

ADVANCE SHEET

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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 EDWARD ALLISON, late of Dauphin County, Pennsylvania (died June 21, 2004). Executrix: Eileen A. Allison, 112 Dempsey Road, Halifax, PA 17032. Attorney: Gregory Feather, Esq., Handler, Henning & Rosenberg, LLP, 1300 Linglestown Road, Harrisburg, PA 17110. o27-n10

ESTATE OF MARGARET M. RAKUS, late of Dauphin County, Pennsylvania (died August 20, 2004). Executor: Joseph Rakus, 45 Shirley Drive, Middletown, PA 17057. Attorney: Gregory Feather, Esq., Handler, Henning & Rosenberg, LLP, 1300 Linglestown Road, Harrisburg, PA 17110. o27-n10

ESTATE OF KATHRYN S. BOLDOSSER a/k/a KATHRN Z. BOLDOSSER, late of Harrisburg, Dauphin County, Pennsylvania (died August 13, 2006). Trustee: Dennis Boldosser, 6991 Chambers Hill Road, Harrisburg, PA 17111. Attorney: Susan E. Lederer, Esq., 4811 Jonestown Road, Suite 226, Harrisburg, PA 17109. o27-n10

ESTATE OF LLOYD E. WILLBERT a/k/a LLOYD E. WILBERT, late of Middle Paxton Township, Dauphin County, Pennsylvania. Attorney: Duane P. Stone, Esq., P.O. Box 696, Dillsburg, PA 17019. o27-n10

ESTATE OF ALMA M. GOSS a/k/a ALMA MAE GOSS, late of Derry Township, Dauphin County, Pennsylvania (died September 25, 2006). Co-Executors: Vier A. Goss, III, 1019 Powells Valley Road, Halifax, PA 17032 and Carolyn M. Lind, 1 W. Main Street, Hummelstown, PA 17036. Attorney: John S. Picconi, Esq., 310 West Chocolate Avenue, P.O. Box 252, Hershey, PA 17033. o27-n10

ESTATE OF RICHARD J. HILL, late of Harrisburg, Dauphin County, Pennsylvania (died September 23, 2006). Co-Administrators: Telford J. Hill, 121 Partridge Way, Landenberg, PA 19350 and Lucinda M. Miller, 1203 Sherwood Court, Bellefonte, PA 16823. Attorney: Elizabeth L. Pettis, Esq., 213 Market Street, 8th Floor, Harrisburg, PA 17101. o27-n10

ESTATE OF DOROTHY M. FEGER, late of Steelton, Dauphin County, Pennsylvania. Administratrix: Eva H. Kissinger, 527 Jones Hill Road, Middleburg, PA 17842. Attorney: Robert M. Cravitz, Esq., 503 North Market Street, Selingsgrove, PA 17870. Phone (570) 374-5070. o27-n10

FIRST PUBLICATION

Estate Notices

ESTATE OF JUNE R. HRESKO, late of Lower Swatara Township, Dauphin County, Pennsylvania. Co-Executrices: Patricia J. Hresko, 2110 Rosedale Avenue, Middletown, PA 17057 and Patricia K. Hresko, 234 East High Street, Middletown, PA 17057. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, Harrisburg, PA 17101.

o27-n10

ESTATE OF MARY BROOKE CARUSO, late of Dauphin County, Pennsylvania. Executor: Leicester F. Caruso, 505 Cedar Avenue, Hershey, PA 17033. Attorney: Carl G. Wass, Esq., Caldwell & Kearns, 3631 North Front Street, Harrisburg, PA 17110. Phone (717) 232-7661.

o27-n10

ESTATE OF ELEANOR L. SMELTZER, late of Harrisburg, Dauphin County, Pennsylvania (died September 29, 2006). Co-Executors: John Ray Smeltzer, 393 Cameron Street, Etters, PA 17391 and James Lee Smeltzer, 205 Locust Drive, New Cumberland, PA 17070. Attorney: Robert L. Knupp, Esq., Knupp Law Offices, LLC, 407 North Front Street, P.O. Box 630, Harrisburg, PA 17108.

o27-n10

ESTATE OF MARY E. NYE, late of Susquehanna Township, Dauphin County, Pennsylvania (died August 11, 2006). Co-Executors: Harry C. Nye, III, 2999 Revere Street, P.O. Box 4103, Harrisburg, PA 17111 and Mary E. Campbell, 2660 Ellendale Road, Dauphin, PA 17018. Attorney: Laura C. Reyes Maloney, Esq., Laguna Reyes Maloney, LLP, 1119 North Front Street, Harrisburg, PA 17102.

o27-n10

ESTATE OF LEAH N. JASTRON, late of Londonderry Township, Dauphin County, Pennsylvania. Executor: Maurice E. Houser, 40 Basler Drive, Elizabethtown, PA 17022. Attorney: Gerald J. Brinser, Esq.

o27-n10

ESTATE OF JOHN CHEPPA, late of West Hanover Township, Dauphin County, Pennsylvania. Co-Executrices: Josephine M. Williams, 7936 Homestead Court, Pasadena, MD 21122, and Paula Cheppa Bolster, 113 Tudor Road, Colonial Heights, VA 23834. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101.

o27-n10

ESTATE OF JOHN M. WALKO, JR., late of West Hanover Township, Dauphin County, Pennsylvania (died September 22, 2006). Executrix: Diane E. Walko, 4181 Nantucket Drive, Mechanicsburg, PA 17050. Attorney: Joseph J. Dixon, Esq., 126 State Street, Harrisburg, PA 17101.

o27-n10

ESTATE OF FEARL K. LENKER, late of Pillow Borough, Dauphin County, Pennsylvania (died September 22, 2006). Executrix: Sandra K. Lenker (Lamenza), 77 Little Fox Lane, Southbury, CT 06488. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Phone (717) 234-5600.

o27-n10

ESTATE OF MIRIAM E. WILSON, late of Lower Swatara Township, Dauphin County, Pennsylvania. Co-Executors: Judith Ann Straub, 421 West High Street, Hummelstown, PA 17036; Charlene Wadlinger, 61 Overview Drive, Hummelstown, PA 17036 and Robert Lee Wilson, 680 South Union Street, Middletown, PA 17057. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101.

o27-n10

ESTATE OF MICHAEL PATRICK SHEAR a/k/a MICHAEL P. SHEAR, late of Lower Paxton Township, Dauphin County, Pennsylvania (died August 17, 2006). Co-Executors: John Kowalchick, 2347 Canby Street, Harrisburg, PA 17103 and David Thrower, 5607 Devon Drive, Harrisburg, PA 17112. Attorney: Donald L. Jones, Esq., Jones & Henninger, P.C., 339 W. Governor Road, Suite 201, Hershey, PA 17033.

o27-n10

Commonwealth v. Eckenrode

We recommend that the General Assembly consider legislation that would amend Section 7402(e)(3) by deleting the words “and shall not be required to answer any questions or to perform tests unless he has moved for or agreed to examination.” Another alternative would be to amend the sentence to read: “and shall not be required to answer any questions *that may tend to incriminate him.*”⁶

Either of these alterations would eliminate the anomaly which has occurred in the case before us (and, we suspect, in any number of others) by allowing a meaningful competency examination, the results of which could then be tested and argued adversely in a court of law.

In the meantime, we are constrained to enter the following:

ORDER

AND NOW, September 27, 2006, upon consideration of Defendant’s Motion for Determination of Competency, the Commonwealth’s Answer filed thereto, and “hearing” held thereon,

IT IS HEREBY ORDERED that Defendant Michael E. McClucas is found to be incompetent to stand trial under the definition of “incompetency” found in 50 P.S. §7402(a) and, as we are unable to conclude with reasonable certainty that involuntary treatment will provide defendant with the capacity to stand trial, such treatment under §7402(b) is declined.

—————o—————

Commonwealth v. Eckenrode

Crimes and criminal procedure — Murder — Malice aforethought — Voluntary intoxication — Consent — Custodial interrogation — Voluntariness — Failure to tape record statements — Destruction of handwritten notes.

Defendant’s girlfriend fell to her death from a 23rd floor apartment building window. She had slipped from his grasp as she dangled by her wrists outside the window in an apparent attempt to touch her feet to the window of the apartment below. Both had high levels of blood alcohol at the time. Defendant contended that there was no evidence of malice aforethought, and that his statements made to the police were obtained in violation of his constitutional rights. The Court disagreed.

6. This alternative language would seem to be superfluous given the final sentence in subparagraph 3 and given the fact that one’s Fifth Amendment rights exist independently of any language in the Act.

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1. Malice has been characterized as exhibiting an “*extreme indifference to human life*,” and “may be found to exist not only in an intentional killing, but also in an unintentional homicide where the perpetrator ‘consciously disregarded an *unjustified and extremely high risk* that his actions might cause death or serious bodily harm.’” *Commonwealth v. Ludwig*, 583 Pa. 6, 874 A.2d 623, 631-32 (Pa. 2005) (citations omitted) (emphasis added).

2. Voluntary intoxication is not a defense to third-degree murder. 18 Pa.C.S. §308.

3. The overlying test to determine whether a person is being subjected to a custodial interrogation necessitating *Miranda* warnings is whether he is physically deprived of his freedom in any significant way or is placed in a situation in which he reasonably believes that his freedom of action or movement is restricted by such interrogation. *Commonwealth v. Turner*, 2001 Pa. Super. 79, 772 A.2d 970, 973-874 (Pa. Super. 2001) (citations omitted).

4. The fact that an accused has been drinking does not automatically invalidate his subsequent incriminating statements. The test is whether he had sufficient mental capacity at the time of giving his statements to know what he was saying and to have voluntarily intended to say it. Recent imbibing or the existence of a hangover does not make his confession inadmissible, but only goes to the weight to be accorded to it. *Commonwealth v. Milligan*, 693 A.2d 1313, 1317 (Pa. Super. 1997).

5. The due process requirements of the United States and Pennsylvania Constitutions do not require the recording of custodial confessions. *Commonwealth v. Craft*, 447 Pa. Super. 371, 669 A.2d 394 (Pa. Super. 1995).

Petition for Writ of Habeas Corpus and Omnibus Pretrial Motion.
C.P., Dau. Co., No. 1342 CR 2006. Denied.

Francis T. Chardo III, for the Commonwealth

William C. Costopoulos, for Defendant

LEWIS, P.J., October 4, 2006. – Presently before this court is Defendant Kevin Patrick Eckenrode’s Petition for Writ of Habeas Corpus and Omnibus Pretrial Motion. For the reasons set forth below, this court denies both the Petition and Motion.

FACTUAL HISTORY

A Suppression Hearing held before this court on August 4, 2006 established the following facts: On February 25, 2006, at approximately 7:00 p.m., Harrisburg City Police were dispatched to the Pennsylvania Place apartment building located at 301 Chestnut Street in response to a 911 call placed by off-duty National Guard Lieutenant Paul Kanish, who told 911 operators that he witnessed a woman fall to the ground as he was walking toward the building. Kanish also told operators that the defendant was present at the scene and appeared to have knowledge of the incident. The 911 operator directed Kanish to detain the defendant until police arrived, to which Lieutenant Kanish,

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who was aided by fellow military officer Sharon Jenkins, complied. Upon arriving at Pennsylvania Place, police found Rachel Kozluský's body lying on the ground in a pool of blood, and shortly afterwards, a Dauphin County deputy coroner pronounced Ms. Kozluský dead at the scene.

At around 7:15 p.m., Detective Donald Heffner arrived at the scene and spoke briefly with the defendant. The defendant told Detective Heffner that Ms. Kozluský, age 23, was sitting on the window ledge of his 23rd floor apartment when she started to slip, so he tried to grab her, but she fell. Detective Heffner then asked the defendant if he would go to the police station for further questioning, to which the defendant agreed. Detective Heffner then, in the presence of the defendant, told Officer Stacey Lauver to transport the defendant to the police station, but that the defendant was not to be booked because he was only a witness. Officer Lauver then placed the defendant into the back of a transport van and took him to the station. Upon arriving at the station, Officer Lauver escorted the defendant to the roll call room, where the two watched the Olympics on television. While in the roll call room, the defendant kept asking if Ms. Kozluský was okay, and at one point blurted out that he was hanging Kozluský out of the window, but could no longer hold onto her. Officer Lauver then asked the defendant how he was hanging Kozluský out of the window, to which the defendant responded by demonstrating such on Officer Lauver. Lauver did not ask any further questions.

Detective Christopher Krokos then arrived at the station at approximately 8:30 p.m. for the purpose of interviewing the defendant. Detective Krokos went to the roll call room and asked Officer Lauver to speak with him in the hallway, out of the defendant's presence, so that she could brief him on what had occurred. Officer Lauver relayed to Detective Krokos what the defendant had told her. Krokos then told the defendant that he wanted to talk to him about what had happened, but if the defendant preferred, that the two could talk at another time. The defendant indicated that he wished to complete the interview at that time. Detective Krokos then escorted the defendant to a third floor conference room where the two sat at a table with the defendant sitting closer to an open door. Krokos explained to the defendant that he was free to leave. The defendant then told Detective Krokos that Ms. Kozluský was his girlfriend and that she came to visit him on Friday evening. He further stated that he and Kozluský stayed up most of the night drinking a case of beer and a bottle of wine, then woke up at around 3:00 p.m. on Saturday and went to the Gingerbread Man in

Harrisburg at around 4:00 p.m. and continued to drink until approximately 7:00 p.m. The defendant also told Detective Krokos that Ms. Kozluskusky wanted to sit on the window ledge of his apartment, but that she could not get the screen out of the window, so the defendant assisted her in doing so. Ms. Kozluskusky then sat on the window sill with her feet hanging out of the apartment. While sitting on the window sill, Ms. Kozluskusky told the defendant that she wanted to see if she could touch her feet to the window of the apartment below, and asked the defendant for help in doing so. At that point, the defendant told Detective Krokos that he attempted to lower Kozluskusky by her armpits, but that she was not low enough. He then changed his grip to just holding her by her wrists, when she slipped from his grasp and fell.

Detective Heffner arrived at the station at around 9:25 p.m. and spoke with Detective Krokos about his interview with the defendant, and at around 9:40 p.m. read the defendant his *Miranda* rights and charged him with criminal homicide¹. Upon being Mirandized, the defendant invoked his right to counsel, at which time all questioning ceased and the defendant was booked. Shortly after midnight on February 26, 2006, police executed a search warrant on the defendant's apartment, which led to the discovery of a marijuana pipe in a dresser drawer and resulted in the defendant being charged with possession of drug paraphernalia².

Detectives Krokos and Heffner both described the defendant as being intoxicated, but that the defendant was not slurring his speech, or having trouble walking, and was responsive to questions and forming complete sentences. Detective Krokos indicated that at several points during their interview, the defendant was crying. Additionally, Officer Lauver testified that when she initially observed the defendant, she believed that he was "extremely intoxicated". However, Lauver further explained that after having had contact with the defendant, and talking to him about the Olympics and making other "small talk" at the police station, she could tell that he was not as intoxicated as she originally believed. A blood test taken at approximately 12:15 p.m. on February 26, 2006, revealed that the defendant's blood alcohol level was .256%.

PROCEDURAL HISTORY

After his preliminary arraignment, the defendant was remanded to the Dauphin County Prison without bail. On March 1, 2006, defendant filed a Motion for Bail, and on March 14, 2006, this court held a hearing

1. 18 Pa.C.S. § 2501.

2. 35 Pa.C.S. § 780-113(a)(32).

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which resulted in bail being set in the amount of \$200,000. Also at the bail hearing, the Commonwealth conceded that the evidence against the defendant did not rise to the level of first- or second-degree murder. On March 29, 2006, a preliminary hearing was held before Magisterial District Judge Joseph Solomon and the charges against the defendant were bound over to this court. On June 6, 2006, the Defendant filed a Petition for Writ of Habeas Corpus, along with an Omnibus Pre-Trial Motion, and on August 3, 2006 defendant filed memoranda supporting his position. This court held a hearing concerning both issues on August 4, 2006, and deferred its ruling allowing the Commonwealth to file a brief in support of its position, and the defendant to file any additional briefs. The Commonwealth filed a Brief in Opposition to Defendant's Omnibus Pre-Trial Motion on August 18, 2006, and the defendant filed a response via letter dated August 23, 2006.

PETITION FOR WRIT OF HABEAS CORPUS

Defendant asserts that the Commonwealth has failed to establish a prima facie case of third-degree murder because there is no evidence from which malice aforethought can be inferred. This court finds such argument to be without merit.

Third-degree murder is the unlawful killing of another with malice. *Commonwealth v. Hickson*, 402 Pa. Super. 53, 586 A.2d 393, 395 (Pa. Super. 1990) (citations omitted). As the defendant points out, malice aforethought, the general intent prerequisite to a finding of murder in any degree, has been defined by the Pennsylvania Supreme Court as follows:

... malice aforethought requires a unique state or frame of mind characterized by wickedness, hardness, cruelty, recklessness, and disregard of social duty:

Malice is a legal term, implying much more [than ill-will, spite, or a grudge]. It comprehends not only a particular ill-will, but every case where there is wickedness of disposition, hardness of heart, cruelty, recklessness of consequences, and a mind regardless of social duty, although a particular person may not be intended to be injured. Murder, therefore, at common law embraces cases where no intent to kill existed, but where the state or frame of mind termed malice, in its legal sense, prevailed.

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Malice has been characterized as exhibiting an “*extreme* indifference to human life,” and “may be found to exist not only in an intentional killing, but also in an unintentional homicide where the perpetrator ‘consciously disregarded *an unjustified and extremely high risk* that his actions might cause death or serious bodily harm.’”

Commonwealth v. Ludwig, 583 Pa. 6, 874 A.2d 623, 631-32 (Pa. 2005) (citations omitted) (emphasis added).

This court finds that the defendant’s actions in dangling Ms. Kozluský outside of his 23rd floor apartment building by her wrists could certainly be characterized by a jury as “exhibiting an extreme indifference to human life” and “consciously disregard[ing] an unjustified and extremely high risk that his actions might cause death or serious bodily harm.” *Id.*

The defendant argues that in light of his extreme intoxication and emotionally distressed condition, that defendant was legally incapable of “consciously disregarding any unjustified and extremely high risk that his actions might cause death or serious bodily injury.” And even if he was legally capable of achieving the requisite mental state, that the defendant’s conduct was in no way legally or factually malicious. Further, the defendant asserts that because Ms. Kozluský voluntarily sat on the window sill, that she assumed the risk of sustaining injury or death.

It is well-settled that voluntary intoxication is not a defense to third-degree murder. 18 Pa.C.S. §308. Additionally, consent to bodily injury is only a defense in the context of competitive sporting events or in situations where the consent establishes a justification defense. 18 Pa.C.S. §311(b). Further, assent does not constitute consent if it is given by a person who by reason of intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense. 18 Pa.C.S. §311(c)(2).

Thus, defendant’s argument that he was too intoxicated to act with malice must fail. This court finds that the Commonwealth has presented sufficient evidence to proceed with a third-degree murder charge, and therefore denies the defendant’s Petition for Writ of Habeas Corpus.

OMNIBUS PRETRIAL MOTION TO SUPPRESS STATEMENTS

Defendant argues that statements made to the police should be suppressed because they were obtained in violation of the defendant's constitutional rights. First, defendant asserts that his statements to police must be suppressed due to the fact that defendant underwent custodial interrogation for over two hours before being apprised of his *Miranda* warnings. Pennsylvania courts have set forth the following standard regarding situations in which *Miranda* applies:

There are two separate requirements, custody and interrogation, that have to be found in order for *Miranda* to apply. Police detentions in Pennsylvania become custodial when, under the totality of the circumstances, the conditions and/or duration of the detention become so coercive as to constitute the functional equivalent of arrest.

Interrogation is police conduct calculated to, expected to or likely to evoke admission. The overlying test to determine whether a person is being subjected to a custodial interrogation necessitating *Miranda* warnings is whether he is physically deprived of his freedom in any significant way or is placed in a situation in which he reasonably believes that his freedom of action or movement is restricted by such interrogation.

The standard for determining whether police have initiated a custodial interrogation or an arrest is an objective one, with due consideration given to the reasonable impression conveyed to the person interrogated rather than the strictly subjective view of the troopers or the person being seized.

The factors that the court considers to determine whether there has been a custodial interrogation include: the basis for the detention; its length; its location; whether the suspect was transported against his or her will, how far and why; whether restraints were used; whether the law enforcement officer showed, threatened or used force; and the investigative methods employed to confirm or dispel suspicions.

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Police detentions become custodial when, under the totality of the circumstances, the conditions and/or duration of the detention become so coercive as to become the functional equivalent of an arrest. Arrest is an act that indicates an intention to take a person into custody or that subjects the person to the will and control of the person making the arrest.

Commonwealth v. Turner, 2001 Pa. Super. 79, 772 A.2d 970, 973-74 (Pa. Super. 2001) (citations omitted).

We now turn to the crucial issue of whether custodial interrogation occurred in the instant case. This court must determine if the defendant was in custody at the times he made statements to various members of the Harrisburg City Police Department.

The defendant argues that he was the focus of the investigation from the moment he was detained by Lieutenants Kanish and Jenkins, two passers-by complying with the 911 operator's directive to detain the defendant. Defendant asserts that from the point of this detention, up until his arrest several hours later, he was in custody.

This court finds such argument to lack merit. There is no evidence appearing in the record to indicate that Lieutenants Kanish and Jenkins were dressed in military uniforms, or that they in any way restrained the defendant; rather the two off-duty military officers simply moved the defendant away from Ms. Kozluský's body and stood with him off to the side. This court does not find that these actions in complying with the 911 operator's request to detain the defendant constitute state action.

Additionally, Detective Heffner's contact with the defendant was non-custodial. Detective Heffner testified that when he arrived at Pennsylvania Place the defendant approached him, which is when Heffner asked the defendant what had happened. Detective Heffner's contact with the defendant was very brief, and ended in Heffner asking the defendant if he would go to the police station to answer some further questions. When the defendant agreed to go to the station, Detective Heffner specifically told Officer Lauver, in the defendant's presence, not to book the defendant and that he was only a witness. Additionally, the defendant was not handcuffed or restrained at any point during his brief encounter with Detective Heffner.

Next, this court must look to Officer Lauver's contact with the defendant. At the direction of Detective Heffner, Officer Lauver placed

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the defendant, who was not handcuffed or shackled, into the back of a marked Harrisburg Police Department transport van, and took him to the station. Officer Lauver testified that the defendant had to ride in the back of the van, as do all passengers, due to Department policy. At the station, Officer Lauver and the defendant sat in a roll call room and watched the Olympics on television. Officer Lauver testified that the defendant was not handcuffed or restrained at any time, and that the two made “small talk” during the time that they were together. Under these facts, this court does not find that the defendant was in police custody at the point of his interaction with Officer Lauver.

Additionally, this court finds that Detective Krokos’ questioning of the defendant was non-custodial. Detective Krokos specifically told the defendant that he was free to leave the station, and that they could do the interview at another time. However, the defendant said that he wanted to get the interview over with, and that he would speak to Detective Krokos at that time. Further, the defendant, who was unrestrained, sat at a conference table, close to an open door, while he and Detective Krokos spoke for less than one hour. Under the totality of the circumstances surrounding the interview between Detective Krokos and the defendant, this court does not find that the defendant was in police custody. As such, *Miranda* warnings were not required.

Next, the defendant argues that his statements should be suppressed because his extreme degree of intoxication and state of emotional distress render the statements made involuntary.

In support of his position, defendant cites *Commonwealth v. Holton*, 432 Pa. 11, 247 A.2d 228 (Pa. 1968), where the Supreme Court reversed a defendant’s conviction of various assault, rape and larceny charges, due to the fact that at the time the defendant made incriminating statements he was a “chronic alcoholic” who was “getting the d.t.’s,” was nauseous and had pains in his stomach and head, was sweating, shaking and cold, and requested medical assistance which was refused. Under those facts, the Court held that the defendant’s mental and physical condition rendered the statements involuntary, and thus should have been suppressed. *Holton*, 247 A.2d at 231.

The present case is easily distinguishable from *Holton*. Here, there is no evidence in the record to suggest that the defendant was ever sick or hallucinating, or that he was not capable of forming complete and reasonable thoughts and sentences. This court finds *Commonwealth v. Milligan*, 693 A.2d 1313, 1317 (Pa. Super. 1997) to be controlling.

There, the Superior Court set forth the following standard regarding statements made by an intoxicated defendant:

The fact that an accused has been drinking does not automatically invalidate his subsequent incriminating statements. The test is whether he had sufficient mental capacity at the time of giving his statements to know what he was saying and to have voluntarily intended to say it. Recent imbibing or the existence of a hangover does not make his confession inadmissible, but only goes to the weight to be accorded to it.

Milligan, 693 A.2d at 1317 (Pa. Super. 1997).

In the instant case, although the defendant was obviously under the influence of alcohol at the time of his statements, as evidenced by his blood alcohol content level as well as testimony from Krokos, Heffner, and Lauver, the statements were clearly voluntary. Detective Krokos testified that the defendant was forming complete sentences and was not slurring his speech. Additionally, Detective Krokos testified that the defendant did not change his “story” regarding the night’s events during the hour that the two spoke. This fact is further evidence that the defendant was capable of reasoning and formulating thoughts.

This court finds that the defendant had “sufficient mental capacity at the time of giving his statements to know what he was saying and to have voluntarily intended to say it.” *Id.*

The defendant’s final argument supporting his suppression motion asserts that his due process rights were violated because the police failed to tape his interrogations and destroyed the handwritten notes of his statements.

Presently, there is no requirement in Pennsylvania for police officers to record statements made by defendants. Although not controlling, the Superior Court in *Commonwealth v. Craft*, 447 Pa. Super. 371, 669 A.2d 394 (Pa. Super. 1995), examined this very issue before us today, holding that the due process requirements of the United States and Pennsylvania Constitutions do not require the recording of custodial confessions.

Therefore, although defendant makes many persuasive policy arguments in support of his position that statements should be electronically memorialized, the defendant fails to set forth a compelling reason for this court to interpret the state’s due process clause as requiring such recordings.

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Accordingly, the following is entered:

ORDER

AND NOW, this 4th day of October, 2006, IT IS HEREBY ORDERED that both the Defendant's Petition for Writ of Habeas Corpus and Omnibus Pretrial Motion are DENIED.

—————o—————

FIRST PUBLICATION

Estate Notices

ESTATE OF NANNIE PEARL TOMLINSON, late of Harrisburg, Dauphin County, Pennsylvania (died October 8, 2006). Executor: Willie Tomlinson, Jr., 2951 North 6th Street, Harrisburg, PA 17110. Attorney: John J. Krafzig, Jr., Esq., 2921 North Front Street, Harrisburg, PA 17110.

o27-n10

ESTATE OF KATHERINE P. WISEMAN, late of Lower Paxton Township, Dauphin County, Pennsylvania (died September 14, 2006). Executrix: Mary Jo Pollock, Cincinnati, OH. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. Phone (717) 541-5550.

o27-n10

ESTATE OF INEZ E. HOOPES, late of Lower Paxton Township, Dauphin County, Pennsylvania (died September 28, 2006). Co-Executors: Donald K. Hoopes, 1204 Springfield Street, Harrisburg, PA 17112 and Arden N. Hoopes, 2311 Fox Hollow Drive, Harrisburg, PA 17112. Attorney: David A. Wion, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101.

o27-n10

ESTATE OF CLARENCE BAGLEY, III, late of Dauphin County, Pennsylvania (died May 8, 1997). Executrix: Carolyn J. Byrd, 1501 W. Chew Street, Philadelphia, PA 19141. Attorney: Gregory M. Feather, Esq., 1300 Linglestown Road, Harrisburg, PA 17110.

o27-n10

ESTATE OF CLAIR A. GABLE, late of the Township of Middle Paxton, Dauphin County, Pennsylvania. Administrator: Thomas L. Taylor, 171 Oakwood Avenue, Dauphin, PA 17018. Attorney: James H. Turner, Esq., Turner and O'Connell, 4415 North Front Street, Harrisburg, PA 17110.

o27-n10

SECOND PUBLICATION

ESTATE OF JOHN T. McNELLIS, late of Harrisburg, Dauphin County, Pennsylvania (died September 2, 2006). Executrix: Brenda E. Cipriani, 211 Eddington Avenue, Harrisburg, PA 17111. Attorney: Paul Taneff, Esq., Ricci & Taneff, 4219 Derry Street, Harrisburg, PA 17111.

o20-n3

ESTATE OF ISAIAH J. HYMON, JR., late of Harrisburg, Dauphin County, Pennsylvania (died March 11, 2003). Co-Executors: James L. Hymon, Sr., 1720 Forster Street, Harrisburg, PA 17103 and Denise A. Hymon Brown, 1000 Holland Avenue, Apt. C-1, Cayce, SC 29033. Attorney: Samuel T. Cooper, III, Esq., 213 Market Street, 8th Floor, Harrisburg, PA 17101.

o20-n3

ESTATE OF CONSTANCE L. TELESKY, late of West Hanover Township, Dauphin County, Pennsylvania. Executrix: Daria White, 126 Wescott Drive, Pittsburgh, PA 15237. Attorney: Charles J. DeHart, III, Esq., Caldwell & Kearns, 13 East Main Street, Hummelstown, PA 17036.

o20-n3

ESTATE OF HARRIET E. FORD, late of the City of Harrisburg, Dauphin County, Pennsylvania (died August 16, 2006). Executor: Charles W. Ford, Jr., 1500 Herr Street, Apt. A, Harrisburg, PA 17103. Attorney: Jeffrey M. Mottern, Esq., 28 East Main Street, P.O. Box 87, Hummelstown, PA 17036.

o20-n3

ESTATE OF ALMA REED, late of the Township of Upper Paxton, Dauphin County, Pennsylvania (died September 2, 2006). Co-Executors: Robert D. Reed, 87 Clarks Valley Road, Tower City, PA 17980 and Debra E. Bellis, 520 North Street, Lykens, PA 17048. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023.

o20-n3

SECOND PUBLICATION

Estate Notices

ESTATE OF VIOLA R. ZEIGLER, late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Joan V. Hamilton. Attorney: Samuel L. Andes, Esq., 525 N. 12th Street, Lemoyne, PA 17043. o20-n3

ESTATE OF LUTHER BULLOCK, late of Harrisburg, Dauphin County, Pennsylvania (died January 3, 2006). Executrix: Audrey Fluellen, 523 Peffer Street, Harrisburg, PA 17102. Attorney: Thomas P. Gacki, Esq., 213 Market Street, 8th Floor, Harrisburg, PA 17101. o20-n3

ESTATE OF LENA E. RUSSO, late of Middletown Borough, Dauphin County, Pennsylvania (died September 23, 2006). Executor: Paul M. Russo, 114 Oak Hill Drive, Middletown, PA 17057. Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Phone (717) 944-1333. o20-n3

ESTATE OF NORMAN C. REISMILLER, late of the Borough of Middletown, Dauphin County, Pennsylvania. Executor: Keith Ray Reismiller, 136 Dock Street, Middletown, PA 17057. Attorney: Charles J. DeHart, III, Esq., Caldwell & Kearns, 13 East Main Street, Hummelstown, PA 17036. o20-n3

ESTATE OF ETHEL L. SHOOP, late of Wayne Township, Dauphin County, Pennsylvania (died September 8, 2006). Executor: Edwin E. Shoop, 282 Dividing Ridge Road, Halifax, PA 17032. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Phone (717) 234-5600. o20-n3

ESTATE OF SANDRA P. MORIARTY, late of Susquehanna Township, Dauphin County, Pennsylvania (died September 29, 2006). Executor: Sean P. Moriarty. Attorney: Robert R. Church, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963. o20-n3

ESTATE OF HELEN G. DUBLE, late of Dauphin County, Pennsylvania (died June 8, 2006). Executrix: Sandra L. Barlogh. Attorney: Michael Cherewka, Esq., 624 North Front Street, Wormleysburg, PA 17043. o20-n3

THIRD PUBLICATION

ESTATE OF JAMES HARVEY TAYLOR, late of Lower Paxton Township, Dauphin County, Pennsylvania (died August 16, 2006). Executor: David Harvey Taylor, 333 North 29th Street, Camp Hill, PA 17011. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. o13-o27

ESTATE OF BRUCE H. HOOVER, late of the Township of Washington, Dauphin County, Pennsylvania (died July 19, 2006). Executor: Jeffrey B. Hoover, 91 Scotch Pine Drive, Rochester, NY 14616. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. o13-o27

ESTATE OF RALPH G. CLARK, late of South Hanover Township, Dauphin County, Pennsylvania (died August 18, 2006). Executor: Larry G. Clark, 308 North Hanover Street, Hershey, PA 17033. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033. o13-o27

THIRD PUBLICATION

Estate Notices

ESTATE OF JANNIE MAE MEREDITH a/k/a JANIE MAE MEREDITH, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Thelma V. Jenkins. Attorney: Churchill H. Huston, Esq., Wilkes & McHugh, P.A., One Liberty Place, 1650 Market Street, Suite 3175, Philadelphia, PA 19103. o13-o27

ESTATE OF SOLOMON JOHNSON, late of the City of Harrisburg, Dauphin County, Pennsylvania (died June 12, 2006). Executor: Robin Walker, 1830 North Street, Harrisburg, PA 17103. o13-o27

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania in Harrisburg on October 16, 2006, for the purpose of obtaining a Certificate of Incorporation for a new business corporation organized under the provisions of the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, 15 Pa.C.S. Sections 1101, et seq., as amended.

The name of the new corporation is **HNB BANCORP, INC.**

BYBEL RUTLEDGE LLP
1017 Mumma Road, Suite 302
Lemoyne, PA 17043
o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation for a Professional Corporation were filed in the Department of State of the Commonwealth of Pennsylvania for **Timeshares Only Inc.** on October 2, 2006 under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about October 11, 2006, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, 15 Pa.C.S. Sec. 1306.

The name of the corporation is **CCHTec, Inc.**, and the purposes for which it is to be organized is the sale of baked goods and coffee and all such related business which the Board of Directors may legally enter into.

The address where articles are available for review is: 2041 Herr Street, Harrisburg, PA 17103-1624. o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation for a Domestic Corporation were filed in the Department of State of the Commonwealth of Pennsylvania for **Phoenix Property Redevelopment, Corporation** on October 4, 2006 under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on October 4, 2006, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is **10 S. Union Street, Inc.** The registered office is at 1527 Creekbed Drive, Harrisburg, Dauphin County, Pennsylvania 17110-2905. The purpose of the corporation is: to operate a restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

STEVE C. NICHOLAS, Esq.
Nicholas Law Offices, P.C.
2215 Forest Hills Drive, Suite 37
Harrisburg, PA 17112-1099
(717) 540-7746
o27

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for **RED ROSE MOTEL, INC.** on the 18th day of October, 2006, under the provisions of the Business Corporation Law of 1988, as amended.

o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for **MAD DOG SALES, INC.** on the 22nd day of September, 2006, under the provisions of the Business Corporation Law of 1988, as amended.

o27

NOTICE IS HEREBY GIVEN that **Derry Psychiatric Services PC**, a Pennsylvania Professional Corporation under the laws of the Commonwealth of Pennsylvania, with its principal place of business at 875 Stoverdale Road, Hummelstown, Pennsylvania 17036, has filed its request for Articles of Incorporation for Profit from the Department of State of the Commonwealth of Pennsylvania on October 10, 2006.

KEVIN M. SCOTT, Esq.
Saul Ewing LLP
Two North Second Street, 7th Floor
Harrisburg, PA 17101

o27

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 **P.J. Fitzpatrick, Inc.** on September 27, 2006. The address of its principal office under the laws of its jurisdiction is 21 Industrial Boulevard, Southgate Center, New Castle, DE 19720. The commercial registered office provider for this corporation is PennCorpServiceGroup, Inc., in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124.

o27

NOTICE IS HEREBY GIVEN:

1. The undersigned, Questions & Solutions Engineering, Inc., a Minnesota corporation, has applied for a Certificate of Authority under the provisions of the Pennsylvania Business Corporation Law of 1988.
2. The name of the corporation: **Questions & Solutions Engineering, Inc.**, a Minnesota corporation.
3. The address of the principal office in the State of Minnesota: 1079 Falls Curve, Chaska, Minnesota 55318.
4. Registered office address in the Commonwealth of Pennsylvania: c/o InCorp Services, Inc., 600 North Second Street, Suite 500, Harrisburg, Pennsylvania 17101. Executed this 16th day of October, 2006, by a duly authorized officer of the corporation.

QUESTIONS & SOLUTIONS
ENGINEERING, INC.

o27

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 **TRANSWHEEL CORPORATION** on October 11, 2006. The address of its principal office under the laws of its jurisdiction is 3000 Yeoman Way, Huntington, IN 46750. The commercial registered office provider for this corporation is National Registered Agents, Inc., in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124.

o27

NOTICE IS HEREBY GIVEN that the Certificate of Authority was filed on May 25, 2006 for the purpose of obtaining a Certificate of Authority pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa.C.S. Section 1101. The name of the corporation is **Notary Rotary, Inc.**

The purpose for which the corporation is organized is for the purpose or purposes involving pecuniary profit, incidental or otherwise.

o27

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that on October 5, 2006, Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA for the purpose of obtaining a charter of a nonprofit corporation organized under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania.

The name of the corporation is: **RICHARD TRAMONTINA COOK and RUTH PAULINE BURK COOK**. The purpose for which it was organized is as follows: exclusively for charitable, scientific and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986.

ANTHONY J. NESTICO, Esq.
Nestico, Druby & Hildabrand, LLP
840 East Chocolate Avenue
Hershey, PA 17033

o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 12, 2006, by **NanoVec, Inc.**, a foreign business corporation formed under the laws of the State of Delaware, where its principal office is located at 3701 Market Street, 3rd Floor, Philadelphia, PA 19104, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County.

o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **B.P.C. ENTERPRISES, INC.**, a corporation, organized under the Pennsylvania Business Corporation Law of 1988.

o27

NOTICE IS HEREBY GIVEN that **EcoBroker International, Inc.**, a foreign (Colorado) business corporation incorporated under the laws of the State of Colorado, where its principal office is located at 29029 Upper Bear Creek Road #202, Evergreen, CO 80439 has been granted a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Registered Agent Solutions, Inc., 300 N. Second Street #300, Harrisburg, PA 17101. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. EcoBroker International provides continuing education which leads to the EcoBroker Certified® Designation for real estate professionals. Coursework focuses on environmental, energy efficiency, and green market issues in real estate. Please contact EcoBroker International at www.ecobroker.com or 800-706-4321 for more information.

o27

NOTICE IS HEREBY GIVEN that the Certificate of Authority was filed on September 25, 2006 for the purpose of obtaining a Certificate of Authority pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa.C.S. Section 1101. The name of the corporation is **STAMACK USA, INC.**

The purpose for which the corporation is organized is to engage in any and all lawful acts pertaining to acquisition, development and construction of real estate.

o27

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 **Cambridge-Pennsylvania, Inc.** on October 19, 2006. The address of its principal office under the laws of its jurisdiction is 4085 Embassy Parkway, Akron, OH 44333. The commercial registered office provider for this corporation is Capitol Corporate Services, Inc., in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124.

o27

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 17, 2006, by **PFIC TENNESSEE AGENCY, INC.**, a foreign corporation formed under the laws of the State of Tennessee, where its principal office is located at c/o PFIC Corporation, 810 Crescent Centre Drive, Suite 400, Franklin, TN 37064, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 6, 2006, by **TALECRIS PLASMA RESOURCES, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that **X-TEL COMMUNICATIONS, INC.**, a Illinois Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 16, 2006, by **HILB ROGAL & HOBBS OF APPLETON, INC.**, a foreign corporation formed under the laws of the State of Wisconsin, where its principal office is located at 122 E. College Avenue, Appleton, WI 54911, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 16, 2006, by **STEPHEN GOULD CORPORATION**, a foreign corporation formed under the laws of the State of New Jersey, where its principal office is located at 35 South Jefferson Road, Whippany, NJ 07981, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 18, 2006, by **HARMONY INFORMATION SYSTEMS, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 12, 2006, by **FILTRONA INDUSTRIAL CORPORATION**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 13, 2006, by **QUALCOMM FLARION TECHNOLOGIES, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o CSC, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **INTERNATIONAL CANINE ASSOCIATION, INC.**, a corporation, organized under the Pennsylvania Business Corporation Law of 1988. o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 11, 2006, by **NATIONAL ELEVATOR INSPECTION SERVICES, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **SUNSHINE OIL, INC.**, a corporation, organized under the Pennsylvania Business Corporation Law of 1988. o27

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on October 12, 2006, by **FXFOWLE ARCHITECTS, P.C.**, a foreign corporation formed under the laws of the State of New York, where its principal office is located at 22 W. 19th Street, New York, NY 10011, for a Certificate of Authority to do business in Pennsylvania 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 c/o Corporation Service Company, Dauphin County, Pennsylvania. o27

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Pattz' VendCo**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 19 North 18th Street, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 18th day of October, 2006 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only persons owning or interested in the said business are: John N. and Carrie M. Patterson. o27

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

NOTICE IS HEREBY GIVEN that the **Tax Claim Bureau of Dauphin County, Pennsylvania**, has presented its return to the Court of Common Pleas of Dauphin County, Pennsylvania, in regard to the tax sale held September 18, 2006, for the delinquent taxes for the year of 2004 by said Court of Common Pleas and the return has been filed in the office of the Prothonotary of Dauphin County, Pennsylvania to No. 2006 CV 4139 MP.

Objections or exceptions to such report may be filed by any owner or lien creditor within thirty (30) days from October 18, 2006, otherwise the return will be confirmed absolutely.

F. R. MARTSOLF, Esq., Solicitor
Dauphin County
Tax Claim Bureau

STEVEN L. HOWE, Director
Dauphin County
Tax Claim Bureau

o27

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

No. 2005 CV 581

EQUITY ONE, INC., Plaintiff

vs.

**TRACEY FINLEY, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and Real
Owner,**

and

**VICTOR STEELE, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and Real
Owner,**

and

**ALEXANDRIA SIZER, Known Surviving
Heir of Leola Steele, Deceased Mortgagor
and Real Owner,**

and

**ALEXANDER STEELE, JR., Known
Surviving Heir of Leola Steele, Deceased
Mortgagor and Real Owner,**

and

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, and ALL PERSONS, FIRMS, or
ASSOCIATIONS CLAIMING RIGHT,
TITLE or INTEREST FROM or UNDER
LEOLA STEELE, Deceased MORTGAGOR
and REAL OWNER, Defendants**

TAKE NOTICE: Your house (real estate) at 1931 Briggs Street, Harrisburg, PA 17103 is scheduled to be sold at Sheriff's Sale on Thursday, January 11, 2007 at 10:00 a.m. in the Administrative Building, 4th Floor, Commissioner's Hearing Room, Second and Market Streets, Harrisburg, PA 17101 to enforce the Court Judgment of \$19,983.70 obtained by Equity One, Inc.

A.T.C. lot or piece of ground situate in the 15th Ward, City of Harrisburg, Dauphin County, PA.

Front: 20 feet Depth: 110 feet

Tax Parcel Number: 15-009-019

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.

FIRST PUBLICATION

Miscellaneous Notices

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

PINA S. WERTZBERGER, Esq.
Milstead & Associates, LLC
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

o27

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

No. 2006 CV 4004 QT

**NOTICE OF
QUIET TITLE ACTION**

**ELIAS HORNBERGER, and
TINA HORNBERGER, Plaintiff**

vs.

**KEITH JOSEPH MARTIN, REALTY
ASSET PROPERTIES, LTD, and
NORA L. PLOTT, Defendants**

**TO: KEITH JOSEPH MARTIN,
REALTY ASSET PROPERTIES, LTD,
and NORA L. PLOTT**

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2006 CV 4004 QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Elias Hornberger and Tina Hornberger has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

ALL THAT CERTAIN tract and parcel of land and premises situate, lying and being in the City of Harrisburg, Dauphin County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the western side of South Thirteenth Street, distant northwardly sixty (60) feet from Hunter Avenue; THENCE northwardly along the line of South Thirteenth Street twenty (20) feet to the line of Lot No. 28 on Plan of Lots laid out by the heirs of William Calder, deceased, recorded in Dauphin County in Plan Book "A", Page 111; THENCE westwardly along the line of said lot 120.59 feet to Prune Avenue; THENCE southwardly along the line of Prune Avenue, twenty (20) feet to the line of Lot No. 26 upon the Plan of Lots aforesaid; and THENCE eastwardly along the line of said Lot 119.92 feet to the Place of BEGINNING.

HAVING thereon erected a frame dwelling house known as No. 414 South Thirteenth Street, Harrisburg, Pennsylvania.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE YOUR DEFENSES OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR 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

STUART J. MAGDULE, Esq.
Smigel, Anderson & Sacks, LLP
4431 North Front Street
Harrisburg, PA 17110
(717) 234-2401

o27

FIRST PUBLICATION

Miscellaneous Notices

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

No. 2006 CV 4206 NC

**PETITION FOR
CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that a Petition for Change of Name of Minor Child **Hunter James Klouser** was filed in the above named court, requesting a decree to change the minor child's name to **Hunter James Green** pursuant to 54 Pa.C.S.A. Section 702 et seq. A Name Change hearing is scheduled for November 20, 2006, at 1:30 p.m. in Courtroom No. 3, Third Floor, Dauphin County Courthouse, Front and Market Streets, Harrisburg, Pennsylvania, when and where all persons interested may appeal and show cause if any they have, why the prayer for the said petition should not be granted.

EMILY LONG HOFFMAN, Esq.
105 N. Front Street
Harrisburg, PA 17108-1475
(717) 233-1112

o27

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

CIVIL ACTION – IN EQUITY

**AUGUST TERM,
2006, No. 002336**

**SQUIRREL HILL ASSOCIATES
(L.P.) et al., Plaintiff**

vs.

**SQUIRREL HILL COMMUNITY
ASSOCIATION, INC., Defendant**

NOTICE IS HEREBY GIVEN that Squirrel Hill Associates (L.P.) and FRP Community Housing Corp. (G.P.) have brought a declaratory action against the Squirrel Hill Community Association, Inc., requesting that they be freed

from their obligations under the lease entered into by the parties on September 16, 1986, for the use and maintenance of a certain parcel of land owned by Squirrel Hill Associates, located at 1024-28 South 48th Street, Philadelphia, Pennsylvania 19143 as a public park.

NOTICE

IF YOU WISH TO DEFEND against the claims, you must take action within twenty (20) days after this notification by entering a written appearance personally or by attorney and filing your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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Miscellaneous Notices

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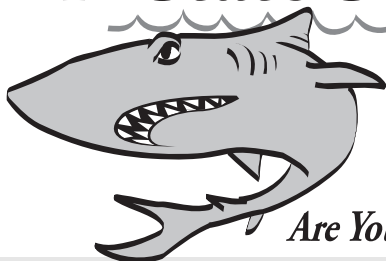
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The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made 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

OCTOBER 2006
NOVEMBER 2006

Judge Scott A. EVANS
Judge Todd A. HOOVER

Opinions Not Yet Reported

October 4, 2006 – Turgeon, J., **Chapman-Rollé v. Rollé** (No. 917 DR 2002; PACSES 429104480)

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Opinions Not Yet Reported

October 4, 2006 – Kleinfelter, J., **Peterson v. State Farm Fire & Casualty Company, et al.** (No. 2003 CV 4018)

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