

CUMBERLAND LAW JOURNAL

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LYNDA M. CLARK v. KEVIN L. LEAPER, SR., CUMBERLAND CO., COMMON PLEAS, No. 01124 S 2008 and PACSES No. 111110567, CIVIL TERM.

Family Law—Defendant's Exceptions to Support Master's Report and Recommendation—Child Support Obligation—Unmarried Parents—**Hecht v. Hecht**, 189 Pa. Superior Ct. 276, 150 A.2d 139 (1959)—Defendant's Claim of "Sovereign Man"—Not a Citizen of the United States or the Commonwealth of Pennsylvania—No Appeal Taken to Order Entered Reinstating Support Obligation—Exceptions Untimely—Exceptions Dismissed.

CUMBERLAND LAW JOURNAL

(USPS 140-000)

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CUMBERLAND COUNTY BAR ASSOCIATION

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Cumberland Law Journal

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Containing reports of cases decided by the various Courts of Cumberland County and selected cases from other counties.

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LYNDA M. CLARK v. KEVIN L. LEAPER, SR., CUMBERLAND CO., COMMON PLEAS, No. 01124 S 2008 and PACSES No. 111110567, CIVIL TERM.

Family Law—Defendant’s Exceptions to Support Master’s Report and Recommendation—Child Support Obligation—Unmarried Parents—**Hecht v. Hecht**, 189 Pa. Superior Ct. 276, 150 A.2d 139 (1959)—Defendant’s Claim of “Sovereign Man”—Not a Citizen of the United States or the Commonwealth of Pennsylvania—No Appeal Taken to Order Entered Reinstating Support Obligation—Exceptions Untimely—Exceptions Dismissed.

1. The common-law crime of fornication and bastardy occurred where a male parent willfully neglected or refused to contribute to the reasonable support and maintenance of a child born out of lawful wedlock.

2. The precedents followed today regarding obligation to provide support for children were set long before the Constitutions of the United States and the Commonwealth of Pennsylvania.

3. Any attempt to file a lien rather than use the appellate rules of procedure when a person feels aggrieved by a lower court’s decision shall be considered a contemptuous act.

LYNDA M. CLARK, Pro Se.

KEVIN L. LEAPER, SR., Pro Se.

IN RE: DEFENDANT’S EXCEPTIONS TO SUPPORT MASTER’S
REPORT AND RECOMMENDATION

Before PLACEY, C.P.J.

OPINION AND ORDER OF COURT

PLACEY, C.P.J., June 30, 2016:—

PROCEDURAL HISTORY

Defendant, a sovereign man, filed handwritten Exceptions to the Order of Court dated December 10, 2015, on December 21, 2015. Defendant thereafter filed a letter with the Court Administrator that regurgitates his factual perceptions without legal citation or supportive argument.

FINDINGS OF FACT

The Support Master’s Findings of Fact contained in his Report and Recommendation are adopted by this court as if its own. Additionally it is found:

1. Defendant asserts that he is not a citizen of the United States or the Commonwealth of Pennsylvania.

2. Defendant’s various statements as to why his child quit school that would relieve him of his current parental obligation are unsupported.

3. Supported in the prior record is that his child withdrew from high school in May 2014 and has reenrolled in cyber school as of September 2014.

4. Defendant’s obligation was suspended for the unenrolled period of time.

5. Defendant's obligation was reinstated by Interim Order dated September 22, 2014, which became final, without Exceptions filed, on December 22, 2014.

CONCLUSION OF LAW

The Exceptions filed in December 2015 are an attempt to re-litigate that which has already been decided and for that reason alone can be denied.

DISCUSSION

Defendant's stated position as a "sovereign man" and his continual references to the applicability of the United States Constitution and references to the Uniform Commercial Code in this support case that is clearly not related to commerce issues are distractors without lawful support. In counterculture terms that Defendant may understand, a contract was entered into by the offer and acceptance of two competent persons, one male—one female, having the legal capacity to exchange consideration, which created a mutuality of obligation when Defendant and female engaged in sexual congress. There is no requirement that this contract be done in writing as contracts may be made entirely orally or in this case by conduct. The product of that conduct contract is the obligation of Defendant.

In Pennsylvania history, it has been the constant practice to proceed against unmarried persons for fornication. **Respublica v. Roberts**, 1 Yeates 6, 7 (Pa. 1791).¹ The courts long held it was the father's responsibility to support his children, **Hecht v. Hecht**, 189 Pa. Superior Ct. 276, 150 A.2d 139 (1959) to the best of his ability. **Commonwealth v. Cleary**, 95 Pa. Superior Ct. 592 (1929). "The period and the quantum of maintenance to the judgment of the court." **Addis v. Commonwealth**, 4 Binn. 541, 542 (Pa. 1812). The common-law crime of fornication and bastardy occurred where a male parent willfully neglected or refused to contribute to the reasonable support and maintenance of a child born out of lawful wedlock. **Heikes v. Commonwealth**, 26 Pa. 513, 515 (1856).²

¹ This declaration of common law by Justice EDWARD SHIPPEN noted the practice "is truly stated from my personal knowledge for forty-eight years past." **Respublica v. Roberts**, 1 Yeates 6, 7 (Pa. 1791). Justice SHIPPEN's father, Edward Shippin, III, founded and laid out the town of Shippensburg, now of Cumberland County, in 1730.

² Case is cited because it is a Cumberland County support decision from our Supreme Court. Pennsylvania's highest court was established by the General Assembly on May 22, 1722. <http://www.pacourts.us/learn/history>. The General Assembly of the Pennsylvania Colony established a sixth county on January 27, 1750, known as Cumberland County, created from the lands of Lancaster County. 1999 PH H.R. 337.

The precedents followed today were set long before the Constitutions of the United States and the Commonwealth of Pennsylvania; hence, Defendant's attempt to distract this Court from the duties imposed on it well before the first sovereign citizen's perceived objection to our jurisprudence is ineffective.

It is noted that persons of Defendant's ilk often resort to the filing of liens rather than use of the Appellate Rules of Procedure when they feel aggrieved by a lower court's decision. It is emphasized that in the over 295 years of the Pennsylvania Supreme Court's existence it has throughout that time well established the procedures to settle disputes within the Pennsylvania court system; thus, the filing of a lien against this Court or any of its officers by Defendant shall be considered contemptuous act. Absent of lawful appeal as prescribed by the Rules, the enforcement of collections shall be returned to Judge MASLAND.

ORDER OF COURT

AND NOW, this 30th day of June 2016, upon review of the Exceptions to the Support Master's Report and Recommendation, the Order of Court that confirmed Defendant's continued support obligation, it is found that there are no material changes that warrant a modification of his support obligation, and moreover, Defendant's appeal is untimely and the Exceptions are DISMISSED. The Support Master's Report and Recommendation are adopted by this Court as if its own.

Any liens filed by Defendant against the court or its employees in apparent conjunction with this case shall be deemed a contemptuous act and this jurist shall react accordingly. The matter is remanded to the Honorable ALBERT H. MASLAND for collections enforcement as his Honor deems appropriate.

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

Besse, Jack P., dec'd.

Late of Silver Spring Township.
Executor: David G. Besse, 131 N. Main St., P.O. Box 3, Port Deposit, MD 21904.
Attorney: None.

Elmendorf, Dorothy E., dec'd.

Late of Camp Hill Borough.
Executrix: Nancy Richards.
Attorneys: Susan H. Confair, Esquire, Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011, (717) 763-1383.

Eslinger, Larry Richard, dec'd.

Late of Silver Spring Township.
Executrix: Kendra L. Sweeney c/o Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.
Attorneys: Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.

Evans, Christine C., dec'd.

Late of North Middleton Township.
Executrix: Gwendolyn P. Lewin c/o Bradley L. Griffie, Esquire,

Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.

Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

Horne, Warren C., dec'd.

Late of South Middleton Township.

Administrator: Eugene B. Horne, Jr. c/o Nathan C. Wolf, Esquire, 10 W. High St., Carlisle, PA 17013.

Attorney: Nathan C. Wolf, Esquire, 10 W. High St., Carlisle, PA 17013, (717) 241-4436.

Hulse, John M., dec'd.

Late of the Borough of Mechanicsburg.

Executrix: Sarah Roberts, 410 Moylan Ave., Media, PA 19063.

Attorney: None.

Kitzmiller, Nettie I., dec'd.

Late of Carlisle Borough.

Executor: Aaron C. Jackson, Esquire, 1215 Manor Drive, Ste. 202, Mechanicsburg, PA 17055.

Attorneys: Kristen Snyder, Esquire, Jackson Law Firm, PLLC, 1215 Manor Dr., Ste. 202, Mechanicsburg, PA 17055.

Martin, Garnet Ray, dec'd.

Late of North Middleton Township.
Executor: Robert E. Nickey c/o Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.

Attorneys: Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.

McDonald, Daniel J., dec'd.

Late of South Middleton Township.

Executrix: Lesa Bonner c/o Robert G. Frey, Esquire, 5 South Hanover Street, Carlisle, PA 17013.

Attorneys: Frey and Tiley.

Shipe, Alfred a/k/a Alfred Burke Shipe, dec'd.

Late of Hampden Township.
Executrix: Shelby L. Mihan, 1231 Timber View Drive, Mechanicsburg, PA 17050.
Attorneys: Christa M. Aplin, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, (717) 541-5550.

Sunderland, Lea a/k/a Lea R. Sunderland a/k/a Lea Rae Sunderland, dec'd.

Late of Cumberland County.
Executor: Mark Wetzel, 11 Front Street, Suite 100, Shiremans-town, PA 17011.
Attorneys: Steven J. Schiffman, Esquire, Schiffman, Sheridan & Brown, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110.

Torio, Birgit, dec'd.

Late of North Middleton Township.
Executrix: Lisa J. Torio, 306 Jane Lane, Boiling Springs, PA 17007.
Attorney: Stephen J. Hogg, Esquire, 19 S. Hanover Street, Suite 101, Carlisle, PA 17013.

Warner, Larry L., dec'd.

Late of South Middleton Township.
Executrix: Jonietta E. Warner c/o Martson Law Offices, 10 East High Street, Carlisle, PA 17013.
Attorneys: Ivo V. Otto, III, Esquire, Martson Law Offices.

SECOND PUBLICATION**Baker, Filomena M.**, dec'd.

Late of East Pennsboro Twp.
Executrix: Joan F. Rickenbach c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110.
Attorneys: Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110.

Beisel, J.H. Quentin a/k/a Quentin H. Beisel, dec'd.

Late of Cumberland County.
Executrix: Susan A. Hauenstein c/o Adam R. Deluca, Esquire, 61 West Louther St., Carlisle, PA 17013.
Attorney: Adam R. Deluca, Esquire, 61 West Louther St., Carlisle, PA 17013.

Hockenberry, Helen Ann, dec'd.

Late of Southampton Township.
Administratrix: Janell Miller c/o Thomas P. Gleason, Esquire, 49 West Orange Street, Suite 3, Shippensburg, PA 17257.
Attorney: Thomas P. Gleason, Esquire, 49 West Orange Street, Suite 3, Shippensburg, PA 17257, (717) 532-3270.

Jacobs, Richard George, dec'd.

Late of South Middleton Township, Carlisle.
Executrices: Diane M. Jacobs, 113 Front Street, West Fairview, PA 17025 and Susan D. Shuey, 870 Doubling Gap Road, Newville, PA 17241.
Attorneys: Jan M. Wiley, Esquire, of Counsel, Stone, Wiley & Linsensbach, PC, 3 N. Baltimore Street, Dillsburg, PA 17019, (717) 432-2089.

Kelly, Jeanne G., dec'd.

Late of Cumberland County.
Executors: Manufactures & Traders Trust Co., 1 West High Street, Carlisle, PA 17013 and Jeffrey Steven Kelly, 213 South Pitt Street, Carlisle, PA 17013.
Attorney: Taylor P. Andrews, Esquire, 78 West Pomfret Street, Carlisle, PA 17013.

Lee, John Robert, dec'd.

Late of the Township of Monroe.
Executrix: Tracey M. Taylor, formerly Tracey M. Lee, 180 Locust Grove Road, Dillsburg, PA 17019.

Attorneys: Law Office of Keith O. Brenneman, P.C., 44 West Main Street, Mechanicsburg, PA 17055.

Perdue, Randolph J. a/k/a Randolph Jordan Perdue, dec'd.

Late of the Township of Hampden.
Executrix: Danielle R. Perdue, 4133 Kittatinny Drive, Mechanicsburg, PA 17050.

Attorneys: Theresa L. Shade Wix, Esquire, Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109.

Shinn, Marianne, dec'd.

Late of South Middleton Township.

Executrix: Susan E. Frommer c/o Charles E. Shields, III, Esquire, 6 Clouser Rd., Mechanicsburg, PA 17055.

Attorney: Charles E. Shields, III, Esquire, 6 Clouser Rd., Mechanicsburg, PA 17055.

Varano, Patricia L., dec'd.

Late of Upper Mifflin Twp.

Executrix: Sherry L. Miller c/o Sally J. Winder, Esquire, P.O. Box 341, Newville, PA 17241.

Attorney: Sally J. Winder, Esquire, P.O. Box 341, Newville, PA 17241.

THIRD PUBLICATION

Cramer, Kenneth E., dec'd.

Late of Southampton Township.

Executrix: Penny A. Cramer c/o Bradley L. Griffie, Esquire, Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.

Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

Fetrow, Mildred F., dec'd.

Late of Camp Hill Borough.

Executrix: Stephanie J. Reisinger c/o Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorneys: Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Hibbitts, William S., dec'd.

Late of the Borough of Newville.

Executor: Scott W. Hibbitts.

Attorneys: Ryan A. Webber, Esquire, Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055, (717) 697-3223.

Loftus, Maria A., dec'd.

Late of Upper Allen Township.

Executrix: Eleanor L. Ziegler, 4 Hall Drive, Dillsburg, PA 17019.

Attorney: Gerald J. Brinser, Esquire.

Pelaia, Mary C., dec'd.

Late of the Township of South Middleton.

Executor: Thomas J. Pelaia.

Attorneys: Ryan A. Webber, Esquire, Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055, (717) 697-3223.

Rosen, Robert S., dec'd.

Late of Upper Allen Township.

Executor: Jack I. Rosen c/o James D. Bogar, Esquire, One West Main Street, Shiremanstown, PA 17011.

Attorney: James D. Bogar, Esquire, One West Main Street, Shiremanstown, PA 17011.

NOTICE

NOTICE IS HEREBY GIVEN that Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania for:

HAPPY FEET NAIL SPA

by Anh Thai Truc Bui and Cuong Ho Ty, pursuant to the provisions of the

Pennsylvania Business Corporation Law of 1988.

CLIFTON R. GUISE, ESQUIRE
HALBRUNER, HATCH
& GUISE, LLP
2109 Market Street
Camp Hill, PA 17011

Nov. 4

NOTICE OF DISSOLUTION

NOTICE IS HEREBY GIVEN that Pennsylvania Neurological Associates, Ltd., a Pennsylvania corporation with its registered office at 3300 Trindle Road, Camp Hill, PA, is now engaged in winding up and settling the affairs of said corporation. The corporation will be filing Articles of Dissolution with the Commonwealth of Pennsylvania at Harrisburg, PA, so that its corporate existence shall be ended by issuance of a Certificate of Dissolution by the Department of State under the provisions of the Business Corporation Law of 1988 (as amended).

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

Nov. 4

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

In the Court of Common Pleas of
Cumberland County
Civil Division

NO. 2016-01669 CIVIL

Bank of America, N.A. c/o Reverse
Mortgage Solutions, Inc.,
Plaintiff

vs.

Unknown Heirs, Successors,
Assigns and All Persons, Firms or
Associations Claiming Right, Title
or Interest From or Under James R.
Hughes, Kathy Hoover-Rutt,

Known Heir of James R. Hughes,
David Hughes, Known Heir of James
R. Hughes, Tammy Cheseck,
Known Heir of James R. Hughes
and Jeffrey Hughes, Known Heir of
James R. Hughes,
Defendants

AMENDED COMPLAINT IN MORTGAGE FORECLOSURE

TO: Unknown Heirs, Successors,
Assigns and All Persons, Firms or
Associations Claiming Right, Title
or Interest From or Under James
R. Hughes, Defendant(s), whose
last known address is 700 Middle
Lane, Camp Hill, PA 17011

You are hereby notified that Plaintiff, Bank of America, N.A. c/o Reverse Mortgage Solutions, Inc., has filed an Amended Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Cumberland County, Pennsylvania, docketed to NO. 2016-01669 CIVIL, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 700 Middle Lane, Camp Hill, PA 17011, whereupon your property would be sold by the Sheriff of Cumberland County.

NOTICE

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

may lose money or property or other rights important to you.

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

LAWYERS' REFERRAL SERVICE

Cumberland County
Bar Association
32 S. Bedford St.
Carlisle, PA 17013
(800) 990-9108
UDREN LAW OFFICES, P.C.
Attys. for Plaintiff
111 Woodcrest Rd.
Ste. 200
Cherry Hill, NJ 08003
(856) 669-5400

Nov. 4

NOTICE

In the Court of Common Pleas of
Cumberland County, Pennsylvania
Civil Action—Mortgage Foreclosure

No. 2011-7303

MEMBERS 1ST FEDERAL
CREDIT UNION,

Plaintiff

v.

DONNA J. SHAFER,
Defendant

NOTICE

TO: Donna J. Shafer

You are notified that on August 12, 2016, Plaintiff filed a Praecipe for Writ of Execution against you in the Court of Common Pleas of Cumber-

land County, Pennsylvania, docketed to No. 2011-7303, wherein Plaintiff seeks to list certain real property located at 232 S. Enola Drive, Enola, Pennsylvania (the "Property") for Sheriff's Sale on December 7, 2016, in the Sheriff's Office in the Cumberland County Courthouse, or at such other location as designated by the Sheriff.

Since your current whereabouts are unknown, the Court ordered service of the legal action served upon you by publication. You are hereby notified that Plaintiff has levied to execute upon a judgment of \$151,739.56, plus interest from August 4, 2011, at the rate of \$24.16 per day, plus legal fees and costs, against the Property and your interests therein.

NOTICE

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:

IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD A LAWYER CONTACT:

Cumberland County
Bar Association
32 South Bedford Street
Carlisle, PA 17013
Telephone (717) 249-3166
CHRISTOPHER E. RICE,
ESQUIRE
MARTSON LAW OFFICES
10 East High Street
Carlisle, PA 17013
(717) 243-3341

Nov. 4



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, November 7, 2016**