

Adams County Legal Journal

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ABBOTTSTOWN BOROUGH V. MERITA K. MOORE AND
ABBOTTSTOWN BOROUGH V. CHRIS MOORE

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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NOTICE OF ACTION IN MORTGAGE FORECLOSURE

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA CIVIL DIVISION NO. 18-S-3

CIVIL ACTION – LAW

WELLS FARGO BANK, N.A. Plaintiff

vs.

NICHOLAS A. PRIEST, in his capacity as Administrator and Heir of the Estate of DARRELL L. PRIEST UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DARRELL L. PRIEST, DECEASED Defendants

NOTICE

TO UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DARRELL L. PRIEST, DECEASED

You are hereby notified that on January 2, 2018, Plaintiff, WELLS FARGO BANK, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County Pennsylvania, docketed to No. 18-S-3. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 18 CHARLESTOWN COURT, LITTLESTOWN, PA 17340-1554 whereupon your property would be sold by the Sheriff of ADAMS County.

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

NOTICE

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

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

Notice to Defend: Office of the Court Administrator Adams County Courthouse Gettysburg, PA 17325 Telephone (717) 337-9846

MidPenn Legal Services, Inc. 128 Breckenridge Street Gettysburg, PA 17325 Telephone (717) 337-9846

3/16

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the shareholders of ESP-EVENTS, INC., a Pennsylvania corporation, with a registered address of 101 Red Run Church Road, East Berlin, PA, is voluntarily dissolving the corporation and is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

David A. Barie, Esq. Barie Scherer LLC 19 West South Street Carlisle, PA 17013

3/16

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW CASE NO.: 17-S-829

ACTION IN DIVORCE

WILLIAM H. MONROE, JR., Plaintiff

vs.

JERI L. MONROE, Defendant

NOTICE TO DEFEND AND CLAIM RIGHTS

To: Jeri L. Monroe:

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property or other rights important to you.

WHEN THE GROUNDS FOR DIVORCE IS INDIGNITIES OR IRRETRIEVABLE BREAKDOWN OF THE MARRIAGE, YOU MAY REQUEST MARRIAGE COUNSELING. A LIST OF MARRIAGE COUNSELORS IS AVAILABLE IN THE OFFICE OF THE PROTHONOTARY AT ROOM 104, ADAMS COUNTY COURTHOUSE, GETTYSBURG, PA 17325.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

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

COURT ADMINISTRATOR Adams County Courthouse Gettysburg, Pa 17325 (717) 334-6781

The Court of Common Pleas of Adams County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

3/16

ABBOTTSTOWN BOROUGH V. MERITA K. MOORE AND
ABBOTTSTOWN BOROUGH V. CHRIS MOORE

1. Separate standards govern requests for preliminary injunctive relief and requests for permanent injunctive relief: a preliminary injunction cannot be granted without the presence of imminent, irreparable harm. A permanent injunction can be granted if an adequate remedy at law does not exist for a legal wrong.

2. For a Court to grant permanent injunctive relief, a party must show: a clear right to relief, an urgent necessity to avoid an injury that cannot be compensated in damages, and a finding that greater injury will result from refusing, rather than granting, the relief requested.

3. A municipality need only prove a violation of its ordinance to establish its entitlement to an injunction. Irreparable harm need not be demonstrated.

4. The landowners failed to appeal the Violation Notice which resulted in a conclusive determination of the zoning violations.

5. Before a court may impose sanctions under section 617.2 there must be a determination of liability in accordance with that section. Of course, the failure to appeal the notice results in such a determination.

6. The failure to appeal the enforcement notice coupled with the lack of compliance with the Zoning Ordinance provides a clear right to relief for the Plaintiff. Therefore, the first element needed to obtain a permanent injunction is met. The second element is an urgent necessity to avoid an injury that cannot be compensated by an award of damages. This element does not require a showing of irreparable harm or immediate relief.

7. The third and final element in establishing a right to a permanent injunction is a finding that greater injury will result from refusing, rather than granting, the relief requested.

8. The only determination left for this Court is whether the requested attorney fees are reasonable. In determining reasonableness, it is prudent for this Court to evaluate the amount of work performed by the Borough's attorneys, the character of the services rendered, the difficulty of the problems involved, or the professional skill and standing of the attorneys.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL 2016-SU-1323, ABBOTTSTOWN
BOROUGH V. MERITA K. MOORE, 2016-SU-1324,
ABBOTTSTOWN BOROUGH V. CHRIS MOORE.

Guy P. Beneventano, Esq., Attorney for Plaintiff

Mark G. Wendaur, IV, Esq., Attorney for Defendant

Campbell, J., February 26, 2018

OPINION

Before this Court is Plaintiff Abbottstown Borough's Motion for Partial Summary Judgement filed November 9, 2017. For the reasons stated herein, the attached Order granting Plaintiff's Motion for Partial Summary Judgment is entered.

This cause of action arises from the Defendants, Merita Moore and Chris Moore, allegedly using 312 Sutton Road, Abbottstown, PA 17301 (hereinafter referred to as “312 Sutton Road”) for business purposes in violation of Section 402 of the Borough’s Zoning Ordinance (hereinafter referred to as “Zoning Ordinance”). 312 Sutton Road is a residential property owned by Defendant Merita Moore and is located in Abbottstown Borough’s Low Density Residential (LDR) District. Plaintiff alleges that Defendant Chris Moore is using 312 Sutton Road for burning debris, storing trucks and equipment, and as a junkyard and/or recycling center, which is in violation of the Zoning Ordinance.

On June 17, 2016, Plaintiff mailed the Defendants the enforcement notice for violations of the Zoning Ordinance from the Zoning Officer. The enforcement notice states that in order to achieve compliance with the Zoning Ordinance the Defendants must “remove all material associated with the junkyard/recycling use from the Property” and “stop the junkyard and/or recycling use” within thirty days of the date of the notice (hereinafter “compliance period”). The enforcement notice also states that Defendants have the right to appeal the decision of the Zoning Officer to the Abbottstown Borough Zoning Hearing Board within thirty days of receipt of the enforcement notice. Both Defendants admit to receiving the enforcement notices and to failing to appeal the notices to the Zoning Hearing Board. Defendants stipulated to the fact that the use of the “residential property as a junkyard or recycling center is specifically prohibited under Section 402 of the Abbottstown Zoning Ordinance and is illegal.” Defendant Chris Moore argues that he complied with the enforcement notice within the compliance period. Defendants attached pictures of the 312 Sutton Road property which were allegedly taken within the compliance period. Defendants have not provided any recent pictures of the property. Plaintiffs have provided an Affidavit of Robert Thaeler, Abbottstown Zoning Officer, from October of 2017, and recent pictures of the property taken in 2017.

Under the Pennsylvania Rules of Civil Procedure a court may enter summary judgment when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. **Pa.R.C.P. 1035.2; Strine v. Commonwealth**, 894 A.2d 733, 737 (Pa. 2006). Summary judgment is only appropriate where the plead-

ings, depositions, answers to interrogatories, omissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. **Roche v. Ugly Duckling Car Sales, Inc.**, 879 A.2d 785, 789 (Pa. Super. 2005) (quotations and citations omitted).

The burden of demonstrating the lack of any genuine issue of material fact falls upon the moving party, and, in ruling on the motion, the court must consider the record in the light most favorable to the non-moving party. **Id.** However, where a motion for summary judgment has been supported with depositions, answers to interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in its pleadings. **Accu-Weather, Inc. v. Prospect Commc'ns Inc.**, 644 A.2d 1251, 1254 (Pa. Super. 1994). Rather, the non-moving party must, by affidavit or in some other way provided for within the Rules of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists. **Id.** Summary judgement is only appropriate in those cases which are free and clear from doubt. **McConnaughey v. Bldg. Components, Inc.**, 637 A.2d 1331, 1333 (Pa. 1994).

Instantly, Section 402 of the Zoning Ordinance reads as follows:

The following uses are permitted within the LDR District.

A. Uses Permitted By-Right

1. Single-family detached dwellings.
2. Single-family semi-detached dwellings (duplex).
3. Accessory dwelling units, per Section 1002.A.
4. Home occupations, per Section 1002.P.
5. No-impact home-based businesses, per Section 902.G.
6. Cottage industries, per Section 1002.K.
7. Religious Institutions and their associated uses.
8. Private recreation uses.
9. Public spaces.
10. Government facilities.

11. Emergency Service facilities and structures.
12. Public or Private Schools.
13. Agriculture.
14. Residential accessory buildings, structures, and uses, per Section 902.C.
15. Wireless communications antennas, per Section 1002.K.
16. Alternative Energy Systems, per Section 902.F.
17. Forestry.
18. Nursing and residential Care Facilities, per Section 1002.Y.

B. Uses Permitted by Conditional Use

1. Continuing Care Retirement Community, per Section 1002.H.
2. Group Homes, per Section 1002.O.
3. Wireless communications towers, per Section 1002.LL.

Section 402 of the Abbottstown Borough Zoning Ordinance

Section 909.1 of the Pennsylvania Municipal Planning Code states that “The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudications in . . . (3) Appeals from the determination of the zoning officer.” **53 P.S. § 10909.1(a)(2), Johnston v. Upper Macungie Township**, 638 A.2d 408, 412 (Pa. Cmwlth. 1994.)

A landowner's failure to appeal the notice of violation results in a final adjudication that the landowner violated the zoning ordinance. If the landowner fails to appeal, he may not later deny there was a violation. If after receiving an enforcement notice, the landowner continues to violate the zoning ordinance without appealing the enforcement notice, Section 616.1(c)(6) of the MPC, 53 P.S. § 10616.1(c)(6), dictates a conclusive determination of violation...”

Woll v. Monaghan Tp., 948 A.2d 933, 937 (Pa. Cmmw. 2008)(citations omitted).

Separate standards govern requests for preliminary injunctive relief and requests for permanent injunctive relief: a preliminary injunction cannot be granted without the presence of imminent, irreparable harm. **Lindeman v. Borough of Meyersdale**, 131 A.3d 145 (Pa. Cmmw. 2015). A permanent injunction can be granted if an adequate remedy at law does not exist for a legal wrong. **Id.** For a Court to grant permanent injunctive relief, a party must show: “a clear right to relief, an urgent necessity to avoid an injury that cannot be compensated in damages, and a finding that greater injury will result from refusing, rather than granting, the relief requested.” **Woodward Tp. v. Zerbe**, 6 A.3d 651 (Pa. Cmmw. 2010). “[A] municipality need only prove a violation of its ordinance to establish its entitlement to an injunction. Irreparable harm need not be demonstrated.” **Paupack Tp., Wayne County v. Lake Moc-A-Tek, Inc.**, 863 A.2d 615, 618 (Pa. Cmmw. 2004)(citations omitted). The trial court properly grants a request for injunctive relief pursuant to section 617 of the MPC if the municipality has shown “that there was a ‘violation or proposed violation of some specific provision of the zoning ordinance.’” **Lower Mt. Bethel Township v. Gacki**, 150 A.3d 575, 581–82 (Pa. Cmmw. 2016)(citations omitted). In **Lower Mt. Bethel Township v. Gacki**, the landowners failed to appeal the Violation Notice which resulted in a conclusive determination of the zoning violations. **Id.** The appellate court found that the trial court did not err in granting a permanent injunction. **Id.**

With regard to the issue of penalties for a zoning violation, statutory authority provides:

- a. Any person...who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the

date of the determination of a violation by the district justice.

Pa. Stat. Ann. tit. 53, § 10617.2

“[B]efore a court may impose sanctions under section 617.2 there must be a determination of liability in accordance with that section. Of course, the failure to appeal the notice results in such a determination.” **Township of Maidencreek v. Stutzman**, 642 A.2d at 603(citations omitted). Further the “failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.” **Id.** at 603(emphasis added), (citing 53 PS § 10616.1(6)). Attorney fees in the amount of \$27,551.00 were reasonable despite the Court only imposing a fine of \$1.00 for continued zoning ordinance violations. **Borough of Bradford Woods v. Platts**, 799 A.2d 984, 992 (Pa. Cmwlth. 2002). In determining the reasonableness of the attorney’s fees, the Court evaluated “the amount of work performed by the Borough’s attorneys, the character of the services rendered, the difficulty of the problems involved, or the professional skill and standing of the attorneys.” **Id.**

Instantly, Plaintiff asserts that its Motion for Partial Summary Judgment should be granted because there are no issues of material fact regarding whether or not Defendants came into compliance with the enforcement notice within the compliance period. Plaintiffs offer photographic evidence, taken after the compliance period expired, and the affidavit of Robert Thaeler, the Zoning Officer, depicting that Defendants do not comply with the Zoning Ordinance. The only argument Defendants assert is their own belief that they did come into compliance within the compliance period. Defendants further assert that whether or not they came into compliance is a material fact in dispute, which should preclude this Court from granting Plaintiff’s Motion for Partial Summary Judgement.

The enforcement notice states that in order to come into compliance Defendants must “remove all material associated with the junkyard/recycling use from the Property” within thirty days of the notice (Section E of Notice). This Court has viewed the pictures presented in support of Plaintiff’s Motion for Partial Summary Judgement. The pictures were taken in August of 2017 and clearly depict that a garbage truck and numerous pieces of junk remain on the 312 Sutton

Road property. These pictures were taken more than a year after the compliance period lapsed. Defendants assert that they came into compliance within the 30-day compliance period yet the pictures from August 2017 unequivocally show that they are far from compliant with Section 402 of the Abbottstown Borough Zoning Code.

Further, in the Affidavit of Robert Thaeler, the Abbottstown Borough Zoning Officer, Mr. Thaeler stated that he drove past the 312 Sutton Road property after the compliance period had expired. He stated that it appeared the Defendants had made some efforts to clean up the property but that the property “remained in violation of the Zoning Ordinance because the volume of junk, trucks, and equipment on the property was simply not consistent with the residential use of the property.” **Thaeler affidavit at ¶81.** There is no indication Defendants sought an extension of the compliance period by appeal to the Zoning Hearing Board. *See Stutzman* at 603. Further, Mr. Thaeler filed civil complaints against Defendants, well after the compliance period expired. **Thaeler affidavit at ¶82.** Mr. Thaeler would not have initiated these proceedings if he found that the Defendants had brought their property into compliance with the Zoning Ordinance. Lastly, Mr. Thaeler drove past the property again in November of 2016 and found that the property still did not comply with the Zoning Ordinance. **Thaeler affidavit at ¶85.** Mr. Thaeler, acting in his capacity as Zoning Officer, has the ability to determine whether a property complies with a Zoning Ordinance or not.

Defendant Chris Moore was aware of who Mr. Thaeler was and how to contact him. This is evidenced by the fact that Defendant Chris Moore called Mr. Thaeler twice to discuss the Zoning Notice and Defendant Chris Moore personally showed up at County Planning to speak with Mr. Thaeler on two other separate occasions. **Thaeler affidavit at ¶52, 54, and 58.** If Defendants truly believed they complied with the Zoning Ordinance within the 30 day compliance period then they could have contacted Mr. Thaeler and requested that he inspect the property and issue a Certificate of Compliance. Instead, Defendants idly sat by and allowed the appeal period and compliance period to pass. After doing little to nothing, Defendants now want to assert that there is a material fact in dispute as to whether or not they came into compliance with the Zoning Ordinance. All Defendants have offered as evidence are a few black and white, very

grainy, photographs of the property that allegedly were taken within the compliance period. They have not offered any additional photographs of the property. There is no documentation as to when the photographs were taken. It is completely self-serving for Defendants to unilaterally assert that they came into compliance within the compliance period. The Defendants do not have the authority to simply decide if they came into compliance with the Zoning Ordinance or not. Rather, the authority to make that initial determination lies with the Zoning Officer. It is evident by the photographs taken after the compliance period, and Zoning Officer Robert Thaeler's Affidavit, that Defendants have failed to bring their property into compliance with the Zoning Ordinance within the compliance period.

Hence, because Defendants failed to appeal the enforcement notice and failed to come into compliance with the Zoning Ordinance within the allotted time, there is no material fact in dispute. The Defendants cannot now assert that they were not in violation of the Zoning Ordinance or that there were any inadequacies with the enforcement notice because the Zoning Hearing Board has exclusive authority over zoning ordinance issues. **Johnston** at 412. As there is no dispute of material fact regarding Defendants' failure to come into full compliance within 30 days of the date of the Notice, Plaintiff is entitled to summary judgement.

Plaintiff has also requested the entry of a permanent injunction and counsel fees and costs. In regards to the permanent injunction, §10617 of the Pennsylvania Municipal Planning Code permits the governing body to initiate a cause of action to restrain the landowner from violating the zoning ordinance. A request for a permanent injunction can be granted if the requesting party proves: "a clear right to relief, an urgent necessity to avoid an injury that cannot be compensated in damages, and a finding that greater injury will result from refusing, rather than granting, the relief requested." **Woodward** at 658. Irreparable harm or immediate relief does not need to be established. **Paupack Tp., Wayne County** at 618.

This case is similar to **Lower Mt. Bethel Township v. Gacki**. In that case, the landowners failed to appeal the zoning officer's enforcement notice and the court found that this resulted in a conclusive determination that these violations occurred. **Lower Mt. Bethel Township** at 581-82. The appellate court found that the trial court

did not err in granting a permanent injunction and requiring the landowners to affirmatively remove the retaining wall and backfill, which was the reason for the violation. **Id.** This is similar to the case at hand because in this case the Defendants failed to appeal the Zoning Officer's enforcement notice. Further, this Court has determined that the landowners failed to come into compliance with the Zoning Ordinance within the allotted amount of time provided by the enforcement notice. The failure to appeal the enforcement notice coupled with the lack of compliance with the Zoning Ordinance provides a clear right to relief for the Plaintiff. Therefore, the first element needed to obtain a permanent injunction is met. The second element is an urgent necessity to avoid an injury that cannot be compensated by an award of damages. This element does not require a showing of irreparable harm or immediate relief. Plaintiff has satisfied this element because the injury to the Plaintiff is the continued violation of the Zoning Ordinance. An award of damages cannot compensate Plaintiff for Defendant's blatant disregard of the Zoning Ordinance. A permanent injunction requires Defendants to stop using the residential home as a junkyard/recycling center and to remove all material associated with the junkyard/recycling center. This will cure the violation of the Zoning Ordinance.

The third and final element in establishing a right to a permanent injunction is a finding that greater injury will result from refusing, rather than granting, the relief requested. In this case, this Court finds that a greater injury will result from refusing to grant the relief requested because the violation will continue to occur with no remedy in sight. The junkyard/recycling would continue to occur, and could continue to grow, if the permanent injunction was denied.

Therefore, Plaintiff's request for the entry of a permanent injunction is granted.

Plaintiff's final request is that this Court order Defendants to each pay a \$500 fine and all court costs, including reasonable attorney fees. Plaintiff's attorney fees to date are \$22,716.00. **Beneventano affidavit at ¶24.** Pursuant to §10617.2 of the Pennsylvania Municipal Planning Code, this Court can order any person who has been found to have violated a zoning ordinance to pay a fine of not more than \$500, court costs and reasonable attorney's fees incurred by the municipality in enforcing the zoning ordinance. Before sanctions can

be imposed, “there must be a determination of liability in accordance with that section.” **Township of Maiden Creek at 603**. Further the “failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.” **Id.** at 603, (citing 53 PS § 10616.1(6)). In the case at hand, this Court finds that Defendants have failed to come into compliance with the Zoning Ordinance within the compliance period. The only determination left for this Court is whether the requested attorney fees are reasonable. In determining reasonableness, it is prudent for this Court to evaluate “the amount of work performed by the Borough's attorneys, the character of the services rendered, the difficulty of the problems involved, or the professional skill and standing of the attorneys.” **Borough of Bradford Woods at 992**. In assessing the amount of work necessary to enforce the Zoning Ordinance, and the professional skill required by the borough’s attorney, and the length of time Plaintiff, with assistance of legal counsel, has been trying to enforce its ordinance with respect to Defendants, this Court finds the attorney fees requested are reasonable. Therefore, Plaintiff’s request that Defendant’s each pay a \$500 fine and court costs, and jointly reimburse Plaintiff attorney’s fees in the amount of \$22,716.00, is granted.

Therefore, for the reasons stated herein, Plaintiff’s Motion for Partial Summary Judgement is granted, and the attached Order is entered.

ORDER OF COURT

AND NOW, this 26th day of February, 2018, it is hereby Ordered that Plaintiff’s Motion for Partial Summary Judgment is Granted. The Adams County Prothonotary is directed to enter judgment in favor of Plaintiff and against the Defendants with respect to Count 2 of the Amended Complaint as follows:

1. The use of the subject Property located at 312 Sutton Road, Abbottstown, Adams County, Pennsylvania as a junkyard and/or recycling center is illegal and in violation of Section 402 of the Abbottstown Borough Zoning Ordinance.
2. Defendant, Chris Moore and Defendant, Merita K. Moore are permanently enjoined from further violation of the Abbottstown Borough Zoning Ordinance with respect to the subject property.

3. Each Defendant is directed to pay a fine in the amount of \$500.00.
4. Defendants, Chris Moore and Merita K. Moore are directed to make payment to the Abbottstown Borough of attorney's fees in the amount of \$22,716.00 and their liability for the payment of that amount will be joint and several.
5. Defendants Chris Moore and Merita K. Moore are permanently enjoined from engaging in any future violations of Abbottstown Borough Zoning Ordinance, specifically Section 402 thereof, with regard to the property at 312 Sutton Road.
6. Defendants Chris Moore and Merita K. Moore shall pay all Court costs in connection with this action.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF RONALD G. BROCAVICH, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Executor: Luisa Brocavich, 70 Seneca Drive, York Springs, PA 17372

Attorney: Michael C. Giordano, Esq., 221 W. Main Street, Mechanicsburg, PA 17055

ESTATE OF DANIEL G. CAPLE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Glen D. Caple, 2133 Broadway #1, Hanover, PA 17331

ESTATE OF MARIAN M. GUISE, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Miriam M. Crouse, 121 Centre Mills Road, Aspers, PA 17304

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JANET E. KERN, DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executor: Billy Jean Kern, 586 Hooker Drive, Gettysburg, PA 17325

Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF BILL H. WARREN a/k/a BILL HOWE WARREN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Ruby Warren, 2778 Meadow Drive, Gettysburg, PA 17325

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF PHYETTA M. CLABAUGH, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Holly B. Pugh, 11 Fox Hollow Drive, Lancaster, PA 17602

ESTATE OF BEVERLY JOY MOHR EVANS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representative: David Paul Evans, 235 Stafford Dr., Hanover, PA 17331; Jeremy Robert Mohr, 9405 Erin Ave., Walkersville, MD 21793

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

ESTATE OF FRANCES MARIE MULLINS, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Melany Mae Meadows-LaRochelle, 30 Robin Circle, Gettysburg, PA 17325

Attorney: Jeffery M. Cook, Esq., 234 Baltimore St. Gettysburg, PA 17325

ESTATE OF ELIZABETH C. RICHARDSON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Michelle Hampton, 412 Sudbury Road, Linthicum Heights, MD 21090

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingt & Hart, LLP, 40 York Street, Hanover, PA 17331

ESTATE OF PAUL T. SCHEURICH a/k/a PAUL SCHEURICH a/k/a PAUL THOMAS SCHEURICH, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Executor: Thomas D. Miller, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

ESTATE OF DONALD WILLIAM SWISHER a/k/a DONALD SWISHER a/k/a DONALD W. SWISHER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Cody Robert Swisher a/k/a Cody R. Swisher, 221 Ridge Avenue, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CLARA ODESSA THORNTON a/k/a CLARA O. THORNTON a/k/a C. ODESSA THORNTON, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executor: Stephen E. Thornton, 1310 Jacks Mountain Road, Fairfield, PA 17320

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARGARET N. WALLEN, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Executrix: Pamela I. Reed, c/o Barbara Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

Attorney: Barbara Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

ESTATE OF JEAN E. WINKLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Roberta G. Hackley, 221 Hickory Ridge Drive, Queenstown, MD 21658; Joseph T. Winkler, 19 Blue Ribbon Road, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

(No Estate Notices Submitted)

