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Commonwealth v. Lee
Bar Association Page

48
Back Pages



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Dauphin County Reporter
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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 LARRY A. HARRIS, last of the County of Dauphin and Commonwealth of Pennsylvania. Administrator: Shelia D. Harris, 406 Grist Mill Road, Hummelstown, PA 17036.

s2-16

ESTATE OF PAUL EDWARD OWENS, A/K/A PAUL E. OWENS, (died: July 31, 2016), late of Dauphin County, Pennsylvania. Administratrix: Kelly J. King, 17600 Chatham Hills Road, Norman, OK 73071. Attorney: Steven J. Schiffman, Esq., SCHIFFMAN, SHERIDAN & BROWN, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110.

s2-16

ESTATE OF VIRGINIA MAY JURAN A/K/A VIRGINIA M. JURAN, (died: November 30, 2015), late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Jan G. Juran, of Miami Beach, Florida. Attorney: Estate of Virginia May Juran a/k/a Virginia M. Juran c/o Christa M. Aplin, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550.

s2-16

ESTATE OF DIMOS HALKIAS, (died: July 1, 2016), late of Susquehanna Township, Dauphin County. Administrator: Elizabeth Barnes, 385 Hollowbrook Drive, Carlisle, PA 17013. Attorney: Susan Lederer, Esquire, 5011 Locust Lane, Harrisburg, PA 17109.

s2-16

ESTATE OF THOMAS BRUCE MARSH, A/K/A THOMAS B. MARSH, (died: August 8, 2016), late of Dauphin County, Pennsylvania. Administratrix: Donna L. Marsh, 956 Sycamore Street, Washington, PA 15301. Attorney: Steven J. Schiffman, Esq., SCHIFFMAN, SHERIDAN & BROWN, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110.

s2-16

ESTATE OF EDWARD E. CRAIG, SR., late of Middletown Borough, Dauphin County, Pennsylvania. Executrix: Jennifer L. Heisey, 984 Highland Street, Harrisburg, PA 17113. Attorney: or R. Benjamin Cramer, Esquire, P. O. Box 159, Duncannon, PA 17020.

s2-16

Accordingly, I enter the following:

ORDER

AND NOW, this 10th day of August 2016, upon consideration of Defendant's Amended Preliminary Objections to Plaintiff's Complaint, it is directed that the Objections are SUSTAINED as to the causes of action raised by Plaintiff in Count 2 (Promissory Estoppel and Unjust Enrichment). All other Preliminary Objections are OVERRULED, as set forth in the attached opinion.

Commonwealth v. Lee

**Crimes and Criminal Procedure - Post Conviction Relief Act (PCRA) Petition -
Mandatory Minimum Sentence - Assignment of Counsel**

Petitioner was convicted by a jury of attempted murder, conspiracy to commit robbery, and a firearms violation. The charges arose out of a robbery and shooting by petitioner and his conspirator during an aborted drug deal. The Court held that he was time-barred from pursuing PCRA relief, and not entitled to court-appointed counsel.

PCRA Petition (Second). C.P., Dau. Co., No. CP-22-CR-3066-2008. Denied.

1. A request for post-conviction relief must be filed within one year from the date the judgment of sentence becomes final in order for the trial court to have jurisdiction to address the collateral claims raised. 42 Pa.C.S.A. § 9545(b)(1).

2. A new rule of constitutional law is applied retroactively to cases on collateral review only if the United States Supreme Court or the Supreme Court of Pennsylvania specifically holds it to be retroactively applicable to those cases. *Commonwealth v. Miller*, 102 A.3d 988, 995 (Pa. Super. 2014).

3. A PCRA petitioner filing a second or subsequent request for PCRA relief is only entitled to court-appointed counsel if an evidentiary hearing would be required to fully address the issues raised. *Pa.R.Cr.P. 904(D)*.

Turgeon, J., August 15, 2016.

OPINION

Before the court is Petitioner Marcale Lee's "Motion to Vacate Judgment of Sentence, and/or In the Alternative Petition to Set Aside Mandatory Minimum Sentence Nunc Pro Tunc, Pursuant to Alleyn v. United States." This court is treating this filing as Mr. Lee's second petition under the Post Conviction Collateral Relief

Act (PCRA).¹ Petitioner has also simultaneously filed an “Application for Assignment of Counsel.” He claims in his Motion to Vacate Judgment of Sentence that he has been illegally sentenced under Alleyn, infra. Because petitioner’s claim is untimely, I notify him of my intent to dismiss his Motion. In addition, I deny his Application for Assignment of Counsel because he is not entitled to court-appointed counsel.

Background

Following a three-day jury trial in May 2009, petitioner was found guilty of attempted homicide (18 Pa.C.S.A. § 901, 18 Pa.C.S.A. § 2501), criminal conspiracy to commit robbery (18 Pa.C.S.A. § 903, 18 Pa.C.S.A. § 3701), and firearms not to be carried without a license (18 Pa.C.S.A. § 6106). These charges arose out of the robbery and shooting of Jason Barton on November 25, 2007 by petitioner and his conspirator Pedro Morrell during an aborted drug deal.² I recited the factual background in a prior opinion:

... Jason Barton testified that on the evening of Sunday November 25, 2007, petitioner telephoned Barton to arrange to buy three-quarters of an ounce of crack cocaine. (N.T. 5/12/09 at 13) Barton was a drug dealer and petitioner, known to Barton as “Killa/Killer” or “Black Nigga,” was his client. (N.T. 5/12/09 at 10-11) At the time of the shooting, Barton had known petitioner for two to three months and had contacted him by phone and made personal contact with him at least twenty times. (N.T. 5/12/09 at 11-12) Phone records corroborated that seven calls were placed between Barton’s cell phone and one of the three cell phone numbers used by petitioner on November 25, 2007 (number ending 2462), the last two calls occurring at 9:18 p.m. and 9:26 p.m. EST, respectively. (N.T. 5/12/09 at 144-46, 154-55, 215, 223)

Barton drove to meet petitioner in a parking lot of the Hall Manor housing project, receiving directions over the phone from petitioner. (N.T. 5/12/09 at 16-17) Petitioner approached on foot and entered the passenger side of the Barton’s vehicle. (N.T. 5/12/09 at 17) As Barton drove out of the parking lot, another vehicle, allegedly driven by Morrell, began to follow them. (N.T. 5/12/09 at 17-18) Barton asked petitioner about the other vehicle and petitioner told him, “that’s my man,” indicating he would provide money for the drug buy. (N.T. 5/12/09 at 18)

After making several turns, petitioner directed Barton to stop the vehicle. Barton complied, pulling back into the parking lot where they initially met. (N.T. 5/12/09 at 18-19) Petitioner then pulled the keys from the ignition and stuck a gun into Barton’s side. (N.T. 5/12/09 at 19) Meanwhile, Morrell approached Barton’s car on foot and tapped the driver’s side window with a gun. (N.T. 5/12/09 at 20-21) Morrell tried unsuccessfully to

¹ 42 Pa.C.S.A. § 9541-9551.

² Morrell was tried along with petitioner but the jury was unable to reach a verdict. Morrell was later re-tried in September 2009 before the Hon. Richard Lewis and found guilty of attempted homicide, robbery, conspiracy and firearms not to be carried without a license. (Commonwealth v. Morrell, No. CP-22-CR-3048-2008).

open Barton's locked door so he walked around to the front of the vehicle at which point Barton fled on foot into a nearby field while petitioner and/or Morrell fired shots at him. (N.T. 5/12/09 at 21) Barton was struck numerous times and fell. (N.T. 5/12/09 at 21-22) As he was lying on the ground, the two perpetrators stood over him with guns pointed and stole his ring, bracelet, watch and money. (N.T. 5/12/09 at 22-23) Petitioner instructed Morrell to shoot the "rat" but Morrell's gun jammed so petitioner fired his own gun, striking Barton in the face. (N.T. 5/12/09 at 23, 25) Barton was somehow able to get up and run in the direction of a nearby neighborhood. (N.T. 5/12/09 at 23) Petitioner caught up with him and struck him repeatedly on the head with his gun. (N.T. 5/12/09 at 24) As people gathered, petitioner fled. (N.T. 5/12/09 at 24) Barton suffered four bullet wounds, was hospitalized and underwent multiple surgeries including insertion of a metal plate in his face. (N.T. 5/12/09 at 25-28)

Police were alerted to the shooting by dispatch, around 10:00 p.m. (N.T. 5/11/09 at 27, 37) Harrisburg Police Detective Richard Iachini testified that Barton was able to communicate that night but did not answer police when asked who had shot him. (N.T. 5/12/09 at 157, 173) Detective Iachini next spoke with Barton at his girlfriend's home on December 3, 2007, at which time he admitted he had planned a drug deal that night with "Killer" but was robbed instead. (N.T. 5/11/09 at 160) On December 6, 2007, Detective Iachini met with Barton and his attorney at the police station. After Barton was assured he would not be charged with any drug crimes, he told police he was trying to deliver 3/4 of an ounce of crack cocaine to petitioner. (N.T. 5/11/09 at 161) Detective Iachini then looked through Barton's cell phone, which had been collected at the crime scene, and identified three phone numbers Barton used to contact petitioner, one of which he later discovered was registered under the name Marcalee Lee (number ending 2462). (N.T. 5/11/09 at 195-96) Having found petitioner's name, Detective Iachini prepared a photo array and Barton positively identified petitioner as the shooter on January 3, 2008. (N.T. 5/12/09 at 148)

Barton similarly testified that during the December 3, 2007 meeting with Detective Iachini, he identified "Killa" as the person who shot him. He told police at the time he did not know petitioner's real name. (N.T. 5/12/09 at 30, 114) Barton was able to identify petitioner from photo array and later identified petitioner in court. (N.T. 5/12/09 at 31-32, 36) Barton admitted at trial, however, that he told an officer on the night of the shooting that he didn't know who shot him. (N.T. 5/12/09 at 68) He clarified that he meant to say that he couldn't provide a name to police, not that he didn't know who shot him. (N.T. 5/12/09 at 67-68) He further explained that he tried to minimize his involvement because he was on state parole and possessed drugs the night he was shot. (N.T. 5/12/09 at 78-79)

Petitioner presented one witness at trial, his mother Marchelle Bullock, offered as an alibi witness. Bullock testified that shortly after 7:00 p.m. on the night of the shooting,

she called her cousin Tiffany who lived in Hall Manor to see if petitioner was in the area. (N.T. 5/13/09 at 10-11) Tiffany told her he was and Bullock told Tiffany to let petitioner know she was on her way to pick him up. (N.T. 5/13/09 at 11) According to Bullock, petitioner hung out at Hall Manor frequently and either Bullock or her boyfriend Rodney Howerton would pick him up there in the evenings. (N.T. 5/13/09 at 19) She testified that around 7:30 p.m. on the night of the shooting, which was the Sunday following Thanksgiving, she drove to pick up her younger son Marquise Easter and then petitioner, who was at the Hall Manor parking lot. (N.T. 5/13/09 at 11) They all returned to their residence about twenty minutes later along with Howerton. (N.T. 5/13/09 at 12) Bullock testified they were all together in the house until Howerton left around 9:30 p.m. at which point petitioner was in his own bedroom. (N.T. 5/13/09 at 12-13) She did not indicate in her testimony whether she saw petitioner the remainder of the evening.

Bullock denied that petitioner had use of a cell phone at the time of the shooting (with the number ending in 2462) or that he made any calls the night of the shooting, claiming he had lost his cell phone. (N.T. 5/13/09 at 13, 18, 19) On rebuttal, Detective Iachini testified that in early January 2008, he was part of an investigation into the unrelated homicide of petitioner's cousin. During that investigation, police spoke with petitioner and petitioner provided police with his cell phone number, ending in 2462, as a contact number. (N.T. 5/13/09 at 25)

Commonwealth v. Lee, 125 Dauph. Co. Rptr. 232, 233-35 (2013) (CP-22-CR-3066–2008, March 8, 2013).

On August 24, 2009, following a sentencing hearing, I imposed an aggregate term of 12 to 27 years' imprisonment. The sentence included a 10 to 20 year term for attempted murder (Count 1), a concurrent 4 to 8 year term for conspiracy to commit robbery (Count 2) and a consecutive term of 2 to 7 years for the firearms violation (Count 3). Petitioner filed a post-sentence motion seeking sentence modification which I denied. He thereafter filed an appeal which the superior court denied. Commonwealth v. Lee, 1778 MDA 2009 (Pa. Super. Jan. 6, 2011).

Petitioner filed a counseled PCRA petition August 26, 2011 raising numerous claims, including that his trial attorney was ineffective for failing to call a second alibi witness and for failing to request an alibi instruction as to the alibi witness who was called. He also claimed he was entitled to a new trial on the basis of newly discovered evidence (previously unknown witness). Following evidentiary hearings, I denied petitioner's PCRA claims and issued a lengthy opinion in support. Commonwealth v. Lee, 125 Dauph. Co. Rptr. 232-245 (2013). My decision was affirmed on appeal to the Superior Court. Commonwealth v. Lee, No. 567 MDA 2013 (Pa. Super. Sept. 26, 2013) (mem.).

On July 11, 2016, petitioner filed his current Motion to Vacate Judgement of Sentence which this court is treating as his second PCRA petition. Petitioner claims that the sentence imposed is an illegal

and unconstitutional sentence under Alleyne v. United States, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (U.S. June 17, 2013) and numerous other cases, including Commonwealth v. Newman, 99 A.3d 86 (Pa. Super. Aug. 20, 2014) (*en banc*) (holding as unconstitutional under Alleyne the Pennsylvania statute imposing a mandatory minimum sentence for visible possession of a firearm while dealing drugs (42 Pa.C.S.A. § 9712.1)) and Commonwealth v. Valentine, 101 A.3d 801, 811-812 (Pa. Super. Oct. 3, 2014) (holding as unconstitutional under Alleyne the Pennsylvania statute imposing a mandatory minimum sentence for visible possession of a firearm while committing a crime of violence (42 Pa.C.S.A. § 9712.1)).

Legal Discussion

Petitioner suggests that the 10 to 20 year sentence imposed under Count 1 for attempted murder is illegal and unconstitutional under Alleyne. In that case, the United States Supreme Court held that any fact that, by law, mandatorily increases a minimum sentence is required to be treated as an element of the offense and submitted to a jury rather than a judge, and has to be proven beyond a reasonable doubt. Alleyne, 133 S. Ct. at 2163. At the time of sentencing, petitioner was subject, under Sentencing Code Section 9712, to a mandatory minimum term of 5 years under Count 1 for visibly possessing a firearm during the commission of a crime of violence where the victim was placed in reasonable fear of death or serious bodily injury.³ 42 Pa.C.S.A. § 9712. Under Section 9712, the sentencing court was tasked with deciding whether the mandatory minimum applied, using a preponderance of the evidence standard. 42 Pa.C.S.A. § 9712(b). Section 9712 was subsequently held unconstitutional under Alleyne by our Pennsylvania Supreme Court in Valentine, *supra*.

The illegality of sentence issue raised here by petitioner is untimely. PCRA Section 9545(b) requires that a request for post-conviction relief must be filed within one year from the date the judgment of sentence becomes final in order for the trial court to have jurisdiction to address the collateral claims raised. 42 Pa.C.S.A. § 9545(b)(1).⁴ This time limitation applies to any petition filed under the PCRA, including second and

³ The minimum sentence I imposed under Count 1, of 10 years, was greater than the mandatory minimum under Section 9712 but within the standard range recommended sentence for that crime under the then-applicable Sentencing Guidelines. According to the Pa. Commission on Sentencing Guideline Sentence Forms (6th Edition, 6/3/05) completed at sentencing, Count 1 had an Offense Gravity Score (OGS) of 14. The forms also reflect that petitioner had a Prior Record Score (PRS) of 2. Under the applicable Sentencing Guidelines, the standard range minimum sentence for attempted murder, involving an OGS of 14 and a PRS of 2, was 114 to 240 months. My sentence under Count 1 of a minimum term of 120 months/10 years was within the standard range.

⁴ Section 9545 provides in relevant part as follows:

§ 9545. Jurisdiction and proceedings

(a) Original Jurisdiction.-- Original jurisdiction over a proceeding under this subchapter shall be in the court of common pleas. No court shall have authority to entertain a request for any form of relief in anticipation of the filing of a petition under this subchapter.

(b) Time for filing petition.—

1. Any petition under this subchapter, including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves that:

- i. the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;

subsequent ones. Commonwealth v. Cintora, 69 A.3d 759, 762 (Pa. Super. 2013). The one-year deadline in this case was January 6, 2012, one year after petitioner’s judgment of sentence became final.

Petitioner’s only avenue from untimeliness is under the PCRA provision permitting late filing where the petitioner can prove that “the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.” 42 Pa.C.S.A. § 9545(b)(1)(iii). Where such a claim is raised, the petitioner must raise it within sixty (60) days of the date the claim could have been presented. Id. § 9545(b)(2). Petitioner has failed, however, to file his claim within sixty days following the issuance of Alleyn (issued June 17, 2013), or even of the latter-issued Pennsylvania cases relevant to his claim, Newman (August 20, 2014) and Valentine (October 3, 2014). Accordingly, petitioner is time-barred from pursuing PCRA relief on his Alleyn-based claim.

Even assuming petitioner’s claim to have been filed within sixty days, he has failed to meet the requirement under Section 9545(b)(1)(iii) that the newly recognized constitutional right “has been held by that court to apply retroactively.” This issue was addressed head-on by our Superior Court, as follows:

Even assuming that Alleyn did announce a new constitutional right, neither our Supreme Court, nor the United States Supreme Court has held that Alleyn is to be applied retroactively to cases in which the judgment of sentence had become final. This is fatal to Appellant’s argument regarding the PCRA time-bar. This Court has recognized that a new rule of constitutional law is applied retroactively to cases on collateral review only if the United States Supreme Court or our Supreme Court specifically holds it to be retroactively applicable to those cases. Commonwealth v. Phillips, 31 A.3d 317, 320 (Pa. Super. 2011), *appeal denied*, 615 Pa. 784, 42 A.3d 1059 (2012), citing Tyler v. Cain, 533 U.S. 656, 663, 121 S.Ct. 2478, 150 L.Ed.2d 632 (2001); *see also, e.g., Commonwealth v. Taylor*, 933 A.2d 1035, 1042 (Pa. Super. 2007) (stating, “for purposes of subsection (iii), the language ‘has been held by that court to

ii. the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or

iii. the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

2. Any petition invoking an exception provided in paragraph (1) shall be filed within 60 days of the date the claim could have been presented.

3. For purposes of this subchapter, a judgment becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review.

apply retroactively’ means the court announcing the rule must have also ruled on the retroactivity of the new constitutional right, before the petitioner can assert retroactive application of the right in a PCRA petition[]”), *appeal denied*, 597 Pa. 715, 951 A.2d 1163 (2008). Therefore, Appellant has failed to satisfy the new constitutional right exception to the time-bar.

Commonwealth v. Miller, 102 A.3d 988, 995 (Pa. Super. 2014), *reargument denied* (Dec. 5, 2014) (footnote omitted, emphasis added). See also, Commonwealth v. Washington, No. 37 EAP 2015, 2016 WL 3909088, at *8 (Pa. July 19, 2016) (holding that Alleyn does not apply retroactively to cases pending on collateral review). Thus, under Miller, petitioner has failed to satisfy the new constitutional right exception to the time-bar.

Finally, I deny petitioner’s “Application for Assignment of Counsel.” Under the Rules of Criminal Procedure, a PCRA petitioner filing a second or subsequent request for PCRA relief is only entitled to court-appointed counsel if an evidentiary hearing would be required to fully address the issues raised. Pa.R.Cr.P. 904(D). An evidentiary hearing is not required in this matter because no genuine issues concerning any material fact have been raised.

Accordingly, I enter the following:

ORDER

AND NOW, this 15th day of August 2016, this Court hereby directs as follows:

- (1) Petitioner Marcale Anthony Lee’s Application for Assignment of Counsel is hereby DENIED; and
- (2) Following my independent review of Petitioner’s “Motion to Vacate Judgment of Sentence, and/or In the Alternative Petition to Set Aside Mandatory Minimum Sentence Nunc Pro Tunc, Pursuant to Alleyn v. United States,” which this court has treated as his second petition for PCRA relief, this Court is satisfied that there are no genuine issues concerning any material fact, that Petitioner is not entitled to post-conviction collateral relief and that no purpose would be served by any further proceedings. Petitioner is hereby notified that this Court intends to dismiss his second PCRA Petition for the reasons set forth in the attached Memorandum Opinion. This dismissal will occur no sooner than twenty (20) days from the date of this Order. Petitioner may respond to the proposed dismissal within twenty (20) days of today’s date.

FIRST PUBLICATION**Estate Notices**

ESTATE OF MILTON LYNWOOD MORRIS A/K/A MILTON L. MORRIS A/K/A LYNWOOD MORRIS, (died: July 27, 2016), late of Borough of Middletown, Dauphin County, Pennsylvania. Executrix: Zofia Toton. Attorney: Johanna H. Rehkamp, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. s2-16

ESTATE OF DOROTHY DORTCH KAPNIC, A/K/A DOROTHY D. KAPNIC, (died: August 7, 2016), late of Dauphin County, Pennsylvania. Executrix: Georgia D. Sowers, 8 Cherry Valley Drive, Little Rock, AR 72211. Attorney: Steven J. Schiffman, Esq., SCHIFFMAN, SHERIDAN & BROWN, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. s2-16

ESTATE OF RICHARD E. HOLTZMAN, late of Millersburg Borough, Dauphin County, Pennsylvania. Executor: Roger L. Holtzman, 279 Hoover Road, Elizabethtown, PA 17023. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. s2-16

ESTATE OF EDWARD J. DAVIES A.K.A. EDWARD J. DAVIES, JR., (died: July 16, 2016), late of the City of Harrisburg, Dauphin County, Pennsylvania. Executor: Mr. William E. Davies, 4459 Dunmore Drive, Harrisburg, PA 17112. Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. s2-16

ESTATE OF DOLORES Y. SEIDEL, (died: June 27, 2016), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Louise Linderman c/o Christa M. Aplin, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. s2-16

ESTATE OF RICHARD A. MILLER Administratrix: Deborah A. Miller, 139 Silver Spur Drive, Apt. B-4, York, PA 17402. Attorney: Elliot A. Strokoff, Strokoff & Cowden, P.C., 132 State Street, Harrisburg, PA 17101. s2-16

ESTATE OF GRACE W. DEMY, (died: August 2, 2016), late of Middletown Borough, Dauphin County, Pennsylvania. Executor: Marlin G. Hunter, 322 West Grand Avenue, Tower City, PA 17980. Attorney: Gregory M. Kerwin, Executor, 4245 State Route 209, Elizabethtown, PA 17023. s2-16

SECOND PUBLICATION**Estate Notices**

ESTATE OF HAROLD L. RUDISILL, (died: June 27, 2016), late of the Borough of Lykens, Dauphin County, Pennsylvania. Co-Executor: Jane Hand, 229 North Second Street, Lykens, Pennsylvania 17048; Co-Executor: Harold L. Rudisill, 215 North Second Street, Lykens, Pennsylvania 17048; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. a26-s9

ESTATE OF DONALD W. CRUMLICH, SR. (died: July 22, 2016), late of the Township of Middle Paxton, Dauphin County, Pennsylvania. Executrix: Elsie E. Stroup, 760 Fishing Creek Valley Rd., Harrisburg, PA 17112 or to: Rachael L. Baturin, Esquire, BATURIN & BATURIN, 2604 North Second Street, Harrisburg, PA 17110. a26-s9

ESTATE OF CYNTHIA G. HUTCHISON A/K/A CYNTHIA HUTCHISON A/K/A CYNTHIA GAIL HUTCHISON, late of City of Harrisburg, Dauphin County, Pennsylvania. Co-Executor: Rachel E. Hutchison, Co-Executor: James C. Hutchison, c/o Charles E. Shields, III, Esquire, 6 Clouser Rd., Mechanicsburg, Pennsylvania 17055. a26-s9

ESTATE OF ALICE E. HILBOLT, late of Middletown, Dauphin County, Pennsylvania. Executor: John C. Oszustowicz, Esq. 104 South Hanover Street, Carlisle, PA 17013. a26-s9

ESTATE OF FUJIKO BIGGARD late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Mary A. Howse. Attorney: David R. Galloway, Esquire, WALTERS & GALLOWAY, PLLC, 54 East Main Street, Mechanicsburg, PA 17055. a26-s9

ESTATE OF PATRICIA ANN COLLINS, (died: 9/29/15), late of City of Harrisburg, Dauphin County, PA. Administratrix: Leanna Mae Foster, 1317 N. 14th St., Harrisburg, PA 17103 or to Attorney: John R. Zonarich, Skarlatos Zonarich LLC, 17 S. 2nd St., 6th Fl., Harrisburg, PA 17101-2039. a26-s9

THIRD PUBLICATION**Estate Notices**

ESTATE OF MARY ANN STRAW, (died: July 23, 2016), late of Harrisburg City, Dauphin County, Pennsylvania. Executor: Donald L. Straw, II, 6200 Catherine Street, Harrisburg, PA 17112. Attorney: Richard H. Katsifis, Esquire, Killian & Gephart, LLP, 218 Pine Street, Harrisburg, PA 17101. a19-s2

THIRD PUBLICATION

Estate Notices

ESTATE OF RUSSELL M. KAUFFMAN, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Patricia Morris, c/o Jeffrey A. Keiter, J.D., 218 W. Governor Road, P.O. Box 384, Hershey, PA 17033, (717) 673-4474. a19-s2

ESTATE OF HARVEY H. EBERSOLE, JR., late of the County of Dauphin and Commonwealth of Pennsylvania. Co-Executor: Jeffrey D. Ebersole, 315 Spring Rd., Palmyra, PA 17078; Co-Executor: Steven E. Ebersole, 9382 Elizabethtown Rd, Elizabethtown, PA 17022; Co-Executor: Robert A. Ebersole, 2439 Church Rd., Hummelstown, PA 17036 Attorney: Daryl J. Gerber, Esquire, The Law Office of Daryl J. Gerber, 46 E. Main Street, Palmyra, PA 17078. a19-s2

ESTATE OF PEARL K. HOFFMAN, (died: April 3, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Arthur K. Hoffman of Harrisburg, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. a19-s2

ESTATE OF NANCY E. JESZENKA, (died: July 13, 2016), late of West Hanover Township, Dauphin County, Pennsylvania. Executor: Mark E. Jeszenka of Harrisburg, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. a19-s2

FIRST PUBLICATION

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 August 19, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **SAFETYNET TRACKING SYSTEMS, INC.** c/o National Corporate Research, Ltd.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 110 K Street, Suite 330, Boston, MA 02127.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. s2

NOTICE IS HEREBY GIVEN that **United Fulfillment Solutions, Inc.**, a foreign corporation formed under the laws of the State of Missouri where its principal office is located at 423 Bussen Underground Rd., St. Louis, MO 63129, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 24, 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. s2

NOTICE IS HEREBY GIVEN that **MCP Asset Company, Inc.**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 200 West St., New York, NY 10282, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 17, 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. s2

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **TANABE HOLDING AMERICA, INC.**, a corporation of the State of Delaware, with principal office located at c/o MCHA, 1 N. Lexington Ave., White Plains, NY 10601, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on September 23, 2002, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. s2

NOTICE IS HEREBY GIVEN that **The Marshall County Coal Company**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 46226 National Rd., St. Clairsville, OH 43950, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 11, 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. s2

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **SBLs HD US, Inc.**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 950 Technology Way, Ste. 150, Libertyville, IL 60048, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 17, 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. s2

NOTICE IS HEREBY GIVEN that **JPLS HD US, Inc.**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 950 Technology Way, Ste. 150, Libertyville, IL 60048, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on August 17, 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. s2

NOTICE IS HEREBY GIVEN that **Thomas Grace Construction, Inc.**, a foreign business corporation, will apply 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 Minnesota. The address of its principal office under the laws of said jurisdiction is 5605 Memorial Ave. N., Stillwater, MN 55082, and the address of its proposed registered office CT Corporation System in Pennsylvania is 116 Pine St., Harrisburg, PA 17101. s2

NOTICE IS HEREBY GIVEN that **A.H. Beck Foundation Co., 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 Texas. The address of its principal office under the laws of said jurisdiction is 5123 Blanco Road, San Antonio, Texas 78216, and the address of its registered office in Pennsylvania will be located at Business Filings Incorporated, 116 Pine., Ste. 320, Harrisburg, PA 17101. s2

NOTICE IS HEREBY GIVEN that **Security Plumbing & Heating Supply Co.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at c/o WGS - Compliance Services, 3110 Kettering Blvd., Moraine, OH 45439-1924, 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. s2

NOTICE IS HEREBY GIVEN that **Rutherford Hill Winery**, a foreign business corporation incorporated under the laws of California, with its princ. office located at 200 Rutherford Hill Rd., Rutherford, CA 94573, 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. s2

NOTICE IS HEREBY GIVEN that **Contract Callers, Inc.**, a foreign business corporation incorporated under the laws of Georgia, with its princ. office located at 501 Greene St., Third Fl., Ste. 302, Augusta, GA 30901, 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. s2

NOTICE IS HEREBY GIVEN that **NIR Roof Care, Inc.**, a foreign business corporation, will apply 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 Illinois. The address of its principal office under the laws of said jurisdiction is 12191 Regency Pkwy, Huntley, IL 60142, and the name of its commercial registered officer provider in Pennsylvania is Paracorp Incorporated. s2

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 08/24/2016 by **American Pest Management, Inc.**, a business corporation formed under the laws of the jurisdiction of MD with its principal office located at 11820 West Market Place, Fulton, MD 20759, 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. s2

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 08/23/2016 by **PAR Excellence Systems, Inc.**, a business corporation formed under the laws of the jurisdiction of OH with its principal office located at 11500 Northlake Drive, Cincinnati, OH 45249, 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. s2

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 08/22/2016 by **THREE G'S, INC.**, a business corporation formed under the laws of the jurisdiction of CA with its principal office located at 22695 Old Canal Road, Yorba Linda, CA 92887, 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. s2

NOTICE IS HEREBY GIVEN that **Oprona, Inc.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 14120 Interdrive East, Houston TX 77002. The Commercial Registered Office Provider is in care of CT Corporation System in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. s2

NOTICE IS HEREBY GIVEN that **HCR Construction Inc.** with a commercial registered office provider in care of National Corporate Research, Ltd. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth. The address to which any proceeding may be sent before this filing is 2764 Langford Rd., Ste. 203, Norcross, GA 30071. This shall serve as official notice to creditors and taxing authorities. s2

NOTICE IS HEREBY GIVEN that **Nippon Electric Glass America, 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 Illinois. The address of its principal office under the laws of said jurisdiction is 1515 East Woodfield Road, Suite 720, Schaumburg, Illinois 60173, and the name of its commercial registered officer provider in Pennsylvania is C T Corporation System. s2

NOTICE IS HEREBY GIVEN that **Shift Human Capital Management Inc.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 1 Venture, Suite 150, Irvine CA 92618. The Commercial Registered Office Provider is in care of CT Corporation System in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. s2

NOTICE IS HEREBY GIVEN that **HomeHero, Inc.** using the alternate name HomeHero Services, Inc., a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 225 Arizona Ave., #300, Santa Monica, CA 90401, 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 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. s2

NOTICE IS HEREBY GIVEN that **UNITRANSFER U.S.A., INC.**, a foreign business corporation, has filed 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 Delaware and the address of its principal office under the laws of said jurisdiction is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware. The commercial registered office provider in Pennsylvania is c/o Corporation Service Company, 2595 Interstate Drive, Suite 103, Harrisburg, Pennsylvania. s2

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **St. Claire Window & Door Corp.**, a foreign business corporation incorporated under the laws of Maryland, with its princ. office located at 5000 Philadelphia Way, Lanham, MD 20706, 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. s2

NOTICE IS HEREBY GIVEN that **Inova Labs, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 3500 Comsouth Dr., Ste. 100, Austin, TX 78744, 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. s2

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 08/12/2016 by **VELUX Group USA Inc.**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at 450 Old Brickyard Road, Greenwood, SC 29649, 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. s2

NOTICE IS HEREBY GIVEN that an Application for Registration of a Fictitious Name, **Teledyne Paradise Datacom**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 328 Innovation Boulevard, State College, PA 16803 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on August 8, 2016, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person, persons, or entity owning or interested in the said business is:

Teledyne Wireless, LLC
11361 Sunset Park Drive
Rancho Cordova, California 95742

s2

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa.C.S. §301, et seq., and its amendments and supplements, of filing with the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on the 10th day of August, 2016, an application for conducting business under the assumed or fictitious name of **360 Hunting Blinds** with its principal place of business located at 8202 State Route 25, Spring Glen, Schuylkill County, Pennsylvania 17978.

The name and address of the person owning or interested in said business is: Mark L. Fisher - 8202 State Route 25, Spring Glen, PA 17978.

GREGORY M. KERWIN, ESQ.
KERWIN & KERWIN, LLP
4245 State Route 209
Elizabethville, PA 17023
(717) 362-3215

s2

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY
PENNSYLVANIA

NUMBER 2016-CV-2519-MF

CIVIL ACTION LAW

**BENEFICIAL CONSUMER DISCOUNT
COMPANY D/B/A BENEFICIAL
MORTGAGE CO. OF PENNSYLVANIA,
PLAINTIFF**

**VS.
PATRICIA ANN DRPA A/K/A PATRICIA A.
JONES A/K/A PATRICIA A. DRPA,
DEFENDANT**

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on August 22 2016 for **Grace Baking** located at 1011 E Touhy Avenue #500 Des Plaines IL 60018. The name and address of each entity interested in the business is Wholesale Harvest Baking LLC 600 N 2nd St Harrisburg PA 17101. This was filed in accordance with 54 Pa.C.S. 311. s2

FIRST PUBLICATION

Miscellaneous Notices

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

To: Patricia Ann Drpa a/k/a Patricia A. Jones a/k/a Patricia A. Drpa

Your house (real estate) at 611 South Second Street, Steelton, Pennsylvania 17113 is scheduled to be sold at Sheriff's Sale on October 20, 2016 at 10:00 a.m. at the Sheriff's Office, Civil Division, 1st Floor of the Dauphin County Courthouse, Dauphin County Courthouse, 1st Floor, Room 104, 101 Market Street, Harrisburg, Pennsylvania 17101 to enforce the court judgment of \$62,284.52 obtained by Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Co. of Pennsylvania against the above premises.

NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Co. of Pennsylvania the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE YOUR
PROPERTY AND YOU HAVE OTHER
RIGHTS EVEN IF THE SHERIFF'S SALE
DOES TAKE PLACE

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

LAWYER REFERRAL SERVICE
ASSOCIATION DE LICENCIADOS
Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, Pennsylvania 17101
(717) 232-7536

McCABE, WEISBERG & CONWAY, P.C.
Attorneys for Plaintiff
123 S. Broad Street
Suite 1400
Philadelphia, PA 19109
215-790-1010

FIRST PUBLICATION

Miscellaneous Notices

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

NUMBER: 2014-CV-08837-MF

**NOTICE OF ACTION
IN MORTGAGE FORECLOSURE**

**BANK OF AMERICA, N.A., PLAINTIFF
VS.
HENRY B. GREGORY, JR., KNOWN
SURVIVING HEIR OF ALMA BLONDENA
FORTUNE, DECEASED MORTGAGOR AND
REAL OWNER, UNKNOWN SURVIVING
HEIRS OF ALMA BLONDENA FORTUNE,
DECEASED MORTGAGOR AND REAL
OWNER AND VICTORIA A. OSTER,
DEFENDANTS**

TO: Unknown Surviving Heirs of Alma Blondena Fortune, Deceased Mortgagor and Real Owner. Premises subject to foreclosure: 2501 Locust Lane, Harrisburg, Pennsylvania 17109.

NOTICE

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

You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

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

McCabe, Weisberg & Conway, P.C.
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
215-790-1010

s2

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

CIVIL ACTION - LAW

NO. 2016 -C- 757 MF

**NOTICE OF ACTION
IN MORTGAGE FORECLOSURE**

**MIDFIRST BANK, PLAINTIFF
VS.**

**APRIL ZEIGLER, CATHERINE ZEIGLER,
ENSIGN ZEIGLER, KATRINA ZEIGLER,
NAVIA ZEIGLER, JAMES ZEIGLER, III,
KNOWN HEIRS OF JAMES ZEIGLER, AND
THE UNKNOWN HEIRS OF JAMES
ZEIGLER, DECEASED AND THE
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT, DEFENDANTS**

TO: Unknown Heirs of James Zeigler

You are hereby notified that on February 1, 2016, Plaintiff, Midfirst Bank, 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. 2016 CV 757 MF, wherein Plaintiff seeks to foreclose its mortgage securing your property located at 85 N. 17th Street, Harrisburg, PA 17103, whereupon your property would be sold by the Sheriff of Dauphin County.

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

NOTICE

You have been sued in Court. If you wish to defend, you must enter a written appearance personally or by an attorney, and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a Judgment may be entered against you without further notice for 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, TELEPHONE THE OFFICE
BELOW TO FIND OUT WHERE YOU CAN
GET LEGAL HELP.**

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

FIRST PUBLICATION

Miscellaneous Notices

Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, PA. 17101
Telephone number: (717) 232-7536

Leon P. Haller, Esquire
Attorney ID #15700
1719 North Front Street
Harrisburg, Pa. 17102
717-234-4178

s2

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

NO. 2016 CV 1015 MF

NOTICE OF SHERIFF'S SALE

**FULTON BANK, N.A., PLAINTIFF
VS.
JOSHUA PAGE, DEFENDANT**

NOTICE TO: JOSHUA PAGE

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

Being Premises: 116 HUNTERS RIDGE DRIVE
31 116, A/K/A 116 HUNTERS RIDGE DRIVE,
HARRISBURG, PA 17110

Being in SUSQUEHANNA TOWNSHIP, County of DAUPHIN, Commonwealth of Pennsylvania, 62-083-092-000-0000

Improvements consist of residential property.

Sold as the property of JOSHUA PAGE

Your house (real estate) at 116 HUNTERS RIDGE DRIVE 31 116, A/K/A 116 HUNTERS RIDGE DRIVE, HARRISBURG, PA 17110 is scheduled to be sold at the Sheriff's Sale on 10/20/2016 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$118,864.33 obtained by, FULTON BANK, N.A. (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND
& JONES, LLP
Attorney for Plaintiff

s2

FIRST PUBLICATION

Name Change Notices

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

DOCKET NO: 2016-CV-05708-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on 10th day of August 2016 the Petition of Lorrae A. Yellowdy was filed in the above named court, requesting a decree to change her name from **Lorrae Annette Yellowdy to Demaurion Raye Yellowdy.**

The Court has fixed September 20, 2016 at 9:30 a.m. in Courtroom No. 12, 7th Floor, at the Juvenile Justice Center (human services building) 25 S. Front Street, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. s2

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

DOCKET NO. 2016-CV-06085-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on August 8, 2016, the Petition of Loureen Cadapan and Ritchie Tabernilla on behalf of minor child Lia Cadapan was filed in the above named court, requesting a decree to change minor child's name from **Lia Cadapan to Lia Tabernilla.**

The Court has fixed Tuesday, September 20, 2016, at 9:30 a.m. in Courtroom No. 12, 7th Floor, Juvenile Justice Center (Human Services Building), 25 S. Front Street, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. s2

DAUPHIN COUNTY REPORTS
TABLE OF CASES

C.O., N.G. v. 1
Commonwealth v. Forde 11
Commonwealth v. Lee..... 48
Commonwealth, Haymaker v. 26

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

Forde., Commonwealth v. 11

Haymaker v. Commonwealth 26

Lee, Commonwealth v..... 48

N.G. v. C.O. 1

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

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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.

ATTORNEY DISCIPLINARY / ETHICS MATTERS

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

James C. Schwartzman, Esq.

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

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

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

ASSOCIATE ATTORNEY POSITION: Established downtown Harrisburg firm seeks an associate attorney to join our busy practice. One to five years of experience required, with some knowledge of Workers' Compensation and Employment Law preferred. We offer competitive salary and benefits. Please forward resume and references to officemgr30@gmail.com a19-s2

SECURITIES OFFERINGS ANALYST – Harrisburg, PA - The PA Department of Banking & Securities is seeking an Analyst with a background in law to perform comprehensive reviews of registration, exemption, or notice filings of securities to be offered or sold in Pennsylvania to determine compliance with applicable statutes, regulations, statements of policy, and guidelines. Applicants must have professional experience in financial investigation, financial analysis, and/or corporate finance related to securities filings. Visit the Job Seekers page at www.scsc.pa.gov to apply. Job posting open 8/29/16-9/12/16. Call (717)787-3011 for more information. a26-s9

LITIGATION PARALEGAL: Blakinger Thomas in Lancaster seeking individual for full time litigation paralegal position. Applicants should have: 2-3 years of paralegal experience in civil litigation and bankruptcy; Paralegal Certificate - 4 year degree is preferred; and proficiency with MS Office Suite and Westlaw, knowledge of Best Case bankruptcy software is a plus. Individual must be organized, detail-oriented and possess strong written and verbal communication skills. Benefits include health insurance, long term disability insurance, life insurance, 401k, profit sharing and free parking. Please send resume and cover letter to: Human Resources Manager, Blakinger Thomas, 28 Penn Square, Lancaster, PA 17603 or info@blakingerthomas.com. This employer is an Equal Employment Opportunity/Affirmative Action employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin or veteran status. a26-s9

BOOKKEEPER: Established law firm is seeking a full time or part time bookkeeper with two years of experience in working with a law firm. Experience in working with trust accounts is a must. Applicants must have good organizational skills and be able to work independently. Knowledge of Abacus and Quickbooks is also a preferred. Hourly pay based upon experience. Applicants must submit a cover letter and a resume to: Kope & Associates, 3900 Market Street, Camp Hill, PA 17011 Attn: Office Manager. s2-16

FIXED UTILITY MANAGER: The Public Utility Commission has an opening In the Bureau of Investigation and Enforcement. This is administrative and supervisory work managing and directing the activities of analysts and engineers. Travel is required and you must be able to be on call to support State emergency operation, if requested. Work Includes training expert witnesses on applying industry/regulatory expertise to, the analysis of energy and policy and ratemaking issues, Including the review and evaluation of electric distribution and gas distribution tariffs, provider of last resort issues and updates } letters of notification and applications for transmission line siting & and energy industry restructuring issues. In addition, the bureau reviews and participates in water, wastewater and other matters Impacting rates. Candidate must have an equivalent combination of experience and training which includes at least four years of professional accounting experience with a fixed public utility or a Public regulatory agency or four years of valuation engineer experience with a consulting engineering firm or utility regulatory agency. Starting salary is \$79,374, plus benefits. You may apply by going online to WWW.scsc.pa.gov and completing an application for Test Announcement number 2012-108 or you may obtain necessary application materials by contacting: PA PUBLIC UTILITY COMMISSION; Shannon Marciano; HUMAN RESOURCE OFFICE; PO BOX 3265; HARRISBURG, PA 17105-3265; TELEPHONE; (717) 787-8714; Fax: (717) 772-3177; Email: smarciano@pa.gov. EOE s2

FELLOWSHIP OPPORTUNITY: Program: Northwestern Legal Services; Position will be in the Erie, Pennsylvania Office; Start Date: Fall 2016; Description: General poverty law practice including, but not limited to, family, housing, consumer, and public benefits related issues. Requirements: Must be new to practice attorney licensed in Pennsylvania with a commitment to public interest law. Will consider recent law school graduates sitting for July 2016 Bar Exam. However, a formal offer of employment is contingent upon passing the bar. Spanish fluency is helpful. Successful candidate must be willing to travel. To apply for this fellowship, please forward a cover letter, resume, three professional references (must identify relationship with reference), official law school transcript and a writing sample to: Arlene Marshall-Hockensmith, Esq., Administrative Officer, Pennsylvania Legal Aid Network, Inc., 118 Locust Street, Harrisburg, PA 17101, amarshall-hockensmith@palegalaid.net, 1-800-322-7572, ext. 216. For more information: <http://www.palegalaid.net/martin-luther-king-jr-program>. s2-16

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

ATTORNEY: Established West Shore Law Firm is seeking to add an attorney who has 3 – 5 years' experience in private practice. The ideal candidate should be willing to practice within the Law Firm's civil litigation (construction and transportation), business, transactional, real estate, municipal law, and estate planning groups. We offer a competitive salary commensurate with experience, bonus incentives, and a full benefits package. Qualified candidates must be licensed to practice law in Pennsylvania. Membership in the Maryland and/or New Jersey bar a plus. The position is best suited for a candidate with a desire to achieve work-life balance while at the same time possessing the drive to rise to a position of leadership. The Law Firm is committed to community involvement and supporting the business development efforts of its attorneys. All resumes in strictest confidence. Submission deadline is September 23, 2016. Please forward cover letter and resume to: Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101, Attn: West Shore Law Firm Administrator. s2-16

The Judges have completed the JUNE 2016 civil jury term and the JULY 2016 special civil jury terms. No cases reached verdict in June, however two cases reached verdicts during the July 2016 special listings. The summary is as follows:

JUSTINA F. ANUSZEWSKI v. KELLY S. JACKSON (2009 CV 07754)

Plaintiff claimed she was injured in a low-impact collision on North 2nd Street in July 2007. Her vehicle was struck by the Defendant's vehicle. There was little visible evidence of damage to either vehicle. Plaintiff underwent surgery seven years later to relieve back pain. The jury found in favor of the Plaintiff but awarded no damages.

Judge: Judge Bruce F. Bratton

Counsel for Plaintiffs: Jeffrey C. Wong, Esq.
Counsel for Defendant: Seth T. Black, Esq.

Verdict: Defendant was negligent; Negligence of Defendant was a factual cause of harm to the Plaintiff; Amount of Damages = \$0.00

MICHAEL CROWL v. BASS PRO, INC., BASS PRO OUTDOOR WORLD, LLC and MARTIN'S NEW OXFORD HARDWARE, INC. (2010 CV 11858)

The Plaintiff's claim arises from an injury to the Plaintiff's back including multiple fractures of his spine which occurred when a tree stand that the Plaintiff had purchased from Bass Pro allegedly collapsed when the Plaintiff used the tree stand in 2008 (the date is somewhat approximate). The Plaintiff underwent multiple surgeries.

Evidentiary issues were somewhat limited except with respect to questions concerning the Plaintiff's claim that Bass Pro sold a "floor model" to the Plaintiff. According to Defendant, Plaintiff had allowed the tree stand to remain in place during an entire year and that the straps had deteriorated over the bad winter months which held the tree stand to the tree. Additionally, the Defendants claim that the Plaintiff used the incorrect straps to attach and hold the tree stand to the tree which failed and caused the injury of which the Plaintiff complains.

The question remained as to whether or not assumption of risk is a viable defense under the facts of the case. At trial, Plaintiff admitted he knew that he should have used a harness before going up in the tree stand, that failure to wear a harness could result in serious injury or death, and that he knowingly undertook a dangerous deviation from the safe use of a tree stand.

Judge: Judge Bruce F. Bratton

Counsel for Plaintiff: Neil J. Rovner, Esq.
Counsel for Defendant Bass Pro: Milton S. Karfis, Esq. & Lisa C. Eldridge, Esq.
Counsel for Defendant Martin's New Oxford Hardware: Jeffrey B. Rettig, Esq.

Verdict: The Court granted Defendants' Motion for Directed Verdict in the Defendants' favor.

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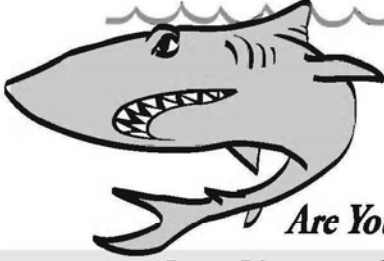
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