistake of fact, as used in this subsection, shall be limited to errors in the amount of arrearage or mistaken identity. Upon resolution of the dispute, the amount of arrears shall be paid to the department's State disbursement unit.

(i) **DEFINITIONS.** — As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Monetary award.” Any portion of a settlement paid as a lump sum negotiated in lieu of, or subsequent to the filing of a lawsuit for, or any civil judgment or civil arbitration award that is paid as a third party claim for bodily injury or death under a property and casualty insurance policy, or paid as a workers' compensation or occupational disease act award under a workers' compensation policy. The term includes self-insurers and also applies to property and casualty and workers' compensation or occupational disease act policies which are issued by an insurer licensed or authorized to do business in this Commonwealth. The term does not include a lump sum payable through a structured settlement annuity. The term shall apply only to those settlements, judgments, civil arbitrations, Workers' Compensation Act or The Pennsylvania Occupational Disease Act awards which are asserted and resolved in this Commonwealth.

“Net proceeds.” Moneys in excess of \$5,000 payable to a prevailing party or beneficiary, or in the case of an award under the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, or the act of June 21, 1939 (P.L. 566, No. 284), known as The Pennsylvania Occupational Disease Act, the claimant after payment of attorney fees, witness fees, court costs, reasonable litigation expenses, documented unpaid

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expenses incurred for medical treatment causally related to the claim, any workers' compensation or occupational disease indemnity or medical payment and payments to the medical assistance program under Sections 1409 and 1412 of the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.

"Obligee." The term shall have the meaning provided under Section 7101(b) (relating to short title of part and definitions).

"Obligor." The term shall have the meaning provided under Section 7101(b) (relating to short title of part and definitions).

"Overdue support." The term shall have the meaning provided under Section 4302 (relating to definitions).

23 Pa.C.S.A. § 4308.1 (emphasis added).

The stated goal of this legislation is the collection of overdue support from the net proceeds of two types of monetary awards issued by insurers: (1) lump sum awards paid as the result settlement of a personal injury or death claim paid as a third party claim under an insurance policy, or (2) an award paid under a workers' compensation policy as worker's compensation or for an occupational disease.<sup>5</sup> *Id.* at § 4308(a) and (i) ("Monetary award" definition). Under the statute, overdue support is "a lien by operation of law against the net proceeds of any monetary award." *Id.* at 4308.1(a).

In the case of a non-workers' compensation policy award, it is initially the duty of the recipient of the settlement money to provide his or her attorney with documentation stating that he or she is or is not a support obligor in arrears. The attorney has a duty to obtain such documentation prior to delivering the release. *Id.* at § 4308.1(b). If the recipient is in arrears, the attorney must make payment of any lien to PASCDU from the "net proceeds of [the] monetary award."<sup>6</sup> *Id.* In the case of an award

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5. These are the same type of awards the CSLN is designed to capture.

6. Where the prevailing party or beneficiary of a non-workers' compensation policy award is not represented by an attorney, the statute requires that the pro se party notify the insurer paying the claim of the existence *vel non* of support arrears. If notification of arrears is provided the insurer by the pro se party, then the insurer must make payment of any lien to PASCDU from the "net proceeds of any monetary award." 23 Pa.C.S.A. § 4308.1(c). Under this section of the statute, there is no independent obligation for an insurer to determine the status of support arrears of the payee except to the extent that the pro se party informs the insurer.

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under a workers' compensation policy, the same duty exists to the claimant, who must provide the workers' compensation judge with documentation that he or she is or is not a support obligor in arrears. *Id.* at § 4308.1(f). If the claimant is in arrears, the worker's compensation judge is required to order payment of the lien to PASCDU from the "net proceeds" of the award. *Id.*

As noted, the dispute in this case arises from the meaning of "net proceeds" under Section 4308.1(i). Schmidt Kramer argued that in the case of a personal injury settlement, the "net proceeds" it must withhold and forward to PASCDU is the net recovery in excess of \$5,000 payable to its client **after** attorney's fees and costs are paid. The Dauphin County Domestic Relations Section argued that the meaning of "net proceeds" is subject to another meaning. Specifically, it argues that the language as crafted does not contemplate a deduction for any expenses, including attorney's fees and costs, in the case of a monetary award from the settlement of a personal injury claim. It argues that the portion of the definition which would deduct such expenses from a monetary award (which includes "attorney fees, witness fees, court costs, reasonable litigation expenses, documented unpaid expenses incurred for medical treatment causally related to the claim, any workers' compensation or occupational disease indemnity or medical payment and payments to the medical assistance program") applies only to awards made under a workers' compensation policy in the form of workers' compensation or an occupational disease award. Thus, the Domestic Relations Section argued that since the total settlement awarded Walker was \$10,000, and since no further deductions were permitted under the statute, Schmidt Kramer was obligated to withhold and forward to it \$5,000.

In determining the meaning of a statute, this court is guided as follows:

The polestar of statutory construction is to determine the intent of the Legislature. 1 Pa.C.S. § 1921(a) (court's sole objective in construing or interpreting a statute remains to "ascertain and effectuate the intention of the General Assembly"). ... to ascertain the intent of the Legislature, our court first considers the language of the statute itself. 1 Pa.C.S. § 1921(b) ("When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit."). ...

[Furthermore] when the words of a statute are clear and free from all ambiguity, the letter of it is not to be

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disregarded under the pretext of pursuing its spirit. 1 Pa.C.S. § 1921(b). Only if the words of the statute are found not to be explicit, i.e., to be unclear or ambiguous, should a reviewing court further engage in an attempt to ascertain the intent of the Legislature through use of the various tools provided in the Statutory Construction Act.

A term is not explicit, or is ambiguous, if it is reasonably susceptible of different constructions and capable of being understood in more than one sense. *Cf. Murphy v. Duquesne University*, 565 Pa. 571, 777 A.2d 418, 430 (Pa. 2001). Conversely, a term is clear and free from all ambiguity if it is reasonably susceptible of only one construction and being capable of being understood in only one sense.

*Mishoe v. Erie Ins. Co.*, 824 A.2d 1153, 1164, 1165 (Pa. 2003) (footnote omitted).

The statutory definition of “net proceeds” is “[m]oneys in excess of \$5,000 payable to a prevailing party or beneficiary, or in the case of an award under ... the Workers’ Compensation Act, or ... The Pennsylvania Occupational Disease Act, the claimant after payment of attorney fees, witness fees, court costs, reasonable litigation expenses, documented unpaid expenses incurred for medical treatment causally related to the claim, any workers’ compensation or occupational disease indemnity or medical payment and payments to the medical assistance program. ...” 23 Pa.C.S.A. § 4308.1(i). Though the sentence structure is awkward, the meaning is otherwise explicit and unambiguous in clearly delineating that “net proceeds” are arrived at by deducting the types of expenses listed therein from both types of monetary awards contemplated there under: net proceeds are “moneys in excess of \$5,000 payable to a prevailing party or beneficiary or ... claimant after payment of attorney fees, witness fees, court costs ...” etc.<sup>7</sup>

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7. One interesting consequence of Section 4308.1, is that its application seems to be explicitly limiting the reach Section 4305(b)(10)(i) and (ii) by exempting from seizure the first \$5,000 of monetary awards for any personal injury judgment or settlement and awards under a workers’ compensation policy where the insurer issuing the payment is not part of the CSLN. Had the same monetary awards been captured under the CSLN, there would be no \$5,000 exemption. For instance, in this case, had the insurer that issued the settlement check to Walker been part of the CSLN, and assuming Walker’s status as a delinquent obligor had been entered into the CSLN database, then PASCDU would have been alerted to the check and been able to seize the entire judgment for payment against the obligor’s \$12,000 arrearage under Section 4305(b)(10)(ii). It is unclear to this court whether the legislature intended this result.

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The determinative factor in so concluding is that the statute explicitly identifies that it is the “**net** proceeds” of a monetary award that that are subject to a lien. The common meaning of “net proceeds” is “[t]he amount received in a transaction minus the costs of the transaction (such as expenses or commissions). Also termed *net balance*.” Black’s Law Dictionary 1242 (8th ed.). Furthermore, the common meaning of the adjective “net” is that which remains “after all deductions have been made, as for expenses: net profit.” The American Heritage Dictionary 1214 (3rd ed.). “Net” is similarly defined as “free from all charges or deductions: as remaining after the deduction of all charges, outlay, or loss.” Merriam Webster Online Dictionary, [www.m-w.com](http://www.m-w.com) (last visited 8/8/07). See, *Danielle Viktor, Ltd. v. Dep’t of Labor & Indus.*, 892 A.2d 781, 794-95 (Pa. Super. 2006) (applying dictionary definitions in assessing the plain meaning of words). There is simply no language in the definition of “net proceeds” limiting the deduction of expenses only to awards made to workers’ compensation or occupational disease claimants. Since “net proceeds” is not an ambiguous term, this court need not undergo further examination of legislative intent under the factors set forth by the Statutory Construction Act.

The Domestic Relations Section reading of a second meaning for “net proceeds” is untenable. Its interpretation of “net proceeds” would create two categories of monetary awards subject to liens by operation of law: one for the true **net** proceeds of awards to claimants under workers’ compensation policies, and another for the **gross** proceeds to prevailing parties and beneficiaries of all other kinds of monetary awards (as defined in subsection (i)). The adjective “net” would thus be rendered not only completely meaningless under the Domestic Relations Section’s interpretation, but would in fact be given the opposite meaning; that is, the term “net proceeds” would in fact mean “gross proceeds” in the case of non-workers’ compensation awards paid by insurers. This is simply not a reasonable interpretation of “net proceeds,” particularly where there is otherwise lacking within the statutory scheme any hint that collection against the two types of awards is to be treated differently.

Accordingly, I issued my order June 4, 2007.

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**FIRST PUBLICATION**

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**Estate Notices**

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ESTATE OF HELENA M. ROOD, late of South Hanover Township, Dauphin County, Pennsylvania (died July 27, 2007). Executrix: Darlene Krenitsky. Attorney: Nora F. Blair, Esq., 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. a24-s7

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**SECOND PUBLICATION**

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ESTATE OF JUNE SMITH, late of West Hanover Township, Dauphin County, Pennsylvania. Executrix: Joanne Marie Dickey, 201 Penn Street, Apt. 110, Highspire, PA 17034. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. a17-a31

ESTATE OF GARY L. STONEBERG a/k/a GARY LEE STONEBERG, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Suzanne Dillon, 2702 Hopewell Friends Road, Asheboro, NC 27205. Attorney: Mark E. Halbruner, Esq., Gates, Halbruner & Hatch, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043. a17-a31

ESTATE OF CALVIN J. WASHINGTON, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. a17-a31

ESTATE OF ELIZABETH V. SHUTT HAHN, late of Lower Paxton Township, Dauphin County, Pennsylvania (died July 19, 2007). Co-Executors: Barry L. Shutt, 6223 Spring Knoll Drive, Harrisburg, PA 17111; Joan E. Spoonhour, 155 Leonard Lane, Harrisburg, PA 17111 and Herbert C. Shutt, 452 North 50th Street, Harrisburg, PA 17111. Attorney: David A. Wion, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. a17-a31

ESTATE OF JULIUS FRANK ADAMS, late of the Borough of Elizabethtown, Dauphin County, Pennsylvania (died July 7, 2007). Executrix: Pauline E. Lahr, 106 West Main Street, Box 641, Elizabethtown, PA 17023. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. a17-a31

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**THIRD PUBLICATION**

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ESTATE OF JAMES W. HOKE, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: James A. Hoke, Jr. Attorney: Michael L. Bangs, Esq., 429 South 18th Street, Camp Hill, PA 17011. a10-a24

ESTATE OF GARRY L. SMITH, late of Lower Paxton Township, Dauphin County, Pennsylvania (died June 30, 2005). Co-Executrices: Elizabeth K. Smith, 4301 Devonshire Road, Harrisburg, PA 17112 and Jennifer M. Rodkey, 200 Atmore Street, Harrisburg, PA 17112. Attorney: Joseph M. Melillo, Esq., Angino & Rovner, P.C., 4503 North Front Street, Harrisburg, PA 17110-1708. Telephone (717) 238-6791. a10-a24

ESTATE OF SALEM M. ESSIS, late of Dauphin County, Pennsylvania (died April 23, 2007). Co-Executors: Deborah Essis Curcillo, 7645 Green Hill Road, Harrisburg, PA 17112 and Michael S. Essis, 1363 Lincoln Way East, Chambersburg, PA 17201. Attorney: John D. Sheridan, Esq., Serratelli, Schiffman, Brown & Calhoon, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. a10-a24

ESTATE OF MICHAEL J. REARDON, late of Swatara Township, Dauphin County, Pennsylvania (died June 13, 2007). Executor: David E. Reardon, 2305 Forest Hills Drive, Harrisburg, PA 17112. Attorney: Richard W. Stewart, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043. a10-a24

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**THIRD PUBLICATION**

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**Estate Notices**

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ESTATE OF ALICE HORN, late of Harrisburg, Pennsylvania (died March 24, 2007). Executrix: Nancy Minsker. Attorney: Bruce J. Warshawsky, Esq., Cunningham & Chernicoff, P.C., 2320 North Second Street, Harrisburg, PA 17110. a10-a24

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ESTATE OF EULA HALL, JR., late of Susquehanna Township, Dauphin County, Pennsylvania (died June 24, 2007). Executor: Dixie Cunningham. Attorney: Steven P. Miner, Esq., Daley Zucker Meilton Miner & Gingrich, LLC, 1035 Mumma Road, Suite 101, Wormleysburg, PA 17043. a10-a24

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ESTATE OF JANET L. WAGNER, late of Middletown, Dauphin County, Pennsylvania. Executor: Steven D. Morris, 7820 Chambers Hill Road, Harrisburg, PA 17111. Attorney: Robert P. Grubb, Esq., Metzger, Wickersham, Knauss & Erb, P.C., 3211 North Front Street, P.O. Box 5300, Harrisburg, PA 17110-0300. a10-a24

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ESTATE OF CLYDE GRUBB, late of Dauphin County, Pennsylvania (died June 29, 2007). Executrix/Attorney: Cara A. Boyanowski, Esq., Serratelli Schiffman Brown & Calhoon, 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. a10-a24

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ESTATE OF HELEN GEANETTE BAUGHMAN, late of Steelton Borough, Dauphin County, Pennsylvania. Executrix: Linda S. Spizzieri, 709 South Second Street, Steelton, PA 17113. Attorney: John R. Zonarich, Esq., Skarlatos & Zonarich LLP, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. a10-a24

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ESTATE OF ISABELLE M. KARLAVAGE, late of Lower Paxton Township, Dauphin County, Pennsylvania (died December 3, 2006). Administrator CTA: Thomas E. Karlavage, 5002 Earl Drive, Harrisburg, PA 17112-2127. Attorney: Steve C. Nicholas, Esq., Nicholas Law Offices PC, 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099. a10-a24

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ESTATE OF SARAH E. JONES, late of Williamstown Borough, Dauphin County, Pennsylvania. Co-Administratrices: Faye Ann Shutt, 114 Tremont Avenue, Tower City, PA 17980 and Sandra L. Bordner, P.O. Box 38, Pottsville Street, Wiconisco, PA 17097. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. a10-a24

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ESTATE OF VESCELA REEVES, late of Paxtang Borough, Dauphin County, Pennsylvania (died July 14, 2007). Executor/Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. a10-a24

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ESTATE OF VIRGINIA M. SELLERS, late of Penbrook Borough, Dauphin County, Pennsylvania (died July 10, 2007). Executrix: Janice L. Brinser, 127 South Arlington Avenue, Harrisburg, PA 17109. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. a10-a24

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ESTATE OF MARIE PUTRIC, late of Harrisburg, Dauphin County, Pennsylvania (died July 14, 2007). Administrator: J. Philip Doud, III, 1349 Pieffers Lane, Oberlin, PA 17113. Attorney: James L. Cowden, Esq., Strokoff & Cowden, P.C., 132 State Street, Harrisburg, PA 17101. a10-a24

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### THIRD PUBLICATION

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#### Estate Notices

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ESTATE OF DANIEL L. GORDON, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Shirley A. Bohner, P.O. Box 442, Valley View, PA 17983. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. a10-a24

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ESTATE OF JOHN W. HERNDON, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Gregory S. Chelap, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South 2nd Street, 6th Floor, Harrisburg, PA 17101. a10-a24

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ESTATE OF ANDREAS PANAGAKIS, late of Swatara Township, Dauphin County, Pennsylvania (died December 18, 2005). Executor: Pantelis Panagakis, 405 Redwood Street, Harrisburg, PA 17109-4718. Attorney: Steve C. Nicholas, Esq., Nicholas Law Offices PC, 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099. a10-a24

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### FIRST PUBLICATION

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#### Corporate Notices

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NOTICE IS HEREBY GIVEN that **Policy Technologies International, Inc.**, a foreign business corporation incorporated under the laws of the State of IDAHO, where its principal office is located at 2687 South 2000 West, Rexburg, IDAHO 83440, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at InCorp Services, Inc., 7208 Red Top Road, Hummelstown, PA 17036. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. a24

NOTICE IS HEREBY GIVEN that **FUEL MANAGERS, INCORPORATED**, a foreign business corporation incorporated under the laws of the State of Oklahoma, intends to withdraw from doing business in this Commonwealth. The address, including street and number, if any, of its principal office under the laws of its jurisdiction is 10711 East 11th, Suite 3, Tulsa, OK 74128.

Its last registered office in this Commonwealth is c/o National Registered Agents Inc. and is deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. a24

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NOTICE IS HEREBY GIVEN that **Atlantic Homestead Village Limited Partnership** with a commercial registered office provider in care of Corporation Service Company in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 8586. The address of its principal office under the laws of its jurisdiction is 345 Park Avenue, New York, NY 10154. This shall serve as official notice to creditors and taxing authorities. a24

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NOTICE IS HEREBY GIVEN that **SAMCO CAPITAL MORTGAGE CONDUIT, LLC** with a commercial registered office provider in care of National Registered Agents, Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 8586. The address of its principal office under the laws of its jurisdiction is 6750 Poplar Avenue, Suite 217, Memphis, TN 38138. This shall serve as official notice to creditors and taxing authorities. a24

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NOTICE IS HEREBY GIVEN that **Pennsylvania's Northern Lights Shoppers City, Inc.** with a current Registered Agent in care of National Registered Agents, Inc. in Dauphin County does hereby give notice of winding up proceedings in a voluntary dissolution as per 15 Pa. C.S. 1977. This shall serve as official notice to creditors and taxing authorities. a24



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FIRST PUBLICATION

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**Corporate Notices**

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on August 17, 2007, for the purpose of obtaining a Certificate of Incorporation for a corporation organized under the Business Corporation Law of 1988. The name of the corporation is **Greensburg Terminals Corp.**

LINDA D. WEIBLEY-MYERS

Legal Assistant

Buchanan Ingersoll & Rooney PC

213 Market Street, 3rd Floor

Harrisburg, PA 17101

a24

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NOTICE IS HEREBY GIVEN that **Southern Plaza, Inc.** with a current Registered Agent in care of National Registered Agents, Inc. in Dauphin County does hereby give notice of winding up proceedings in a voluntary dissolution as per 15 Pa. C.S. 1977. This shall serve as official notice to creditors and taxing authorities.

a24

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a foreign business corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **TI Agency, Inc.** on July 10, 2007. The address of its principal office under the laws of the jurisdiction in which it is incorporated is in the State of New York. The registered office for this business is: Nauman, Smith, Shissler & Hall, LLP, Dauphin County, PA. The corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124.

a24

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FIRST PUBLICATION

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**Fictitious Notices**

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NOTICE IS HEREBY GIVEN that an application for amendment of the fictitious name, **Hoffman Psychological Associates**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being located at 2801 N. Front Street, Harrisburg, Pennsylvania 17110, was made to the Department of State of the Commonwealth of PA at Harrisburg, Pennsylvania, on the 7th day of May, 2007, pursuant to the Act of Assembly of December 21, 1988, P.L. 1444, No. 177.

The name and address, as amended, is Hoffman Psychological Services, 2214 Market Street, Camp Hill, PA 17011.

JAMES H. TURNER, Esq.

Turner and O'Connell

4415 North Front Street

Harrisburg, PA 17110

a24

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FIRST PUBLICATION

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**Miscellaneous Notices**

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

**CIVIL ACTION – LAW**

**No. 2007-CV-05033-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, N.A., Plaintiff**

**vs.**

**BARBARA A. ESTERLINE, Defendant**

**NOTICE**

**TO: BARBARA A. ESTERLINE**

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

TAKE NOTICE that the real estate located at 242 NORTH SECOND STREET, LYKENS, PA 17048 is scheduled to be sold at Sheriff's Sale on

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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Thursday, OCTOBER 11, 2007 at 10:00 A.M., Dauphin County Administration Building, 4th Floor, Commissioners Hearing Room, Harrisburg, PA, to enforce the court judgment of \$23,499.83, obtained by WELLS FARGO BANK, N.A. (the mortgagee).

ALL THAT CERTAIN tract or piece or land situate in the Borough of Lykens, County of Dauphin and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEING Lot No. 537 on the Plan of Lots as laid out by Daniel Hoffman in 1848 and on the Plan of Lots of the said Borough of Lykens as laid out by W.W. Foster in 1863.

THE said property being situate on the South side of North 2nd Street, BEGINNING at a point which is 90 feet West of the intersection of North Second Street with Edward Street; thence extending Westwardly along North 2nd Street 50 feet and extending in depth between parallel lines at right angles with North 2nd Street 140 feet to an alley.

HAVING thereon erected premises numbered 242 North 2nd Street, Lykens, Pennsylvania.

BEING the same Premises which Gerald D. Hoke and Eleanor J. Hoke, by Deed dated 02/07/85 and recorded 02/07/85 in Dauphin County Record Book 582, Page 107, granted and conveyed unto Gerald D. Hoke and Eleanor J. Hoke, husband and wife, in fee.

TITLE TO SAID PREMISES IS VESTED IN Barbara A. Esterline, by Deed from Gerald D. Hoke and Eleanor J. Hoke, husband and wife, dated 04/17/2001, recorded 04/18/2001, in Deed Book 3935, page 638.

BEING Premises 242 NORTH SECOND STREET, LYKENS, PA 17048.

IMPROVEMENTS consist of residential property.

SOLD as the property of BARBARA A. ESTERLINE.

**CONDITIONS OF SALE:  
THE HIGHEST AND BEST BIDDER  
SMALL BE THE BUYER.**

TERMS: The purchaser will be required to pay the full amount of his bid by TWO O'CLOCK p.m. on the day of the sale, and if compiled with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for Dauphin County,

conveying to the purchase all the right, title, interest and claim which said defendant has in and to said property at the time of levying the same. ALTHOUGH NOT PART OF THE MINIMUM BID, PROPERTY SOLD FOR MINIMUM BID DOES NOT DISCHARGE DELINQUENT AND/OR OUTSTANDING TAXES AND THE PURCHASER WILL BE RESPONSIBLE FOR SAME. If above conditions be 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 will be held liable for the deficiencies and additional cost of said sale.

TAKE NOTICE that a Schedule of Distribution will be filed by the Sheriff on NOVEMBER 12, 2007, distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereto.

DANIEL G. SCHMIEG, Esq.  
Suite 1400, One Penn Center  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

a24

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

**CIVIL ACTION – LAW**

**CIVIL DIVISION**

**No. 2007-CV-6440-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**WILMINGTON FINANCE, INC., Plaintiff  
vs.**

**UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS, FIRMS,  
OR ASSOCIATIONS CLAIMING RIGHT,  
TITLE, OR INTEREST FROM OR UNDER  
SYLVESTER MANNING, DECEASED,  
Defendant(s)**

**NOTICE**

**TO: UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS,  
FIRMS, OR ASSOCIATIONS  
CLAIMING RIGHT, TITLE, OR  
INTEREST FROM OR UNDER  
SYLVESTER MANNING,  
DECEASED**

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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YOU ARE HEREBY NOTIFIED that on JULY 2, 2007, Plaintiff, WILMINGTON FINANCE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, Pennsylvania, docketed to No. 2007-CV-6440-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1110 EDMONT ROAD, HARRISBURG, PA 17109 whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

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

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

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

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

a24

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

**CIVIL ACTION – LAW**

**CIVIL DIVISION**

**No. 2006-CV-5304-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, NA, Plaintiff  
vs.**

**GABRIEL PEREZ  
a/k/a GABRIEL J. PEREZ, Defendant**

**NOTICE**

**TO: GABRIEL PEREZ  
a/k/a GABRIEL J. PEREZ**

YOU ARE HEREBY NOTIFIED that on NOVEMBER 15, 2006, Plaintiff, WELLS FARGO BANK, NA, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, Pennsylvania, docketed to No. 2006-CV-5304-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1903 FORSTER STREET, HARRISBURG, PA 17103, whereupon your Property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

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

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

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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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

a24

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

**CIVIL ACTION – LAW**

**CIVIL DIVISION**

**No. 2007-CV-3624-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**PHH MORTGAGE CORPORATION,  
Plaintiff**

vs.

**SILVIA I. PIETZKE  
a/k/a SILVIA I. NEUHAUSER  
ANDRES VEGA, Defendant**

**NOTICE**

**TO: ANDRES VEGA**

YOU ARE HEREBY NOTIFIED that on APRIL 13, 2007, Plaintiff, PHH MORTGAGE CORPORATION, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, Pennsylvania, docketed to No. 2007-CV-3624-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1715 STATE STREET, HARRISBURG, PA 17102, whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

IF YOU WISH TO DEFEND, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

a24

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

**CIVIL ACTION – LAW**

**CIVIL DIVISION**

**No. 2007-CV-03294-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**BANK OF NEW YORK AS TRUSTEE FOR  
THE CERTIFICATE HOLDERS OF  
CWMBS 2004-RI, Plaintiff**

vs.

**MATTHEW P. RINER, Defendant**

**NOTICE**

**TO: MATTHEW P. RINER**

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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YOU ARE HEREBY NOTIFIED that on APRIL 4, 2007, Plaintiff, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWMB 2004-R1, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, Pennsylvania, docketed to No. 2007-CV-03294-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 7194 CATHERINE DRIVE, HARRISBURG, PA 17112, whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

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

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

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

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

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

**CIVIL ACTION – LAW**

**CIVIL DIVISION**

**No. 2007-CV-1252-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE,  
INC., Plaintiff**

**vs.**

**MARY FIRESTONE  
a/k/a MARY ELIZABETH FIRESTONE  
a/k/a MARY ELIZABETH GARDNER,  
Defendant**

**NOTICE**

**TO: MARY FIRESTONE a/k/a  
MARY ELIZABETH FIRESTONE  
a/k/a MARY ELIZABETH GARDNER**

YOU ARE HEREBY NOTIFIED that on FEBRUARY 9, 2007, Plaintiff, WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, Pennsylvania, docketed to No. 2007-CV-1252-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 115 SOUTH WOOD STREET, MIDDLETOWN, PA 17057, whereupon your property would be sold by the Sheriff of DAUPHIN County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

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

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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

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

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

a24

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

**No. 2007 CV 6637 NC**

**PETITION FOR CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on July 10, 2007, the Petition of **Noelia Jordania Morgan Winans a/k/a Aurelia Noelle Morgan-Winans** was filed in the above named court, requesting a decree to change his/her name from **Noelia Jordania Morgan Winans** to **Aurelia Noelle Morgan-Winans**.

The Court has fixed September 5, 2007 in Courtroom No. 5, at 11:30 a.m., Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted.

a24

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that a hearing on the Petition of the **Board of Control of Harrisburg School District** for approval to sell real estate in the City of Harrisburg at 18th and Derry Streets will be held in the Dauphin County Court of Common Pleas on September 20, 2007, at 1:00 p.m. in Courtroom No. 5. a24-s7

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

**CIVIL ACTION – LAW**

**No. 2007-CV-06298-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**BANK OF NEW YORK AS TRUSTEE FOR  
THE CERTIFICATE HOLDERS CWMBS,  
INC. CWMBS REPERFORMING LOAN  
REMIC TRUST CERTIFICATES, SERIES  
2005-R2, Plaintiff**

vs.

**JEROME PEARSON,  
Mortgagor and Real Owner, Defendant**

**TO: JEROME PEARSON, MORTGAGOR  
AND REAL OWNER, DEFENDANT  
whose last known address is  
32 S 24th Street  
Harrisburg, PA 17103**

**THIS FIRM IS A DEBT COLLECTOR  
AND WE ARE ATTEMPTING  
TO COLLECT A DEBT  
OWED TO OUR CLIENT.  
ANY INFORMATION OBTAINED  
FROM YOU WILL BE USED  
FOR THE PURPOSE OF  
COLLECTING THE DEBT.**

YOU ARE HEREBY NOTIFIED that Plaintiff, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS CWMBS, INC. CWMBS REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2005-R2, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2007-CV-06298-MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 32 S. 24th Street, Harrisburg, PA 17103, whereupon your property will be sold by the Sheriff of Dauphin County.

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following notice, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, 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.

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Harrisburg, PA 17101  
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CENTRAL PENNSYLVANIA  
LEGAL SERVICES  
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Harrisburg, PA 17101  
(717) 232-0581

JOSEPH A. GOLDBECK, JR., Esq.  
Goldbeck McCafferty & McKeever, P.C.  
Suite 5000, Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
(215) 825-6411

a24

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

**CIVIL ACTION – LAW**

**No. 2007-CV-5058-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**GMAC MORTGAGE, LLC F/K/A GMAC  
MORTGAGE CORPORATION, Plaintiff  
vs.**

**UNKNOWN HEIRS OF  
JOAN I. GARRETT, AUDRA BLOCKSON,  
Solely in Her Capacity as Heir of  
Joan I. Garrett, Deceased,  
WELDON GARRETT, Solely in  
His Capacity as Heir of Joan I. Garrett,  
Deceased, DOM LOGAN, Solely in  
His Capacity as Heir of Joan I. Garrett,  
Deceased, GORDON LOGAN, Solely in  
His Capacity as Heir of Joan I. Garrett,  
Deceased & RODNEY LOGAN, Solely in  
His Capacity as Heir of Joan I. Garrett,  
Deceased, Mortgagors and Real Owners,  
Defendant(s)**

**TO: UNKNOWN HEIRS OF  
JOAN I. GARRETT, AUDRA  
BLOCKSON, Solely in Her Capacity  
as Heir of Joan I. Garrett, Deceased,  
WELDON GARRETT, Solely in His  
Capacity as Heir of Joan I. Garrett,  
Deceased GORDON LOGAN, Solely in  
His Capacity as Heir of Joan I. Garrett,  
Deceased & RODNEY LOGAN,  
Solely in His Capacity as Heir of  
Joan I. Garrett, Deceased,  
MORTGAGORS AND REAL OWN-  
ERS, DEFENDANTS whose  
last known address is  
633 Camp Street  
Harrisburg, PA 17110**

**THIS FIRM IS A DEBT COLLECTOR  
AND WE ARE ATTEMPTING  
TO COLLECT A DEBT  
OWED TO OUR CLIENT.  
ANY INFORMATION OBTAINED  
FROM YOU WILL BE USED  
FOR THE PURPOSE OF  
COLLECTING THE DEBT.**

YOU ARE HEREBY NOTIFIED that Plaintiff, GMAC MORTGAGE, LLC F/K/A GMAC MORTGAGE CORPORATION, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2007-CV-5058-MF, wherein

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**Miscellaneous Notices**

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Plaintiff seeks to foreclose on the mortgage secured on your property located, 633 Camp Street, Harrisburg, PA 17110, whereupon your property will be sold by the Sheriff of Dauphin County.

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following notice, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

**CIVIL ACTION – LAW**

**IN QUIET TITLE**

**No. 2007-CV-6233-QT**

**DOBSON LIMITED FAMILY  
PARTNERSHIP, Plaintiff**

**vs.**

**PEARL OWENS and ALBERT OWENS,  
THEIR PERSONAL REPRESENTATIVES,  
HEIRS and ASSIGNS, NATIONAL TAX  
FUNDING, L.P., LEHMAN COMMERCIAL  
PAPER, INC., and THE FIRST NATIONAL  
BANK OF CHICAGO AS TRUSTEE FOR  
U.S. HOME LOAN EQUITY LOAN ASSET  
BACKED CERTIFICATE 1991-1, Defendant**

**TO: THE ABOVE NAMED DEFENDANTS**

NOTICE IS HEREBY GIVEN that the Plaintiff commenced against you an action to Quiet Title in the above stated Court to obtain a judgment forever barring Defendant from asserting any right, lien, title or interest inconsistent with the interest or claim of Plaintiff as the owner of real estate known as 417 S. 16th Street, City of Harrisburg, Dauphin County, Pennsylvania, further described as follows:

BEGINNING at the Northeast corner of South 16th Street and Hunter Street; thence extending along the East side of 16th Street North 20 degrees West 20 feet to a corner of premises known as 415 South 16th Street; thence along said premises North 70 degrees East, 100 feet to the West side of a 4 feet wide alley; thence along said alley South 20 degrees East 20 feet to the North side of Hunter Street; thence along the same South 70 degrees West 100 feet to the point and place of BEGINNING.

BEING Lot No. 240 on a plan of Lots known as Brookwood which plan is recorded in Plan Book "A" page 70 Dauphin County records.

HAVING thereon erected a two and one-half story brick dwelling known as No. 417 South 16th Street.

**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



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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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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.

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DAUPHIN COUNTY  
LAWYER REFERRAL SERVICE  
213 North Front Street  
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a24

1. DANEBERG, LYNNE SHAPIRO, Deceased, First and Final Account Fulton Financial Advisors, N. A., Executor.
2. ERDMAN, ARTHUR J., Deceased, First and Final Account of Patti L. Heisley, Executrix.
3. LEWIS, ERENO L., Deceased, Second and Final Account of Brian Lewis, Executor.
4. STEIN, ROSE L., Deceased, First and Final Account of Ruth Ann Krug, Executrix.
5. WILDE, CARL A., Deceased, First and Final Account of Robert A. Bull, Executor.

Dated: August 10, 2007

/s/ SANDRA C. SNYDER  
Register of Wills and

a17-a24 Clerk of the Orphans' Court Division

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**SECOND PUBLICATION**

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**Miscellaneous Notices**

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**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 *on Tuesday, September 18, 2007*. 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 Tuesday, September 11, 2007*.

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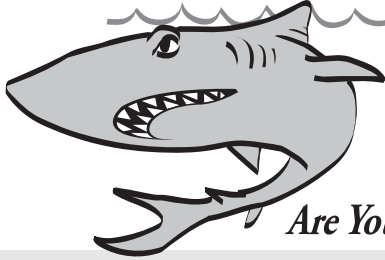
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**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
**213 North Front Street • Harrisburg, PA 17101-1493**  
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The Board of Directors of the Bar Association meets on the third Thursday 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**

*Motion Judge of the Month*

AUGUST 2007

Judge John F. CHERRY

SEPTEMBER 2007

Judge Lawrence F. CLARK, JR.

*Opinions Not Yet Reported*

**BAR ASSOCIATION PAGE – Continued**

**MISCELLANEOUS SECTION**

**PART TIME RECEPTIONIST** — West Shore personal injury law firm seeking part time Receptionist to answer phones and some word processing. Experience with Microsoft Word required. Easy commute with on site parking. References required.

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340 EAST PENN DR., #148, ENOLA, PA 17025. a10-a24

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**ASSOCIATE** — The Harrisburg office of Thomas, Thomas & Hafer LLP is looking for an associate with 3-5 years of litigation experience, preferably in the areas of general liability and/or medical malpractice. Please send confidential responses to Todd Narvol, Esquire, P.O. Box 999, Harrisburg, PA 17108 or email to tnarvol,@tthlaw.com. a24-s7

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## BAR ASSOCIATION PAGE – Continued

### MISCELLANEOUS SECTION

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#### ASSISTANT COUNSEL 2

This is an attorney position responsible for representation of the Commission in moderate to complex proceedings before trial courts, appellate courts, and state/federal agencies; preparation of legal advice for the Commissioners and staff; and litigation in matters that come before the Commission. Requirements include two years of progressively responsible legal experience which provided exposure to governmental regulatory law (regarding public utilities)/administrative law, plus a certificate of admission to the Pennsylvania Bar (or eligibility for such certification). Based on experience, the salary range is \$51,873 to \$78,827.

Applicants should submit a resume to or contact by telephone:

SUSAN SCHOENBERGER  
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Commonwealth Keystone Building  
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Harrisburg, PA 17105-3265  
  
(717) 787-8714  
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