

# ADVANCE SHEET

## The Dauphin County Reporter

(USPS 810-200)

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A WEEKLY JOURNAL CONTAINING  
THE DECISIONS RENDERED IN THE  
12TH JUDICIAL DISTRICT

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Howard & Monique Henry and Howard Tire & Auto, Inc. v. The McFarland, L.P., et al. v. Spring Village Apartments, LLC, et al. 335



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### **Estate Notices**

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#### **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.

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### **FIRST PUBLICATION**

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**ESTATE OF RUTH E.H. DEAVEN** a/k/a RUTH E. DEAVEN, RUTH ELIZABETH DEAVEN, RUTH DEAVEN, late of West Hanover Township, Dauphin County, PA (died: November 5, 2018). Executrix: Carol A. Grubb, Diane S. Baker, P.O. Box 6443, Harrisburg, PA 17112-0443. a26-m10

**ESTATE OF PAUL P. BERNARD**, late of Derry Township, Dauphin County, Pennsylvania, (died: January 9, 2019). Executor: James P. Bernard, c/o Edward P. Seeber, Esquire, JSDC Law Offices, Suite C-400, 555 Gettysburg Pike, Mechanicsburg, PA 17055, 717-533-3280. a26-m10

**ESTATE OF DOMINGO MENDEZ, a/k/a DOMINICK MENDEZ**, late of Lower Paxton Township, County of Dauphin and Commonwealth of Pennsylvania. Administratrix: Virginia K. Mendez, 4619 Abbington Drive, Harrisburg, PA 17109 or to Attorney: James H. Turner, Esquire, TURNER AND O'CONNELL, 915 N. Mountain Road, Suite D, Harrisburg, PA 17112. a26-m10

**ESTATE OF JOSEPHINE M. BRUNER**, late of Lower Susquehanna Township, Dauphin County, PA (died March 9, 2019). Executrix: Sandra Lee Estep. Attorney: Diane S. Baker, P.O. Box 6443, Harrisburg, PA 17112-0443. a26-m10

**ESTATE OF OSCAR W. NYE**, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died: January 23, 2019). Executrix: Linda E. Nye, of Harrisburg, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, JSDC Law Offices, 555 Gettysburg Pike, Suite C400, Mechanicsburg, PA 17055, 717-533-3280. a26-m10

**ESTATE OF ISAAC RISSLER**, late of Lykens Township, Dauphin County, Pennsylvania, (died: February 10, 2019). Executor: JAMES RISSLER, 7711 NE State Route D, Pattonsburg, MO 64670; Attorney: Terrence I Kerwin, Esquire, Kerwin & Kerwin, LLP., 4245 State Route 209, Elizabethville, PA 17023. a26-m10

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### **SECOND PUBLICATION**

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#### **Estate Notices**

**ESTATE OF MARGARET S. PHILLIPS**, late of Londonderry Township, Dauphin County, Pennsylvania, (died March 28, 2019). Executrix: Deborah A. Bowman, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. a19-m3

the serious continuing threat posed by petitioner to public safety, the circumstances of murder committed by petitioner and the level of petitioner's culpability. With regard to the age-related characteristics, outside of showing a lack of sophistication immediately after he committed the crimes, the bulk of the characteristics under this factor overwhelmingly support the imposition of a LWOP sentence upon petitioner.

Finally, under Batts II, even where this court finds that the Commonwealth has met its burden of proving beyond a reasonable doubt that a LWOP sentence is appropriate, this court may nevertheless exercise its discretion and decide against imposing a LWOP term. I declined to impose a term less than LWOP because the record clearly established that petitioner's threat to public safety is serious, he is incapable of change and should never be afforded the chance of leaving prison.

In summary, the Commonwealth presented evidence, beyond a reasonable doubt, that petitioner is one of the exceedingly rare and uncommon juveniles who exhibits permanently incorrigibility, irreparable corruption, and irretrievable depravity; that rehabilitation is impossible; that petitioner is entirely unable to change and that there is no possibility that petitioner can be rehabilitated at any point later in his life, no matter how much time he spends in prison and regardless of the amount of therapeutic interventions he receives.

Accordingly, I issued my order dated July 24, 2018 (entered July 31, 2018), imposing a LWOP sentence upon petitioner.

Date: March 29, 2019  
Judge Turgeon, Judge

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**Howard & Monique Henry and Howard Tire & Auto, Inc.**

v.

**The McFarland, L.P., et al.**

v.

**Spring Village Apartments, LLC, et al.**

**Equity - Preliminary Injunction - Trespass - Remediation**

At this next stage in an ongoing litigation, the Court granted Plaintiffs' motion for a preliminary injunction from Defendant's continuing trespass due to its failure, after almost 3 years, to remove the debris field left when a wall collapsed on its property and cascaded onto adjacent properties, causing significant damage. The Court also issued a remediation decree requiring the parties to submit a proposed Plan of Remediation, preceded by comprehensive Joint Status Reports every 20 days.

1. One is subject to liability to another for trespass, irrespective of whether he thereby causes harm to any legally protected interest of the other, if he intentionally fails to remove from the land a thing which he is under a duty to remove. *Restatement (Second) of Torts § 158*; see also *Liberty Place Retail Assocs., L.P. v. Israelite Sch. of Practical Knowledge*, 102 A.3d 501, 506 (Pa. Super. Ct. 3014). In an action for trespass, the harm is not to the wellbeing of the land, but to the landowner's right to peaceably enjoy full, exclusive use of his property. *Jones v. Wagner*, 624 A.2d 166, 169 (Pa. Super. Ct. 193). It is hornbook law that a Court of Equity possesses jurisdiction to enjoin repeated trespasses on land as well as to enjoin a nuisance. *Id.*, at 170 (quoting *Gardner v. Cty. of Allegheny*, 114 A.2d 491, 498 (Pa. 1955)). Therefore, Pennsylvania law, as embodied in the *Restatement*, entitles a landowner to protect his property interest by maintaining an action to compel a person who has caused a trespass to remove it. *Id.*, at 171.

Howard & Monique Henry and Howard Tire & Auto, Inc. v. The McFarland, L.P., et al. v.  
Spring Village Apartments, LLC, et al.

2. The courts have suggested that a party's duties under an injunctive Order are not relieved by the Bankruptcy Code's automatic-stay provision if the primary objective of such injunctive Order is to prevent future harm to the public or abate a continuing nuisance, rather than to financially compensate for past injury. See, e.g., *Commonwealth. Dep't of Env'tl. Res. v. Norwesco Dev. Corp.*, 531 A.2d 94 (Pa. Commw. Ct. 1987).

Memorandum Opinion. C.P., Dau. Co., No. 2017-CV-01940-CV.

*Mark G. Wendaur, IV*, Co-Counsel for Plaintiffs

*Christopher Konzelmann*, Co-Counsel for Plaintiffs

*William E. Schaefer* and *Rebecca M. Cantor*, for Defendant TRC Companies, Inc.

*Andrew R. Benedict* and *Dean C. Seman*, for Defendants The McFarland, LP and Primavera Properties and Additional Defendant Isaac Dohany

*Andrew J. Connolly* and *Matthew D. Johnson*, for Defendant Neshaminy Constructors, Inc.

*Jeffrey B. Rettig*, for Additional Defendant Central Penn Asphalt, Inc.

*Frank J. Lavery* and *Joshua M. Autry*, for Additional Defendant City of Harrisburg

*Christina A. Israel* and *Jeremy S. Montgomery*, for Additional Defendant Department of Transportation of the Commonwealth of Pennsylvania

*M. Elizabeth Naughton-Beck*, for Additional Defendants Pennrose Properties, Inc., Pennrose Service Company, Inc., and Pennrose Management Company, Inc.

*Adam G. Klein*, for Additional Defendants Jacob Friedman and Spring Village Apartments, LLC

*Henri Marcel*, for Additional Defendant F. T. Kitlinski & Associates, Inc.

*T. Justin Chapman*, for Additional Defendants Greenebaum Structures, P.C. and Edward Greenebaum

*Peter J. Speaker*, for Hartford Mutual Insurance Companies

*Susan Aufiero-Peters*, for Investors Bank

*Jerry R. DeSiderato*, for Investors Bank

General Counsel, Chubb Insurance Company and Federal Insurance Company

Clark, S.J., April 8, 2019

### **TRIAL COURT MEMORANDUM OPINION**

Currently before this Court is Plaintiffs' Amended Motion for a Preliminary Injunction against the Defendant, The McFarland, LP. For the reasons set forth below, we will **GRANT** Plaintiffs' Motion.

#### **Factual Background and Procedural History.**

##### ***A. The Subject Wall Collapse and Subsequent Condemnation Order.***

Since 2012, Defendant The McFarland, LP (hereinafter "McFarland") has owned a property (hereinafter "the McFarland Property") located at Mulberry and Crescent Streets in the City of Harrisburg,

Dauphin County, Commonwealth of Pennsylvania. Located on the McFarland Property is an 8-unit apartment building (hereinafter “the 8-Unit Building”), and located immediately adjacent to and north of the 8-Unit Building is a surface parking lot (hereinafter “the Surface Lot”). The Surface Lot is supported to the west by a retaining/foundation wall (hereinafter “the Wall”) which is more than 100 years old. Plaintiffs Howard and Monique Henry own a piece of property (hereinafter “the Henry Property”) located to the west of the McFarland Property. Acquired by Plaintiffs in 2008, the Henry Property, which is located at 201, 203, 205, and 235 North Cameron Street, was utilized by Plaintiffs for the operation of an automobile repair facility and for the storage of tires.

In 2016, the Wall on the McFarland Property collapsed twice—once on May 5, and again on June 25. Due to the collapses, debris from the Wall and the Surface Lot (which included large parts of the Wall, the earthen and stone fill, the asphalt paving material of the Surface Lot, and a passenger automobile that had been parked on the Surface Lot) cascaded in a westerly direction onto adjacent properties,<sup>1</sup> causing significant damage thereto. Since the second collapse of the Wall, the debris field has remained at its final resting place on the Henry Property, and the Plaintiffs have been unable to operate their business from said Property during this period of time.

On June 27, 2016, two days after the second collapse of the Wall, the City of Harrisburg’s Bureau of Codes Enforcement (hereinafter “the City”) conducted an inspection of the McFarland Property. In its inspection, which revealed various violations of the 2000 International Property Maintenance Code, the City determined that the 8-Unit Building had been structurally destabilized due to the collapses of the Wall, and that the surrounding soil and geologic conditions were unstable. Moreover, the City determined that the 8-Unit Building was structurally deteriorated due to lack of maintenance and was a fire hazard as well as an overall hazard to public health and safety. On the same day of the inspection, in light of its

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<sup>1</sup> There were two properties affected by the cascading debris from the wall collapses. One of the affected properties was the Henry Property. The second property affected by the debris was a small piece of land (hereinafter “the Warehouse Property”) consisting of a currently unoccupied warehouse building, which is located immediately adjacent to and west of the wall. At the time of the wall collapses, the Warehouse Property was owned by an individual named Hoa T. Le who had acquired the Property in 2007. However, Hoa T. Le recently conveyed the Warehouse Property to an entity referred to as Iron Dome Property Management LLC (“Iron Dome”) via deed dated March 14, 2019. In the likely event that entry onto the Warehouse Property would be necessary to effectuate remediation of the Henry Property and the McFarland Property, Iron Dome, by its member John Watson, executed a global easement on March 15, 2019 which permits the entry of Plaintiffs and McFarland onto the Warehouse Property for purposes of effectuating remediation of the debris field and engaging in other such activities that will allow Plaintiffs to safely resume their business activities on the Henry Property.

findings, the City issued a Condemnation Order (No. 2016-029) which condemned the McFarland property as dangerous, unsafe, and unfit for human habitation. The Condemnation Order directed McFarland, within 15 days, to acquire the permits and certifications necessary to rehabilitate the 8-Unit Building to comport with all code and ordinance requirements. Upon receipt of the necessary permits, McFarland was to commence remediation within 10 days therefrom, or else demolish the 8-Unit Building.

On July 12, 2016, taking exception to the City's Condemnation Order, McFarland filed a Request for Hearing with the City Codes Bureau. In filing its Request for Hearing, McFarland disclaimed any ownership of or responsibility for the collapse of the Wall. A Hearing was held before the City of Harrisburg Building and Housing Code Board of Appeals (hereinafter "the Hearing Board") on October 27, 2016. Subsequently, on November 10, 2016, the Hearing Board issued a formal written Decision which affirmed and sustained the City's Condemnation Order. However, despite having been clearly put on notice that McFarland was attempting to disclaim ownership of the Wall, the Hearing Board neglected to resolve or make a determination as to the issue of ownership in delivering its written Decision.

On December 8, 2016, McFarland filed in this Court a Petition for Review of the Hearing Board's written Decision affirming and sustaining the City's Condemnation Order. Given that ownership of the Wall was still disputed, this Court noted that the Hearing Board could not have properly adjudicated the validity of the of the Condemnation Order because "[i]t is beyond cavil that the law of our Commonwealth requires that a Condemnation Order can only be issued against the legal owner of a property." McFarland LP v. City of Harrisburg, 2016-CV-9177, 5/3/17 Memorandum Opinion, at 5-6. Therefore, this Court remanded McFarland's appeal to the Hearing Board for the purpose of partaking in efforts to definitively determine ownership of the Wall, but we retained jurisdiction over the entire matter for eventual determination of the validity of the Condemnation Order.

Ultimately, on August 4, 2017, after engaging in various efforts to ascertain the Wall's ownership, McFarland and the City executed a Stipulation that McFarland indeed owned the Wall. Shortly thereafter, on August 7, 2017, this Court entered a Final Order dismissing McFarland's appeal and affirming the Hearing Board's November 10, 2016 written Decision, which, in effect affirmed the City's Condemnation Order of June 27, 2016. Nonetheless, it appears that McFarland has undertaken no effort to comport with the City's Condemnation Order, nor does it appear that the City has attempted to enforce its Condemnation Order against McFarland. Thus, the debris field and the condition of the 8-Unit Building continue to prohibit Plaintiffs from operating their tire business on the Henry Property, and continue to

pose a tremendous hazard to public health and safety in a multitude of ways. As this Court has noted before, the debris field poses an attractive nuisance to misguided trespassers whose movement in the debris field may cause further collapse of the debris field. Moreover, should ill-advised trespassers become entombed in the debris field, this would present a substantial risk to life or limb not only to the trespassers but also to the emergency personnel who may be forced to respond to any such incidents. Finally, and perhaps most significantly, should the 8-Unit Building collapse, debris from such a collapse may cascade onto the public right of way on Cameron Street, posing a threat of serious bodily injury, or worse, to pedestrians and motorists traveling on or nearby said roadway.

***B. The Instant Action and the Outstanding Motion for Preliminary Injunction.***

On March 17, 2017, Plaintiffs initiated the instant action by filing a Complaint against four defendants,<sup>2</sup> including McFarland, seeking damages and injunctive relief in connection with the May and June 2016 collapses of the wall. Plaintiffs then filed an Amended Complaint on May 2, 2017, and a Second Amended Complaint followed on January 23, 2018. Although Plaintiffs' Second Amended Complaint included a count for injunctive relief, Plaintiffs filed a separate Motion for Preliminary Injunction against McFarland on April 2, 2018. In said Motion, among other things, Plaintiffs aver that the continued presence of the debris field on the Henry Property constitutes a trespass on McFarland's part which inhibits Plaintiffs' ability to use their property free from interference. To this end, Plaintiffs requested that this Court order McFarland to: (1) remove all of the debris field from the Henry Property; (2) take action to secure the collapse site and prevent third parties from entering it; and (3) take steps to secure the hillside and retaining wall from further collapse, and prevent storm water runoff from entering the Henry Property and causing more damage. McFarland filed an Answer to Plaintiffs' Preliminary Injunction Motion on May 1, 2018. Thereafter, on May 10, 2018, Plaintiffs filed an Amended Motion for a Preliminary Injunction against McFarland. On the same day that Plaintiffs filed their Amended Preliminary Injunction Motion, McFarland filed an Amended Answer to Plaintiffs' original Preliminary Injunction Motion. In its Amended Answer, McFarland averred that it does not have sufficient funds to pay for the costs likely associated with the remediation sought by Plaintiffs, and that McFarland may be forced to file for bankruptcy should this Court grant Plaintiffs' Motion for a Preliminary Injunction.

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<sup>2</sup> In addition to the four primary defendants named by Plaintiffs, various primary defendants have brought a multitude of third-party defendants into this litigation via joinder.

On January 15, 2019, Plaintiffs filed a Pre-Hearing Memorandum of Law in support of their Amended Motion for a Preliminary Injunction, and on the same date, McFarland filed a Brief in opposition to Plaintiffs' Amended Motion for a Preliminary Injunction. Subsequently, on January 17, 2019, Plaintiffs filed a Memorandum of Law in Response to McFarland's Brief in Opposition. Having held a Preliminary Injunction Hearing on January 23, 2019, Plaintiffs' Amended Motion is now ripe for this Court's disposition.

### **I. Discussion.**

The Second Restatement of Torts (hereinafter "Restatement"), which has been adopted as law in the Commonwealth of Pennsylvania, provides as follows:

One is subject to liability to another for trespass, irrespective of whether he thereby causes harm to any legally protected interest of the other, if he intentionally

- (a) enters land in the possession of the other, or causes a thing or a third person to do so, or
- (b) remains on the land, or
- (c) *fails to remove from the land a thing which he is under a duty to remove.*

Restatement (Second) of Torts § 158 (emphasis added); see also Liberty Place Retail Assocs., L.P. v. Israelite Sch. of Universal Practical Knowledge, 102 A.3d 501, 506 (Pa. Super. Ct. 2014). It has been noted that in an action for trespass, "the harm is not to the wellbeing of the land, but to the landowner's right to peaceably enjoy full, exclusive use of his property." Jones v. Wagner, 624 A.2d 166, 169 (Pa. Super. Ct. 1993). "It is hornbook law that a Court of Equity possesses jurisdiction to enjoin repeated trespasses on land as well as to enjoin a nuisance." Id. at 170 (quoting Gardner v. Cty. of Allegheny, 114 A.2d 491, 498 (Pa. 1955)). Therefore, "Pennsylvania law, as embodied in the Restatement, entitles a landowner to protect his property interest by maintaining an action to compel a person who has caused a trespass to remove it." Id. at 171.

In its own pre-Hearing Brief in Opposition to Plaintiffs' Amended Motion for Preliminary Injunction, McFarland cited Section 158 of the Restatement in its entirety. In doing so, McFarland averred that it did not intentionally enter onto the Henry Property, nor did it intentionally cause the collapse debris to cascade onto the Henry Property. Assuming this to be true, McFarland would not be liable for trespass under the first two definitions of trespass listed in subsections (a)-(b) of Section 158 of the Restatement. However, in its Brief, McFarland notably omitted any discussion of Section 158's third definition of

trespass, i.e., the definition set forth in Section 158(c). As the undersigned noted during the early stages of the January 23, 2019 Hearing:

“The first two [definitions of trespass set forth in Section 158 of the Restatement] are acts of *commission*, but the third one, which is sufficient by itself to determine trespass, is an act of *omission*. And it clearly states that if you are the owner of property and you allow your property to be on the land and real estate of someone else and its yours – which, I think it’s indisputable, the wall; the debris field, the asphalt, that’s all McFarland’s property – and it’s on their neighbor’s. And it’s been there for going on three years. Now, the issue is whether or not that’s intentional conduct, but it’s *intentional not for the purpose of putting it there. . . . It’s intentional with regards to the failure to remove it.*”

(Notes of Testimony, 1/23/19 Preliminary Injunction Hearing, hereinafter “N.T.”, at 22-23) (emphasis added). In other words, Plaintiffs are *not* alleging that McFarland intentionally deposited the debris field onto the Henry Property. However, Plaintiffs *are* asserting that the trespass occurring in the instant matter can be attributed to McFarland’s continued deliberate failure to *remove* the debris field from the Henry Property, and such failure to remove falls within the purview of the omissive trespass contemplated in Section 158(c) of the Restatement.

Being presented with this Court’s analysis of the Restatement, McFarland, through its counsel, subsequently acknowledged and conceded in open court that the continued presence of the debris field on the Henry Property and McFarland’s failure to remove same indeed constitutes a trespass under Section 158(c) of the Restatement, that said debris field belongs to McFarland, and that, therefore, McFarland has a duty to remove the debris field from the Henry Property.<sup>3</sup> (N.T. at 85). However, counsel for McFarland

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<sup>3</sup> A party seeking relief via a preliminary injunction has the burden of proving six elements:

1) that the injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages; 2) that greater injury would result from refusing an injunction than from granting it, and, concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings; 3) that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; 4) that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest, or, in other words, must show that it is likely to prevail on the merits; 5) that the injunction it seeks is reasonably suited to abate the offending activity; and, 6) that a preliminary injunction will not adversely affect the public interest.

Warehime v. Warehime, 860 A.2d 41, 46-47 (Pa. 2004) (quotation marks omitted). Because McFarland has conceded that Plaintiffs are entitled to injunctive relief from McFarland’s continuing trespass on the Henry Property, this court will not conduct an in-depth analysis of these six elements with regard to the instant matter.

emphasized that the estimated cost of remediation in this matter likely far exceeds any assets currently available to McFarland and that the issuance of any remediation Order would likely prompt McFarland to file for immediate relief in bankruptcy court.<sup>4</sup> (N.T. at 84-85). Counsel indicated that McFarland has attempted to collect on a first-party insurance policy, but its claims were denied, and McFarland has initiated an action against its first-party insurance carrier in Dauphin County Court, which was then removed by the insurance company to the United States District Court for further proceedings. (N.T. at 84). Moreover, counsel stated that McFarland's primary means of covering the costs of remediation would be through any proceeds it would be able to collect from its first-party insurance carrier. (N.T. at 86). Considering the foregoing, we will issue a decree which recognizes Plaintiffs' right to injunctive relief and McFarland's duty to undertake immediate and effective steps to remediate, but which also appreciates McFarland's proclaimed necessity to further explore ways to secure the necessary funding for commencing such remediation.

## II. Conclusion.

In conclusion, and as acknowledged by McFarland, the continued presence of the debris field on Plaintiffs' property constitutes a continuing trespass, and McFarland has a clear legal duty to effectuate

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<sup>4</sup> The United States Bankruptcy Code provides, in relevant part, as follows:

[A] petition filed under section 301, 302, or 303 of [the Bankruptcy Code] . . . operates as a stay . . . of . . . the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [the Code], or to recover a claim against the debtor that arose before the commencement of the case under [the Code].

11 U.S.C. § 362(a)(1). However, the courts have suggested that a party's duties under an injunctive Order are not relieved by the Bankruptcy Code's automatic-stay provision if the primary objective of such injunctive Order is to prevent future harm to the public or abate a continuing nuisance, rather than to financially compensate for past injury. See, e.g., Commonwealth, Dep't of Env'tl. Res. v. Norwesco Dev. Corp., 531 A.2d 94 (Pa. Commw. Ct. 1987) (holding that the automatic-stay provision of the Bankruptcy Code would not prevent the enforcement of an equitable order sought by the Department of Environmental Resources to abate a continuing nuisance and prevent future harm by directing a development company to permit a permanent water supply plan and insure a safe water supply system for a town's residents); Penn Terra Ltd. v. Dep't of Env'tl. Res., 733 F.2d 267 (3d Cir. 1984) (holding that the automatic-stay provision of the Bankruptcy Code did not preclude enforcement of a DER consent order requiring a coal mine operator to remediate damage from its mines because the objective of the DER order was to prevent future harm and restore the environment rather than to enforce a money judgment). Therefore, considering the continuing substantial hazard to public health and safety presented by the debris field and the 8-Unit Building, it is far from certain whether the automatic-stay provision of the Bankruptcy Code would operate to relieve McFarland of its responsibility to remediate the debris field under any injunctive decree that we may issue in the instant matter.

remediation. Moreover, the instability of the McFarland premises and cascading debris field onto the Plaintiffs' premises continues to pose a serious and substantial threat to public safety in a multitude of ways, and, therefore, we emphasize that any and all remediation efforts must be initiated with great dispatch. In light of the foregoing, an appropriate Decree for Remediation is issued of even date herewith.

**ISSUED AT HARRISBURG**, this 8<sup>th</sup> day of April, 2019.

**BY THE COURT:**  
**Lawrence F. Clark, Jr., S.J.**

**DECREE FOR REMEDIATION**

**AND NOW**, this 8<sup>th</sup> day of April, 2019, upon consideration of Plaintiffs' Amended Motion for a Preliminary Injunction against the Defendant, The McFarland, LP ("McFarland"), in the exercise of this Court's inherent equity authority and power to effect remedial relief to protect the safety, health and welfare of the citizens of this Commonwealth, and to also afford the Plaintiffs their rightful injunctive relief from trespass to their land and property in the instant matter, **IT IS HEREBY ORDERED AND DECREED** as follows:

1. Plaintiffs' Amended Motion for a Preliminary Injunction is **GRANTED**, according to the terms of this Decree and the accompanying Memorandum Opinion.
2. No later than sixty (60) days of the date of this Decree, McFarland and Plaintiffs shall submit to this Court a proposed Plan of Remediation, which shall set forth, in comprehensively specific terms, the anticipated actions which will be undertaken to promptly remediate, remove, and stabilize the debris field, retaining wall, and 8-Unit Building such that Plaintiffs may again use and enjoy their property without interference, and such that all threats to public safety currently presented by the condition of the debris field, retaining wall, and 8-Unit Building are eliminated. Such proposed Plan shall also provide a reasonable estimate of the anticipated cost of remediation based upon all facts and circumstances known to the parties at the time of the Plan's submission to this Court.
3. Within twenty (20) days of the date of this Decree, McFarland and Plaintiffs shall submit to this Court a comprehensive Joint Status Report which explains in detail any and all efforts currently underway or previously having been undertaken by the parties towards

development of the proposed Plan of Remediation heretofore described in Paragraph 2 of this Decree, as well as all efforts being undertaken by McFarland to secure the funding necessary to effectuate such remediation. Subsequent to submission of the initial Joint Status Report, the parties shall submit additional detailed Joint Status Reports every twenty (20) days until the proposed Plan of Remediation is submitted to this Court for review.

4. This Court shall retain complete and ongoing jurisdiction of this litigation, and in particular, this ordered Plan of Remediation and its approval and implementation.

**ISSUED AT HARRISBURG**, the date first above written.

**BY THE COURT:**  
**Lawrence F. Clark, Jr., S.J.**

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## SECOND PUBLICATION

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### Estate Notices

**ESTATE OF MARY ANN GERHARDS**, of Highspire Borough, Dauphin County, Pennsylvania. Executor: DAVID ACHENBACH, 383 Joe Denton Road, Louisburg, NC 27549 or to Attorney: JENNIFER M. MERX, ESQUIRE, SkarlatosZonarich LLC, 320 Market Street, Suite 600 W, Harrisburg, PA 17101. a19-m3

**ESTATE OF SHIRLEY I. ARNOLD**, late of Monroe Township, Juniata County, Pennsylvania. Co-Executors: Dennis A. Arnold and Kevin W. Arnold. Attorney: Melanie Walz Scaringi, Esquire, Scaringi Law, 2000 Linglestown Road, Suite 106, Harrisburg, PA 17110. a19-m3

**ESTATE OF DORIS M. COYNE**, late of the City of Harrisburg, Dauphin County, Pennsylvania, (died: March 20, 2019). Co-Executors: Richard P. Coyne, 630 Willow Valley Square North G-007, Lancaster, PA 17602 and Janice M. Coyne, 832 W. Charing Cross Circle, Lake Mary, FL 32746. Attorney: Elyse E. Rogers, Esquire, Sullivan Rogers & Feichtel, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050. a19-m3

**ESTATE OF GEORGE D. WELLS**, late of West Hanover Township, Dauphin County, Pennsylvania. Executor: Joyce E. Gillgren, c/o Craig A. Hatch, Esquire, Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011. a19-m3

**ESTATE OF KAREN L. STICKLER**, late of South Hanover Township, Dauphin County, Pennsylvania. Administrator: Gerald J. Brinser, c/o Jeremy D. Wagner, P.O. Box 323, Palmyra, PA 17078 -Attorney. a19-m3

**ESTATE OF RICHARD A. BAGBY**, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: March 13, 2019). Executor: CRISTEN L. BAGBY, 1300 Mountain Laurel Circle, Harrisburg, PA 17110. Attorney: KRISTEN SNYDER, 1215 Manor Drive, Ste. 202, Mechanicsburg, PA 17055. a19-m3

**ESTATE OF SANDRA K. CHORTANOFF**, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died: July 21, 2016). Executrix: Debra L Hoerner, 6478 Ann Street, Harrisburg, PA 17111. Attorney: Donald F. Davis, 1251 E. Chocolate Avenue, Hershey, PA 17033. a19-m3

**ESTATE OF GERALDINE P. SULLY**, late of Williams Township, Dauphin County, Pennsylvania, (died: March 5, 2019). Executrix: Lisa Ann Carl, 61 Harvey Drive, Pine Grove, PA 17963. Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethtown, PA 17023. a19-m3

**ESTATE OF GLORIA M. KOPPENHAVER**, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Michael E. Koppenhaver, 156 Marks Road, Millersburg, PA 17061 or to Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. a19-m3

**ESTATE OF CHARLES E. SHERRY**, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died: March 20, 2019). Co-Executors: Roxanne Oliver, 883 Country Lake Drive, Harrisburg, PA 17111; Bonnie Almasy, 1078 Woodberry Road, New Kensington, PA 15068; C. Wayne Sherry, 604 Hummel Avenue, Lemoyne, PA 17043. Attorney: Elizabeth H. Feather, Esquire, CALDWELL & KEARNS, PC, 3631 North Front Street, Harrisburg, PA 17110. a19-m3

**ESTATE OF EDWARD A. PAULICK**, late of the Township of Lower Swatara, Dauphin County, Pennsylvania. Executor: Wilma W. Burns, 7 Messick Drive, Middletown, PA 17057 or to Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, Harrisburg, PA 17109-3041. a19-m3

**ESTATE OF BRETT AUSTIN TERRY**, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: February 27, 2019). Administratrix: Anne E. Guenin, 15310 North Third Street, Harrisburg, PA 17101 or to Attorney: Brandon S. O'Connor, Esquire, Sullivan Rogers & Feichtel, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050. a19-m3

**ESTATE OF JOANN S. ZENER a/k/a JO-ANN ZENER**, late of the Township of Derry, County of Dauphin, Pennsylvania (died: January 13, 2019. Executrix: Eileen P. Miller, 202 La Vida Via, Downingtown, Pennsylvania 19335; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. a19-m3

**ESTATE OF CHARLES W. TROSTLE SR.**, late of Dauphin County, Pennsylvania; (died: on April 19, 2015). Co-Administrators: Charles W. Trostle Jr. and Richard Trostle, and Attorney: Dominic Montagnese, 624 North Front Street, Wormleysburg, PA 17043. a19-m3

**ESTATE OF LENORA M. SMITH, a/k/a LENORA MARIE SMITH**, late of Harrisburg City, Dauphin County, Pennsylvania (died: October 28, 2016). Executrix: Gwendolyn T. Mosley, 6450 Oak View Drive, Harrisburg, PA 17112. Attorney: Robert G. Radebach, Esquire, 912 North River Road, Halifax, PA 17032. a19-m3

**ESTATE OF MARY ELLEN NEGRETE**, late of Swatara Township, Dauphin County, Pennsylvania, (died: Thursday, November 8, 2018). Executor: Philip Andrew Negrete, 312 Kelker Street, Steelton, PA 17113. a19-m3

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## SECOND PUBLICATION

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### Estate Notices

**ESTATE OF NATHALIE A. BROWN**, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: March 23, 2019). Executrix: Anne Marie Cordaro, Two Ramsgate Drive, Hummelstown, PA 17036. Attorney: Elizabeth H. Feather, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. a19-m3

**ESTATE OF LINDA A. PAGNOTTI a/k/a LINDA ANN PAGNOTTI**, late of Swatara Township, Dauphin County, Pennsylvania, (died: March 11, 2019). Executrix: Christine A. Pagnotti (Harwell), 250 E. Crestwood Dr., Apt. A3, Camp Hill, PA 17011. a19-m3

**ESTATE OF ALBERT H. SNYDER**, late of Derry Twp., Dauphin County, Pennsylvania (died: January 8, 2019). Executor: Mark A. Snyder, c/o C. Thomas Work, Esq., P.O. Box 679, Reading, PA 19603. Or to his Atty.: C. Thomas Work, Stevens & Lee, P.O. Box 679, Reading, PA 19603. a19-m3

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## THIRD PUBLICATION

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### Estate Notices

**ESTATE OF HELEN T. GRIMOORIS**, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: January 13, 2019). Executrix: Christine F. Geesaman, c/o Edward P. Seeber, Esquire, JSDC Law Offices, Suite C-400, 555 Gettysburg Pike, Mechanicsburg, PA 17055, 717-533-3280. a12-26

**ESTATE OF JOSEPH B. RESH**, of Royalton Borough, Dauphin County, Pennsylvania. Administrator: JERRY E. RESH, 631 S. Union Street, Middletown, PA 17057 or to Attorney: ROBERT FREEDENBERG, ESQ., SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101. a12-26

**ESTATE OF CLAVETTA E. ZIEGLER**, late of 30 Fairfax Village, Harrisburg, PA 17112, (died: January 27, 2019). Executor: Carl L. Belcher, Jr., 8470 Kensi Ct, Hummelstown, PA 17036. a12-26

**ESTATE OF RICKY O. ZINK**, late of Middletown Borough, Dauphin County, Pennsylvania, (died: March 8, 2019). Executrix: Marion H. Zink, 313 Ridge Avenue, Middletown, PA 17057. Attorney: Elizabeth H. Feather, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. a12-26

**ESTATE OF THOMAS KEVIN FINN a/k/a THOAMS KEVIN FOSTER FINN**, late, of West Hanover Township, Dauphin County, Pennsylvania. Executor: William Thomas Hapeman, 6933 Derrick Drive, Harrisburg, PA 17112. Attorney: Law Offices of Peter J. Russo, P.C., 245 Grandview Ave, Suite 102, Camp Hill, PA 17011. a12-26

**ESTATE OF ROSE M. LAWLER**, of Penbrook Borough, Dauphin County, Pennsylvania. Executrix: Anne F. Russell, 605 Cedar Heights Drive, Mechanicsburg, PA 17055 or to Attorney: Elizabeth B. Place, Esquire, SkarlatosZonarich, LLC, 320 Market Street, Suite 600W, Harrisburg, PA 17101. a12-26

**ESTATE OF ELIZABETH W. DAVIS**, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died: January 15, 2019). Executrix: Jan L. Brown a/k/a Jan L. Moberg, of St. Augustine, Florida. Attorney: Jacqueline A. Kelly, Esquire, JSDC Law Offices, 555 Gettysburg Pike, Suite C400, Mechanicsburg, PA 17055, 717-533-3280. a12-26

**ESTATE OF ANNE B. BULLER**, late of Harrisburg, Dauphin County, Pennsylvania, (died: January 21, 2019). Executor: Paul J. Killion, 545 S. Third Street, Lemoyne, PA 17043. a12-26

**ESTATE OF JEAN M. KAYLOR**, late of Lower Swatara Township, Dauphin County, Pennsylvania, (died: 3/9/19). Executrix: Vicki L. Lutzkanin, 1835 Blacklatch Ln., Middletown, PA 17057 or to Attorney: Kathleen B. Murren, Skarlatos Zonarich, 320 Market St., Ste. 600 W, Harrisburg, PA 17101. a12-26

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## FIRST PUBLICATION

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### Corporate Notices

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about April 5, 2019 for a foreign corporation with a registered address in the state of Pennsylvania as follows: **EVANS PROFESSIONAL SERVICES INC.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of Virginia.

The address of its principal office is 3110 Fairview Park Drive, Suite 1100, Falls Church, 22042.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a26

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## FIRST PUBLICATION

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### Corporate Notices

NOTICE IS HEREBY GIVEN that **Aporeto, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 84 W. Santa Clara St, Ste 440, San Jose, CA 95113, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/8/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. a26

NOTICE IS HEREBY GIVEN that **Infoshare Systems, Inc.**, a foreign business corporation, has applied for a Statement of Registration to do business in the Commonwealth of Pennsylvania under the provisions of Chapter 4 of the Pennsylvania Association Transactions Act (15 Pa. C.S. § 6124). The corporation is incorporated under the laws of the State of California. The address of its principal office under the laws of said jurisdiction is 26040 Acero, Suite 111, Mission Viejo, CA 92691, and the name of its commercial registered office provider in Pennsylvania is National Registered Agents, Inc. a26

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 April 4, 2019, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Impel NeuroPharma, Inc.** c/o National Registered Agents, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 201 Elliott Ave. W., St. 260, Seattle, WA 98119.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. a26

NOTICE IS HEREBY GIVEN in compliance with the requirements of the applicable provisions of 15 PA. C.S./415 or /417, the undersigned registered foreign association hereby states that **BIOX USA Limited** is not doing business in the Commonwealth and withdraws its registration to do business in this Commonwealth. The jurisdiction of formation is Delaware, with the PA registered agent being c/o: Corporation Service Co.. This statement of withdrawal will take place effective 4/9/2019. a26

NOTICE IS HEREBY GIVEN that **Currie Building Systems, Inc.**, a foreign corporation formed under the laws of the State of Massachusetts and with its principal office located 317 Brooks St, Worchester, MA 01606, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/18/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. a26

NOTICE IS HEREBY GIVEN that **Abercrombie & Fitch Management Co.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 6301 Fitch Path, New Albany, OH 43054, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/8/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. a26

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for a professional corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is **Laurel Dental, P.C.** a26

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## FIRST PUBLICATION

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### Fictitious Name Notices

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S., that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Anthology of McCandless** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 4/16/2019. Purpose: senior residential apartments. Principal place of business: 130 E. Randolph St., Ste. 2100, Chicago, IL 60601. The name and address of the person/entity owning or interested in said business is CA Senior McCandless II Operator, LLC, (a Limited Liability Company organized in Delaware), with an address of 130 E. Randolph St., Ste.2100, Chicago, IL 60601. The PA reg'd office is Corporation Service Co. a26

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**FIRST PUBLICATION**

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**Fictitious Name Notices**

NOTICE IS HEREBY GIVEN that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania for **Trenton Corrugated Products** with a principle place of business located at 17 Chelten Way, Trenton, New Jersey 08638. The entity interested in such business is IJA Acquisition, LLC whose commercial registered office address is c/o Cogency Global Inc. in Dauphin County. This is filed in accordance with 54 Pa.C.S.311. a26

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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

**NO. 2014-CV-09642-MF**

**NOTICE OF SHERIFF'S SALE**

**CITIMORTGAGE, INC., PLAINTIFF  
VS.  
HARRISON J. PURDY AND  
DANIELLE Y. PURDY, PLAINTIFF(S)**

NOTICE TO: HARRISON J. PURDY and DANIELLE Y. PURDY A/K/A DANIELLE PURDY

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

Being Premises: 6416 TAUNTON ROAD, HARRISBURG, PA 17111-4800

Being in LOWER PAXTON TOWNSHIP, County of DAUPHIN, Commonwealth of Pennsylvania, 35-119-013-000-0000

Improvements consist of residential property.

Sold as the property of HARRISON J. PURDY and DANIELLE Y. PURDY

Your house (real estate) at 6416 TAUNTON ROAD, HARRISBURG, PA 17111-4800 is scheduled to be sold at the Sheriff's Sale on 07/11/2019 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$194,368.08 obtained by, CITIMORTGAGE, INC. (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND  
& JONES, LLP  
Attorney for Plaintiff

a26

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

**NO. 2019-CV-01324-MF**

**CIVIL ACTION-LAW**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**HSBC BANK USA, N.A., AS INDENTURE  
TRUSTEE FOR THE REGISTERED  
HOLDERS OF THE FIRST NLC TRUST 2005  
-1, CALLABLE MORTGAGE-BACKED  
NOTES, SERIES 2005-1, PLAINTIFF  
VS.  
DAVID R. POTTEIGER, DEFENDANTS**

To: DAVID R. POTTEIGER Defendant(s), 3633 BROOKFIELD ROAD, HARRISBURG, PA 17109

COMPLAINT IN MORTGAGE FORECLOSURE

You are hereby notified that Plaintiff, HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF THE FIRST NLC TRUST 2005-1, CALLABLE MORTGAGE-BACKED NOTES, SERIES 2005-1, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, PA docketed to No. 2019-CV-01324-MF, seeking to foreclose the mortgage secured on your property located, 3633 BROOKFIELD ROAD HARRISBURG, PA 17109.

NOTICE

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

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

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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

LAWYERS REFERRAL SERVICE  
Dauphin County Lawyer Referral Service  
213 North Front Street  
Harrisburg, PA 17101  
717-232-7536

RAS CITRON, LLC  
ATTORNEYS FOR PLAINTIFF  
Jenine Davey, Esq. ID No. 87077  
133 Gaither Drive, Suite F  
Mt. Laurel, NJ 08054

a26

855-225-6906

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

**NO. 2018-CV-07615-MF**

**NOTICE OF SHERIFF'S SALE**

**SUNTRUST BANK, PLAINTIFF  
VS.  
JEREMY EBERTS, DEFENDANT**

NOTICE TO: JEREMY EBERTS

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

Being Premises: 206 ARMSTRONG STREET,  
HALIFAX, PA 17032

Being in HALIFAX BOROUGH, County of  
DAUPHIN, Commonwealth of Pennsylvania, 28-  
002-002-000-0000

Improvements consist of residential property.

Sold as the property of JEREMY EBERTS and  
CHAD W. EBERTS

Your house (real estate) at 206 ARMSTRONG  
STREET, HALIFAX, PA 17032 is scheduled to be  
sold at the Sheriff's Sale on 7/11/2019 at 10:00  
AM at the DAUPHIN County Courthouse, 101  
Market Street, Room 104, Harrisburg, PA 17107-  
2012 to enforce the Court Judgment of \$67,350.87  
obtained by SUNTRUST BANK (the mortgagee)  
against the above premises.

PHELAN HALLINAN DIAMOND  
& JONES, LLP

a26

Attorney for Plaintiff

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

**NO. 2019-CV-00303-MF**

**CIVIL ACTION – LAW**

**NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE**

**U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR MASTR ASSET BACKED  
SECURITIES TRUST 2006-NC1, MORT-  
GAGE PASS-THROUGH CERTIFICATES,  
SERIES 2006-NC1, PLAINTIFF  
VS.**

**MATTHEW D. ARTZ  
MICHELLE L. ARTZ, DEFENDANTS**

NOTICE

To MATTHEW D. ARTZ and MICHELLE L.  
ARTZ

You are hereby notified that on January 15, 2019, Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET BACKED SECURITIES TRUST 2006-NC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC1, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2019-CV-00303-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 422 WEST MARKET STREET, WILLIAMSTOWN, PA 17098-1513 whereupon your property would be sold by the Sheriff of DAUPHIN County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

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

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

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## FIRST PUBLICATION

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### Miscellaneous Notices

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  
Telephone (717) 232-7536

a26

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

NO. 20 18 CV 4856 MF

CIVIL ACTION - LAW

### NOTICE OF ACTION IN MORTGAGE FORECLOSURE

**PENNYMAC LOAN SERVICES, LLC,  
PLAINTIFF  
VS.**

**PETER J. EISENHAEUER; DEFENDANT**

NOTICE

TO: PETER J. EISENHAEUER

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

TAKE NOTICE that the real estate located at 19 South Third Street, Steelton, Pennsylvania 17113, is scheduled to be sold at Sheriff's Sale on **July 11, 2019 at 10:00 a.m. at Dauphin County Administration Building, 2 South 2nd Street, Harrisburg, PA 17101**, to enforce the Court Judgment of \$51,033.54 obtained by PENNYMAC LOAN SERVICES, LLC against you.

Property situated in Dauphin County  
BEING premises: 19 South Third Street, Steelton, Pennsylvania 17113  
Tax Parcel: 59-014-028-000-0000

Improvements consist of residential property.  
Sold as the property of Peter J. Eisenhauer and Patricia L. Eisenhauer

TERMS OF SALE: The purchaser at sale must pay the full amount of his/her bid by two o'clock P.M. on the day of the sale, and if complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for Dauphin County conveying to the purchaser all the right, title and

claim which the said defendant has in and to the said property at the time of levying the same. If the above conditions are not complied with on the part of the purchaser, the property will again be offered for sale by the Sheriff at three o'clock P.M., on the same day. The said purchaser will be held liable for the deficiencies and additional costs of said sale.

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

Powers Kirm, LLC  
8 Neshaminy Interplex, Suite 2 15  
Trevose, PA 19053  
215-942-2090

a26

Attorney for Plaintiff

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### NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that by Order of the Supreme Court of Pennsylvania dated April 15, 2019, WILLIAM R. BALABAN (#19667) whose office is located on North Front Street in Harrisburg, is Suspended on Consent from the Bar of this Commonwealth for a period of one year and one day, to be effective May 15, 2019.

a26

Marcee D. Sloan  
Board Prothonotary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

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

NO. 2018-CV-07522-MF

CIVIL ACTION - LAW

### NOTICE OF ACTION IN MORTGAGE FORECLOSURE

**WELLS FARGO BANK, N.A. S/B/M TO  
WACHOVIA BANK, NATIONAL  
ASSOCIATION, PLAINTIFF  
VS.**

**UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING RIGHT, TITLE  
OR INTEREST FROM OR UNDER  
BEVERLY A. BROSIUS A/K/A BEVERLY A.  
MACE A/K/A BEVERLY A. MACE  
BROSIUS, DECEASED, DEFENDANT**

NOTICE

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## FIRST PUBLICATION

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## NOTICE

### Miscellaneous Notices

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER BEVERLY A. BROSIUS A/K/A BEVERLY A. MACE A/K/A BEVERLY A. MACE BROSIUS, DECEASED

You are hereby notified that on November 9, 2018, Plaintiff, WELLS FARGO BANK, N.A. S/ B/M TO WACHOVIA BANK, NATIONAL ASSOCIATION, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County Pennsylvania, docketed to No. 2018-CV-07522-MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at ROUTE 25, HCR BOX 12B, SPRING GLEN, PA 17978 whereupon your property would be sold by the Sheriff of DAUPHIN County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

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

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

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

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Telephone (717) 232-7536

a26

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**INDEX**

A.H. and B.P.M., S.W. v. ....	190
Adoption of Baby Boy Lundon (Father's Appeal) .....	70
Adoption of Baby Boy Lundon (Mother's Appeal) .....	76
Adoption of M.D.L. ....	178
Adoption of M.E.L. ....	178
Adoption of M.L.M. ....	60
Amos v. Amos .....	62
Amos, Amos v. ....	62
A.T. S.T.E. v. ....	194
Auringer, In re. ....	297
B.L., J.B. v. G.L., T.W., .....	187
B.P.M., S.W. v. A.H. and .....	190
Baby Boy Lundon, Adoption of (Father's Appeal) .....	70
Baby Boy Lundon, Adoption of (Mother's Appeal) .....	76
C.O., N.G. v. ....	1
C.S., V.H., and R.D., T.S. v. ....	81
City of Harrisburg, McFarland LP v. ....	121
Commonwealth v. Forde .....	11
Commonwealth, Haymaker v. ....	26
Commonwealth, Kline v. ....	131
Commonwealth v. Lee.....	48
Commonwealth v. McLeod .....	202
Commonwealth v. New Vision Management, LLC .....	121
Commonwealth v. Williams .....	318
D.D.G., S.R.G. v. ....	305
Dept. of Transp., Bureau of Driver Licensing, Diaz v.....	254
Dept. of Transp., Bureau of Driver Licensing, Hoffman v. ....	250
Diaz v. Dept. of Transp., Bureau of Driver Licensing .....	254
Dickerson, et al. v. Lower Swatara Twp. Zoning Hearing Board v. Lower Swatara Twp. ....	286
Edwards v. PennDOT. ....	232
Eisenhour v. Eisenhour. ....	38
Eisenhour, Eisenhour v. ....	38
F.B., M.R. v. ....	239
Forde., Commonwealth v. ....	11
Garland v. PennDOT .....	161
GAT Distribution Corp., et al., Mumma, et al. v. ....	112
G.L., T.W., B.L., J.B. v. ....	187
H.E. Rohrer, Inc. et.al, Kuhns v. ....	55
Harrisburg Housing Authority v. Lane .....	210
Haymaker v. Commonwealth .....	26
Hoffman v. Dept. of Transp., Bureau of Driver Licensing. ....	250
Hoffman Ford Sales, Inc., Shoemaker v. Lower Paxton Township Board of Supervisors and. ....	222
Howard & Monique Henry and Howard Tire & Auto v. The McFarland, L.P. v. Spring Village Apartments, LLC. ....	312
Howard & Monique Henry and Howard Tire & Auto, Inc. v. The McFarland, L.P., et al. v. ....	
Spring Village Apartments, LLC, et al. ....	335
In re Auringer. ....	297
J.B. v. G.L., T.W., B.L. ....	187

**INDEX**

J.D., M.S. v. .... 99  
 J.S. v. R.S.S.. ....265

K.P., T.J. v. W.H., Jr. and .....106  
 Kapp v. Kapp v. Updegraff..... 64  
 Kapp, Kapp v. Updegraff..... 64  
 Kline v. Commonwealth .....131  
 Kuhns v H.E. Rohrer, Inc. et.al..... 55

Lane, Harrisburg Housing Authority v. .... 210  
 Lee, Commonwealth v..... 48  
 Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc., Shoemaker v. ....222  
 Lower Swatara Twp., Dickerson, et al. v. Lower Swatara Twp. Zoning Hearing Board v.....286  
 Lower Swatara Twp. Zoning Hearing Board v. Lower Swatara Twp., Dickerson, et al. v.....286

M.D.L., Adoption of .....178  
 M.E.L., Adoption of ..... 178  
 M.L.M., Adoption of ..... 60  
 M.R. v. F.B.. ....239  
 M.S. v. J.D. .... 99  
 McFarland LP v. City of Harrisburg .....121  
 McFarland, L.P, The v. Spring Village Apartments, LLC, Howard & Monique Henry and Howard Tire & Auto v. ....312  
 The McFarland, L.P., et al. v. Spring Village Apartments, LLC, et al., Howard & Monique Henry and Howard Tire & Auto, Inc. v.. ....335

McLeod, Commonwealth v. ....202  
 Mumma, et al. v. GAT Distribution Corp., et al. .... 112

N.G. v. C.O. .... 1  
 New Vision Management, LLC v. Commonwealth .....121

PennDOT, Edwards v.. ....232  
 PennDOT, Garland v. ....161

R.D., T.S. v. C.S., V.H., and ..... 81  
 R.S. v. S.Z and M.Z. ....168  
 R.S.S., J.S. v.. ....265

S.T.E. v. A.T. ....194  
 S.R.G. v. D.D.G. ....305  
 S.W. v. A.H. and B.P.M. ....190  
 S.Z and M.Z., R.S. v. ....168  
 Shoemaker v. Lower Paxton Township Board of Supervisors and Hoffman Ford Sales, Inc.....222  
 Spring Village Apartments, LLC., Howard & Monique Henry and Howard Tire & Auto v. McFarland, L.P, The v. ....312  
 Spring Village Apartments, LLC, et al., Howard & Monique Henry and Howard Tire & Auto, Inc. v. The McFarland, L.P., et al. v. ....335

T.J. v. W.H., Jr. and K.P. ....106  
 T.L. f/k/a T.D., W.T.D. v. ....150  
 T.S. v. C.S., V.H., and R.D. .... 81  
 T.W., B.L., J.B. v. G.L., ....187

Updegraff, Kapp v. Kapp v. .... 64

V.H., and R.D., T.S. v. C.S., .... 81

**INDEX**

W.H., Jr. and K.P., T.J. v. ....106  
W.T.D. v. T.L. f/k/a T.D. ....150  
Williams, Commonwealth v. ....318

**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
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**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*

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**EXECUTIVE DIRECTOR:** Dauphin County CASA is looking for an Executive Director is ultimately responsible for the overall management of the agency and all aspects of the agency's operations. This primarily involves the supervision and coordination of a volunteer service program which provides CASA services to abused and neglected children. Key responsibilities include, but are not restricted to: 1) Resource development and maintenance, 2) Program accountability and planning, 3) Community and public relations, 4) Personnel management, 5) Agency liaison to the Board of Directors, and 6) Fiscal management. Job Requirements: 1. Must submit Act 33 (Child Abuse) and 34 (Criminal Record Check) clearances; 2. Act 114 FBI Fingerprint Check; 3. Drug Testing; 4. Must sign a Confidentiality Commitment/Pledge; 5. Must have access to a vehicle, be willing and able to travel, and possess a valid driver's license. For more information please click [here](#). a12-26

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**LITIGATION ADMINISTRATIVE ASSISTANT (LEGAL SECRETARY):** Nauman Smith has an immediate opportunity available for an experienced litigation administrative assistant (legal secretary) with top-notch technical and administrative skills. The selected individual will be responsible for working with the !:lead of our litigation section, preparing and processing correspondence, memoranda and complex legal documents in both state and federal courts. Excellent technical, administrative and organizational, skills; ability to work well under pressure in a deadline-driven environment; and ability to work independently and proactively required. A high degree of proficiency with Microsoft Word, Outlook, Excel and a document management system strongly preferred. Experience with e-filing in both county and federal courts a must and experience with Perfect Practice a plus. Minimum of 3 years of recent law firm experience in litigation. Must be familiar with state and federal (trial and appellate courts) rules, and procedures and the day-to-day activities of a litigation practice. Send resume to: Office Manager, PO Box 840, Harrisburg, PA 17108-0840; Email [toinfo@nssh.com](mailto:toinfo@nssh.com). a12-26

**DEPUTY:** The United States Bankruptcy Court for the Eastern District of Pennsylvania is seeking qualified applicants for the Deputy in Charge position in Reading, PA. The incumbent is responsible for administrative operations in the Reading Divisional Office. Please see attached link for additional information, please click [here](#). a19-m3

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