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Bears Creek Hershey Hotel II, LLC v. Board of Supervisors of Derry Township v. PJJ Realty, LLC

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**THE
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Bears Creek Hershey Hotel II, LLC
v.
Board of Supervisors of Derry Township
v.
PJL Realty, LLC

**Municipal Corporations - Zoning - Land Use Appeal - Local Agency Appeal -
Duty of Good Faith - Abuse of Discretion**

Appellant (Bears Creek Hershey Hotel II, LLC) proposed the construction of an 84-room hotel with attendant parking and other site improvements. The Development Plan included a request for a waiver of ordinance requirements related to the widening of an adjacent street. Appellee Board of Supervisors summarily denied the waiver and the Development and Design Plans without presenting Appellant an opportunity to respond to objections. The Court remanded the case to the Supervisors to conduct a good faith review.

1. In a land use appeal, where no additional evidence is received, the scope of review is limited to determining whether the governing body committed an error of law or an abuse of discretion. Generally, a governing body abuses its discretion when its findings of fact are not supported by substantial evidence. Where a subdivision plan complies with all objective provisions of the applicable subdivision ordinance as well as all other applicable regulations the plan must be approved. Where a plan is not approved as filed, the decision denying approval must specify the defects found in the plan and cite to the specific provisions of the ordinance which are relied upon. *Herr v. Lancaster Cty. Planning Comm'n*, 625 A2d 164, 167-69 (citing 53 P.S. § 10508(2) (Pa. Commw. 1993)).

2. A municipality has a legal obligation to proceed in good faith in reviewing and processing development plans. The duty of good faith includes discussing matters involving technical requirements or ordinance interpretation with an applicant, and providing an applicant a reasonable opportunity to respond to objections or to modify plans where there has been a misunderstanding or difference of opinion. *Raum v. Bd. of Supervisors of Tredyffrin Twp.*, 370 A.2d 777, 778 (Pa. Commw. 1976).

3. Where the duty of good faith is breached, the breach is generally considered to be an abuse of discretion. *Abarbanel v. Solebury Twp.*, 572 A2d 862, 865 (Pa. Commw. 1990); *Highway Materials, Inc. v. Bd. of Supervisors of Whitemarsh Twp.*, 974 A2d 539 (Pa. Commw. 2009). The remedy for the breach of good faith is generally either to reverse the denial of approval and allow the plan to go forward, or to reverse and remand with a direction that the municipality undertake a good faith review. *Kohr v. Lower Windsor Twp. Bd. of Sup'rs*, 910 A.2d 152, 161 (Pa. Commw. 2006) (affirming reversal with no remand); *Highway Materials, Inc. v. Bd. of Supervisors of Whitemarsh Twp.*, 974 A2d 539 545, (Pa. Commw. 2009) (reversing with remand).

Land Use Appeal, Local Agency Appeal. C.P., Dau. Co., Nos. 2019-CV-1344 & 1345. Appeals granted.

Jeffrey C. Clark and David R. Getz, for the Appellant

E. Lee Stinnett II and Kurt E. Williams, for the Appellee

Ronald M. Lucas, for the Intervenor

McNally, J., January 15, 2020.

OPINION**Findings of Fact***Proceedings Prior to January 22, 2019 Public Meeting*

Appellant Bears Creek Hershey Hotel II, LLC (Bears Creek II) is the fee owner of one property and the equitable owner of five abutting properties at 554-574 West Chocolate Avenue in Derry Township (the Property). The Property covers an area of approximately 0.8 acres. The fee owner of the Property is P.J.L Realty LLC, which has intervened in this case. Bears Creek II has proposed an 84-room hotel, attendant parking and other improvements to the Property.

The Appellee is the Board of Supervisors (Supervisors) of Derry Township (Township). The Board consists of five elected Supervisors. After adopting a new Comprehensive Plan in December 2015, the Township adopted the Zoning Ordinance for the Township of Derry on March 28, 2017, last amended July 2018 (Zoning Ordinance). Pursuant to the Zoning Ordinance, the Property is in the Hershey Mixed Use and Downtown Core Overlay zoning districts. A hotel is specifically listed as a permitted use in the Downtown Core Overlay zoning district.

There is currently one small home located on each of the six lots that comprise the Property, which Bears Creek II intends to demolish as part of its Preliminary/Final Subdivision & Land Development Plan for TownePlace Suites (Development Plan). The Development Plan also consolidates the six lots into one parcel. Prior to submitting the Development Plan, Bears Creek II and its consultants held a number of informal meetings with Township staff to discuss design and other issues typical in a project of this type. Bears Creek II made modifications to the design in response to these informal discussions.

On October 10, 2018, Bears Creek II filed its Development Plan with the Township in which it also sought four waivers including a waiver from Section 185-22.D.(3) of the Subdivision and Land Development Ordinance (SALDO) regarding dedication of additional street width adjacent to existing streets with substandard right-of-way or cartway widths less than required for new streets. The cartway width waivers were sought for all street frontages for the proposed hotel including West Chocolate Avenue, Hillcrest Road, and South 1st Street. South 1st Street is an alley that runs directly behind the Property and parallel to West Chocolate Avenue. The portion of West Chocolate Avenue that fronts the Property is a divided highway so traffic traveling west from the proposed hotel will not be able to turn left directly onto West Chocolate Avenue but must find another route.

Review and comment letters concerning the Development Plan were submitted to the Supervisors from the Dauphin County Planning Commission on October 24, 2018, from the civil engineering firm HRG, Inc. on October 25, 2018, and from Derry Township Municipal Authority (DTMA) on November 1, 2018. On November 7, 2018, Bears Creek II and its professionals attended a meeting of the Township Planning Commission to address the Development Plan. The Township Planning Commission recommended approval of the Development Plan subject to Bears Creek II satisfactorily addressing certain conditions, later listed in a letter dated November 9, 2018 sent by the Township to Bears Creek II. The Township Planning

Commission also unanimously recommended the granting of all the SALDO waivers. The approval of the waiver requests was supported by the Township's professional staff with modifications acceptable to Bears Creek II.

Under the Zoning Ordinance, Bears Creek II's Development Plan was required to be reviewed by the Derry Township Downtown Core Design Board (Design Board) for aesthetic standards prior to advancing land development activities. The aesthetic standards are not part of the Zoning Ordinance or SALDO but are instead contained in Chapter 89 of the Township's Code of Ordinances, entitled "Downtown Core Design Standards" (Design Standards). The Design Standards set forth aesthetic standards designed to protect existing traditional neighborhood development patterns of the Hershey Mixed Use zoning district in the areas where the Downtown Core Overlay exists. Section 702-A of the Municipalities Planning Code (MPC), 53 P.S. § 10702-A, permits a municipality to create design standards in its zoning ordinance under certain circumstances related to traditional neighborhood zoning.

The Design Board consists of five members, two of whom are Supervisors and the other three citizens appointed by the Supervisors. On November 12, 2018, Bears Creek II submitted an application (Design Plan) and associated documents to the Design Board proposing to demolish the existing improvements and construct its hotel. On November 26, 2018, Bears Creek II and its professionals attended a meeting of the Design Board to address requirements imposed by the Design Standards. The Design Standards set forth in Chapter 89 is a standalone ordinance not included within the Township's Zoning Ordinance, as required by the MPC, or within the SALDO. The Design Standards are nevertheless cross-referenced in and incorporated into several sections of the Zoning Ordinance. In its Development Plan application, Bears Creek II acknowledged that "as required by the Derry Township Zoning Ordinance, the project must be reviewed by the Derry Township Core Design Board prior to advancing land development activities."

At the November 26, 2018 Design Board meeting, neither the Design Board nor the Township's professional staff requested that Bears Creek II produce a structural engineer's report regarding the six small homes to be demolished. Instead, it accepted verbal and photographic evidence that the structures were in poor condition, were functionally obsolete, and could not be renovated into useful commercial structures because of the small size of the structures and the lots and the inability to make the structures accessible under the ADA.

Following discussion of the Bears Creek II Plan and waivers sought at the November 26, 2018 meeting, the Design Board voted on three separate recommendations. First, it voted unanimously to recommend approval of the demolition of the six small homes on the Property. Second, it recommended by a 4-1 vote that the project met the Township's Design Standards, while requesting that Bears Creek II provide the Supervisors with additional renderings of the side and rear of the hotel. Third, it unanimously recommended that the project met the Township's Site Elements as contained in the Design Standards. The Design Board's recommendation was reflected in a December 3, 2018 letter sent to Bears Creek II.

With regard to the Development Plan, on December 7, 2018, in response to the review and comments received from the Township, HRG, DTMA, and the Dauphin County Planning Commission, Bears Creek II's submitted a revised (second) Development Plan with a revised Stormwater Management Report. Along with the revised Development Plan, Bears Creek II's engineer submitted a nineteen-page letter addressing in detail all review and comments received to date. The letter acknowledged that the Township Planning Commission had recommended the granting of the SALDO waivers including as to cartway width and also recited that Derry Township staff recommended that a waiver for the right-of-way and street widening be granted for First Street since the proposed development was not proposing access to it.

Thereafter, Bears Creek II and its professionals met informally with members of the Township staff and two Supervisors on December 10, 2018 to discuss the Development Plan and the Design Standards. One of the Supervisors conveyed to Bears Creek II that the proposed hotel did not fit with what he envisioned for the Property; the other asked for a more welcoming appearance for the hotel. Based on all the input it had received to date, Bears Creek II worked with its architect and other professionals to modify the exterior aesthetic appearance and to provide renderings from the side and the rear of the hotel as requested and provided the new renderings to the Supervisors. The record submitted does not reflect that any Supervisor or Township affiliate conveyed to Bears Creek II that the SALDO waiver for 1st Street was not acceptable.

By letter dated December 13, 2018, Bears Creek II granted an extension for the Township to review the Development Plan, to February 12, 2019. The Development Plan would be deemed approved if the Supervisors failed to act by that date.

Board of Supervisors Meeting (Jan. 22, 2019)

On January 22, 2019, Bears Creek II and its professional representatives appeared at a regularly scheduled public meeting of the Supervisors and presented the Development Plan and the Design Plan. No stenographic record was made of the meeting though it was audio recorded and made available on the Township's website. Bears Creek II later created a transcription of the latter portion of that meeting and of the voting.¹

According to the Minutes later submitted by the Supervisors, at the meeting, Chuck Emerick, the Township's Director of Community Development, introduced the Development Plan and discussed the project history and proceedings to date, including of the requested waivers. As noted above, the Township Planning Commission had unanimously recommended the granting of the waivers which was supported by the Township's professional staff. The Development Plan also received generally positive recommendations

¹ The audio recording is available at <https://www.derrytownship.org/wp-content/uploads/2019/01/January222019.mp3>.

The part of the public meeting addressing Bears Creek II's Development Plan was discussed for approximately 39 minutes (47:50 to 1:26:35). Bears Creek II transcribed and submitted to the court the last eleven minutes or so of that portion. Prior to this discussion, four members of the public offered comments on the proposed demolition and hotel (23:00 to 41:25). All Findings of Fact set forth above are derived from the transcribed portion of the Supervisors' meeting and/or the Minutes.

from the Design Board at its November 26, 2018 meeting including a unanimous recommendation approving demolition.

The Minutes reflect some discussion about the waiver for the cartway width concerning 1st Street. In response to a question about cartway width waivers granted to similar projects, Bears Creek II's engineer responded that the nearby Tru Hotel project had received a similar waiver for the widening of Hillcrest Road. Emerick was then asked about waivers for alleyways in particular and indicated that he could not recall a project involving a divided highway. He also indicated that there were no alleys involved in the Tru Hotel project.

According to the transcript, one Supervisor, who is an attorney, expressed concern about the waiver as to whether it was legally viable and suggested that the Supervisors have their solicitor offer a formal legal opinion. The Chair of the Supervisors agreed that she would prefer deferring the Supervisors' decision until the Township solicitor could offer a legal opinion. She expressed concern about added traffic into the neighborhood and congestion. She also expressed her opinion that while the developer had followed all the rules in the process, she would like to spend more time on the issue and get a legal opinion on the Supervisors' options.

A third Supervisor then offered his opinion that he believed Bears Creek II should widen the alley because traffic on 1st Street would be increased if the hotel were built, that residents were currently using it every day and that to allow a waiver and not widen it "is not protecting our residents." As such, he stated he did not need a legal opinion to make his decision. As noted, the Minutes reflect that the Supervisors could have but had not requested a traffic study. Without further discussion, the third Supervisor immediately offered a motion to deny the Development Plan *and* waiver related to the widening of 1st Street.

Prior to the vote on the motion, Bears Creek II's attorney advised the Supervisors that he believed a single motion denying the plan and waiver violated the Supervisors' duty to deal with Bears Creek II in good faith. He noted he had recently litigated a case in which the governing body had done the same thing (simultaneously denied the plan and waiver) and the trial court sent it back to the governing body to reconsider. He indicated he would defer, however, to the Township solicitor's opinion on the issue. In response, the third Supervisor stated that Bears Creek II had the option of taking the Development Plan back and redesigning it without the waiver after which it could re-submit the Development Plan. At this juncture, the Chair of the Supervisors summed up the options before them including approval of the Development Plan with the grant of the waiver, approval of the Development Plan contingent upon granting the waiver, tabling the matter to its next meeting February 12, 2019 while obtaining a legal opinion, or denial the waiver and thus the Development Plan.

The Township solicitor recommended tabling consideration until February 12, 2019 pending his opinion. Ignoring this advice, the Supervisors proceeded to a vote on the motion to deny the waiver and the Development Plan, which passed 3 to 2. The motion denying the waiver and the Development Plan did not identify any reasons for rejection of the Development Plan other than the majority's opposition to granting Bears Creek II a waiver concerning 1st Street. In addition, because the Development Plan was denied

simultaneously with the denial of the waiver, Bears Creek II was never afforded an opportunity to revise the Plan and address the denial of the waiver.

The Chair then commented that because the Development Plan had been denied, the issue of whether the Supervisors approved or disapproved of Bears Creek II's request to demolish existing structures under the Design Plan was moot but that the matter should move ahead on a motion. The motion was thus offered by the third Supervisor to deny the Design Plan based upon the fact the project (Development Plan) had just been denied. The motion passed 3 to 2. The approved Minutes stated that the demolition plan (i.e. Design Plan) was denied because the Development Plan was denied.

Supervisors' Denial Letters

On January 23, 2019, the Supervisors wrote separate letters setting forth their reasoning for denial of the Development Plan (Development Plan Denial Letter) and denial of the Design Plan (Design Plan Denial Letter). The letters were mailed to Bears Creek II at a later date, unclear from the record. The Development Plan Denial Letter lists twelve Paragraphs of grounds for denial including in Paragraphs 1 and 2 that it denied Bears Creek II's request for a waiver of the requirements of SALDO Section 185-22.D.(3) that required additional street width to be dedicated adjacent to existing streets with substandard right-of-way or cartway widths. The Supervisors detailed in these Paragraphs that a waiver would have created a risk to township residents, as many drivers unfamiliar with the area would seek alternative routes of travel on 1st Street, which is too narrow for two lanes of traffic and as a result would require additional room for vehicular maneuvering and decreased safety. They also noted a likely increase in the immediate area of traffic seeking alternative routes due to the fact vehicles cannot turn left from the hotel onto West Chocolate Avenue. In Paragraph 8, the Supervisors cited as a reason for denial that demolition of the existing buildings under the Design Plan was not approved.

The remaining grounds for denial cited in the Development Plan Denial Letter were not conveyed to Bears Creek II as potential reasons for denial at the January 22, 2019 public meeting, as part of the proposed motion to deny the requested waiver and Development Plan, nor in the Minutes. These grounds include the following:

- Paragraph 3 states that because of the waiver denial, both 1st Street and Hillcrest Road would have to be widened which it predicts will require substantial site alterations that "may include" adjustments and modifications to traffic circulation, parking spaces, sidewalks, utility pole, retaining wall, vegetative and impervious coverages and possibly the building itself. The letter further states that "without knowing the full impacts of the modifications, it is presumed the plans do not meet the 'content' requirements of [the SALDO]," which it then lists by section.
- Paragraph 4 states as a ground for denial that Bears Creek II's performance security guaranteeing payment for required improvements under the Development Plan is no longer valid because road widening will increase constructions costs.
- Paragraph 5 cites a failure by Bears Creek II to adhere to the SALDO by not providing confirmation from (Pa. American Water) that the Property fire hydrants meet flow duration and recharge requirements. Paragraph 6 cites a similar failure of Bears Creek II for not providing calculations showing that hydrant flow rates conform to industry standards.

- Paragraph 11 cites to Bears Creek II's failure to provide a copy of a PennDOT Highway Occupancy Plan and Permit as required by the Township Code concerning stormwater management.
- Paragraphs 7, 9, 10 and 12 recite minor violations including lack of a seal and signature by an engineer on one of the submissions, failure to attach an agreement regarding the operations and maintenance of the proposed Autostacker spaces, failure to provide a digital file of the final plan in various electronic formats and failure to provide two originals of a stormwater management agreement.

The Design Plan Denial Letter identified two primary reasons for denial. First, the Supervisors noted that because the Development Plan had not been approved, the demolition and replacement of existing structures on the Property with a new hotel was no longer possible. Second, the Supervisors found that Bears Creek II had failed to comply with the Chapter 89 Design Standards by not providing a structural engineer's report demonstrating the minimum considerations under the Design Standards to warrant demolition of existing buildings. The lack of a structural engineer's report was not included as a reason for denial of the Design Plan in the motion passed January 22, 2019 nor reflected in the Minutes thereof. Nor is there any evidence the Supervisors or any staff ever relayed to Bears Creek II of the need for such a report and Bears Creek II was never afforded an opportunity to obtain a report to demonstrate structural disrepair or otherwise create a record on issues related to demolition of the existing structures on the Property because that was not identified as an issue until the issuance of the Denial Letter; instead it was offered for the first time following denial as a reason for denial of the Design Plan.

Following their issuance, Bears Creek II filed separate appeals from the denial letters, currently before this Court; one a Land Use Appeal (No. 2019-CV-01344-LU) from the denial of the Development Plan and the other a Local Agency Appeal (No. 2019-CV-01345-LU) from the denial of the Design Plan. Both parties have since filed briefs.²

Legal Discussion

The Land Use Appeal is filed pursuant to Article X-A of the MPC, 53 P.S. § 11001-A *et seq.* The Local Agency Appeal is filed pursuant to Chapter 89 (Design Standards) of the Code of the Township of Derry and Local Agency Law, 2 Pa.C.S.A. § 751 *et seq.*

Development Plan Denial (Land Use Appeal)

In a land use appeal, where no additional evidence is received, this Court's scope of review is limited to determining whether the governing body committed an error of law or an abuse of discretion. Herr v. Lancaster Cty. Planning Comm'n, 625 A.2d 164, 167 (Pa. Commw. 1993). Generally, a governing body abuses its discretion when its findings of fact are not supported by substantial evidence. Id. (citation omitted). Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Ruf v. Buckingham Township, 765 A.2d 1166, 1168 (Pa. Commw. 2001). Furthermore,

² The intervenor PJJ Realty adopts the position taken by Bears Creek II.

Where a subdivision plan complies with all objective provisions of the applicable subdivision ordinance as well as all other applicable regulations the plan must be approved. The rejection of a plan may stand, however, if validly supported by even one of several objections. Where a plan is not approved as filed, the decision denying approval must specify the defects found in the plan and cite to the specific provisions of the ordinance which are relied upon.

Herr at 168–69 (citing 53 P.S. § 10508(2) (other citations omitted)).

Bears Creek II primarily contends that the Supervisors violated their duty to act in good faith when they denied both the waiver concerning 1st Street and the Development Plan without giving Bears Creek II a chance to amend the plan to conform to the Supervisors' comments. In support, Bears Creek II relies upon Raum v. Bd. of Supervisors of Tredyffrin Twp., 370 A.2d 777, 798 (Pa. Commw. 1976). Raum established for the first time a duty of good faith review upon governing bodies in land development proceedings, as follows:

A municipality has a legal obligation to proceed in good faith in reviewing and processing development plans. The duty of good faith includes discussing matters involving technical requirements or ordinance interpretation with an applicant, and providing an applicant a reasonable opportunity to respond to objections or to modify plans where there has been a misunderstanding or difference of opinion.

Id. at 798. This duty of good faith was later approved by our Supreme Court in Kassouf v. Twp. of Scott, 883 A.2d 463, 475 (Pa. 2005) (stating that “we will assume, as the parties have, that a municipality owes a duty of good faith in these circumstances, akin to the rule set forth in Raum”).³ The relevant background in Raum was summarized in Kassouf as follows:

In Raum, after protracted litigation, a developer submitted his subdivision plan to Tredyffrin Township. The township took no action for seventy-eight days, waiting until two days before it was slated to act upon the application to inform the developer that the township planning commission had voted against recommending approval due to two technical errors in the plan. The developer made modifications to its plan in the two days between notification of the planning commission decision not to recommend approval and the date the township's governing body was to make its decision, but the governing body refused to consider the modifications and rejected the plan on the basis of the two technical errors. The Commonwealth Court held that the township had acted in bad faith by waiting until the last possible moment to raise objections to the developer's plan and then refusing to consider his modifications, particularly where the defects in the plan were merely technical and did not involve a failure to comply with ordinances. Raum, 370 A.2d at 798.

Id. at 475.

The Commonwealth Court later held that “similar to a municipality's duty under Raum, a developer has a reciprocal good faith duty to submit revised plans in a reasonable and timely manner, which will enable a municipality to comply with its duties under [the MPC] and Raum.” Abarbanel v. Solebury

³ For a comprehensive survey of Pennsylvania case law and the duty of good faith in land development review, see Robert Simpson, Thomas M. DeRicci, Joshua S. Mazin, Esq., *The Duty of Good Faith Review in Pennsylvania Land Development Proceedings*, 80 Pa. B.A. Q. 139, 157 (2009).

Twp., 572 A.2d 862, 864 (Pa. Commw. 1990); see also Kassouf at 476 (agreeing with Abarbanel that a developer owes a reciprocal good faith duty).

Under the standards announced in Raum and its progeny, the Supervisors in this case were duty-bound to both discuss technical requirements or ordinance interpretation with Bears Creek II *and* to afford it a reasonable opportunity to respond to objections and/or to modify plans. This Court agrees with Bears Creek II that the Supervisors failed in their duty to provide Bears Creek II an opportunity to respond to its objections and to modify the Development Plan, specifically concerning the summary denial of the requested waiver concerning 1st Street.

As outlined above, Bears Creek II exhibited good faith by submitting its Development Plan and responding to problems raised with the Development Plan in a diligent and timely manner. After submission of its Development Plan, Bears Creek II and its professional attended a November 7, 2018 meeting with the Township Planning Commission which unanimously recommended granting all the SALDO waivers, including a cartway width waiver for 1st Street, and approval of the Development Plan subject to Bears Creek II addressing numerous conditions. The recommendation for approval of the waiver requests was supported by the Township's professional staff. On December 7, 2018, in response to the review and many comments received from the Township, HRG, DTMA, and the Dauphin County Planning Commission, Bears Creek II submitted its revised Development Plan as well as a nineteen-page letter from its engineer addressing in great detail all issues raised with the Development Plan to date. The engineer's letter acknowledged the Township Planning Commission's unanimous recommendation that SALDO waivers be granted as to cartway width and that Township staff agreed with that recommendation. Bears Creek II thereafter worked with Township professionals to modify its aesthetic renderings for the proposed hotel after it was advised by a Supervisor and Township staff that the hotel needed a more welcoming appearance. Nothing was conveyed to Bears Creek II to this point that the SALDO waivers were a problem.

The good faith exhibited by Bears Creek II throughout the Development Plan process was not reciprocated by the Supervisors. Questions about the cartway width waiver for 1st Street were raised for the first time at the January 22, 2019 public meeting. At least two Supervisors raised a concern about public safety due to increased traffic around the hotel and on 1st Street in particular. While it was clearly within the Supervisors' powers and duties to reject recommendations from staff and related bodies and to independently address the appropriateness of a waiver, particularly given concern for public safety (even without the benefit of a traffic study), the Supervisors did so in a manner violating their duty of good faith. Notably, the manner in which they denied the waiver precluded Bears Creek II from "a reasonable opportunity to respond to objections" as required under Raum. Id. at 798; accord Honey Brook Estates, LLC v. Bd. of Sup'rs of Honey Brook Twp., 132 A.3d 611, 621–22 (Pa. Commw. 2016) (township acted in bad faith where the developer's preliminary plans were rejected with no opportunity to respond, under Raum and Highway Materials, *infra*).

Bears Creek II was presented with *no opportunity* at any point to respond to objections about the 1st Street waiver. All communications Bears Creek II had with the Township through the date of the public meeting indicated the waiver was not an issue. When raised for the first time at the public meeting, it was

discussed very briefly and decided upon within minutes, even as the Supervisors were advised that a motion to deny the waiver and the Development Plan at the same time could be considered a lack of good faith under the law and that the matter should be tabled so the issue could be researched by their solicitor. This record reflects a lack of good faith under Raum and its progeny.⁴ See also, Stoneford Group, LLC v. Board of Supervisors of Franklin Township, No. 2009-SU-002608-08 (York C.P. Jan. 25, 2017) (holding that the board of supervisors breached its duty of good faith by denying the developer's preliminary plan at the same time it denied its requested waiver from a SALDO provision).

The Supervisors cite Herr, *supra*, in support of its argument that they acted properly by denying the waiver and Development Plan. As summarized by Kassouf:

In Herr, the Commonwealth Court discussed the Raum panel's decision and found it inapplicable where the developer was afforded a reasonable period of time in which to correct defects in his plan. There, following an initial rejection of his plan, the developer submitted a revised plan. The developer was notified of the planning commission's recommendation to reject the plan due to issues related to non-compliance with ordinances two weeks prior to the date of the final decision on his plan. The developer met with township employees during that two week period to discuss the deficiencies, but did not correct them. The Commonwealth Court panel held that the township acted in good faith in later rejecting the plan, since it had afforded the developer a reasonable opportunity to address the defects in his plan. Herr, 625 A.2d at 171.

Id. at 475. That case is distinguishable precisely because the municipality there granted the developer additional time to revise plans thus allowing it a reasonable opportunity to respond to objections.

The Supervisors next argue that Bears Creek II's appeal is from the Development Plan Denial Letter and the reasons set forth therein, not from the motion and its denial at the public hearing and that the denial letter fully supports denial of the Development Plan for violations of objective, substantive provisions in the ordinance. See 53 P.S. § 10508(2) (requiring that the governing body communicate specific defects in the application, requirements not met with citations to statutes or ordinance sections). This Court does not disagree with the Supervisors' position that if the denial letter otherwise supports that the Development Plan failed to comply with valid and substantive statutes and ordinance provisions, denial is warranted. See Herr *supra* at 168–69.

The existence of the Development Plan Denial Letter does not, however, alter this Court's finding that the Supervisors failed in their duty to act in good faith when they summarily denied the waiver concerning cartway width on 1st Street without allowing Bears Creek II to a chance to address its concerns. Raum, *supra*. Thus, all reasons listed in the Development Plan Denial Letter that are directly based upon denial of the waiver or are a direct consequence of that waiver denial are not valid reasons for Development Plan denial, at this juncture. These include the reasons set forth in Paragraphs 1, 2, 3, 4 and 8. Paragraphs 1

⁴ Bears Creek II also claims the Supervisors lacked good faith by delaying the mailing of the denial letters beyond January 23, 2019, which resulted in Bears Creek II having to guess when its appeal period commenced. Bears Creek II nevertheless filed timely appeals from both denial letters and has not otherwise cited any prejudice from late receipt of the letters. As such, this Court does not consider this issue to reflect a lack of good faith by the Supervisors.

and 2 directly cite the waiver denial as a reason for Development Plan denial which are not valid grounds inasmuch as this Court has determined that the decision to deny the waiver was rendered without good faith. The reasons for denial in Paragraphs 3, 4 and 8 are all inseparable from and directly arise as a result of the defective 1st Street waiver denial.⁵

Paragraphs 7, 9, 10 and 12 recite minor, technical violations including lack of a seal and signature by an engineer, failure to attach an agreement concerning the Autostacker spaces, failure to provide a digital file in various electronic formats, and failure to provide two originals of a stormwater management agreement. Such minor, technical violations cannot be grounds for denial of a development plan. Shelbourne Square Assocs., L.P. v. Bd. of Sup'rs, Twp. of Exeter, 794 A.2d 946, 950 (Pa. Commw. 2002) (reasons for denial including developer's failure to use proper wording or format for land survey, failure to describe material and size of water and sewer mains and failure to submit a letter documenting adequate capacity from water utility were correctable by simple amendments and did not justify outright denial of plan).

Paragraphs 5, 6 and 11 set forth the final three grounds for Development Plan denial cited by the Supervisors in their letter. Paragraph 5 cites a failure by Bears Creek II to adhere to the SALDO by not providing confirmation from Pennsylvania American Water that the Property fire hydrants meet flow duration and recharge requirements. Paragraph 6 cites a similar failure by Bears Creek II to conform to the SALDO requirements by not providing calculations required under industry standards (from either the Fire Suppression Rating Schedule or the National Fire Prevention Association) showing that hydrant flow rates conform to those standards. Paragraph 11 cites to Bears Creek II's failure to provide a copy of a PennDOT Highway Occupancy Plans and Permit as required by the Township Code concerning stormwater management.

This Court agrees with Bears Creek II that these alleged failures, which all involve obtaining outside agency approval or information, are not valid grounds to deny the Development Plan and that the proper method for addressing these violations was for the Bears Creek II to have been given an opportunity to include the missing information or that providing the missing information be made conditions for final plan approval. See e.g. CACO Three, Inc. v. Bd. of Sup'rs of Huntingdon Twp., 845 A.2d 991, 998 (Pa. Commw. 2004) (outright disapproval of a preliminary plan based on lack of required DOT permits is

⁵ In Paragraph 3, the Supervisors speculate that due to waiver denial, Bears Creek II would have to submit a revised plan widening 1st Street requiring substantial changes to its plan which the Supervisors "presume" will violate numerous SALDO provisions. See CACO Three, Inc. v. Bd. of Sup'rs of Huntingdon Twp., 845 A.2d 991, 998 (Pa. Commw. 2004) ("neither the mere possibility of future modification of the plan nor the consideration of the financial burden on the Township may justify disapproval of the preliminary plan"). Paragraph 4 cites as a ground for denial of the Development Plan that Bears Creek II's performance security guaranteeing payment for required improvements is no longer valid because road widening (due to waiver denial) will increase constructions costs. Id. In Paragraph 8, the Supervisors cite as a reason for Development Plan denial that demolition of the existing buildings under the Design Plan was not approved. The Supervisors clearly indicated that their denial of demolition was made because the Development Plan was denied, which was in turn denied because the waiver was denied. To the extent the Supervisors argue that demolition was denied for a reason unrelated to its bad faith waiver denial (i.e. lack of an engineer's report), that ground is discussed below.

improper; instead, board should have conditionally approved the plan upon developer obtaining the permits from DOT for final approval of the plan).

Design Plan Denial (Local Agency Appeal)

Bears Creek II argues that the Supervisors' denial of its Design Plan concerning demolition of the six existing structures should be reversed because the Supervisors acted without good faith in denying it. This Court agrees. As noted, the Design Plan was not approved primarily because the Development Plan was not approved, as was clearly reflected in the public hearing transcript and in the Minutes. For the same reasons as set forth above, because denial of the Development Plan was based upon the bad faith denial of the waiver, the denial of the Design Plan is not valid. In the Design Plan Denial Letter, the Supervisors added a second, new reason for denying demolition of the six small homes: that Bears Creek II had failed to comply with the Chapter 89 Design Standards by not providing a structural engineer's report demonstrating the minimum considerations under the Design Standards to warrant demolition of the existing buildings.

As set forth above, this Court's findings of fact include that, at the November 26, 2018 Design Board meeting, neither the Design Board nor the Township's professional staff requested that Bears Creek II produce a structural engineer's report but instead accepted verbal and photographic evidence that the structures were in poor condition, were functionally obsolete, and could not be renovated into useful commercial structures because of the small size of the structures and the lots and the inability to make the structures accessible under the ADA. Nor is there any evidence the Supervisors or any staff ever relayed to Bears Creek II of the need for such a report and Bears Creek II was never afforded an opportunity to obtain a structural engineer's report to demonstrate structural disrepair or otherwise create a record. Furthermore, lack of an engineer's report was never identified as lacking in any of the review or comment letters Bears Creek II received from various agencies during the Design Plan process. This record reflects that Bears Creek II acted during the Design Plan process in good faith in believing that a structural engineer's report would not be required.

Again, the Supervisors failed to act with reciprocal good faith. While the Supervisors were not bound by prior representations and recommendations of the Design Board, and retained the right to request a structural engineer's report, their citation to the lack of an engineer's report as a reason for the Design Plan denial was done in a manner violating their duty of good faith. Bears Creek II was never given "a reasonable opportunity to respond to objections" concerning lack of a structural engineer as required under Raum, Id. at 798. As with the denial of the waiver, Bears Creek II, in fact, was presented *no opportunity* to correct this omission and was deprived of an opportunity to create a record on issues related to demolition of the existing structures.

Because this Court agrees with Bears Creek II that the Design Plan was wrongfully denied, we do not address its claims that Chapter 89 is invalid or inapplicable.

Conclusion

Where the duty of good faith is breached, the breach is generally considered to be an abuse of discretion. Abarbanel at 865; Highway Materials, Inc. v. Board of Supervisors of Whitemarsh Township, 974 A.2d 539 (Pa. Commw. 2009). The remedy for the breach of good faith is generally either to reverse the denial of approval and allow the plan to go forward, or to reverse and remand with a direction that the municipality undertake a good faith review. Kohr v. Lower Windsor Twp. Bd. of Sup'rs, 910 A.2d 152, 161 (Pa. Commw. 2006) (affirming reversal with no remand) Highway Materials, Inc. v. Bd. of Supervisors of Whitemarsh Twp., 974 A.2d 539, 545 (Pa. Commw. 2009) (reversing with remand). In this instance, it is appropriate for the matter to be remanded for the Supervisors to properly exercise their duty of good faith by granting Bears Creek II the opportunity to respond to the proposed Development Plan waiver denial as well as the need to provide a structural engineer's report in support of its Design Plan.

Accordingly, this Court enters a separate Order granting Bears Creek II's appeals and remanding the matter to the Supervisors to conduct a good faith review of the plans consistent with this Memorandum Opinion.

ORDER

AND NOW, this 15th day of January, 2020, upon consideration of the appeals filed by Bears Creek II from the denials by the Board of Supervisors of Derry Township of its Development Plan (No. 2019-CV-01344-LU) and Design Plan (No. 2019-CV-01345-LU), it is hereby directed that the appeals are **GRANTED** for the reasons set forth in this Court's Memorandum Opinion. The matter is **REMANDED** to the Board of Supervisors for it to conduct a good faith review of the plans, consistent with this Opinion.

BY THE COURT:

John J. McNally, III, Judge

ESTATE NOTICES

FIRST PUBLICATION

ESTATE OF SHARON L. MALASICS, late of Derry Township, Dauphin Co., PA (died: November 5, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Brian T. Malasics, 1944 Sand Hill Rd., Hershey, PA, 17033 j31-fl4

ESTATE OF MARGARET BUSH, late of Lower Swatara Township, Dauphin County, PA (died: November 24, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Thomas Bush, 1833 Scarlet Lane, Middletown, PA 17057

Attorney: Kari E. Panza, Esquire, R.J. Marzella & Associates, 3513 North Front Street Harrisburg, PA 17110 j31-fl4

ESTATE OF FAUST RECLA, JR., late of Swatara Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Ronald D. Butler, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043

Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043 j31-fl4

ESTATE OF MARIA H. WILLIARD, late of Williamstown Borough, Dauphin County, PA (died: December 16, 2019).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Eileen M. Oxenrider, 40 Beagle Road, Tower City, Pennsylvania 17980

Attorney: Terrence J. Kerwin, Esquire,

Kerwin & Kerwin, LLP, 4245 State Route 209,
Elizabethville, PA 17023 j31-fl4

ESTATE OF MARGARET M. STANISIC, late of Middletown, Dauphin County, PA (died: December 10, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Loretta S. Miller

Attorney: David C. Miller, Jr., Esquire, 1 846 Bonnie Blue Lane, Middletown, PA 17057, (717) 939-9806, Email: davidcmillerjr@verizon.net j31-fl4

ESTATE OF ELAINE M. STEELE, late of Dauphin County, PA (died: July 12, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Shaun E. O'Toole, Esquire, 220 Pine Street, Harrisburg, Pennsylvania 17101

Attorney: Shaun E. O'Toole, Esquire, 220 Pine Street, Harrisburg, Pennsylvania 17101 j31-fl4

ESTATE OF CARL R. RICHARD, late of Lower Paxton Township, Dauphin County, PA (died: October 7, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Bradford M. Humer, 104 Milltown Road, Landisburg, PA 17040

Attorney: John F. Desantis, 4200 Crums Mill Road, Suite 200, Harrisburg, PA 17112 j31-fl4

ESTATE OF MARY E. BRUBAKER, late of Derry Township, Dauphin County, PA, (died: December 29, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Warren W. Brubaker, c/o George

W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033

Attorney: George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. j31-fl4

ESTATE OF GEOFFREY A. CORSON, late of Middle Paxton Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executors: Alan B. Corson, 615 Erie Street, Dauphin, PA 17018; Margaret C. Brunner, P.O. Box 384, 502 Erie Street, Dauphin, PA 17019

Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043 j31-fl4

ESTATE OF SUSAN L. JOCKERS, late of Township of Londonderry, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Gustave J. Jockers, Law Offices Stephen C. Nudel, PC, 219 Pine Street, Harrisburg, PA 17101

Attorney: Stephen C. Nudel, Esquire, Law Offices Stephen C. Nudel, PC, 219 Pine Street, Harrisburg, PA 17101 j31-fl4

ESTATE OF EDWARD E. DAIHL, a/k/a EDWARD ELIJAH DAIHL, late of the Township of Susquehanna, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Norma K. Dively, 3169 Ridgeway Road, Harrisburg, PA 17109

Attorney: Theresa L. Shade Wix, Esquire, Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041 j31-fl4

ESTATE OF GRACE G. SHATTO, late of Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to

the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executrices: Barbara Blosser & Susan Danner, 3 N. Baltimore Street, Dillsburg, PA 17019

Attorney: Duane P. Stone, Esquire, STONE, WILEY, & LINSNBACH, PC, 3 N. Baltimore Street, Dillsburg, PA 17019, (717) 432-2089

j31-fl4

ESTATE OF ELAINE A. DEICHMILLER, a/k/a ELAINE DEICHMILLER. a/k/a ELAINE ALICE DEICHMILLER, late of Susquehanna Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Cheryl E. Winters, c/o Mark E. Halbruner, Esquire, Halbruner, Hatch & Guise, 2109 Market Street, Camp Hill, PA 17011

Attorney: Mark E. Halbruner, Esquire, Halbruner, Hatch & Guise, 2109 Market Street, Camp Hill, PA 17011 j31-fl4

ESTATE OF SUSAN N. SHUGHART, late of Dauphin County, PA (died: December 3, 2018)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Angela L. Bentzel, 1480 Stoney Mountain Way, Dauphin, PA 17018

Attorney: Shaun E. O'Toole, 220 Pine Street, Harrisburg, PA 17101 j31-fl4

ESTATE OF LINDA B. STOE, late of Londonderry Township, Dauphin County, Commonwealth of Pennsylvania, (died: January 13, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Anna-Malin Angelo, 2059 Reservoir Drive, Middletown PA 17057

Attorney: Peter R. Henninger, Jr., Esq., Jones & Henninger P.C., 339 W. Governor Road, Suite 201, Hershey, PA 17033 j31-fl4

ESTATE OF HELEN H. ARNOLD, a/k/a HELEN HIRT ARNOLD, late of Lower Swatara Township, Dauphin County, PA (died: December 20, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Tricia L. Arnold, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110

Attorney: Estate of Helen H. Arnold c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 j31-fl4

ESTATE OF DAVID A. BUFFINGTON, late of East Hanover Township, Dauphin County, PA (died: January 11, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Joe McMaster, 528 S. Franklin Street, Palmyra, PA 17078

Attorney: Ali M. Audi, Esq., 20 Briarcrest Square, Suite 206 Hershey, PA 17033 j31-fl4

SECOND PUBLICATION

ESTATE OF HARRIETT G. FRANTZ, late of Londonderry Township, Dauphin County, PA (died: December 3, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Jody M. Lawrence

Attorney: John S. Davidson, Esquire, Yost & Davidson, P.O. Box 437, Hershey, PA 17033-0437 j24-f7

ESTATE OF RICHARD R. MAUCK, SR. a/k/a RICHARD R. MAUCK, late of Lower Paxton Township, County of Dauphin, Commonwealth of PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Richard R. Mauck, Jr., 1480 Crums Mill Road, Harrisburg, PA 17110

Attorney: Heather D. Royer, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110 j24-f7

ESTATE OF WILLIAM ANTHONY DARRAH, late of Lower Swatara Township, County of Dauphin, Commonwealth of PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administratrix: Kendra J. Darrah

Attorney: Heather D Royer, Esquire, Smigel, Anderson & Sacks, LLP, 4431 N. Front Street, 3rd Floor, Harrisburg, PA 17110 j24-f7

ESTATE OF JOHN B. DAVIS, late of Harrisburg City, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Administratrices: Virginia D. Rinehart, 380 Plainview Road, Gettysburg, PA 17325; Wilhelmina D. Heckman, 755 Flohrs Church Road, Biglerville, PA 17307

Attorney: Todd A. King, SALZMANN HUGHES, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311 j24-f7

ESTATE OF SMALL, KAREN S. a/k/a SMALL, KAREN SUE, late of the Township of Derry, County of Dauphin and Commonwealth of PA.

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Steven E. Fulton, c/o Nikolaus & Hohenadel, LLP, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022

Attorney: Jeffrey S. Shank, Esq., Nikolaus & Hohenadel, LLP, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022 j24-f7

ESTATE OF HARRY E. POMEROY, late of Middle Paxton Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby

given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Brian Pomeroy, 1140 Victor Lane, Dauphin, PA 17018

Attorney: Jason M. Weinstock, Esquire, 800 North Second Street, Harrisburg, PA 17102

j24-f7

ESTATE OF DORIS J. TROUTMAN, late of Millersburg Borough, Dauphin County, PA (died: January 5, 2020).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executrices: Janet S. Haines, 617 Light Street, Millersburg, Pennsylvania 17061; Beth A. Nestler, 620 Bowman Street, Millersburg, Pennsylvania 17061

Attorney: Holly M. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023

j24-f7

ESTATE OF VICKI J. NIGHTINGALE, late of Lower Paxton Township, Dauphin County, PA (died: December 30, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Richard W. Priebe, Jr., 2627 Brookline Avenue, New Smyrna, FL 32168

Attorney: P. Daniel Altland, Esquire, 350 S. Sporting Hill Road, Mechanicsburg, PA 17050, (717) 730-6260

j24-f7

ESTATE OF ROBERT A. CARUSO, a/k/a ROBERT A. CARUSO, SR., late of Susquehanna Township, Dauphin County, PA (died: December 28, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Robert A. Caruso, Jr., 55 Steeplechase Drive, Doylestown, PA 18901

Attorney: Gregory M. Kerwin, Esquire, 4245 State, Route 209, Elizabethtown, PA 17023

j24-f7

ESTATE OF LARRY A. SHADE late of the Township of Mifflin, County of Dauphin, PA (died: November 7, 2019).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Lily L. Shade, 5365 State Route 209, Elizabethtown, Pennsylvania 17023

Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023

j24-f7

THIRD PUBLICATION

ESTATE OF KENNETH L. KAHLER, late of Halifax Township, Dauphin County, PA (died: November 27, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

EXECUTOR: David L. Kahler, 128 Coleman Drive, Halifax, PA 17032

ATTORNEY: Robert G. Radebach, Esquire 912 North River Road, Halifax, PA 17032, (717) 896-2666

j17-31

ESTATE OF ALICE R. LIGHT, late of Swatara Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Charles D. Brown, Jr. c/o Gerald J. Brinser, P. O. Box 323, Palmyra, PA 17078

Attorney: Gerald J. Brinser, P. O. Box 323, Palmyra, PA 17078

j17-31

ESTATE OF GLORIA FAYE GEIST, late of the Township of Upper Paxton, County of Dauphin, PA (died: July 28, 2019).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administratrix: Charlotte A. Klinger; 112 Earl Drive, Millersburg, Pennsylvania 17061;

Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, Pennsylvania 17023. j17-31

ESTATE OF CHESTER E. COLEMAN, late of the Township of Upper Paxton, County of Dauphin, PA (died: December 4, 2019).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Cynthia A. Coleman; 120 Coleman Drive, Millersburg, Pennsylvania 17061;

Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, Pennsylvania 17023. j17-31

ESTATE OF FLORENCE DITZLER a/k/a FLORENCE A. DITZLER late of City of Harrisburg, Dauphin County, PA (died: September 28, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Kathryn Mislyan, c/o Kollas and Kennedy Law Office, 1104 Fernwood Avenue Camp Hill, PA 17011

Attorney: James W. Kollas, Kollas and Kennedy, 1104 Fernwood Avenue Camp Hill, PA 17011 j17-31

ESTATE OF VANCE D. COFFEY, SR. a/k/a VANCE COFFEY, VANCE D. COFFEY, late of Lower Paxton Township, Dauphin County, PA (died: November 1, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Michael L. Coffey, Sr., c/o VanOrmer & Stephenson, P.C., 344 S. Market St., Suite 101, Elizabethtown, PA 17022

Attorney: Daniel A. Stephenson, Esq., 344 S. Market St., Suite 101, Elizabethtown, PA 17022 j17-31

ESTATE OF DONALD C. HOFFMAN, late of Washington Township, Dauphin County, PA (died: December 27, 2019).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims

against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Karen Y. Hartlaub, 465 Camp Hebron Road, Halifax, Pennsylvania 17032;

Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. j17-31

ESTATE OF BARBARA E. KELLER, late of East Hanover Township, Dauphin County, PA, (died: October 12, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Tracy L. Keller, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033

Attorney: George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. j17-31

ESTATE OF VIRGINIA H. REBARICK, late of Londonderry Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: DAWN K. GLASSFORD, 1964 Landvater Road, Hummelstown, PA 17036

Attorney: ELIZABETH B. PLACE, ESQ., SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101 j17-31

ESTATE OF BETH ANN FENICE, late of West Hanover Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Joan S. Fenice, c/o Robert P. Kline, Esquire, Kline Law Office, P.O. Box 461, New Cumberland, PA 17070-0461. j17-31

ESTATE OF DORIS C. SCHAEFFER, late of Williamstown Borough, Dauphin County, PA (died: October 17, 2019).

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby

given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: George J. Schaeffer, Jr., 206 Walnut Street, Williamstown, Pennsylvania 17098;

Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. j17-31

ESTATE OF JAMES D. FUHRMAN, late of Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Judith Brumbach, 760 Clarks Valley Road, Dauphin, PA 17018 j17-31

ESTATE OF ANGELICA K. PALMA a/k/a ANGELICA KAY PALMA, late of Swatara Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Michelle Palma Brito, 5415 Connecticut Avenue NW, #217, Washington, DC 20015

Attorney: Peggy M. Morcom, Esquire, Buzgon Davis Law Offices, P.O. Box 49, 525 South Eighth Street, Lebanon, PA 17042 j17-31

ESTATE OF CHARLOTTE I. HANINCIK, late of Lower Paxton Township, Harrisburg, Dauphin County, PA (died: July 2, 2018)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administratrix: Linda L. Fraver, 221 South 2nd Street, Wormleysburg, PA 17043

Attorney: Joseph J. Dixon, Esquire, 126 State Street, Harrisburg, PA 17101 j17-31

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 January 6, 2020, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **VITAL FARMS, INC.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 3601 South Congress Ave, Suite C100, Austin, TX 78704.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j31

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, effective as of January 1, 2020, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is **Pennsylvania For ABA, Inc.**

It will be organized under Section 501 (c)(4) of the Internal Revenue Code of 1986, as thereafter amended, for the purpose of promoting social welfare, including improving access to and the quality of behavioral analysis in Pennsylvania.

McNEES WALLACE & NURICK LLC
100 Pine Street

j31 Harrisburg, PA 17101

NOTICE IS HEREBY GIVEN **Mission Village Insurance Agency**, a foreign corporation formed under the laws of the State of California where its principal office is located at 5898 Copley Dr., Ste 300, 400, 500, San Diego, CA 92111 has registered to do business in Pennsylvania as Mission Village Insurance Agency Corp. with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 1/6/20, 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. j31

NOTICE IS HEREBY GIVEN that **OneBeacon Select Insurance Company**, a Pennsylvania corporation, having its registered office is located at 600 N. 2nd Street, Suite 401, Harrisburg, PA 17101-1071, has filed a Certificate of Election to Dissolve with the Department of State of the Commonwealth of Pennsylvania, pursuant to and in accordance with the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, approved May 5, 1933, as amended, and that the said corporation is winding up its affairs in the manner prescribed by said law, so that its corporate existence shall be ended upon the issuance of a Certificate of Dissolution by the Department of State of the Commonwealth of Pennsylvania.

ONEBEACON SELECT INSURANCE
COMPANY

/s/ Christopher V. Jerry, Secretary
605 Highway 169 North, Suite 800
Plymouth, MN 55441

j31 (952) 852-2479

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 1/17/2020 under the Domestic Business Corporation Law, for **NINES RADIOLOGY PA, PC**, and the name and county of the commercial registered office provider is c/o Corporation Service Co., Dauphin County. j31

NOTICE IS HEREBY GIVEN **W Health Ventures Corporation**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1370 Washington Pike, Ste. 400, Bridgeville, PA 15017, 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 251 Little Falls Dr., Wilmington, DE 19808. The commercial registered office provider in PA is Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. j31

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on or before 1/16/2020, with respect to a proposed nonprofit corporation, **EBT Foundation, Inc.**, which has been incorporated under the Nonprofit Corporation Law of 1988. The name and county of the commercial registered office provider is c/o Corporation Service Co., Dauphin County. A brief summary of the purpose or purposes for

which said corporation is organized is: obtain, restore, rehabilitate and operate historical and transportation related properties as educational assets for the benefit of the general public. j31

NOTICE IS HEREBY GIVEN **Mercury IX Corp.** has filed a Certificate of Incorporation on 9/25/19 in the Commonwealth of Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988. j31

NOTICE IS HEREBY GIVEN that **Wren Manufacturing, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 1070 Hanover St, Hanover Industrial Estates, Hanover Township, PA 18706, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 1/21/20, 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. j31

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, effective as of the 1st day of January 2020, by **PA/NJ Credit Union Association**, a Delaware nonprofit corporation, with its principal office located at c/o Corporation Trust Company, 1209 Orange Street, Wilmington, DE, for a Certificate of Authority within the Commonwealth of Pennsylvania under the provisions of the Nonprofit Corporation Law of 1988.

The proposed registered office of the said corporation in the Commonwealth of Pennsylvania will be located 4309 North Front Street, Harrisburg, PA 17110.

McNEES WALLACE & NURICK LLC

100 Pine Street
j31 Harrisburg, PA 17108-1166

NOTICE IS HEREBY GIVEN that **BAM Trading Services Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located One Letterman Drive, Bldg C, Ste C3-800, San Francisco, CA 94129 has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 1/22/20, 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. j31

NOTICE IS HEREBY GIVEN that **358 Ventures, Inc.**, a foreign corporation formed under the laws of the State of Ohio and with its principal office located 800 West St. Clair Ave, Ste 200, Cleveland, OH 44113, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 1/14/20, 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. j31

NOTICE IS HEREBY GIVEN **IXOM Watercare Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 8150 S. Akron St., Ste. 401, Centennial, CO 80112, 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 251 Little Falls Dr., 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. j31

NOTICE IS HEREBY GIVEN that **Rodan Energy Solutions (USA) Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 165 Matheson Blvd, East Unit 6, Mississauga, ON L4Z 3K2 has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 1/14/20, 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. j31

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 above January 13, 2020, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Elan Artists, Ltd.** c/o United Corporate Services, Inc.

This corporation is incorporated under the laws of Maryland.

The address of its principal office is 18 W. 27th Street, 8th Fl., New York, NY 10001. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j31

NOTICE IS HEREBY GIVEN that **Parkland (U.S.) Supply Corp.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 2800 Post Oak Blvd, Ste 5200, Houston, TX 77056 has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 11/25/19, 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. j31

NOTICE IS HEREBY GIVEN **JuliusWorks, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 114 W. 26th St., 5th Fl., New York, NY 10001, 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. j31

NOTICE IS HEREBY GIVEN that **Hood Packaging Corporation**, a foreign corporation formed under the laws of the State of Mississippi and with its principal office located 623 N. Main St, Ste 200, Hattiesburg, MS 39401, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 1/16/20, 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. j31

NOTICE IS HEREBY GIVEN that **Bantrel Management Services Co.**, a foreign corporation formed under the laws of the Country of Canada and with its principal office located 510, 1201 Glenmore Trail SW, Calgary, T2V 4Y8, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 1/16/20, 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. j31

NOTICE IS HEREBY GIVEN that **Sun Life Financial Distributors, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, received a Certificate of Authority in Pennsylvania on August 6, 1970

and surrenders its certificate of authority to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: 600 North 2nd Street, Suite 401, Harrisburg, PA, 17101, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

Notice of its intention to withdraw from Pennsylvania was mailed by certified or registered mail to each municipal corporation in which the registered office or principal place of business of the corporation in Pennsylvania is located.

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for termination of authority is One Sun Life Executive Park, Wellesley Hills, MA 02481. j31

FICTITIOUS NAME NOTICES

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Fibrenew Hershey-Harrisburg** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being Hershey Square #237, 1152 Mae Street, Hummelstown, PA 17036 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the day of 14th day of November, 2019 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are: Dustin M. Gilfoil, 1604 Copperstone Road, Harrisburg, PA 17111. j31

NOTICE IS HEREBY GIVEN that an application for registration of the assumed name **CrossState Credit Union Association** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 4309 North Front Street, Harrisburg, PA was made to the Department of State of Pennsylvania at Harrisburg, Pennsylvania, on the 10th day of January 2020, pursuant to 54 Pa.C.S. 5311. The name of the entity owning or interested in the said business is PA/NJ Credit Union Association.

McNEES WALLACE & NURICK LLC
100 Pine Street
P.O. Box 1166
j31 Harrisburg, PA 17108-1166

NOTICE IS HEREBY GIVEN that an application for registration of the assumed name **CrossState Solutions** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 4309 North Front Street, Harrisburg, PA was made to the Department of State of Pennsylvania at Harrisburg, Pennsylvania, on the 10th day of January 2020, pursuant to 54 Pa.C.S. 531 1. The name of the entity owning or interested in the said business is PA/NJ CU Solutions, Inc.

McNEES WALLACE & NURICK LLC
100 Pine Street
P.O. Box 1166
j31 Harrisburg, PA 17108-1166

NOTICE IS HEREBY GIVEN that a Registration of Fictitious Name was filed on January 13, 2020 in the Commonwealth of Pennsylvania for **PCC SPORTS** with a principal place of business located at 105 E. Battlefield Road, Lone Jack, MO 65070. The entity interested in this business is Precision Construction & Contracting, LLC also located at this same principal address but with a commercial registered office provider in care of Cogency Global Inc. in Dauphin County. This is filed in compliance with 54 Pa.C.S. 311. j31

MISCELLANEOUS NOTICES

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

NO.: 2019-CV-3721-MF

CIVIL ACTION – LAW

NOTICE OF MORTGAGE FORECLOSURE

**CL45 MW LOAN 1, LLC, PLAINTIFF
VS.
ROBERT L. PAULETTA, JR.,
DEFENDANT**

TO: ROBERT L. PAULETTA, JR.

Presently or formerly of 1525 North Front Street, Unit 310, Harrisburg, PA 17102 and of 14 Nottingham Drive, Pennsylvania. A Complaint in Mortgage Foreclosure has been filed against you regarding real property located at 1525 North Front Street, Unit 310, Harrisburg, PA 17102. The lawsuit is filed in the Dauphin County Court of Common Pleas, at the above term and number.

A copy of the Complaint filed in the lawsuit will be sent to you upon request to the Attorney for the Plaintiff, Kimberly A. Bonner, Esquire, 11 E. Chocolate Avenue, Suite 300, Hershey, PA 17033. Phone (717) 533-3280.

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

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUR WHERE YOU CAN GET LEGAL HELP.

**NOTICE TO DEFEND &
LAWYER REFERRAL SERVICE**

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

j31

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

**NUMBER 2018-CV-6672-MF
CIVIL ACTION LAW**

**AMERICAN ADVISORS GROUP,
PLAINTIFF**

VS.

**JANICE LANDRETH, KNOWN
SURVIVING HEIR OF MICHAEL A.
HALL AND UNKNOWN SURVIVING
HEIRS OF MICHAEL A. HALL,
DEFENDANT(S)**

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

TO: Janice Landreth, Known Surviving Heir of
Michael A. Hall

Your house (real estate) at 50 Williams Street,
Halifax, Pennsylvania 17032 is scheduled to be
sold at Sheriff's Sale on April 16, 2020 at 10:00

a.m. at Dauphin County Administration
Building, Corners of Second and Market Streets,
Commissioners Hearing Room, Harrisburg,
Pennsylvania 17101 to enforce the court
judgment of \$131,543.80 obtained by American
Advisors Group 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
American Advisors Group 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,
LLC, 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, LLC, 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, LLC, 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, LLC
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
j31 215-790-1010

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

NUMBER 2019-CV-3300-MF

CIVIL ACTION LAW

**BANK OF AMERICA, N.A., PLAINTIFF
VS.
BRIAN BURNS, DEFENDANT**

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

TO: Brian Burns

Your house (real estate) at 6951 Chambers Hill Road, Harrisburg, Pennsylvania 17111 is scheduled to be sold at Sheriff's Sale on April 16, 2020 at 10:00 a.m. at Dauphin County Administration Building, Corners of Second and Market Streets, Commissioners Hearing Room, Harrisburg, Pennsylvania 17101 to enforce the

court judgment of \$52,837.13 obtained by Bank of America, N.A. 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 Bank of America, N.A. 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, LLC, 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, LLC, 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, LLC, 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, LLC
Attorneys for Plaintiff
123 S. Broad St., Ste. 1400
Philadelphia, PA 19109
215-790-1010

j31

NOTICE OF HEARING

A Petition for Reinstatement to the active practice of law has been filed by **Cory Adam Leshner** and will be the subject of a hearing on March 5, 2020 and March 6, 2020 before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District III Office of the Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Ave., Suite 5800, PO Box 62675, Pennsylvania 15219, phone number (717) 772-8572, on or before **February 20, 2020.**

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

j31

NAME CHANGE NOTICES

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

DOCKET NO: 2019-CV-09404-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on January 9, 2020, the Petition of Lukas Anthony Cassel was filed in the above named court, requesting a decree to change his name from **Lukas Anthony Cassel** to **Lukas Anthony Buckles**.

The Court has fixed Tuesday, March 3, 2020 at 9:30a.m in Courtroom No. 9, 2nd Floor, Dauphin County Courthouse, 101 Market 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. j31

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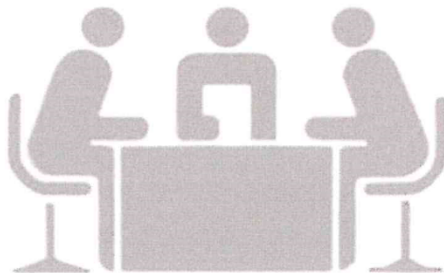
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