



# Dauphin County Reporter ADVANCE SHEET

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by the  
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**Estate Notices**

**DECEDENTS ESTATES**

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

**FIRST PUBLICATION**

**Estate Notices**

ESTATE OF MARION J. YAKOWICZ A/K/A MARION JANE YAKOWICZ, late of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania. Executor: Robert C. Schwenk, 217 N Walnut Street, Apt A, Mechanicsburg, PA 17055. Attorney: John F. Lyons, Esquire, Attorney at Law, 112 Walnut Street, Harrisburg, PA 17101. j6-20

ESTATE OF VIVIAN M. JOCKERS A/K/A VIVIAN MARY JOCKERS, (died: December 6, 2016), late of Derry Township, Dauphin County, Pennsylvania. Executor: David W. Jockers c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Vivian M. Jockers c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. j6-20

ESTATE OF JACKIE B. GILBERT, (died: November 14, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Leslie M. Bistline, of Marietta, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. j6-20

ESTATE OF JANE A. CLARKE, A/K/A JANE ANN CLARKE, (died: November 15, 2016), late of Dauphin County, Pennsylvania. Executrix: Rebecca Oliver, 118 Pine Needle Drive, Newport, PA, 17074. Attorney: Steven J. Schiffman, Esq., SCHIFFMAN, SHERIDAN & BROWN, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. j6-20

ESTATE OF HELEN BEYERS-BEEBE, late of West Hanover Township, Dauphin, County of Dauphin, Commonwealth of Pennsylvania. Attorney: Heather D. Royer, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110. j6-20

that the second part is unconstitutional - is DENIED.<sup>4</sup> All other grounds raised by Plaintiff seeking dismissal of the Grandparent-Intervenors from this action are additionally DENIED.

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**In re: Adoption of Baby Boy Lundon**

**Adoption -Termination of Parental Rights - Consent**

Father, incarcerated in a state correctional facility, appealed the court's order terminating his parental rights to an infant son with whom he had never made contact. Mother appealed the court's confirmation of her consent to voluntary termination of her parental rights. The child had bonded and is flourishing physically and emotionally with his adoptive parents.

1. In terminating the rights of a parent to their child, the court must give primary consideration to the developmental, physical and emotional needs and welfare of the child. 23 Pa.C.S.A. § 2511(b). Intangibles such as love, comfort, security, and stability are involved when inquiring about the needs and welfare of the child. The court must also discern the nature and status of the parent-child bond, paying close attention to the effect on the child of permanently severing the bond. *In re C.P.*, 901 A.2d 515, 520 (Pa. Super. Ct. 2006).
2. Incarceration alone is not a sufficient basis for termination of parental rights. *In re Adoption of McCray*, 331 A.2d 652, 655 (Pa. 1975).
3. If the length of a parent's incarceration will preclude the court from unifying the former prisoner and the child with the permanent home to which he or she is entitled, then the length of sentence, standing alone, should and does meet the legal criteria for involuntary termination of the incarcerated parent's parental rights under 23 Pa. C.S.A. § 2511(a). *In re R.I.S.*, 36 A.3d 567, 576 (PA.2011). A parent who is incapable of performing parental duties is just as parentally unfit as one who refuses to perform the duties. *In re Adoption of J.J.*, 515 A.2d 883, 891 (Pa. 1986).
4. Consents to voluntarily terminate parental rights are irrevocable after more than thirty (30) days after execution. 23 Pa.C.S.A. § 2711(c)(1)(ii). Further, consents may not be challenged on the basis of fraud or duress after sixty (60) days following the birth of the child. 23 Pa.C.S.A. § 2711(c)(3)(i)(A).

Pa.R.A.P. 1925 Opinion. C.P., Dau. Co., No. 108-AD-2015

*Mark T. Silliker*, for the Adoptive Parents

*Gail G. Souders*, for Biological Father at hearings  
*Wendy J. F. Grella*, for Biological Father on Appeal

*Roy L. Galloway*, for Biological Mother at hearings  
*Yvonne M. Husic*, for Biological Mother on Appeal

*Heather L. Paterno*, Guardian Ad Litem for Baby Boy Lundon

Serratelli, J., December 10, 2016

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<sup>4</sup> This court notes that it would entertain a petition seeking permission to appeal this interlocutory order, if requested. 42 Pa.C.S.A. § 702(b); Pa.R.A.P. 1311

OPINION

Bernard Odell Everson, III (hereinafter “Father”) filed a Notice of Appeal on November 7, 2016 to this court’s October 7, 2016 Order granting Sarah and Jeremy Hoffman’s (collectively “The Hoffmans”) Amended Petition for Involuntary Termination of Parental Rights. This Court issued a 1925(b) request for Father to prepare his Concise Statement of Errors complained of on appeal. While Father did not designate his appeal “Fast Track”, the Superior Court has designated the matter as such. Father’s court-appointed counsel filed a Statement of Errors/Matters Complained of on Appeal on December 13, 2016. On appeal Father asserts that this court “committed prejudicial error and/or abused its discretion in terminating [Father’s] parental rights under 23 Pa. C.S.A § 2511” in the following three areas:

- (1) Sarah Hoffman, the adoptive mother, and her counsel, failed to timely notify Father of the adoption of the subject child (hereinafter “Baby Boy”)<sup>1</sup>,
- (2) Father and his family were previously informed that Baby Boy had been stillborn<sup>2</sup>,
- (3) Takeyshia Bowers (hereinafter “Mother”) failed to inform Father that she voluntarily consented to the adoption proceedings and Father was never permitted to exercise his parental duties<sup>3</sup>.

This appeal stems from proceedings initiated by The Hoffmans regarding an Amended Petition for Involuntary Termination of Parental Rights of Father and a Petition to Confirm Consent to Termination of Parental Rights of Mother. An initial hearing was held on September 19, 2016 before this court. A continuation hearing was held on October 5, 2015, at which time this court: (1) confirmed the consent to an adoption signed by Mother on July 3, 2015 and (2) granted the involuntary termination of Father’s parental rights. This court issued an order on October 7, 2016 documenting these holdings. This Opinion is issued in response to Father’s Statement of Errors Complained of on Appeal and in accordance with Pa. R.A.P. Rule 1925(a).

Factual History

Father, age 32 is the father of two children, ages 11 and 9 who reside in Virginia with their mother. He is also the biological father of Baby Boy. Baby Boy was conceived on Father’s birthday, August 7, 2014, and was born on Mother’s birthday, May 14, 2015. *Tr. of Proceedings*, 10/05/16, p. 20.

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<sup>1</sup> As required by Pa. R.A.P. Rule 1925(b)(4), “[t]he Statement shall set forth only those rulings or errors that the appellant intends to challenge.” This alleged error does not discern how *this court* erred in ruling to involuntarily terminate Father’s parental rights under 23 Pa. C.S.A § 2511(a)(2) (relating to Father’s repeated and continued incapacity that caused Baby Boy to be without essential parental care, control or subsistence necessary for his physical and mental well-being), § 2511(a)(6) (relating to Father’s failure, for a period of four months preceding the filing of the Amended Petition, to make reasonable efforts to maintain substantial and continuing contact with Baby Boy and Father’s failure to provide substantial financial support for Baby Boy), and § 2511(b) (relating to the primary consideration of Baby Boy’s developmental, physical and emotional needs and welfare).

<sup>2</sup> Again this alleged error does not explain or indicate how *this court* committed prejudicial error or abused its discretion in granting the involuntary termination of Father’s parental rights.

<sup>3</sup> This alleged error fails to implicate how this court committed prejudicial error or abused its discretion because of Mother’s failure to inform Father that she voluntarily consented to these adoption proceedings. Furthermore, prior to its October 7, 2016 Order, this court did not make any ruling that would have prevented Father from exercising his parental duties.

Father testified he was in regular contact with Mother and that they were on their way to being "together" but not quite there yet. Mother did not contact Father when she went into labor. However, she finally called Father on May 17, 2015 to tell him the baby was stillborn. Initially, Father was not interested in speaking to Mother until she called a second time to tell him of the baby's alleged death. Father was very angry that he did not have the chance to be there during the labor and "cussed out" Mother, calling her names. *Id.* at 22. He "completely snapped out" over the phone. *Id.*

Mother was so disturbed and frightened that she contacted the authorities and filed criminal charges for terroristic threats against Father, as well as a Protection from Abuse petition. At the time Mother and Father spoke on May 17, 2015, Father had been free on bail for charges relating to the simple assault and aggravated assault of two different women. As a result of these new charges, his bail was revoked and he was arrested and incarcerated on May 19, 2015. Father later pled guilty to these charges. Consequently, Father is currently serving a prison sentence of five to fifteen years in a state correctional facility.

Father testified that Mother had never expressed to him that she was struggling with the fact of whether or not she wanted to keep the baby. He eventually learned from Mother that the baby was indeed alive at the end of December 2015. Then in early January 2016, Father learned from Mother that Baby Boy was in a pre-adoptive home. On January 21, 2016, Father wrote a letter from prison which he sent to Mother to give to her attorney to send to The Hoffmans' attorney, Mark Silliker, (hereinafter "Attorney Silliker"). *Tr. of Proceedings*, 09/15/16, p. 178-79. The letter indicated that Father wanted to retain his rights to his son. *Id.* at 179.

In March 2016, Father was incarcerated in the state correctional facility in Camp Hill, PA to serve his sentence. In mid-April 2016, he received an amended petition from Attorney Silliker for the involuntary termination of his parental rights. Father drafted a letter to the judge who had sentenced him on his criminal charges, requesting the appointment of counsel. The Clerk of the Orphans Court sent Father an application for counsel and eventually Attorney Gail G. Sounders was appointed.

Father admitted that from the time he learned that Baby Boy was alive, he did not directly reach out to make contact with him. He had his attorney present his position opposing the termination of his parental rights through the legal system, but did not send money, gifts, cards, clothing, or diapers. Moreover, he admitted that his extended family whom he claimed could have cared for Baby Boy since birth, did not reach out to help Mother nor did they send any money, gifts, clothing or any essential items to The Hoffmans. Father further admitted that he will not be able to do much if anything for Baby Boy for at least his minimum sentence, or potentially much longer.

It is important to note that Father has two other children who live in Virginia and with whom he has remained in contact by letter and by telephone calls, despite his incarceration. Father knew Baby Boy was alive by either later December 2015 or early January 2016. He did nothing to establish a relationship with his son nor care for his needs during the time leading up to his receipt of the Amended Petition to Terminate Parental Rights in April of 2016.

#### Discussion

In terminating the rights of a parent to their child, the court must give primary consideration to the developmental, physical and emotional needs and welfare of the child. 23 Pa. C.S.A. § 2511(b). Furthermore:

An inquiry into whether termination of parental rights would best serve the developmental, physical and emotional needs and welfare of the child is a distinct aspect of a termination hearing, to be undertaken only after the statutory requirements of section 2511(a) have been met. Intangibles such as love, comfort, security, and stability are involved when inquiring about the needs and welfare of the child. The court must also discern the nature and status of the parent-child bond, paying close attention to the effect on the child of permanently severing the bond.

In re C.P., 901 A.2d 516, 520 (Pa. Super. Ct. 2006) (internal citations omitted). Overall, the “burden of proof is on the party seeking termination to establish by clear and convincing evidence the existence of grounds for doing so.” In re Z.P., 994 A.2d 1108, 1116 (Pa. Super. Ct. 2010) (citing In re Adoption of A.C.H., 803 A.2d 224, 228 (Pa. Super. Ct. 2002)) (internal quotations omitted).

Lengthy hearings were held to consider both the Amended Petition to Involuntarily Terminate the Parental Rights of Father and the Petition to Confirm the Consent of Mother. Testimony was presented by The Hoffmans that they had received nothing in terms of support, gifts, cards or any type of contact by Father, or from his family on his behalf, since they assumed physical custody of Baby Boy with Mother’s permission on May 16, 2015. An expert witness, Dr. Kasey Shienvold, testified on The Hoffmans’ behalf that Baby Boy had formed a strong bond with them. Baby Boy had never met his father who, by the time Mother told him the truth of the live birth, had been incarcerated in state prison for a five to fifteen-year sentence. Father made no effort to provide for or contact Baby Boy, despite his incarceration. As the Guardian Ad Litem noted, this court must, in light of the applicable case law, “take into consideration the timing of [Father’s] incarceration, the minimum and the maximum . . . [along with] what type of relationship can be developed . . .” *Tr. of Proceedings*, 10/05/16, p. 91.

The Pennsylvania Supreme Court opined over thirty years ago that incarceration alone is not a sufficient basis for termination of parental rights. In re Adoption of McCray, 331 A.2d 652, 655 (Pa. 1975). The Superior Court subsequently recognized that the decision in McCray considered the effect of incarceration on abandonment which is encompassed in Section 2511(a)(1). In re Adoption of S.P., 32 A.3d 723, 731 (Pa. Super. Ct 2011). In the more recent case of In re Adoption of S.P., 47 A.3d 817 (Pa. 2012), the Pennsylvania Supreme Court explained:

Applying in McCray the provision for termination of parental rights based upon abandonment, now codified as Sec. 2511(a)(1), we noted that a parent ‘has an affirmative duty to love, protect and support his child and to make an effort to maintain communication and association with that child.’

In re Adoption of S.P., 47 A.3d at 828.

The Pennsylvania Supreme Court in In re Adoption of S.P. reached the question of when grounds for termination of parental rights may be satisfied by a parent’s incarceration. Id. at 827. The case raised “incapacity” as grounds for termination under Section 2511(a)(2) rather than “abandonment” as in McCray. Id. at 822.<sup>4</sup>

<sup>4</sup> The Superior Court had acknowledged that application of the “McCray rule” had proven to be difficult because the true issue at hand for the incarcerated parent is “incapacity that precludes day-to-day interactions and activities normally attendant to a parent-child relationship.” In re Adoption of S.P., 47 A.3d at 822 (quoting In re Adoption of S.P., 32 A.3d at 731).

The record in the case before this court demonstrates that Father faces a long sentence ahead of him. Even optimistically, it will be a minimum of three and one-half years, but more likely five, before Father can begin to have the ability to care for Baby Boy. Father attempted to argue that the first few years do not matter because Baby Boy will not remember those years. Of course, Father's opinion flies in the face of the expert opinion presented on the importance of bonding for an infant during his formative years.

Recently in *In re R.I.S.*, 36 A.3d 567, 572 (Pa. 2011) the Pennsylvania Supreme Court reiterated the principle that the Court has never abandoned, i.e. that a parent's incarceration, standing alone, cannot constitute proper grounds for the termination of his or her parental rights. However, the Court noted in a footnote that “[w]e make no ruling with respect to the involuntary termination of parental rights grounded on the prohibitive length of a parent's sentence of incarceration.” *Id.* at 574. The Court further held that if the length of a parent's incarceration will preclude the court from unifying the former prisoner and the child with the permanent home to which he or she is entitled, then the length of sentence, standing alone, should and does meet the legal criteria for involuntary termination of the incarcerated parent's parental right under 23 Pa. C.S.A. § 2511(a). *Id.* at 576. Furthermore, the court may consider the fact that Father knew his infant son was alive for four months preceding the filing of the amended petition to terminate his parental rights and failed to make substantial and continuing contact with the child and failed to pay substantial support for the child. 23 Pa. C.S.A. § 2511(a)(6). Based on these factors, the court may terminate Father's parental rights. Quoting the Supreme Court:

A decision to terminate parental rights, never to be made lightly or without a sense of compassion for the parent, can seldom be more difficult than when termination is based upon parental incapacity. The legislature, however, in enacting the 1970 Adoption Act, concluded that a parent who is incapable of performing parental duties is just as parentally unfit as one who refuses to perform the duties.

In re Adoption of J.J., 515 A.2d 883, 891 (Pa. 1986).

As in *In re Adoption of S.P.*, 47 A.3d 817 (Pa. 2012), this court finds that Father has been incarcerated since Baby Boy's birth and never provided the child with essential parental care. Father, by his own admission, acted out violently and inappropriately toward Mother when she tried to first contact him following the birth of Baby Boy. She filed a Protective from Abuse petition against him out of fear. Further the record shows Father's extremely bad judgment and lack of anger control in assaulting two other women, which resulted in a long sentence and consequently created his incapacity to meet his parental duties.

Findings of Fact

Based on the testimony presented by The Hoffmans and their witnesses, this court made the following findings of fact:

1. Father is a 32-year-old man, with three children, one of whom is Baby Boy.
2. Father's two older children, ages 11 and 9, live with their mother in Virginia.
3. Father and Mother had a casual intimate relationship when they conceived Father's third child, Baby Boy in August 2014.
4. Father was told immediately by Mother when she discovered she was pregnant.
5. Neither Father nor his extended, large family gave Mother any emotional or financial support during the pregnancy.

6. Mother did not tell Father when she went into labor and gave birth to Baby Boy on May 14, 2015.
7. On May 17, 2015, Mother told Father and the public through postings on Facebook that Baby Boy was stillborn.
8. Father was enraged and subjected Mother to angry and threatening verbal attacks for which she filed a Petition for Protection from Abuse in May of 2015.
9. Father's bail was revoked after the Protective Order was entered and he was incarcerated in late May 2015.
10. Father plead guilty to simple assault and aggravated assault of two women for which he was sentenced to five to fifteen years in a state correctional facility.
11. In late December, 2015, Father learned from Mother that Baby Boy was alive and had been placed with a couple who were caring for Baby Boy.
12. Knowing the child was alive, Father did not provide any financial assistance for the child, nor did he send gifts, cards, diapers, or letters to Baby Boy.
13. Father did keep in touch with his two older children by telephone calls and letters despite his incarceration.
14. Father will be incarcerated for a minimum of three and one-half to five years, but possibly longer.
15. Father has an extensive criminal record.
16. Dr. Kasey Shienvold testified on behalf of The Hoffmans to the fact Baby Boy was strongly bonded to The Hoffmans.
17. Baby Boy has lived with The Hoffmans since May 16, 2015.
18. The Guardian Ad Litem recommended termination of Father's parental rights, coupled with confirmation of Mother's consent to terminate her parental rights as in the best interest of Baby Boy, based on incapacity of Father to care for Baby Boy for at least three and one-half years and possibly much longer, and the fact he had made no attempt to provide Baby Boy with any necessities of life or gifts since learning the child was alive.
19. Further, the Guardian Ad Litem recommended that Mother's Consent to terminate parental rights be confirmed as irrevocable, which would make Baby Boy a dependent child since Father was incarcerated for a lengthy state prison sentence and incapable of caring for the child.

Conclusion of Law

Father's Concise Statement of Errors Complained of on Appeal does not state any prejudicial errors or abuse of discretion by this court. Instead, Father's Statement is merely a statement of facts, some of which are factually deficient. Moreover, those alleged errors with a factual basis, such as that Father was told Baby Boy was stillborn, do not comport with Section 1925 requirements of stating errors by this court.

Contrary to the allegations in Father's 1925(b) Statement, The Hoffmans' attorney did provide notice to Father of their intent to adopt. *See Tr. of Proceedings*, 10/05/16, p. 26. He was provided court-appointed counsel. Secondly, initially Father and his family were told by Mother that the baby was stillborn. However, Father later learned by late December of 2015 that Baby Boy was indeed alive. *Id.* at

25. He also learned in early January of 2016 that Baby Boy was being cared for by a pre-adoptive couple. *Id.* at 26. Ultimately, Father received notice of The Hoffmans' amended petition to terminate his parental rights in April of 2016. *Id.* at 27-28. Lastly, Father was not prohibited in any way from contacting or supporting Baby Boy from December 2015 until October 7, 2016, which marked the only time where this court intervened and terminated his parental rights to Baby Boy.

Thus, in summary, this court finds that under 23 Pa. C.S.A §§ 2511(a)(2), (a)(6), and (b), The Hoffmans have proven by clear and convincing evidence grounds for involuntary termination of Father's parental rights. Based on the testimony of The Hoffmans and their expert, Dr. Shienvold, the court finds that Baby Boy is bonded and flourishing physically and emotionally with his adoptive parents. Therefore, applying 23 Pa. C.S.A § 2511(b), this court determined it is in the best interest of the child, giving primary consideration to his developmental, physical and emotional needs, to terminate Father's parental rights.<sup>5</sup>

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#### OPINION

Pursuant to Pa. R.A.P. Rule 1925(a), this Opinion is issued in response to the Children's Fast Track appeal filed by Takeyshia Bowers' (hereinafter "Mother"), court-appointed counsel on November 10, 2016.<sup>1</sup> Mother filed her 1925(b) Concise Statement of Errors Complained of on Appeal on November 30, 2016. The "Statement of Errors/Matters Complained of on Appeal" indicates that this court committed error pursuant to 23 Pa. C.S.A. § 2511(a) (relating to grounds for *involuntary termination*) (emphasis added). However, Mother's parental rights were not involuntarily terminated. Instead, Mother voluntarily consented to terminate her parental rights on July 3, 2015 in accordance with 23 Pa. C.S.A. § 2711 and the court confirmed the consent as irrevocable.

As discussed *infra*, Mother never filed of record a writing indicating her intent to revoke or challenge the validity of her consent. Therefore, this court held that any challenge would be untimely and thus confirmed Mother's consent. This court was deferential to Mother and permitted her to testify even though 23 Pa. C.S.A. § 2711 and its interpretation clearly establish that the merits and circumstances surrounding a consent can be addressed *only if her petition had been timely filed*. See In re Adoption of J.A.S., 939 A.2d 403, 409 (Pa. Super. Ct. 2007).

This appeal stems from proceedings initiated by the adoptive parents, Jeremy and Sarah Hoffman (collectively "The Hoffmans"), regarding an Amended Petition for Involuntary Termination of Parental Rights of the father, Bernard Odell Everson, III (hereinafter "Father"), and a Petition to Confirm Consent to Termination of Parental Rights of Mother. An initial hearing was held on September 19, 2016 before this court on both Petitions. A continuation hearing was held on October 5, 2016, at which time this court: (1) confirmed the consent to terminate parental rights signed by Mother on July 3, 2015 and (2)

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<sup>5</sup> This court confirmed Mother's consent to terminate her parental rights that she signed on July 3, 2015 and never petitioned to revoke or invalidate based on fraud or duress. Nevertheless, she appeared at the hearings on September 19 and October 5, 2016 opposing the confirmation of her consent. She filed an untimely Notice of Appeal to this court's October 7, 2016 Order confirming her consent and terminating her parental rights on November 10, 2016.

<sup>1</sup> Mother's appeal is untimely because her Notice of Appeal to this court's October 7, 2016 Order confirming her consent and terminating her parental rights was not filed until November 10, 2016, which exceeds the thirty-day deadline to appeal imposed by Pa. R.A.P. 903(a).

granted the involuntary termination of Father's parental rights. This court issued an order on October 7, 2016 documenting these holdings.

Factual History

Mother, a 31-year-old mother of three children, ages 3, 11 and 15, discovered that she was expecting her fourth child in September 2014. The father of this fourth child is Father, whom she had known since she was a twelve-year-old girl. They had remained friends over the years, becoming intimate at some point in the relationship, but were not "together" at the time their baby (hereinafter "Baby Boy") was conceived. Mother told Father immediately when she discovered she was pregnant. Neither Father nor his family supported Mother emotionally or financially through the pregnancy.

When the day of Baby Boy's birth arrived, Mother told no one she was in labor and gave birth at the hospital alone. She testified that she was dealing with depression and did not wish to speak to anyone. It had been a difficult pregnancy and the labor began with nausea and what she believed was her "heart stopping". She was rushed to the hospital. On May 16, 2015, Mother asked a nurse if she knew anyone who would care for Baby Boy, recognizing she could not care for him after he was born. Mother stated that the identity of the father was unknown.

Attorney Mark Silliker was known to the nurse as an adoption attorney and she contacted him. He quickly contacted potential adoptive parents, and eventually located The Hoffmans who were willing to take Baby Boy immediately with the intent of adopting him. Attorney Silliker and his office manager, Renee Dreisbach (hereinafter "Ms. Dreisbach"), went to the hospital to speak with Mother. There they presented Mother with a Special Power of Attorney giving The Hoffmans authority to take Baby Boy into their care and render appropriate medical and educational care. Mother signed the POA without hesitation. She was not under the influence of any medications at the time. She walked out of the hospital with Ms. Dreisbach and Attorney Silliker who then took Baby Boy to The Hoffmans.

Mother, in fact, knew the identity of Baby Boy's father whom she called on May 17, 2016 and told him that the baby had been stillborn. She also posted on Facebook that the baby was stillborn, along with a photo of the baby. Father was furious he had not been told when Mother went into labor and made threatening statements so frightening to Mother that she filed a Protection from Abuse petition, which was subsequently granted. Father, who was already on probation, was consequently incarcerated. By the time of the hearings on the Petition to Confirm Consent of Mother and the Petition to Involuntarily Terminate the parental rights of Father, Father had been sentenced to 5-15 years for aggravated and simple assault of two other women. Mother eventually admitted to Father that she lied and Baby Boy was in the care of another couple.

Six weeks later, on July 3, 2015, Ms. Dreisbach and Attorney Davis, another attorney from Attorney Silliker's office, went to the home of Mother to ask her to sign a consent to termination of parental rights with the intent of placing Baby Boy for adoption with The Hoffmans. Mother asked to meet outside in the car with Ms. Dreisbach and Attorney Davis. Inside the car, Attorney Davis read and explained the consent, emphasizing the thirty-day period to withdraw consent. Mother had no questions.

In August 2015, Mother made a call to Sarah Hoffman, saying she believed she had changed her mind about the adoption. Ms. Hoffman advised her she could call the local legal services office for advice. In April 2016, Mother sent a letter to Attorney Silliker indicating she wished to revoke her consent.

Mother never filed a formal Petition to revoke her consent. On December 22, 2015, The Hoffmans filed a Petition to Confirm Consent to Termination of Parental Rights [of Mother] and a Petition for Involuntary Termination of Parental Rights [of Father]. On April 20, 2016, The Hoffmans filed an Amended Petition for Involuntary Termination of Father's parental rights. Hearings were held on September 19, 2016 and October 5, 2016 on both Petitions. At the conclusion of the October 5, 2016 hearing, this court confirmed Mother's Consent and granted the Amended Petition to involuntarily terminate Father's parental rights.

#### DISCUSSION

The case of In re Adoption of J.A.S., 939 A.2d 403 (Pa. Super. Ct. 2007) is dispositive on the issue of revocation of consents signed pursuant to 23 Pa. C.S.A. § 2711(c)(1)(ii). Consents are irrevocable after more than thirty (30) days after execution. 23 Pa. C.S.A. § 2711(c)(1)(ii). Further, consents may not be challenged on the basis of fraud or duress after sixty (60) days following the birth of the child. 23 Pa. C.S.A. § 2711(c)(3)(i)(A). In both instances, Mother did not act within the time period to either revoke or challenge the validity of the consent.

Based on Mother's testimony, she admitted she was not forced or coerced to sign the consent that was read to her and explained to her by the adoption attorney's staff. There is no indication from the testimony of Ms. Dreisbach or Attorney Davis that the two women acted in any way to perpetrate a fraud upon Mother. Ms. Dreisbach was sensitive to Mother's feelings and Attorney Davis explained the consent at length, emphasizing the thirty-day revocation period. Both Ms. Dreisbach and Attorney Davis were credible witnesses and acted professionally and sensitively with Mother.

Mother, however, was not credible. She admitted she had lied to Father and to the public, declaring that Baby Boy was stillborn at birth. She claimed she only signed one document consenting to an adoption when in fact she later admitted under cross examination that there were two documents. She had signed the POA at the hospital on May 16, 2015. Later she signed the actual consent to terminate her parental rights while seated in a car, at her own request, with Ms. Dreisbach and Attorney Davis on July 3, 2015.

Mother also testified, incredibly, that she did not fear Father but then had to admit she filed for a Protection from Abuse against him and obviously was afraid to tell him that she decided to place Baby Boy for adoption. The father of her new baby had a criminal lifestyle and had little involvement with her during the pregnancy. She knew when she spoke to the nurse asking for help that she was making the best decision for herself and Baby Boy. Mother was not credible nor candid in her testimony.

This court was sensitive to the difficult circumstances and stress Mother was experiencing when Baby Boy was born. However, she did not try to revoke the consent until Father learned Baby Boy was alive and had been given to The Hoffmans. Father's anger, and perhaps her actual fear of him, prompted Mother to try to undo her decision on July 3, 2015. This court determined that Mother was not personally motivated to undo her decision of consenting to terminate her parental rights by virtue of her half-hearted attempt to revoke her consent eleven months after Baby Boy's birth.

By April 2016, Baby Boy had been with The Hoffmans for almost one year. Per the testimony of Kasey Shienvold, Baby Boy was closely bonded to the adoptive parents. They are the only parental figures he has known since May 16, 2015. The Guardian Ad Litem testified that she recommended confirming the consent of Mother to allow the adoption to move forward because, based on the passing of time since Mother signed the Consent in July 2015, the consent was irrevocable and the termination of

Mother's parental rights was in the best interest of Baby Boy. Specifically, the Guardian Ad Litem stated that she thinks "the evidence is clear that the bonding has taken place, that the child is sufficiently cared for at where he is right now." *Tr. of Proceedings*, 10/05/16, p. 90.

#### Findings of Fact

Based on the testimony presented by The Hoffmans in support of their Petition to Confirm Consent to Termination of Parental Rights, this court made the following findings of fact:

1. Mother is a 31-year-old mother of four, including Baby Boy, born May 14, 2015.
2. Mother was neither married to nor in a relationship with Father either before or at the time of Baby Boy's birth.
3. Mother asked a nurse to find her someone to care for Baby Boy on the day he was born at the hospital.
4. Attorney Silliker located adoptive parents, The Hoffmans.
5. Attorney Silliker and Ms. Dreisbach went to the hospital on May 16, 2015 and presented a Special Power of Attorney for Mother to sign and she voluntarily turned Baby Boy over to their care.
6. While Mother was saddened and distressed, there is no evidence of record that she was suffering from a clinical depression or other mental health issues that impaired her mental capacity to sign the Special Power of Attorney or the Petition to Confirm Consent to Termination of Parental Rights.
7. Mother lied to Father at the time of Baby Boy's birth by claiming he was stillborn.
8. Mother did advise Father that Baby Boy was alive and in the care of a couple in late December of 2015.
9. Mother was fearful of Father to the extent she filed for a Protection from Abuse order on May 17, 2015.
10. Mother's claim that she was suffering from a mental disability at the time she signed the Special Power of Attorney and subsequent consent is not credible based on her admission that the Consent to Terminate Parental Rights was read to her and she understood it.
11. On July 3, 2015, Attorney Davis and Ms. Dreisbach met with Mother and read her the consent to terminate her parental rights form.
12. Witnesses Attorney Davis and Ms. Dreisbach were both credible in their testimony regarding the reading of the consent document to Mother, emphasizing the thirty-day revocation period.
13. Mother knowingly and voluntarily signed the consent to terminate her parental rights document on July 3, 2015.
14. Mother called Sarah Hoffman in August 6, 2015 expressing doubt about signing the consent.
15. Sarah Hoffman advised Mother to call Mid Penn Legal Services.
16. Eight months later, in April 2016, Mother sent a letter to Attorney Silliker stating that she wished to revoke her consent.
17. Mother never filed a formal Petition to Revoke her consent nor a Petition to Invalidate the Consent based on fraud or duress.
18. Baby Boy has lived with The Hoffmans continuously from May 16, 2015 until the present.

19. Per the expert testimony of Dr. Kasey Shenvold, Baby Boy has a strong bond with The Hoffmans.
20. Mother neither revoked nor challenged the Consent within the statutory time period provided for in 23 Pa. C.S.A. § 2711(c)(1)(ii) nor 23 Pa. C.S.A. § 2711(c)(3)(i)(A).

Conclusion of Law

In seeking termination of parental rights, the burden is on the petitioner “to establish by clear and convincing evidence the existence of grounds for doing so.” In re Z.P., 994 A.2d 1108, 1116 (Pa. Super. Ct. 2010) (citing In re Adoption of A.C.H., 803 A.2D 224, 228 (Pa. Super. Ct. 2002)) (internal quotations omitted).

Under the facts presented, this court found that the Hoffmans met their burden of proof to show by clear and convincing evidence that Mother did not revoke her consent within the statutory thirty days<sup>2</sup>, nor did she challenge the validity of the consent within the statutory sixty days<sup>3</sup>. Mother testified to her circumstances and actions. However the law is clear that based on the facts of record, the consent is irrevocable. Further, even if Mother had filed a proper challenge in the form of a petition to the validity of the consent, this court found that Mother was neither credible nor presented “clear and convincing evidence” of an “alleged fraud or duress”. 23 Pa. C.S.A. § 2711(c)(3)(ii)(B). In determining whether to confirm the Petition to Confirm Consent executed by Mother on July 3, 2015 , this court considered the testimony of Mother, Father, The Hoffmans, Dr. Kasey Shenvold, Ms. Dreisbach, and Attorney Davis, as well as the recommendation of the Guardian Ad Litem, who opined that the Consent was irrevocable and that confirmation of the Consent, coupled with termination of Father’s parental rights, was in Baby Boy’s best interest.

The Superior Court was clear in its interpretation of 23 Pa. C.S.A. § 2711.<sup>4</sup> This court was required to first review the timeliness of Mother’s petition before addressing whether the consent to adoption technically conformed to the statute.<sup>5</sup> Mother never filed a petition to revoke or challenge the validity of her consent to the adoption. She simply appeared at the hearing on the confirmation of her consent and presented testimony in an attempt to revoke or challenge the validity of the consent, which she had executed fourteen months earlier.

Given the totality of all the circumstances, this court agreed with the Guardian Ad Litem’s recommendation that it was in the best interest of Baby Boy to confirm the Petition to Consent to Termination of Mother’s Parental Rights. Therefore, this court properly confirmed the Petition that Mother executed on July 3, 2015.

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<sup>2</sup> Mother did not revoke her consent “in writing” nor did she serve the The Hoffmans, as the adults to whom Baby Boy “was relinquished” with any writings to indicate her intention to revoke her consent. 23 Pa. C.S.A. § 2711(c).

<sup>3</sup> To date, Mother never filed a “petition alleging fraud or duress”. 23 Pa. C.S.A. § 2711(c)(3)(i)(A). See In re Adoption of J.A.S., 939 A.2d at 409 (“[w]hether [Mother’s] consent to adoption was valid could be addressed *only if her petition had been timely filed*. Essentially, the untimeliness of [Mother’s] petition precluded the court from addressing the issue of validity”) (emphasis added).

<sup>4</sup> The unambiguous language of the statute required this court to consider the timeliness of a petition to revoke and/or challenges to the validity before it considered the merits of a claim. In re Adoption of J.A.S., 939 A.2d at 409 (“the unambiguous language of the statute require[s] the Orphans’ court . . . to consider the timeliness of [a] petition to revoke and/or challenge the validity of [a] consent before it considered the merits of [a] claim.”).

<sup>5</sup> “[W]e hold Section 2711 required the court first to review the timeliness of [the] petition before addressing whether the consent to adoption technically conformed to the statute.” Id.

**FIRST PUBLICATION****Estate Notices**

ESTATE OF RANDY R. SWISHER A/K/A RANDY RAY SWISHER, late of Conewago Township, Dauphin County, Pennsylvania. Executrix: Elizabeth W. Swisher, 5225 Ridge Road, Elizabethtown, PA 17022. Attorney: Gerald J. Brinser. j6-20

ESTATE OF JAMES P. CROUSE, (died: December 18, 2016), late of Harrisburg, Dauphin County, Pennsylvania. Executor: Steven C. Crouse, Sr., 8 Westfields Drive, Mechanicsburg, PA 17050. Attorney: John D. Killian, Esquire, Killian & Gephart, LLP, 218 Pine Street, Harrisburg, PA 17101. j6-20

ESTATE OF GEORGE D. BAILEY, late of the Township of Lower Paxton, County of Dauphin and Commonwealth of Pennsylvania. Executor: David L. Bailey, 400 Bonnymead Avenue, Harrisburg, PA 17110 or to Attorney: James H. Turner, Esquire, TURNER AND O'CONNELL, 4701 North Front Street, Harrisburg, PA 17110. j6-20

ESTATE OF ROBERT E. FRANK, (died: November 14, 2016), late of the Township of Jackson, County of Dauphin, Pennsylvania. Co-Executors: James E. Frank, 242 Dimpsey Road, Halifax, Pennsylvania 17032; and Rose Ann Sharp, 921 Enders Road, Halifax, Pennsylvania 17032. Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, Pennsylvania 17023. j6-20

ESTATE OF RALPH L. ZIMMENNAN, late of Elizabethville Borough, Dauphin County, Pennsylvania. Co-Executors: Don W. Zimmerman, 1170A Camp Hebron Road, Halifax, PA 17032; Carla Sue Young, 11 Ashton Hollow Road, Catawissa, PA 17820. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. j6-20

ESTATE OF BETTY M. LAUVER, (died: December 12, 2016), late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Gerald A. Lauver, 1002 East Union Street, Millersburg, Pennsylvania. Attorney: Gregory M. Kerwin, Kerwin & Kerwin, LLP, 4245 Route 209, Elizabethville, Pennsylvania 17023. j6-20

**SECOND PUBLICATION****Estate Notices**

ESTATE OF ROBERT L. SHEETS, (died: December 5, 2016), late of Londonderry Township, Dauphin County, Pennsylvania. Co-Executors: Michael Rehm and Stephanie A. Rehm, 485 South Geyers Church Road, Middletown, PA 17057. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. d30-j13

ESTATE OF PEARL LIPSKY, A.K.A. PEARL PNINAH LIPSKY, (died September 29, 2016)m, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Mr. Samuel Jay Lipsky, 7615 Coddle Harbor Lane, Potomac, MD 20854; Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. d30-j13

ESTATE OF SHIRLEY L. LINCALIS, AKA SHIRLEY JANET LINCALIS, AKA SHIRLEY LONG LINCALIS, (died: November 4, 2016), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Ms. Cindy Reedy, 19496 Jodhpur Drive, Leesburg, VA 20175. Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. d30-j13

ESTATE OF JOAN P. LIEBLEIN, (died: August 26, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Mr. Robert J. Lieblein, 2341 Forest Hills Dr., Harrisburg, PA 17112; Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. d30-j13

ESTATE OF MARY E. WELLAND, (died: November 29, 2016), late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Catherine M. Welland c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Mary E. Welland c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. d30-j13

ESTATE OF BEATRICE M. McGARVEY, (died: November 2, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Thomas R. McGarvey, 12 Graham Road, Newville, PA 17241. d30-j13

ESTATE OF BETTY F. MEDOFF, (died: November 18, 2016), late of Lower Paxton Township. Executrix: Diane M. Guccione, 3813 McNeil Drive, Austin, TX 78727. Attorney: Herschel Lock, Esquire, 3107 North Front Street, Harrisburg, PA 17110. d30-j13

## SECOND PUBLICATION

### Estate Notices

ESTATE OF VIVIAN M. SHELLEY, (died: November 17, 2016), late of Middletown, Dauphin County, Pennsylvania. Executrix: Wendy J. Kline. Attorney: Stephen Feinour, Esquire, Nauman, Smith, Shissler & Hall, LLP, P.O. Box 840, Harrisburg, PA 17108-0840. d30-j13

ESTATE OF DOUGLAS A. BETZ, (died: December 4, 2016), late of East Hanover Township, Dauphin County, Pennsylvania. Executrix: Ann Marie Lupackino, 214 Fawn Ridge North Harrisburg, PA 17110. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. d23-j6

ESTATE OF SCOTT R. McCAFFREY, (died: August 3, 2016) late of Dauphin County. Executrix: Valerie T. McCaffrey, 1430 Lawrence Court, Harrisburg, PA 17112. Attorney: Law Offices of Ethan K. Stone, LLC, 3400 Trindle Road, Camp Hill, PA 17011. d30-j13

ESTATE OF LUELLA MAE JONES, (died: November 17, 2016), late of Conewago Township, Dauphin County, Pennsylvania. Executor: Matthew Jones, 3504 Colebrook Road, Elizabethtown, PA 17022. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. d23-j6

ESTATE OF CAROLINE M. BRICKER A/K/A CAROLINE BRICKER, (died: November 15, 2016), late of Conewago Twp. Executor: Curtis E. Bricker, c/o Young and Young, 44 S. Main St., PO Box 126, Manheim, PA 17545. Attorney: Young and Young. d30-j13

ESTATE OF NANCY K. CLARK, (died: October 5, 2016), late of Dauphin County, Pennsylvania. Administrator: Shirley E. Clark. Attorney: Michael Cherewka, 624 North Front Street, Wormleysburg, PA 17043. d23-j6

## THIRD PUBLICATION

### Estate Notices

ESTATE OF ALEC E. DRISKILL, late of Swatara Township. Administrators: Alec E. Driskill, II and Catherine E. Driskill c/o Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348. Attorney: L. Peter Temple, Esquire, Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348. d23-j6

ESTATE OF KATHLEEN L. SITLER, late of the County of Dauphin and Commonwealth of Pennsylvania. Executor: Richard Sitler, 246 South St., Williamstown, PA 17098. Attorney: Daryl J. Gerber, Esquire, The Law Office of Daryl J. Gerber, 46 E. Main Street, Palmyra, PA 17078. d23-j6

ESTATE OF OLGA IRENE WENDT, (died: November 26, 2016), late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: Jason B. Wendt, Administrator, c/o Gary J. Imblum Esquire, 4615 Derry Street, Harrisburg, PA 17111. d23-j6

ESTATE OF BARBARA K. BISTLINE, A/K/A BARBARA, A BISTLINE, late of Oliver Township, Perry County, Pennsylvania. Executrix: Sharon K. Tomforde c/o Melanie Walz Scaringi, Esquire, Scaringi & Scaringi, P.C. 2000 Linglestown Road, Suite 106, Harrisburg, PA 17110. d23-j6

ESTATE OF HANNAH R. NIXON, (died: November 25, 2016), late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Molly J. Nixon, 871 MacArthur Drive, Harrisburg, PA 17111. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. d23-j6

ESTATE OF DORIS JEAN NEELY. Late of Harrisburg City. Administrator: Quent Neely, c/o Leanne M. Miller, Attorney; CGA Law Firm, 135 North George Street, York, PA 17401. d23-j6

ESTATE OF FLOSSIE L. STOUFFER, (died: July 6, 2014), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Judith Stouffer, 128 Rolling Hill Road; Elkins Park, PA 19027. d23-j6

ESTATE OF BOLAJI TOYIN AWOGBADE A/K/A BOLAJI AWOGBADE. Late of Lagos, Nigeria. Administrators: Olufemi Awogba and Eniola Awogba c/o Joseph N. Frabizzio, Esq., 2200 Renaissance Blvd., Ste. 270, King of Prussia, PA 19406. Attorney: Joseph N. Frabizzio, Frabizzio Law LLC, 2200 Renaissance Blvd., Ste. 270, King of Prussia, PA 19406. d23-j6

ESTATE OF STEPHEN RUSINKO, JR., (died: May 11, 2016), late of Susquehanna Township, Dauphin County. Executrix: Ellen Heisse (Ney), 901 Hertzler Road, Mechanicsburg, PA 17055.

d23-j6

## FIRST PUBLICATION

### Corporate Notices

NOTICE IS HEREBY GIVEN that **MetoKote Corporation**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1340 Neubrechrt Rd., Lima, OH 45801, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **TID Acquisition Corp.**, a corporation incorporated under the laws of the State of Delaware and a registered office in PA at c/o: Corporation Service Co., Dauphin County, intends to file an Application for Termination of Authority with the Dept. of State.

j6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Force10 Networks, Inc.**, a corporation incorporated under the laws of the State of Delaware and a registered office in PA at c/o: Corporation Service Co., Dauphin County, intends to file an Application for Termination of Authority with the Dept. of State.

j6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **TDS Communication Solutions, Inc.**, a corporation incorporated under the laws of the State of Delaware and a registered office in PA at c/o: Corporation Service Co., Dauphin County, intends to file an Application for Termination of Authority with the Dept. of State.

j6

NOTICE IS HEREBY GIVEN that **Lionbridge Global Software, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1050 Winter St., Ste. 2300, Waltham, MA 02451, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is c/o Corporation Service Company, 2711 Centerville Rd., Ste. 400, Wilmington, DE 19808. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j6

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on or before 12/16/2016, with respect to a proposed nonprofit corporation, **Spring View Condominium Association, Inc.**, which has been incorporated under the Nonprofit Corporation Law of 1988. The name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. A brief summary of the purpose or purposes for which said corporation is organized is: ownership, management, operation and maintenance of the common elements located in a condominium known as Spring View. j6

NOTICE IS HEREBY GIVEN that **Petcure Radiation Oncology Specialists, P.C.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 877 W. Bryn Mawr #1370, Chicago IL 60036. The commercial registered office provider is in care of National Registered Agents, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. j6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Pittsburgh Plate Glass Company**, a corporation incorporated under the laws of the State of Delaware with its registered office in PA at The Prentice Hall Corporation System, Inc., Dauphin County, intends to file an Application for Termination of Authority with the Dept. of State. j6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Exciton Technologies Inc.**, a corporation incorporated under the laws of the State of Delaware with its registered office in PA at c/o: Corporation Service Co., Dauphin County, intends to file an Application for Termination of Authority with the Dept. of State. j6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **SICIS NORTH AMERICA, INC.**, a corporation incorporated under the laws of the State of Delaware with its registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 10/31/2005, was granted a Certificate of Authority to transact business in the Commonwealth of PA, intends to file an Application for Termination of Authority with the Dept. of State. j6

## FIRST PUBLICATION

### Corporate Notices

NOTICE IS HEREBY GIVEN that **Collaborative Marketing Group, Inc.**, a foreign business corporation incorporated under the laws of the State of Illinois, received a Certificate of Authority/Foreign Registration in Pennsylvania on April 18, 2011, and will surrender its certificate of authority/foreign registration to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: c/o AAAGent Services, LLC, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

j6

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about November 23, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Financial Engines, Inc.** c/o Corporation Service Company

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 1050 Enterprise Way, Third Floor, Sunnyvale, CA 94089.

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

j6

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 22nd day of December 2016, by **SIG Medical Corp.**, a Delaware corporation, with its principal office located at c/o Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business within the Commonwealth of Pennsylvania under the provisions of the Business Corporation Law of 1988.

The proposed registered office of the said corporation in the Commonwealth of Pennsylvania will be located at 7124 Red Top Road, Hummelstown, PA 17036.

McNEES WALLACE & NURICK LLC  
Attorneys at Law  
100 Pine Street  
Harrisburg, PA 17101

j6

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/22/2016 for **F & W Forestry Services, Inc.**, a business corporation formed under the laws of the jurisdiction of GA with its principal office located at 1310 West Oakridge Drive, Albany, GA 31707, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County.

j6

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/20/2016 for **Robert L. Stark Enterprises, Inc.**, a business corporation formed under the laws of the jurisdiction of OH with its principal office located at 1350 West Third St., Cleveland, OH 44113, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County.

j6

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/28/2016 for **QL Titling Trust, Ltd.**, a business trust formed under the laws of the jurisdiction of DE with its principal office located at 7173 E. 87th St., Indianapolis, IN 46256, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County.

j6

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Kimberly Realty Corporation**, a corporation incorporated under the laws of the State of Delaware with its registered office in PA at c/o: Corporation Service Company, Dauphin County, intends to file an Application for Termination of Authority with the Dept. of State.

j6

NOTICE IS HEREBY GIVEN that **ATI AGENCY, INC.**, a foreign business corporation incorporated under the laws of Florida, with its princ. office located at 1291 SW 29th Ave., Ste. C, Pompano Beach, FL 33069, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 1291 SW 29th Ave., Ste. C, Pompano Beach, FL 33069. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County.

j6

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that **PetroChoice Transport, Inc.**, a foreign corporation formed under the laws of the State of Wisconsin, where its principal office is located at 1300 Virginia Dr., Ste. 405, Ft. Washington, PA 19034, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 5, 2016, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j6

NOTICE IS HEREBY GIVEN that **Rogers Corporation**, a foreign corporation formed under the laws of the Commonwealth of Massachusetts, where its principal office is located at 2225 W. Chandler Blvd., Chandler, AZ 85224, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 22, 2016, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j6

NOTICE IS HEREBY GIVEN that **Church Hill Classics, Ltd.**, a foreign corporation formed under the laws of the State of Connecticut, where its principal office is located at 594 Pepper St., Monroe, CT 06468, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 16, 2016, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o Business Filings Incorporated, Dauphin County. j6

**FIRST PUBLICATION**

**Miscellaneous Notices**

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

**ORPHANS' COURT DIVISION**

**NOTICE OF HEARLNG  
TO TERMINATE PARENTAL RIGHTS**

**JANUARY 17, 2017**

**Michael Bertoni; father  
Docket No. 117-AD-2016 In Re: Male child, J.B.  
born 12/14/2011**

A petition has been filed asking the Court to put an end to all rights you have to your child. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Dauphin County Courthouse, Courtroom #4, Third Floor, Front and Market Streets, Harrisburg, Pennsylvania, on the date and time specified. You are warned that even if you fail to appear at the scheduled hearing; the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. 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 to find out where you can get legal help. You are also warned that if you fail to file either an acknowledgement or paternity pursuant to 23 Pa.C.S.A. Section 5103 and fail to either appear at the hearing to object to the termination of your rights or file a written objection to such termination with the Court prior to the hearing; your rights may also be terminated under Pa.C.S.A. Section 2503(d) or Section 2504(c) of the Adoption Act.

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

## **SECOND PUBLICATION**

### **Miscellaneous Notices**

#### **PUBLIC NOTICE TO CARLOS DONALD MESSINGER, SR. AND STACEY MARIE WARNER**

**In Re: Adoption of Carlos Donald Messinger,  
Jr., Cortez D'Carlo Matthias Messinger, and  
Catara Desiree Marie Messinger, Minors**

A petition has been filed asking the Court to put an end to all rights you have as a parent to your children, Carlos Donald Messinger, Jr., Cortez D'Carlo Matthias Messinger, and Catara Desiree Marie Messinger. A Termination of Parental Rights Hearing has been scheduled for February 24, 2017, at 9:00 a.m., in a Court Room to be determined, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Carlos Donald Messinger, Jr. (DOB: July 29, 2004), Cortez D'Carlo Matthias Messinger (DOB: December 22, 2007), and Catara Desiree Marie Messinger (DOB: September 12, 2005), whose Father is Carlos Donald Messinger, Sr. and whose Mother is Stacey Marie Warner. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented

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

Jane Madison  
Family Court Administrator  
York County Court of Common Pleas  
York County Judicial Center  
45 North George Street  
York, Pennsylvania 17401  
Telephone No. (717) 771-9360

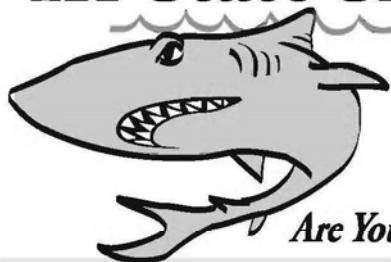
Martin Miller, Esquire  
Solicitor for York County Offices of  
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a

child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

d30-j20

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

**REPORTING OF ERRORS IN ADVANCE SHEET**

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

**DAUPHIN COUNTY COURT SECTION**  
*Opinions Not Yet Reported*

December 22, 2016 - Turgeon, J., T.S. v. C.S., V.H., and R.D., Pa.R.A.P. 1925(a) Opinion. C.P. 2015-CV-4819-CU

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**ASSOCIATE:** Abom & Kutulakis, a Cumberland County general practice firm seeks an Associate with excellent credentials and civil litigation experience. Please email cover letter and resume to [ejf@AbomKutulakis.com](mailto:ejf@AbomKutulakis.com). d30-j13

**ASSOCIATE ATTORNEY:** Marshall Dennehey Warner Coleman & Goggin, a large defense litigation firm, seeks Associate Attorney with 2-4 years litigation experience to do General Liability defense work for its Harrisburg office. Send resume to [hrrecruiter@mdwcg.com](mailto:hrrecruiter@mdwcg.com). We are an Equal Opportunity Employer AA/M/F/D/V. j6-20

**FULL-TIME PARALEGAL:** Growing Harrisburg, PA law office seeks a paralegal with a minimum of two (2) years of experience in performing paralegal duties. The position will support a team of five (5) attorneys with defense insurance litigation and civil litigation. Candidate must be comfortable in a moderately large private practice and be able to work in a team environment. Submissions from interested parties will be strictly confidential. Salary commensurate with experience. Health insurance and other benefits offered. Submit cover letter (with salary requirements) and resume with references to: [jflogue@zarwin.com](mailto:jflogue@zarwin.com). j6-20

**U.S. BANKRUPTCY JUDGESHIP**  
**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (HARRISBURG)**

**Tentative Selection of Henry W. Van Eck**

In September 2016, a merit selection committee was appointed by the Judicial Council of the Third Circuit to recommend candidates for a future vacancy on the United States Bankruptcy Court for the Middle District of Pennsylvania. A public notice of the position vacancy was widely circulated to publicize the vacancy, applications were received, and interviews of applicants were conducted. Following its deliberations, the committee submitted a report and recommendations to the Judicial Council for the Third Circuit.

After considering the recommendations of the selection committee, the Judicial Council conducted interviews with the leading candidates and then made its recommendations for the bankruptcy judgeship vacancy to the appointing authority, the United States Court of Appeals for the Third Circuit.

Having considered the Judicial Council's recommendations, the United States Court of Appeals has found Henry W. Van Eck of Mette, Evans & Woodside of Harrisburg, PA, to be most qualified and is, at present, considering his appointment to the bankruptcy judgeship. This notice is intended to solicit written comments concerning the qualifications of Henry W. Van Eck for this position. Such comments will be accepted until Friday, January 20, 2017, and should be addressed to: Margaret A. Wiegand; Circuit Executive, 22409 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790. d30-j13



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