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(USPS 102-900)

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Commonwealth v. Ferguson

Habeas motion – Discovery as to a confidential informant

1. When the Commonwealth establishes *prima facie* evidence as to each element of each crime charged, a *Habeas* motion should be denied.
2. The Court determined Defendant presented sufficient evidence that disclosure of the identity of the confidential informant (CI) was material to preparation of his defense. Further, Defendant's request was not unreasonable: the actual drug transactions were not observed by law enforcement; there was nothing in the record as to the reliability of the CI or his involvement in prior matters; there was no evidence or testimony concerning a threat to the CI's safety if his identify was disclosed; there were times during the surveillance when neither the CI nor the Defendant were visible to law enforcement; and the Defendant was not arrest immediately after either buy. On the other hand, Defendant did not present any evidence that the CI's involvement in other investigations unrelated to Defendant's case was material to his defense, so, his request for "any other dealings with said confidential informant" was overbroad and, accordingly, denied. The Court *Held* Defendant's *Habeas* Motion was denied, and Defendant's Motion for Discovery was granted in part and the Commonwealth was ordered to provide the name of the confidential informant; the nature and extent of CI's involvement with the police and any recordings, written documents, phone calls, and memorandum involving and/or concerning the CI and Defendant.

R.E.M.

C.C.P., Chester County, Pennsylvania Criminal Action No. 178-2022;
Commonwealth of Pennsylvania v. Brandon Ferguson

Michelle Thurstlic-O'Neill for the Commonwealth

Alexander Silow for the Defendant

Rovito, J., October 10, 2023:-

Commonwealth v. Ferguson

317 (2023)]

COMMONWEALTH OF PENNSYLVANIA	IN THE COURT OF COMMON PLEAS
v.	CHESTER COUNTY, PENNSYLVANIA
BRANDON FERGUSON	CRIMINAL ACTION
	CR-178-2022

Michelle Thurstlic-O'Neill, Esquire, attorney for the Commonwealth
 Alexander Silow, Esquire, attorney for the Defendant

AMENDED ORDER

AND NOW, this 10th day of October, 2023, upon consideration of Defendant's Pre-Trial *Habeas* Motion and Discovery Motion, filed May 15, 2023, after supplemental testimony and oral argument heard on May 18, 2023, Defendant's *Habeas* Motion is hereby DENIED¹ and Defendant's Motion for Discovery is GRANTED in part, and DENIED in part.² The Commonwealth is ORDERED to provide the following:

- Name of Confidential Informant (herein CI)
- Nature and extent of CI's involvement with the police
- Any recordings, written documents, phone calls, memorandum involving and/or concerning the CI and Defendant.

BY THE COURT:

/s/ ALITA A. ROVITO, J.

¹ The supplemental testimony of Detective Oscar Rosato and review of the preliminary hearing transcript shows the Commonwealth established *prima facie* evidence as to each element of each crime charged. At the preliminary hearing, Trooper Timothy O'Connor testified a controlled drug buy was coordinated between CI and Defendant on June 10, 2021. Trooper O'Connor stated he observed the CI and Defendant meet at a designated location, a three-bay-garage. The CI left the meet with a controlled substance and the controlled substance was tested and confirmed as methamphetamine. Trooper O'Connor did not see the controlled substance "change hands."

At the May 18, 2023 Pre-Trial Hearing, Detective Rosato testified to his involvement in and observations of the controlled buy on June 10, 2021 between the CI and Defendant. Detective Rosato stated he observed Defendant arrive to the garage as the passenger in a black Volkswagen Jetta. Defendant exited the vehicle carrying a black bag and entered the middle garage bay. Defendant then exited the middle garage bay carrying the same black bag, entered the vehicle, and left. Defendant did not meet with anyone other than the CI while at the garage.

At the preliminary hearing, Trooper O'Connor also testified to observing a similar process occurring on June 25, 2021 wherein a controlled buy was coordinated by phone, the CI and Defendant met, the CI left

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with a controlled substance, the substance was tested and confirmed as methamphetamine. Again, Trooper O'Connor did not observe the controlled substance "change hands." Trooper O'Connor explicitly testified the CI and the CI's vehicle were searched to ensure the CI did not possess any controlled substances prior to either controlled buy.

Trooper James Wisniewski also testified at the preliminary hearing concerning his involvement with the June 25, 2021 controlled buy. Trooper Wisniewski stated he and other officers observed Defendant arrive to the garage on a motorcycle where he met with the CI. After meeting with the CI, Defendant left the garage and the controlled substance was recovered, tested, and confirmed as methamphetamine.

For all the reasons stated above, Defendant's *Habeas* Motion is hereby DENIED.

² Defendant presented sufficient evidence that disclosure of the CI's identity is material to preparation of his defense. Further, Defendant's request is not unreasonable. *See, Commonwealth v. Koonce*, 190 A.3d 1204, 1209 (Pa. Super. 2018) (*Commonwealth v. Marsh*, 997 A.2d 318, 321-22 (Pa. 2010) (*Commonwealth v. Carter*, 233 A.2d 284, 287)).

The actual exchanges were not observed by law enforcement. There is nothing in the record as to the reliability of the CI or his involvement in prior matters. There was no evidence or testimony concerning a threat to the CI's safety if their identity is disclosed. There were times during the surveillance when neither the CI nor the Defendant were visible to law enforcement on scene. Lastly, the Defendant was not arrested immediately after either buy.

Defendant did not present any evidence that the CI's involvement in other investigations unrelated to his case is material to his defense. To the extent that Defendant requests "any deals" to be disclosed, the Commonwealth is ORDERED to disclose the nature and extent of CI's involvement with the police. Defendant's overbroad statement regarding "any other dealings with said confidential informant" is DENIED.

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NOTICES

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CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Department of State for BALL-PARK BLUEPRINTS LIMITED, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

TOSCANI, STATHES & ZOELLER, LLC, Solicitors,
899 Cassat Rd., Ste. 320,
Berwyn, PA 19312

CORPORATION NOTICE

DSI Holdings, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Clementa M. Amazan, Esq.
Zarwin, Baum, DeVito, Kaplan, Schaer & Toddy, P.C.
One Commerce Sq.
2005 Market St., 16th Fl.
Philadelphia, PA 19103

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN THAT to all creditors and claimants of ROAN LABORATORIES, Inc., a Pennsylvania corporation, that the shareholders have approved a proposal that the corporation dissolve voluntarily and the Board of Directors is now engaged in winding up and settling the affairs of the corporation so that its corporate existence will end, pursuant to the filing of Articles of Dissolution with the Pennsylvania Corporation Bureau pursuant to the requirements of the Pennsylvania Business Corporation Law of 1988, as amended.
Vincent Carosella, Jr., Esquire

Carosella & Associates, P.C.
882 S. Matlack Street, Suite 101
West Chester, PA 19382-4505

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN THAT the Shareholders and the Directors of Sayles Engineering, Inc., a PA corp., with a registered address at 1347 Phoenixville Pike, West Chester, PA 19380, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the Corp. under the provisions of Sec. 1975 of the PA Business Corp. Law of 1988, as amended.
ELIZABETH M. BEVENOUR, Solicitor
HERR, POTTS & POTTS
200 Eagle Rd., #106
Wayne, PA 19087

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

AMIDON, Caroline W., late of East Nantmeal Township. Elizabeth A. Kokoronis, 786 Nantmeal Rd., Glenmoore, PA 19343 and Charles S. Amidon, 15 Deer Pond Ln., Chadds Ford, PA 19317, care of MATTHEW D. GILBERT, Esquire, 1275 Drummers Ln., Ste. 210, Wayne, PA 19087, Executors. MATTHEW D. GILBERT, Esquire, Gadsden Schneider & Woodward LLP, 1275 Drummers Ln., Ste. 210, Wayne, PA 19087, atty.

BAUERNSCHMIDT, Dolores H., late of East Goshen. Jeffrey W. Bauernschmidt, care of LISA COMBER HALL, Esquire, 27 S Darlington St, West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, 27 S Darlington St, West Chester, PA 19382, atty.

BRENNAN, III, John J., late of Uwchlan Township. Steven A. East, care of NICHOLAS M. ORLOFF, Esquire, 1 W. Third St., Media, PA 19063, Executor. NICHOLAS M. ORLOFF, Esquire, Orloff Law, 1 W. Third St., Media, PA 19063, atty.

CLARK, Marie B., a/k/a Marie Byrd Clark and Helen Marie Clark, late of West Goshen Township.

Mitchell D. Clark, care of KAREN M. STOCKMAL, Esquire, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, Executor. KAREN M. STOCKMAL, Esquire, KMS Law Offices, LLC, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, atty.

DIBERT, Louise D., late of Caln Township. Karen Matthews, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

EARLL, Valerie L., a/k/a Valerie Lynn Earll, late of East Caln Township. Jennifer M. Prakash, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Executrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

GRAHAM, Mary Jude Theresa, late of Malvern. Richard Morgan, 63 Black Bear Court, Honey Brook, PA 19344, Executor.

GRIEST, Everett George, late of Sadsbury Township. Kelly Lynn Worrell, care of DUKE K. SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 19382, Administratrix. DUKE K. SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

HOFFMAN, Ann G., late of Willistown Township. Robert F. Hoffman, care of ANDREW H. DOHAN, Esquire, 460 E. King Rd., Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Wisler Pearlstine, LLP, 460 E. King Rd., Malvern, PA 19355-3049, atty.

HOLSTEIN, Bernadine, late of Honey Brook Township. William B. Cooper, III, P.O. Box 673, Exton, PA 19341-0673, care of WILLIAM B. COOPER, III, Esquire, P.O. Box 673, Exton, PA 19341-0673, Executor. WILLIAM B. COOPER, III, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341-0673, atty.

Estate of Clifford **HOYLE**
Hoyle, Clifford late of Phoenixville, PA. Karen Walsh, c/o David W. Crosson, Esq., Crosson Richetti & Daigle, LLC, 609 W. Hamilton St., Suite 301, Allentown, PA 18101, Administratrix.
Crosson Richetti & Daigle, LLC
609 W. Hamilton St.
Suite 301
Allentown, PA 18101

HUVER, John Patrick, late of Treddyffrin. Annemarie Huver McAnally, 1401 E Woodbank Way, West Chester, PA 19380, Administratrix.

KILKUCKI, Michael T., a/k/a Michael Thomas Kilkucki, late of East Vincent Township. Stephen P. Kilkucki, care of JEREMY A. WECHSLER, Esquire, 1040 Stony Hill Rd., Ste. 150, Yardley, PA 19067, Executor. JEREMY A. WECHSLER, Esquire, Curtin & Heefner LLP, 1040 Stony Hill Rd., Ste. 150, Yardley, PA 19067, atty.

KAPLAN, Judy Linda, a/k/a Judith L. Kaplan, late of East Pikeland Township. Frederick Eisner, care of KEVIN J. RYAN, Esquire, 999 West Chester Pike, Suite 201, West Chester, PA 19382, Executor. KEVIN J. RYAN, Esquire, Ryan, Morton & Imms, LLC, 999 West Chester Pike, Suite 201, West Chester, PA 19382, atty.

MANZ, Donald Joseph, a/k/a Donald J. Manz and Donald Manz, late of East Goshen Township. Anna Manz, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301, Executrix. CARRIE A. S. KENNEDY, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301, atty.

MAPP, Yvonne L., a/k/a Yvonne Renverse Mapp, late of Oxford Borough. Laura Anderson, 305 Hudson Dr., Newark, DE 19711, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Executrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

NEIBURG, Marie Elizabeth, late of Treddyffrin Township. Judy N. Young, care of DANA M. BRESLIN, Esquire, 3305 Edgmont Ave, Brookhaven, PA 19015, Executor. DANA M. BRESLIN, Esquire, Breslin Murphy Roberts, P.C., 3305 Edgmont Ave, Brookhaven, PA 19015, atty.

NOEL, Verna M., late of East Pikeland Township. James H. Noel, JR., 1912 Revolutionary Dr., Phoenixville, PA 19460, care of FREDERICK M. NICE, Esquire, 2755 Century Blvd., Wyomissing, PA 19610, Executor. FREDERICK M. NICE, Esquire, Barley Snyder, LLP, 2755 Century Blvd., Wyomissing, PA 19610, atty.

PAUL, III, Anthony J. D., late of Treddyffrin Township. Barbara D. Paul and Edward Kaier, care of WILLIAM W. KEFFER, Esquire, 1735 Market St., 19th Fl., Philadelphia, PA 19103, Executors. WILLIAM W. KEFFER, Esquire, Montgomery McCracken Walker & Rhoads, LLP, 1735 Market St., 19th Fl., Philadelphia, PA 19103, atty.

PEPPEL, Margaret E., late of Uwchlan Township. David Scott Poppel, care of VINCENT CAROSELLA, JR., Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Executor. VINCENT CAROSELLA, JR., Esquire, Carosella & As-

sociates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, atty.

Estate of Robert L. PFALTZGRAFF, JR.

Pfaltzgraff, Jr., Robert L. late of Tredyffrin Twp., PA. Robert Louis Pfaltzgraff, III, c/o John R. Lundy, Esq., Lundy Beldecos & Milby, PC, 450 N. Narberth Ave., Suite 200, Narberth, PA 19072, Executor. Lundy Beldecos & Milby, PC 450 N. Narberth Ave. Suite 200 Narberth, PA 19072

STICKNEY, Roger F., late of Honey Brook Township. Bonnie Sikorski, care of JOSEPH A. BELLINGHERI, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. JOSEPH A. BELLINGHERI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

USAVAGE, SR., Paul Joseph, late of West Brandywine Township. Gregory M. Usavage, 2035 Creek Lane, Green Lane, PA 18054, care of CHRISTOPHER H. MEINZER, Esquire, 516 Main Street, Pennsburg, PA 18073, Executor. CHRISTOPHER H. MEINZER, Esquire, Meinzer Law Office, 516 Main Street, Pennsburg, PA 18073, atty.

WARREN, Guy Suttle, late of Willistown Township. Phyllis Horn Epstein, 1515 Market St., Ste. 1505, Philadelphia, PA 19102, care of PHYLLIS HORN EPSTEIN, Esquire, 1515 Market St., Ste. 1505, Philadelphia, PA 19102, Executrix. PHYLLIS HORN EPSTEIN, Esquire, Epstein, Shapiro & Epstein, P.C., 1515 Market St., Ste. 1505, Philadelphia, PA 19102, atty.

WILT, Robert Jacobs, late of Southern Veterans Center, Spring City. Robert Jacobs Wilt, Jr., 122 Bucktown Crossing, Pottstown, PA 19465, Executor.

2nd Publication

BRILEY, Bruce John, a/k/a Bruce Briley, late of Kennett Square. Sharon Cosgrove, 317 S. Union Street, Kennett Square, PA 19348, care of DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, Administrator. DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, atty.

Estate of Adam E. DeShong

DeShong, Adam E. late of Devon, PA. Vicky Pyeatte DeShong, c/o John W. Richey, Esq., The Tannenbaum Law Group, 600 West Germantown Pike, Suite 400, Plymouth Meeting, PA 19462, Administratrix. The Tannenbaum Law Group

600 West Germantown Pike Suite 400

Plymouth Meeting, PA 19462

FORMICA, Lori Petrie, late of East Brandywine Township. Brian R. Formica, care of LISA COMBER HALL, Esquire, 27 S Darlington St, West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S Darlington St, West Chester, PA 19382, atty.

GILL, Lana W., late of Borough of West Grove. Elaine Ticknor, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

GRAY, Iris C., a/k/a Iris Gray, late of West Chester. Stephen Gray, 542 Hightop Road, West Chester, PA 19380, care of DEIRDRE A. AGNEW, Esquire, 1450 East Boot Road, Building 400A, West Chester, PA 19380, Executor. DEIRDRE A. AGNEW, Esquire, Law Offices of Deirdre A. Agnew, 1450 East Boot Road, Building 400A, West Chester, PA 19380, atty.

GULATI, Krishan L., a/k/a Krishan Lal Gulati, late of Downingtown Borough. Alok K. Gulati and Rajnish K. Gulati, 29 Carlson Way, Downingtown, PA 19335, care of NICOLAS F. METER, Esquire, 1401 E. High St., Pottstown, PA 19464, Administrators. NICOLAS F. METER, Esquire, Meter Law Offices, LLC, 1401 E. High St., Pottstown, PA 19464, atty.

HAEGELE, Ruth C., late of West Goshen Township. Mark Haegele, 871 Westtown Road, West Chester, PA 19382, care of DAVID J. SCHILLER, Esquire, 530 Swede Street, Norristown, PA 19401, Executor. DAVID J. SCHILLER, Esquire, 530 Swede Street, Norristown, PA 19401, atty.

JOHNSON, Dorothy Kathleen, a/k/a Dorothy K. Johnson, late of Downingtown Borough. Claude R. Johnson, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

JOHNSON, III, James E., a/k/a James Edward Johnson, III, late of West Chester, East Goshen Township. Michell E. Downes, 20 Rosalia Circle, York, PA 17402, care of ALEXIS K. SWOPE, Esquire, 50 East Market Street, Hellam, PA 17406, Executor. ALEXIS K. SWOPE, Esquire, 50 East Market Street, Hellam, PA 17406, atty.

KELTY, Kenneth, late of East Goshen Township. Carol Freeman and Karen A. Kelty, care of CAROL R. LIVINGOOD, Esquire, P.O. Box 191, Wayne, PA

19087-0191, Executrices. CAROL R. LIVINGOOD, Esquire, Timoney Knox, LLP, P.O. Box 191, Wayne, PA 19087-0191, atty.

LEVON, Gary P., late of East Marlborough Township. Richard I. Levon, care of KARYN L. SEACE, CELA, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Administrator. KARYN L. SEACE, CELA, Esquire, Seace Elder Law, PLLC, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

LOBO, Mary Olivia, late of West Chester. Brian Leipold, 135 Cloud Place, West Chester, PA 19380, Administrator.

LORBER, June, late of Kennett Township. L. Peter Temple, care of DONALD B. LYNN JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

McCASKEY, Margaret Thompson, late of Goshen Township. Matthew McCaskey and Megan Johnson, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Co-Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

MORRIS, Thomas, late of West Goshen Township. Marsha Bierds, 750 E. Marshall Street Unit 403, West Chester, PA 19380, Executrix.

O'DONNELL, JR., Martin H., late of Malvern. Kelly O. Byrne, care of JAMES F. CROTTY, Esquire, 390 Colwin Court, P.O. Box 262, Blue Bell, PA 19422, Executrix. JAMES F. CROTTY, Esquire, James F. Crotty, 390 Colwin Court, P.O. Box 262, Blue Bell, PA 19422, atty.

OTT, Collin, late of Pottstown, Warwick Township. Donna Ott Gillenwater, 458 Kolb Road, Spring City, PA 19475, Executrix.

PANNELLA, SR., Richard J., late of Phoenixville. Richard J. Pannella, Jr., 501 Emmett Street, Phoenixville, PA 19460, care of ANYLISE C. CROUTHAMEL, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. ANYLISE C. CROUTHAMEL, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

PIERCE, Jeffrey Allen, late of West Whiteland Township. Jasmine Pierce, 380 Hartford Square, West Chester, PA 19380, Administrator.

RAUDENBUSH, Mary J., a/k/a Mary Raudenbush, late of Exton, Uwchlan Township. Donald G. Raudenbush, care of MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, Execu-

tor. MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, atty.

RICH, Constance, a/k/a Connie, late of Phoenixville. Tina Slater, 416 11th Ave N, Lake Worth Beach, Florida, 33460, Executrix.

ESTATE OF MARIA SCHINDLER, late of Uwchlan Township, Chester County, Pennsylvania. Letters Testamentary of the Estate of the above named, MARIA SCHINDLER, Deceased, having been granted to the undersigned, all persons having claims or demands against the Estate of the said decedent are requested to make known the same, and all persons indebted to the said decedent are requested to make payment without delay, to Barbara M. Schindler, Executor, c/o Anthony Morris, Esquire, 118 W. Market Street, Suite 300, West Chester, Pennsylvania 19382-2928, Attorney.

SCHUSLER, Sheryl A., late of East Goshen Township. Matthew J. Schusler, care of STANLEY E. LUONGO, JR., Esquire, 126 West Miner Street, West Chester, PA 19382, Executor. STANLEY E. LUONGO, JR., Esquire, Luongo Bellwoar LLP, 126 West Miner Street, West Chester, PA 19382, atty.

WILSON, Kathleen F., late of Township of Schuylkill. Mary Wilson, care of JENNIFER A. HULNICK, Esquire, 300 S. High Street, West Chester, PA 19380, Executrix. JENNIFER A. HULNICK, Esquire, Eckert Ginty & Legg, LLC, 300 S. High Street, West Chester, PA 19380, atty.

WINCHESTER, James, late of Borough of Kennett Square. Benjamin I. Myers, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

3rd Publication

BRENZ, Howard R., late of East Vincent Township. Robert L. Freedman, care of REBECCA ROSENBERGER SMOLEN, Esquire, 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, Administrator CTA. REBECCA ROSENBERGER SMOLEN, Esquire, Bala Law Group, LLC, 1 Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, atty.

CATTELL, John, late of West Bradford Township. Rick Morton, Esquire, 999 West Chester Pike, Suite 201, West Chester, PA 19382, care of RICK MORTON, Esquire, 999 West Chester Pike, Suite 201, West Chester, PA 19382, Administrator. RICK MORTON, Esquire, Ryan Morton & Imms LLC, 999 West Chester Pike, Suite 201, West Chester, PA

19382, atty.

CONDON, Alice, a/k/a Alice G. Condon and Alice Godfrey Condon late of Birmingham Township, Russell F. Waters and Alison Waters Murphy, care of JOSEPH E. LASTOWKA, JR., Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executors. JOSEPH E. LASTOWKA, JR., Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

DUDT, Ruth G., a/k/a Ruth Graul Dudt, late of East Goshen Township. Brian W. Dudt, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301, Executor. CARRIE A. S. KENNEDY, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301, atty.

ELLIS, Elizabeth M., a/k/a Elizabeth Blanche McGill and Elizabeth McGill Ellis, late of Honey Brook Township. Lisa E. Betz, 2917 Oak Lane, Morgantown, PA 19543, care of MATTHEW A. BOLE, Esquire, 661 Andersen Drive, Foster Plaza 7, Ste 315, Pittsburgh, PA 15220, Executrix. MATTHEW A. BOLE, Esquire, Fiffik Law Group, P.C., 661 Andersen Drive, Foster Plaza 7, Ste 315, Pittsburgh, PA 15220, atty.

FOLKS, Laura W., late of Coatesville City. Laurie L. Folks, care of KRISTEN L. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Executrix. KRISTEN L. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

FRANCHI, Lorraine, late of West Whiteland Township. Louis F. Fortunato, care of NICHOLAS M. ORLOFF, Esquire, 1 W. Third St., Media, PA 19063, Executor. NICHOLAS M. ORLOFF, Esquire, Orloff Law, 1 W. Third St., Media, PA 19063, atty.

HERNANDEZ ORTIZ, Noel, a/k/a Noel H. Ortiz, late of Oxford, East Nottingham Township. Patricia J. Looby, 355 Redbud Drive, Oxford, PA 19363, care of KAREN E. EICHMAN, Esquire, 8 Federal Road, Suite 3, West Grove, PA 19390, Personal Representative. KAREN E. EICHMAN, Esquire, Eichman Law, PLLC, 8 Federal Road, Suite 3, West Grove, PA 19390, atty.

JAESCHKE, Luisa R., late of Birmingham Township. L. Peter Temple, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

KEENAN, Anne Elizabeth, a/k/a Anne E.

Keenan, late of East Goshen Township. Katherine K. Minshall, care of MARY ANN PLANKINTON, Esquire, 17 E. Gay St., Ste. 100, West Chester, PA 19380, Executrix. MARY ANN PLANKINTON, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay St., Ste. 100, West Chester, PA 19380, atty.

McHARG, Carol Smysler, a/k/a Carol S. McHarg, late of Pennsbury Township. Ian William McHarg, 29 Laurel Ridge Dr., Mills River, NC 28759 and Andrew M. McHarg, 1423 E. Berks St., Philadelphia, PA 19125, care of MICHAEL V. NASEEF, Esquire, 6 Ponds Edge Dr., Ste. 1, Chadds Ford, PA 19317, Executors. MICHAEL V. NASEEF, Esquire, M. Lyons Law Group LLC, 6 Ponds Edge Dr., Ste. 1, Chadds Ford, PA 19317, atty.

PENNEV, Dean, late of Chadds Ford. Flavia Richards, 101 East Gay Street Unit 3073, West Chester, PA 19380, care of MICHAEL P. ROWAN, Esquire, 101 East Gay Street Unit 3073, West Chester, PA 19380, Executrix. MICHAEL P. ROWAN, Esquire, Michael P. Rowan Attorney at Law, 101 East Gay Street Unit 3073, West Chester, PA 19380, atty.

PHIPPS, William, late of Pennsbury. Dorothy Phipps, 2026 West Street Road, West Chester, PA 19382, care of TIMOTHY E. POSSENTI, Esquire, 3101 Chichester Avenue, Upper Chichester, PA 19061, Executrix. TIMOTHY E. POSSENTI, Esquire, 3101 Chichester Avenue, Upper Chichester, PA 19061, atty.

QUIRPLE, Ann M., a/k/a Ann Marie Quirple, late of East Coventry Township. Daniel J. Quirple, 904 Oak Drive, Pottstown, PA 19464, care of JOSEPH QUINN, Esquire, 192 S Hanover Street, Suite 101, Pottstown, PA 19464, Executor. JOSEPH QUINN, Esquire, Ross, Quinn & Ploppert, P.C., 192 S Hanover Street, Suite 101, Pottstown, PA 19464, atty. Estate of Ann G. Reilly aka Ann Gloria Reilly Reilly, Ann G. aka Reilly, Ann Gloria late of Westtown Twp., PA. John F. Reilly, Jr., 350 Kerrwood Drive, Wayne, PA 19087, Executor. John P. McGuire, Esq. 552 Ridge Road Telford, PA 18969

RILEY, Patricia Ann, late of Caln. Charles V. Daylor Jr, 129 Nevins Way, Coatesville, PA 19320, care of MICHAEL P. ROWAN, Esquire, 101 East Gay Street Unit 3073, West Chester, PA 19380, Administrator. MICHAEL P. ROWAN, Esquire, Michael P. Rowan Attorney at Law, 101 East Gay Street Unit 3073, West Chester, PA 19380, atty.

ROWE, Ruth K., late of West Goshen Township. Caley A. Rowe, care of LESLEY M. MEHALICK,

Esquire, 30 Cassatt Ave., Berwyn, PA 19312, Executrix. LESLEY M. MEHALICK, Esquire, McAndrews, Mehalick, Connolly, Hulse and Ryan P.C., 30 Cassatt Ave., Berwyn, PA 19312, atty.

STEELE, John E., late of East Nottingham Township. John E. Steele, Jr. and Connie S. Slauch, care of WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 East Locust Street, Oxford, PA 19363, Executors. WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 East Locust Street, Oxford, PA 19363, atty.

WHITE, Marilyn H., a/k/a Marilyn Louise Hunter, late of Tredyffrin Township. Nancy W. Hicks, care of SEAMUS M. LAVIN, Esquire, 122 S. Church St., West Chester, PA 19382, Executrix. SEAMUS M. LAVIN, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

LETTERS OF TESTAMENTARY for the Estate of Nelson **White, Jr.**, deceased, late of Schuylkill Township, Chester County, Pennsylvania, having been granted to the undersigned on October 3, 2023, all person indebted to the Estate are requested to make immediate payment and those having claims against the Estate are requested to present them for settlement without delay to:

Lisa M. White, Executrix
c/o CLIFTON R. GUISE, Esquire
Halbruner, Hatch & Guise, LLP
3435 Market Street
Camp Hill, PA 17011

ZEIBARI, Nevart, a/k/a Nevart Rose Zeibari and Nevart Rose Ziebari, late of Pocopson Township. Christine Davidian, 650 Timber Dr., Wayne, PA 19087, care of DENISE M. CORDES, Esquire, 206 State Rd., Media, PA 19063, Executrix. DENISE M. CORDES, Esquire, Anderson Elder Law, 206 State Rd., Media, PA 19063, atty.

FICTITIOUS NAME

NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of

Frank and Andrews Farm LLC DBA Kimberton CSA, with its principal place of business at PO Box 192, Kimberton, PA 19442. The application has been (or will be) filed on: Thursday, November 30, 2023. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Frank Kurylo, Frank and Andrews Farm LLC, 236 Kimbel Dr, Phoenixville, PA 19460.

FOREIGN REGISTRATION STATEMENT

Notice is hereby given that Emby Hosierey Corporation, a foreign business corporation, has applied for a Statement of Registration to do business in the Commonwealth of Pennsylvania under the provisions of Chapter 4 of the Pennsylvania Association Transactions Act. The corporation is incorporated under the laws of the State of New York. The address of its principal office under the laws of said jurisdiction is 3905 2nd Ave, Brooklyn, NY 11232, and the address, including street and number, if any, of its proposed registered office in Pennsylvania is 2599 Yellow Springs Rd, Malvern, PA 19355.

NONPROFIT CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT, on November 20, 2023, Articles of Incorporation were filed with the Department of State for The Cheshire Horse and Hound Foundation, a nonprofit corporation organized under the Nonprofit Corporation Law of 1988 of the Commonwealth of Pennsylvania, exclusively for charitable purposes.

FOX ROTHSCCHILD LLP, Solicitor
747 Constitution Dr., Ste. 100, P.O. Box 673
Exton, PA 19341-0673

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NOTICE

West Goshen Township vs. Jeffrey G. Jordan - No. 2019-02183-LN - Court of Common Pleas of Chester County, PA. Notice is given that the above was named as Defendant in an action by Plaintiff to recover unpaid sewer and collection fees for property located at 1130 Grove Road, West Chester, PA, Tax Parcel #52-2L-78. A Writ of Scire Facias for \$1,029.65 was filed July 17, 2023 and reissued October 26, 2023. You are notified to plead to the Writ within 15 days of the date of this publication or a judgment may be entered. 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 Plaintiff. You may lose money, property or other rights important to you. **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.** Lawyer Reference and Info. Service, Chester County Bar Assn., 15 W. Gay St., West Chester, PA 19380, 610.429.1500. Buckley Brion McGuire & Morris, LLP, 118 W. Market St., West Chester, PA 19382-2928, 610.436.4400.

scheduled hearing, the hearing will go on without you and your rights to this child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. 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 Lawyer Reference Service, Chester County Bar Association, 15 West Gay Street, West Chester, PA 19380, Telephone No. (610) 429-1500 to find out where you can get legal help. You have an important option that may be available to you under Pennsylvania Law. Act 101 of 2010 permits the adoptive parents, child, birth parents and/or relatives to enter into a voluntary Post-Adoption Contact Agreement for continuing contact or communication following a child’s adoption. Contact Chester County Department of Children, Youth, 601 Westtown Road, St. 310, PO Box 2747, West Chester, PA 19380-0990 or phone 610-344-5800.

Thomas Maxwell O’Keefe, Esq.
 Attorney for Chester County
 Department of Children, Youth and Families

1st Publication of 3

**NOTICE
 IN THE COURT OF COMMON PLEAS OF
 CHESTER COUNTY, PENNSYLVANIA
 ORPHANS' COURT DIVISION**

IN RE: B.B.H., a/k/a E.J.B.
 Case Number: AD-23-0037

TO: David Beard

Petitions have been filed by Chester County Department of Children, Youth and Families asking the Orphans' Court to put an end to all rights you and Lauren Hanson have to a male minor child, B.B.H., a/k/a E.J.B. (d.o.b. 9/19/21), and to show cause why the parental rights to this child should not be terminated involuntarily. The Court has awarded Citations on these Petitions for Involuntary Termination of Parental Rights.

The Court has set a Call of the List for January 27, 2024, at 9:00 o’clock A.M., Honorable John L. Hall in Court Room No. 1, Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania, to determine which day your case will be heard, and to show cause, if any you have, why the relief sought in the Petition should not be granted. You or your lawyer should be present at the Call of the List to find out the specific date that your case will be heard.

If neither you nor your lawyer appears for the Call of the List, you may not find out when your hearing will be.

You are warned that even if you fail to appear at the

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TRUST NOTICE

THE ANNE E. KEENAN PERSONAL TRUST AGREEMENT U/A 9/15/2017 AMENDED AND RESTATED 5/22/2020
 ANNE E. KEENAN, Deceased
 Late of East Goshen Township, Chester County, PA
 This Trust is in existence and all persons having claims or demands against said Trust or decedent are requested to make known the same and all persons indebted to the decedent to make payment without delay to KATHERINE K. MINSHALL, TRUSTEE, c/o Mary Ann Plankinton, Esq., 17 E. Gay St., Ste. 100, West Chester, PA 19380,
 Or to her Attorney:
 MARY ANN PLANKINTON
 GAWTHROP GREENWOOD, P.C.
 17 E. Gay St., Ste. 100
 West Chester, PA 19380