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Commonwealth v. Nicholson

Severance – Other crimes – Prejudicial evidence – Sentence

1. The trial court has discretion to order the separate trial of offenses if it appears that the defendant will be prejudiced by a joint trial; however, Pa. R. Crim. P. 582 specifically allows offenses charged in separate informations to be tried together.
2. Severance of offenses which are based on separate transactions depends on: (a) whether the evidence of each offense would be admissible in a separate trial for the other; (b) whether the evidence is capable of separation by the jury to avoid the danger of confusion; and, if the answers to these are in the affirmative; and (c) whether the defendant will be unduly prejudiced by the consolidation of offenses.
3. The prejudice of which Pa. R. Cr. P. 583 addresses is that which would occur if the evidence tended to convict appellant only by showing his propensity to commit crimes or because the jury was incapable of separating the evidence or could not avoid cumulating the evidence.
4. Severance should be granted only where cumulative evidence may tend to confuse the jury, causing conviction on all offenses even though the evidence might not be sufficient for a particular offense; where confusion of offenses is likely to occur; and where an element of one charge is inherently prejudicial to a second charge.
5. A motion for severance is addressed to the sound discretion of the trial court, and that the decision reached by the trial court will not be disturbed absent a showing of manifest abuse of discretion.
6. Evidence of other crimes is admissible to demonstrate (a) motive; (b) intent; (c) absence of mistake or accident; (d) a common scheme, plan or design embracing the commission of two or more crimes so related to each other that proof of one tends to prove the others; or (e) the identity of the person charged with the commission of the crime on trial; additionally, evidence of other crimes may be admitted where such evidence is part of the history of the case and forms part of the natural development of the facts.
7. Pa. R. Evid. 404(b)(1) provides that evidence of prior crimes, wrongs or bad acts is inadmissible if offered to prove character of a person in order to show action of the accused in conformity with those wrongs.
8. Because all relevant Commonwealth evidence is meant to prejudice a defendant, exclusion is limited to evidence so prejudicial that it would inflame the jury to make a decision based upon the facts other than those arising from the charged criminal conduct. To be admissible, such evidence must be part of the chain or sequence of events which are logically a part of the case and form part of the natural development of the facts. Admissibility of such evidence is premised upon its ability to complete the story of the crime on trial by proving

its immediate context of happenings near in time and place.

9. The appropriate sentence to be imposed following conviction is vested in the sound discretion of the sentencing judge, but is subject to a manifest abuse of discretion standard. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the defendant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision.
10. When imposing a sentence, the sentencing court must consider the factors set out in 42 Pa.C.S.A. §9721(b), that is, the protection of the public, gravity of offense in relation to impact on victim and community, and rehabilitative needs of the defendant.
11. A challenge to the imposition of consecutive rather than concurrent sentences does not present a substantial question regarding the discretionary aspects of sentence. Also, an allegation that a sentencing court failed to consider or did not adequately consider certain factors does not raise a substantial question that the sentence was inappropriate.
12. After being found guilty of multiple sexual offenses against teenage girls, the Defendant argued the Court improperly denied Defendant's Motion to sever the three cases; improperly admitted "other crimes" evidence involving additional teenage girls and imposed an excessive sentence. The Court Held the Defendant's assertions were without merit.

R.E.M.

C.C.P. Chester County, Pennsylvania Criminal Actions No.s CP-15-CR-0000689-2010; CP-15-CR-0001301-2010; CP-15-CR-0001302-2010; Commonwealth of Pennsylvania v. Joseph Nicholson

Christin C. Kubacke for the Commonwealth
David P. Clark for the Defendant

Nagle, S.J., March 8, 2012:-

[Editor's note: The Superior Court affirmed on October 12, 2012 at 2277 EDA 2011.]

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: CHESTER COUNTY, PENNSYLVANIA

VS. : NO. CP-15-CR-0000689-2010;
CP-15-CR-0001301-2010;
CP-15-CR-0001302-2010

JOSEPH NICHOLSON : 2277 EDA 2011
:
Defendant : CRIMINAL ACTION

Christin C. Kubacke, Esquire, Assistant District Attorney for the Commonwealth
David P. Clark, Esquire, Attorney for the Defendant

NAGLE, S.J. March 8, 2012

OPINION OF THE TRIAL COURT
PURSUANT TO PA. R. A.P 1925.

Procedural History:

The Commonwealth charged Defendant in three separate Informations, each involving a separate minor female victim. We denied Defendant's Motion to try the cases separately because they arose from an on-going criminal enterprise, involving associated victims, similar and related facts, and common principles of law. In information 0689-2010, pertaining to the minor female victim, R.E., the Defendant was charged with Statutory Sexual Assault, 18 Pa. C.S.A. § 3122.1; Involuntary Deviate Sexual Intercourse, 18 Pa. C.S.A. § 3123(a)(7); Indecent Assault, 18 Pa. C.S.A. § 3126(a)(8); two counts of Corruption of Minors, 18 Pa. C.S.A. § 6301(a)(1); and Aggravated Indecent Assault, 18 Pa. C.S.A. § 3125(a)(8). Following a jury trial, he was convicted of each offense.

In information 1301-2010, pertaining to the minor female victim, E.C., Commonwealth charged Defendant with one count of Corruption of Minors, 18 Pa. C.S.A. § 6301(a)(1). Following a jury trial, he was convicted of this offense.

In information 1302-2010, pertaining to the minor female victim, D.H., Defendant was charged with one count Criminal Solicitation to Commit Statutory Sexual Assault of a Minor, 18 Pa. C.S.A. §§ 902 & 3122.1; one count Criminal Solicitation to Commit Involuntary Deviate Sexual Intercourse, 18 Pa. C.S.A. §§ 902 & 3123(a)(7); one count Indecent Assault, 18 Pa. C.S.A. § 3126(a)(8); one count Corruption of Minors, 18 Pa. C.S.A. § 6301(a)(1). Following a jury trial, he was convicted of each these offenses, except Criminal Solicitation to Commit Involuntary Deviate Sexual Intercourse, the jury being unable to come to a unani-

mous decision on the latter charge.

Defendant's date of birth is July 19, 1985. The offenses occurred between September 2008 and January 2010. In each instance, at the time of these criminal acts, the Defendant was 4 or more years older than his victims.

The facts are essentially these. Defendant was a janitor, working for the Downingtown Area School District at Downingtown West High School, in Downingtown, PA (the "High School"). He had, while attending that same high school, been a highly touted athlete, including quarterback of the high school football team. He was, as a consequence, well known in the community, and came from a respected family. While working as a janitor at the High School, he was well known by the students, many of whom looked up to and admired him as a result of his athletic prowess. From the inception of his employment, he capitalized on his achievements with the students, taking advantage of his minor celebrity, which made him accessible to female students, whose relationships he nurtured. Defendant is an intelligent and articulate young man, and apparently was attractive to certain of the younger, more impressionable female students. He formed and nurtured relationships with them, flattered them, ostensibly offering advice and encouragement, but ultimately increased his level of attention to them, essentially grooming them for sexual exploitation. At trial, five minor female students testified to Defendant's pattern of behavior with them, complimenting them on their beauty and attractiveness so as to build a personal rapport with each. From there, he moved to a discussion of overt sexual topics with them, sent or displayed to them pictures of his penis, and ultimately solicited the girls for sexual acts. Defendant's attentions to them were such that these young girls believed they were in love with him.

Respectively, from the testimony presented, the Defendant was convicted of engaging in sexual intercourse with 15 year old R.E., and having her perform oral sex on him in his Downingtown residence. He also engaged in sexual contact with R.E. at the High School while he was working. He kissed her and "rubbed her bottom" in a hallway of the School, an act that was captured on the School's surveillance system. R.E. testified at trial that Defendant used his cell phone to send her a photograph of his penis. He also offered her marijuana after engaging in sexual acts with her in his home.

Defendant was also convicted of engaging in sexual acts with 15 year old D.H., a student at the High School, and with soliciting her to engage in sexual intercourse with him. D.H. also testified that while in the School, Defendant privately met with her in an empty classroom, kissed her, fondled her breasts and rubbed his erect penis on her leg. Defendant also used his cell phone to display to her a photograph of his penis. She testified that Defendant solicited her to engage in sexual acts shortly after meeting him at the High School, asking her to participate in these acts, both through phone calls and in person.

Finally, the Defendant was also convicted of corrupting the morals of 16 year old L.C., a student at the High School, who testified that he solicited her to

engage with him in sexual activity. As an enticement, he sent her a photograph of his penis by means of his cell phone.

Sentencing:

As a consequence of Defendant's conviction of Involuntary Deviate Sexual Intercourse, 18 Pa. C.S.A. § 3123(a)(7), he was subject to lifetime registration under Megan's Law, 42 Pa. C.S. §9791 and §9795.1(b)(2). As required, prior to imposition of sentence, he was evaluated by a member of The State Sexual Offenders Assessment Board. On May 10, 2011, the Board notified the District Attorney that it had concluded Defendant's evaluation, and that he did not meet the criteria to be classified as a Sexually Violent Predator. Accordingly, sentence was imposed on July 22, 2011, as follows: Docket 689-2010: the Commonwealth declined to waive the required mandatory minimum sentence of 10 to 20 years for Defendant's conviction of Involuntary Deviate Sexual Intercourse, and the court imposed that sentence. In addition, he was sentenced to a consecutive term of 1 to 2 years for Statutory Sexual Assault, and concurrent sentence for the remaining convictions at that docket, as shown on the sentencing sheet.

Docket 1302-2010: 1 to 2 years incarceration for Solicitation to Commit Sexual Assault, and 3 months to 12 months for Indecent Assault, consecutive to Docket 689-2010 sentences, plus a concurrent sentence for the remaining Corruption conviction.

Docket 1301-2010: 9 to 18 months incarceration for conviction of Corruption of Minors, consecutive to Docket 1302-2010 sentence. Defendant's aggregate sentence is 13 to 26 years incarceration.

Post Sentence Motion and Direct Appeal. On July 29, 2011, Defendant filed his Motion to Modify Sentence, which we denied by Order on August 11, 2011. On August 12, 2011 Defendant filed the instant direct appeal. On September 1, 2011 we granted trial counsel leave to withdraw as Defendant's counsel after determining that Defendant's appeal had been perfected. The Public Defender entered his appearance on September 16, 2011, and on September 20, 2011 we issued a Pa.R.A.P. 1925 Order upon Defendant to file and serve his concise statement of errors complained of on appeal. Upon request, and pending his receipt of the trial transcripts, we entered Orders allowing adequate additional time to the Defender to file Defendant's Concise Statement, which was filed timely on February 21, 2012.

Issues Raised on Appeal.

1. Severance of Informations/Issue for Trial. Defendant first argues that we "improperly denied Defendant's Motion to sever the three offenses", by which we

believe he means the individual charges brought in the three separate criminal informations pertaining to each of the three victims. Defendant argues the jury was presented with each of the charges stated in the three informations in a single consolidated trial, as a consequence of which he was unfairly prejudiced by the jury's alleged incapacity in separating out the facts and the offenses stated in the respective informations.

By pre-trial Order entered on February 23, 2011, we denied Defendants severance motion, and we granted the Commonwealth's Pa.R.E. 404(b) Motion For Admission of Prior Acts to allow evidence of prior bad acts involving two minor females, J.B. and L.C., that occurred near in time to the acts for which Defendant was tried and convicted. The Court is respectfully directed to the Commonwealth's February 15, 2011 Motion, which is attached hereto for the Court's convenience. The severance and prior bad acts issues Defendant now raises are related.

In support of his pre-trial severance motion, Defendant argued and now continues to advance the contention that evidence of his solicitations to commit sexual acts and evidence of those and other acts against his various victims, including testimony from each victim, would not be admissible if separate trials were to occur; and, therefore, he contends the Commonwealth failed to meet the standard elucidated in Pa. R. Cr. P. 582.¹ Defendant's argument was then and now remains without merit.

Severance. The trial court has discretion to order the separate trial of offenses if it appears that the defendant will be prejudiced by a joint trial. However, Pa. R. Crim. P. 582 specifically allows offenses charged in separate informations to be tried together. *Commonwealth v. Lark*, 543 A.2d 491 (Pa.,1988). Severance of offenses which are based on separate transactions depends on: (1) whether the evidence of each offense would be admissible in a separate trial for the other; (2) whether the evidence is capable of separation by the jury to avoid the danger of confusion; and, if the answers to these are in the affirmative; and (3) whether the defendant will be unduly prejudiced by the consolidation of offenses. *Commonwealth v. Lauro*, 819 A.2d 100, 107 (Pa. Super. 2003) (The prejudice of which Pa. R. Cr. P. 583 addresses is that which would occur if the evidence tended to convict appellant only by showing his propensity to commit crimes, or because the jury was incapable of separating the evidence or could not avoid cumulating the evidence. Additionally, the admission of relevant evidence connecting a defendant to the

¹Rule 582. Joinder—Trial of Separate Indictments or Informations

(A) Standards

- (1) Offenses charged in separate indictments or informations may be tried together if:
- (a) the evidence of each of the offenses would be admissible in a separate trial for the other and is capable of separation by the jury so that there is no danger of confusion; or
 - (b) the offenses charged are based on the same act or transaction. Pa.R.Crim.P. 582(A)(1).

crimes charged is a natural consequence of a criminal trial, and it is not grounds for severance by itself). Accord: *Commonwealth v. Brookins*, 10 A.3d 1251, 1256 (Pa. Super. 2010). Severance should be granted only where cumulative evidence may tend to confuse the jury, causing conviction on all offenses even though the evidence might not be sufficient for a particular offense; where confusion of offenses is likely to occur; and where an element of one charge is inherently prejudicial to a second charge. Instantly, there was no such confusion in the evidence. The testimony of each victim was separate and distinct, and the jury was easily able to separate out that testimony and the offenses to which the testimony applied. It is well settled that a motion for severance is addressed to the sound discretion of the trial court, and that the decision reached by the trial court will not be disturbed absent a showing of manifest abuse of discretion. *Commonwealth v. Presbury*, 665 A.2d 825, 827–28 (Pa.Super.,1995) (citing *Commonwealth v. Jones*, 610 A.2d 931, 936 (Pa.,1992)); *Commonwealth v. Grillo*, 917 A.2d 343 (Pa.Super.,2007).

Instantly, the crimes against the three victims were similar, arose out of Defendant's continuing contact with each victim, who were members of a related class (high school students at the same school), arose from a common scheme, plan or design exercised by Defendant against those victims, and occurred within a distinct time period. *Commonwealth v. Dozzo*, 991 A.2d 898 (Pa.Super.,2010) (Evidence of other crimes is admissible to demonstrate (1) motive; (2) intent; (3) absence of mistake or accident; (4) a common scheme, plan or design embracing the commission of two or more crimes so related to each other that proof of one tends to prove the others; or (5) the identity of the person charged with the commission of the crime on trial; additionally, evidence of other crimes may be admitted where such evidence is part of the history of the case and forms part of the natural development of the facts). Accord: *Commonwealth v. Andrews*, 720 A.2d 764 (Pa. Super., 1998), affirmed, 768 A.2d 309 (Pa., 2001). At trial, the testimony from each victim was distinct and easily separable by a jury so that no confusion occurred, resulting in no legally cognizable prejudice to the Defendant. We respectfully suggest there is no merit to Defendant's contention.

2. Prior Bad Acts. Defendant next argues that we erred in granting the Commonwealth's Motion to permit evidence of prior bad acts relating to two other High School female students that occurred just prior to or contemporaneously with the charged crimes. Again, we conclude there is no merit to this contention. Pa. R. Evid. 404(b)(1) provides that evidence of prior crimes, wrongs or bad acts is inadmissible if offered to prove character of a person in order to show action of the accused in conformity with those wrongs; however, such evidence may be admissible if relevant to show motive; opportunity; intent; a common scheme, plan or design involving the commission of separate crimes which are so related to each other that proof of one tends to prove the other; and/or to prove identity, motive, plan or intent, and the absence of mistake or accident, common plan or scheme, or identity of defendant. *Commonwealth v. Brookins*, supra, 10 A.3d at 1256, (quot-

ing *Commonwealth v. Collins*, 703 A.2d 418 (Pa. 1997)); *Commonwealth v. Banks*, 521 A.2d 1, 17 (Pa.,1987). Rule 404(b) evidence of other crimes, wrongs or bad acts is admissible where, as in the instant case against Nicholson, they were part of the natural development and history of the case, and also demonstrated a common plan or scheme, as well as motive, intent, and the lack of mistake. *Id.* Indeed, where sufficient factual similarities are present, evidence of prior sexual assault is probative to show a common scheme or plan by the defendant and serves to bolster the victims' credibility. *Commonwealth v. O'Brien*, 836 A.2d 966, 970 (Pa. Super. 2003).

Because all relevant Commonwealth evidence is meant to prejudice a defendant, exclusion is limited to evidence so prejudicial that it would inflame the jury to make a decision based upon the facts other than those arising from the charged criminal conduct. *Commonwealth v. Owens*, 929 A.2d 1187, 1190-91 (Pa. Super., 2007), appeal denied, 940 A.2d 364 (Pa., 2007). To be admissible, such evidence must be part of the chain or sequence of events which are logically a part of the case and form part of the natural development of the facts. Historically, admissibility of such evidence is premised upon its ability "to complete the story of the crime on trial by proving its immediate context of happenings near in time and place". *Commonwealth v. Lark*, supra; *Commonwealth v. Kitchen*, 730 A.2d 513 (Pa.Super. 1999) (citations omitted); *Commonwealth v. Colon*, 846 A.2d 747 (Pa.Super. 2004); *Commonwealth v. Ulatoski*, 371 A.2d 186 (Pa. 1977). While remoteness is another factor to be considered in determining whether a prior incident is admissible, all of the bad acts admitted in the instant case occurred near in time to the crimes charged. See *Commonwealth v. Odum*, 584 A.2d 953 (Pa.Super.,1990). Depending upon the facts, immediacy of context when applying Rule 404(b) is not necessarily required. *Commonwealth v. Frank*, 577 A.2d 609 (Pa.Super.,1990)(prior sexual assault evidence admissible in subsequent sexual assault trial); *Commonwealth v. Smith*, 635 A.2d 1086 (Pa.Super.,1993) (sexual assault of daughters separated by time allowed to show intent). Instantly, Defendant is alleged to have taken advantage of the ready availability of minor female victims through his employment as a school janitor, and was thereby able to lure his victims, who are all similar in age and students at the same High School, through common schemes of communication and seduction.

In addition to evidence pertaining to the other victims, Commonwealth was permitted to elicit Rule 404(b) evidence from two other female students who attended the High School, J.B. and L.C., with respect to Defendant's conduct towards them, which was similar to the conduct for which Defendant was charged in the captioned dockets. In the Fall of 2009, Defendant established a relationship with J. B., then a 15 year-old High School sophomore, asking her to perform sexual acts with him, kissed her in school, and sent her several photographs of his penis. When she threatened to tell the police, he threatened her family. N.T. 3/2/2011, pp. 28-45. In the Fall of 2009, Defendant also established a relationship with L.C., then

a 17 year-old High School senior, by complimenting her about her body and “friending” her on Facebook. He discussed performing sexual acts with her, including asking her to perform oral sex on him, which eventually led to several acts of both oral sex and sexual intercourse that occurred in her car, at her house and at Defendant’s house. N.T. 3/2/2011, pp. 46-58. In our view, the probative value of this Rule 404(b) evidence was highly probative, and outweighed its potential for prejudice. We respectfully suggest there was no undue prejudice to the Defendant from the admission of this testimony.

3. Alleged Excessive Sentence. Defendant next contends his sentence was “disproportional”, failed to consider mitigating factors, and that our imposition of consecutive sentences was excessive and manifestly unfair, given the mandatory minimum sentence we were required to impose. We see no merit to these contentions. Our sentencing statement consists of 9 pages of the sentencing transcript, Transcript, 7/22/2011 pp. 46-54, in which we detailed the extraordinary number of letters of support for the defendant, requesting leniency, which we received, and which sought to assure me that Defendant’s conduct in these cases were so unlike his life, character, and reputation as those writers knew them to be, as to be properly considered an error in judgment that would not be repeated. We concluded the folks who wrote those letters were unaware of the extent of Defendant’s criminal conduct in these cases. Unfortunately, his conduct was much more than a simple lapse in judgment. Having presided over his trial and heard the testimony, the only conclusion we could draw was that Defendant purposefully took full advantage of the access he had to the impressionable and susceptible young girls at Downingtown West High School, who were his victims in these cases. We found it significant that he was simultaneously engaging in this conduct with 5 minor females. We acknowledged that perhaps he did not then realize the seriousness with which the statutory law of this Commonwealth looks upon taking sexual advantage of young girls under the age of 16, who remain children in the eyes of the law.

We also noted that Defendant is obviously a young man of intelligence and talent, who was well liked and admired by everyone. He had a special place in the eyes of the School’s students because of his well-known athletic prowess as a school boy football player, and easily ingratiated himself with them. Unfortunately, this gave him even greater access to and confidence with these young women, who were prone to admire him, which he might otherwise not have had as a school janitor. His conduct was so alluring, and they so immature, he became their confidant, and they came to believe they loved him, and he them. He came from a well-known and admired Downingtown family. His parents and 2 siblings were well-known athletes, but most importantly were good and wholesome people and nurturing parents. All of the elements that lead others to trust one were at his disposal, and he used them very badly. We also noted that we did not need the letters I received to remind me of the devastating effect Defendant’s conduct has had on his parents and family; and that while this is indeed a sad case for them, it is more so for the girls

involved and their parents, who were severely and adversely harmed by Defendant's conduct. As well, his conduct breached the trust we, as parents, have in our schools, when we daily entrust our children to their care, not expecting them to be victimized. This is the context in which we came to the imposition of penalty in these cases. It is thus preposterous for the Defendant to now argue, as he does, that we failed to consider mitigating factors, and measure them against the nature and extent of his crimes. And, considering the number of his victims, their ages, and the nature of the crimes committed against them, we do not consider his consecutive sentences to be disproportional to his crimes.

The appropriate sentence to be imposed following conviction is vested in the sound discretion of the sentencing judge, but is subject to a manifest abuse of discretion standard. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the defendant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision. *Commonwealth v. Zurburg*, 937 A.2d 1131 (Pa.Super. 2007); *Commonwealth v. Rodda*, 723 A.2d 212, 214 (Pa.Super. 1999). "The sentencing court may properly consider the defendant's character, lack of display of remorse, defiance or indifference, the nature of the crime and its overall effect on the victim." *Commonwealth v. Hanson*, 856 A.2d 1254, 1260 (Pa.Super. 2004). "When imposing a sentence, the sentencing court must consider the factors set out in 42 [Pa.C.S.A.] §9721(b), that is, the protection of the public, gravity of offense in relation to impact on victim and community, and rehabilitative needs of the defendant..." *Id.*

The decision to impose consecutive sentences for separate offenses remains within the sound discretion of the sentencing court. *Commonwealth v. Johnson*, 873 A.2d 704 (Pa.Super. 2005); *Commonwealth v. Druce*, 796 A.2d 321 (Pa.Super. 2002), *aff'd*, 848 A.2d 104 (Pa. 2004); *Commonwealth v. Lloyd*, 878 A.2d 867, 873 (Pa.Super.2005), appeal denied, 887 A.2d 1240 (Pa., 2005) (citing *Commonwealth v. Hoag*, 665 A.2d 1212, 1214 (Pa. Super.,1995)). Instantly, we note that each of the consecutive sentences imposed are within the standard range of the sentencing guidelines.

Finally, we quote from *Commonwealth v. Johnson*, 961 A.2d 877 (Pa.Super.,2008).

"Long standing precedent of this Court recognizes that 42 Pa.C.S.A. § 9721 affords the sentencing court discretion to impose its sentence concurrently or consecutively to other sentences being imposed at the same time or to sentences already imposed. *Commonwealth v. Marts*, 889 A.2d 608, 612 (Pa.Super.2005) (citing *Commonwealth v. Graham*, 541 Pa. 173, 184, 661 A.2d 1367, 1373 (1995)). A challenge to the imposition of consecutive rather than concurrent sentences does not present a substantial question regarding the discretionary aspects of sentence. *Lloyd*, 878 A.2d at 873. "We see no reason why [a defendant] should be afforded a

‘volume discount’ for his crimes by having all sentences run concurrently.” *Hoag*, 665 A.2d at 1214. Also, an allegation that a sentencing court failed to consider or did not adequately consider certain factors does not raise a substantial question that the sentence was inappropriate. *Commonwealth v. Petaccio*, 764 A.2d 582, 587 (Pa.Super.2000).”

We respectfully suggest that Defendant’s individual sentences and aggregate sentence be affirmed.

BY THE COURT

/s/ Ronald C. Nagle, S.J.

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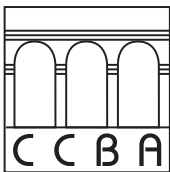
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**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 12-12726**

NOTICE IS HEREBY GIVEN that the name change petition of Cheryl Lynn Keil was filed in the above-named court and will be heard on February 25, 2013, at 9:30 AM, in Courtroom 17 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: December 4, 2012

Name to be changed from: Cheryl Lynn Keil to: Sherry L.K. Robertson

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 12-12801**

NOTICE IS HEREBY GIVEN that the name change petition of Shannon Marie Hayes was filed in the above-named court and will be heard on January 7, 2013, at 12:00 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: December 5, 2012

Name to be changed from: Azlyn Nyshae Johnson to: Azlyn Nyshae Johnson-Hayes

Alaysia Monae Johnson to: Alaysia Monae Johnson-Hayes

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

WILLIAM T. KEEN, Attorney for Petitioner

3460 Lincoln Highway

Thorndale, PA 19372

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on November 2, 2012 for Activity Pathway, in accordance with the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

The purpose or purposes for which it was organized are: to provide affordable training access for less popular/marginalized activities.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for DBK CONSULTING, INC., in accordance with the provisions of the Business [Nonprofit] Corporation Law of 1988.

EDMUND B. PYLE, III, Solicitor
Pyle & Moccia

1288 Valley Forge Road

Suite 73, P.O. Box 764

Valley Forge, PA 19482

CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 11/14/2012 under the Domestic Business Corporation Law, for ZUPPLER, INC., and the addr. of the registered office is 2014 Mallard Circle, Phoenixville, PA 19460.

BUSINESS CORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State for STATION PLACE ENTERPRISES, INC., a corporation organized under the Pennsylvania Business Corporation Law of 1988. WETZEL, GAGLIARDI & FETTER, LLC, Solicitors
101 East Evans Street, Suite A
West Chester, PA 19380

1st Publication**NOTICE OF DISSOLUTION OF
SC LIQUIDATION, INC.**

NOTICE IS HEREBY GIVEN THAT the shareholders and directors of SC LIQUIDATION, INC., a Pennsylvania corporation with an address at 24 E. Market Street, West Chester, PA 19382, 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 corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Vincent T. Donohue, Esq.

Lamb McErlane, PC

24 East Market Street

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West Chester, PA 19381-0565

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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

ANNIS, Gary David, late of Franklin Township. Maureen Anne Annis, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Administrator. NEIL E. LAND, Esquire, Brutscher, Foley, Milliner & Land, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

BERRY, Dorothy L., late of Caln Township. David Berry, 3214 Raye Road, Thorndale, PA 19372, Executor. WILLIAM T. KEEN, Esquire, Keen, Keen & Good, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

BRUCE, Joyce H., late of West Brandywine Township. Deborah A. Zonar and Daniel F. Jones, care of BARRY S. RABIN, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Personal Representatives. BARRY S. RABIN, Esquire, The Law Firm of Barry S. Rabin, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

CINORRE, Albert C., late of East Bradford Township. Virginia M. Cinorre, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executrix. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

CLARK, Donald Gould, a/k/a Donald G. Clark, late of West Brandywine Township. Kathryn Clark Petersen, 7635 Kindler Road, Laurel, MD 20723, Executrix. LUCY F. DOWD, Esquire, 1002 Lititz Pike, #169, Lititz, PA 17543, atty.

COHEN, Gladys M., late of Tredyffrin Township. Joshua D. Cohen, care of HARTMAN UNDERHILL & BRUBAKER LLP, Esquire, 221 East Chestnut Street, Lancaster, PA 17602, Executor. HARTMAN UNDERHILL & BRUBAKER LLP, 221 East Chestnut Street, Lancaster, PA 17602, atty.

COOK, Marie R., late of Phoenixville. Michael J. Cook, care of KENNETH E. PICARDI, Esquire, 1129 E. High Street, P.O. Box 776, Pottstown, PA 19464, Executor. KENNETH E. PICARDI, Esquire, 1129 E. High Street, P.O. Box 776, Pottstown, PA 19464, atty.

FITCH, Edward F., late of Caln Township. Lillian M. Meyers, 5035 Pineview Drive, Mohnton, PA 19540, Executrix. ERIC L. B. STRAHN, Esquire, Strahn Law Offices, P.C., 5341 Perkiomen Avenue, Reading, PA 19606, atty.

GLOWACKI, Helga Lore, a/k/a Helga Dankwarth, late of Tredyffrin Township. Victor Glowacki, 1343 State Road, Phoenixville, PA 19460, Executor. JOSEPH P. DIGIORGIO, Esquire, Platt, DiGiorgio & DiFabio, 1800 East Lancaster Avenue, Paoli, PA 19301, atty.

HANSBERRY, Frederick W., late of Chester Township. Elizabeth L. Hansberry, c/o David M. Miller, 937 North Hanover Street, Pottstown, PA 19401, Executrix. DAVID A. MILLER, Esquire, Miller Law Center PLLC, 937 North Hanover Street, Pottstown, PA 19464, atty.

HARLEY, Edna S., late of Downingtown. Lois H. Matter, 124 Ridgewood Circle, Downingtown, PA 19335, Executor.

JENKINS, Clauzell, late of Valley Township. C. Barbara Martinez, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executrix. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

LAVIN, Lillian M., late of Borough of West Chester. Kimberly Lavin, 16 Manning Lane, Lawrenceville, NJ 08648, Executrix. ALBERT P. MASSEY, JR., Esquire, Lentz, Cantor & Massey, Ltd., 460 East King Road, Malvern, PA 19355, atty.

LITTLETON, Paul E., a/k/a Paul Ellis Littleton, late of West Whiteland Township. Robert Gregan, 822 Waterway Road, Oxford, PA 19363, Executor. DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, atty.

MAZEIKA, Daniel F., late of Phoenixville Borough. Francis L. Henninger, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

MC MACKIN, Mary E., late of East Caln Township. Robert F. Mc Mackin, care of RODMAN M. ROSENBERGER, Esquire, One Summit Street, Philadelphia, PA 19118, Executor. RODMAN M. ROSENBERGER, Esquire, Barber Sharpe & Rosenberger, One Summit Street, Philadelphia, PA 19118, atty.

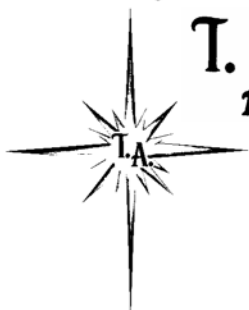
MOZZANI, Dominic J., late of West Goshen Township. Gina Mozzani Anderson, care of DAWSON R. MUTH, Esquire, 213 West Miner Street, West Chester, PA 19382, Executrix. DAWSON R. MUTH, Esquire, Goldberg, Meanix, Mc Callin & Muth, 213 West Miner Street, West Chester, PA 19382, atty.

PENNELL, Robert L., late of Phoenixville. Patricia P. Pennell, care of MICHAEL P. ROWAN, Esquire, 214 S. New Street, West Chester, PA 19382, Administratrix. MICHAEL P. ROWAN, Esquire, 214 S. New Street, West Chester, PA 19382, atty.

ROBERTS, Jeanette, a/k/a Mary Jeanette Roberts, late of Tredyffrin Township. John G. Shea and Joan B. McKinley, care of Shea and Shea, LLP, PO Box 128, Bryn Mawr, PA 19010, Executors. MICHAEL S. DINNEY, Esquire, Shea and Shea, LLP, P.O. Box 128, Bryn Mawr, PA 19010, atty.

STERN, Dorothy B., late of Honey Brook Township. Suzanne S. McDermott, 450 Hopewell Road, Downingtown, PA 19335, Executrix. ALAN J. JARVIS, Esquire, Highlands Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

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STOPPER, Raymond F., Jr., late of West Bradford Township. Barbara F. Stopper, care of MARY R. LASOTA, Esquire, 218 West Miner Street, West Chester, PA 19382-2925, Executrix. MARY R. LASOTA, Esquire, Klein, Head & Head, LLP, 218 West Miner Street, West Chester, PA 19382-2925, atty.

VERNO, Olivia E., late of Willistown Township. James V. Verno, 117 Spruce Lane, Paoli, PA 19301, Executor. FRANCIS C. ORTNER, JR., Esquire, 4 Mystic Lane, Malvern, PA 19355, atty.

WHALEN, Linda L., late of Paoli, Tredyffrin Township. Terry Jo Serman, 209 Cricketwood Court, Cranberry Township, PA 19066, Executor. JOSEPH P. DIGIORGIO, Esquire, Platt, DiGiorgio & DiFabio, 1800 East Lancaster Avenue, Paoli, PA 19301, atty.

WHITING, Emma W., late of Phoenixville. Richard A. Whiting, Jr., care of KEVIN J. RYAN, Esquire, 220 W. Gay Street, West Chester, PA 19380-2917, Executor. KEVIN J. RYAN, Esquire, Ryan, Morton & Imms LLC, 220 W. Gay Street, West Chester, PA 19380-2917, atty.

2nd Publication

DANIELS, David W., late of Chester County. Southeastern Veterans' Center, care of STEPHEN J. BUSHINSKI, Esquire, Building 7-36, Fort Indiantown Gap, Annville, PA 17003-5002, Administrator. STEPHEN J. BUSHINSKI, Esquire, Office of Chief Counsel, Department of Military and Veterans Affairs, Building 7-36, Fort Indiantown Gap, Annville, PA 17003-5002, atty.

DAVIS, Mary Elizabeth, late of Borough of West Grove. Robin C. Davis, 10 Winterset Court, West Grove, PA 19390, Administratrix. LAR-MORE SCARLETT LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

DEMITIS, Pasquale, late of Berwyn. Doreen Thorn, care of DAVID DIPASQUA, Esquire, 230 North Monroe Street, P.O. Box 2037, Media, PA 19063, Administrator. DAVID DIPASQUA, Esquire, Michael F. X. Gillin & Associates, P.C., 230 North Monroe Street, P.O. Box 2037, Media, PA 19063, atty.

DIMARTINI, Mary M., late of Easttown Township. Natalie B. Harwood, care of LOUIS N. TETI, Esquire, 17 West Miner Street, West Chester, PA 19381-0660, Executrix. LOUIS N. TETI, Esquire, Mac Elree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

GROSSMANN, Viola L., late of Kennett Square. John Richard Grossmann, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, atty.

GUARDIANI, Marie, late of East Goshen Township. Patricia Thibault, 1675 Bow Tree Drive, West Chester, PA 19380, Executor. DONALD F. KOHLER, JR., Esquire, Kohler Law Offices, LLC, 27 South Darlington Street, West Chester, PA 19382, atty.

HENRY, Jackson C., late of East Caln Township. Mimi Sack and John Henry, care of ALLISON BELL ROYER, Esquire, 280 N. Providence Road, Media, PA 19063, Executors. ALLISON BELL ROYER, Esquire, 280 N. Providence Road, Media, PA 19063, atty.

MERCER, Elizabeth H., a/k/a Betsy Mercer, late of West Chester. Eric Mercer, 14 Fairway Drive, Malvern, PA 19355, Executor.

METZLER, Thomas E., late of East Brandywine Township. Earl E. Metzler, care of JAMES B. GRIFFIN, Esquire, 623 North Pottstown Pike, Exton, PA 19341, Executor. JAMES B. GRIFFIN, Esquire, James B. Griffin, P.C., 623 North Pottstown Pike, Exton, PA 19341, atty.

NACCARELLI, Carolyn M., late of Pennsbury Township. Arthur M. Naccarelli, Jr., care of P. KRISTEN BENNETT, Esquire, 1313 N. Market Street, Wilmington, DE 19899-0951, Executor. P. KRISTEN BENNETT, Esquire, Potter Anderson Corroon LLP, 1313 N. Market Street, P.O. Box 951, Wilmington, DE 19899-0951, atty.

NICHOLSON, Lynne, late of Easttown Township. Suzanne H. Nicholson, care of ROBERT A. COHEN, Esquire, 717 Constitution Drive, P.O. Box 1265, Exton, PA 19341, Executrix. ROBERT A. COHEN, Esquire, Riley, Ripper, Hollin & Colagreco, 717 Constitution Drive, P.O. Box 1265, Exton, PA 19341, atty.

STRICKLAND, Winifred G., a/k/a Winifred Gibson Strickland, late of London Britain Township. Ronald G. Strickland and Susan W. Strickland, care of NANCY W. PINE, Esquire, 104 S. Church Street, West Chester, PA 19382, Administrators. NANCY W. PINE, Esquire, Pine & Pine Law Offices, 104 S. Church Street, West Chester, PA 19382, atty.

THOMAS, Glen W., late of Westtown Township. Phyllis Ann Mariani, care of JOHN YANOSHAK, Esquire, 17 E. Front Street, P.O. Box 626, Media, PA 19063, Executrix. JOHN YANOSHAK, Esquire, Kao Law Associates, 17 E. Front Street, P.O. Box 626, Media, PA 19063, atty.

TOLTON, Patsy L., late of Phoenixville Borough. Randy R. Tolton, 18 Robin Drive, Hockessin, DE 19707, Executor. WILLIAM J. GALLAGHER, Esquire, Mac Elree Harvey, Ltd., 211 E. State Street, Kennett Square, PA 19348, atty.

VARIMBI, Suzanne, a/k/a Suzanne P. Varimbi and Suzanne Peterson Varimbi, late of Tredyffrin Township. Martha Ryan and Sara Hunt, care of MC KINLEY C. MC ADOO, Esquire, Radnor Court, 259 N. Radnor-Chester Road, Suite 160, Radnor, PA 19087, Executrices. MC KINLEY C. MC ADOO, Esquire, Mc Causland, Keen & Buckman, Radnor Court, Suite 160, 259 N. Radnor-Chester Road, Radnor, PA 19087, atty.

WAGNER, Elizabeth Currie Grey, late of West Chester. Roger A. Grey, care of MARK B. SEGAL, Esquire, 213-215 West Miner Street, West Chester, PA 19382, Executor. MARK B. SEGAL, Esquire, Segal Law Offices, P.C., 213-215 West Miner Street, West Chester, PA 19382, atty.

WARNKE, Alice, late of East Coventry Township. Andrea Brown, 161 Mine Hole Road, Elverson, PA 19520, Administratrix. RONALD F. BRIEN, Esquire, 808 Westfield Avenue, Spring City, PA 19475-1136, atty.

WILLIAMS, Monnie Luvenia, a/k/a Luvenia Ragland Williams, late of Berwyn. Denis Brenan, care of JAMES T. OWENS, Esquire, P.O. Box 85, Edgemont, PA 19028-0085, Executor. JAMES T. OWENS, Esquire, P.O. Box 85, Edgemont, PA 19028-0085, atty.

ZACK, Joanne Elin, late of Easttown Township. Michael Hartung, care of JENNIFER L. ZEGEL, Esquire, 2929 Arch Street, 13th Floor, Philadelphia, PA 19104, Executor. JENNIFER L. ZEGEL, Esquire, Reger Rizzo Darnall LLP, Cira Centre, 13th Floor, 2929 Arch Street, Philadelphia, PA 19104, atty.

3rd Publication

ARDAO, Iberia I., late of West Goshen Township. Erlinda C. Ardao, care of KATHLEEN A. FARRELL, Esquire, 216 South Orange Street, Media, PA 19063, Executrix. KATHLEEN A. FARRELL, Esquire, 216 South Orange Street, Media, PA 19063, atty.

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CHELLAND, Clara S., late of East Caln Township. Michelle C. Milligan, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

DIENNO, Fillippo A., a/k/a Philip A. Dienno, late of Easttown Township. Marie Catania, 213 Bella Vista Road, Devon, PA 19333, Executrix. MARK S. HARRIS, Esquire, Kraut Harris, VIST Financial Bldg. Suite 311, 1767 Sentry Parkway West, Blue Bell, PA 19422, atty.

DORFLER, Ella M., late of North Coventry Township. Janet Dorfler-Altholtz, 592 Bulltown Road, Elverson, PA 19520 and Mark Dorfler, 1128 Miller Road, Pottstown, PA 19465, Executors. EDWARD A. SKYPALA, Esquire, 224 King Street, Pottstown, PA 19464, atty.

FONDOTS, Elizabeth A., late of Devon. Claudia Kennedy, 12122 Whitley Street, Whittier, CA 90601 and Joan A. Steele, 413 Bridge Street, Collegeville, PA 19426, Executrices. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices LLC, Paoli Corporate Center, 16 Industrial Boulevard- Suite 211, Paoli, PA 19301, atty.

FRIEDMAN, Shirley, late of East Goshen Township. Yitzhak Baruch, care of SEAMUS M. LAVIN, Esquire, 220 W. Gay Street, West Chester, PA 19380-2917, Administrator. SEAMUS M. LAVIN, Esquire, Ryan, Morton & Imms LLC, 220 W. Gay Street, West Chester, PA 19380-2917, atty.

GREGORY, Elizabeth A., late of Pennsbury Township. Robert S. Gregory, 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.

GROVES, Jane E., late of Penn Township. Donna J. Dawson, care of DAVID L. MYERS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. DAVID L. MYERS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HILL, Harry E., late of Phoenixville. Barbara Mellinger, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executrix. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

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HOBSON, Janet Lucille, late of Coatesville. Roy J. Hobson, 1012 North Bailey Road, Coatesville, PA 19320, Executor. JAY G. FISCHER, Esquire, Valocchi & Fischer, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

KEISER, John P., late of West Goshen Township. Suzanne Davis, 121 Bortondale Road, Media, PA 19063, Administratrix. ROBERT M. FIRKSER, Esquire, 333 W. Baltimore Avenue, Media, PA 19063, atty.

KING, Lena G., late of Honey Brook Township. H. Wesley Boyer, 1645 Union Grove Road, East Earl, PA 17519, Executor. Kling & Fanning, LLP, 131 West Main Street, New Holland, PA 17557, atty.

LOCKARD, Thomas Albert, late of West Nottingham Township. Frances A. Pabon, Joshua P. Lockard and Keturah B. Lockard, care of HARRY W. FARMER, JR., Esquire, P.O. Box 118, Oxford, PA 19363, Administrators. HARRY W. FARMER, JR., Esquire, P.O. Box 118, Oxford, PA 19363, atty.

MALCHIONE, Thelma, late of New Garden Township. Mario P. Malchione, 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.

MANCILLA, Antonio, late of Coatesville. Tracey Mancilla, care of SEAMUS M. LAVIN, Esquire, 220 W. Gay Street, West Chester, PA 19380-2917, Administrator. SEAMUS M. LAVIN, Esquire, Ryan, Morton & Imms LLC, 220 W. Gay Street, West Chester, PA 19380-2917, atty.

MATTSON, Jan A., late of Newlin Township. Robert J. Mattson, care of DAVID L. MYERS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DAVID L. MYERS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

RICHARDSON, Comfort C., late of Pennsbury Township. Margaret Morris Richardson, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

CHARLES T. DeTULLIO

Attorney at Law
134 North Church St.
West Chester, PA 19380
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THOMAS, David O., late of City of Coatesville. Brian D. Brooks, P.O. Box 7295, Lancaster, PA 17604-7295, Administrator. NANCY MAYER HUGHES, Esquire, Barley Snyder, 126 E. King St., Lancaster, PA 17602, atty.

WOOD, Mary deS., late of Kennett Township. Susan Wood, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, 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

SOUND SECURITY DIRECT, with its principal place of business at 102 Agnew Lane, Ste A., Paoli, PA 19301.

The application has been (or will be) filed on: November 15, 2012 .

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Herbert G. Garbutt, Jr., 102 Agnew Lane, Paoli, PA 19301.

CORPORATION NOTICE LIMITED LIABILITY COMPANY

NOTICE IS HEREBY GIVEN that on December 3, 2012, a Certificate of Organization was filed in the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the purpose of organizing the Pennsylvania limited liability company, Moore Psychological Services, LLC.

The purpose for which the company was organized is to perform any and all lawful acts permitted by the Pennsylvania Limited Liability Company Act.

KRISTIN S. CAMP, Solicitor
Buckley, Brion, McGuire, Morris & Sommer LLP
118 W. Market Street
Suite 300
West Chester, PA 19382

NONPROFIT CORPORATION

Notice is hereby given that PA/NJ/DE CCIM CHAPTER has been organized under the provisions of the Non-Profit Corporation Law of 1988 and filed Articles of Incorporation with the Pennsylvania Department of State on Nov. 21, 2012. The purpose is to provide our designees and candidates with the highest quality of marketing and networking opportunities, services and education to enhance their ability to conduct business successfully and any lawful purpose.

CLASSIFIED ADS SECTION

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SAMPLE AD

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**NOTICE OF ACTION IN MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

BANK OF AMERICA, N.A. SUCCESSOR
BY MERGER TO BAC HOME LOANS SERVICING, LP
Plaintiff

vs.

UNKNOWN HEIRS, SUCCESSORS, ASSIGNS,
AND ALL PERSONS, FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST FROM
OR UNDER AMY L. BENJAMIN, DECEASED
Defendant

COURT OF COMMON PLEAS

CIVIL DIVISION

CHESTER COUNTY

No. 12-05199

NOTICE

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

You are hereby notified that on May 23, 2012, Plaintiff, BANK OF AMERICA, N.A. SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of CHESTER County Pennsylvania, docketed to No. 12-05199. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 179 MILBURY ROAD, COATESVILLE, PA 19320-5604 whereupon your property would be sold by the Sheriff of CHESTER 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.

Lawyer Referral Service
Chester County Bar Association
15 West Gay Street.
2nd Floor
West Chester, PA 19380
(610) 429-1500

**NOTICE OF ACTION IN MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

CITIMORTGAGE, INC.
Plaintiff

vs.

KRISTAN HELENA MCDUGAL,
IN HER CAPACITY AS ADMINISTRATRIX
AND HEIR OF THE ESTATE OF KEVIN A. DUPONT
UNKNOWN HEIRS, SUCCESSORS, ASSIGNS,
AND ALL PERSONS, FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST FROM
OR UNDER KEVIN A. DUPONT, DECEASED
Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

CHESTER COUNTY

No. 12-08877

NOTICE

TO UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER KEVIN A. DUPONT, DECEASED

You are hereby notified that on August 22, 2012, Plaintiff, CITIMORTGAGE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of CHESTER County Pennsylvania, docketed to No. 12-08877. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 313 PONDS EDGE ROAD, WEST CHESTER, PA 19382-7711 whereupon your property would be sold by the Sheriff of CHESTER 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.

Lawyer Referral Service
Chester County Bar Association
15 West Gay Street.
2nd Floor
West Chester, PA 19380
(610) 429-1500

2nd Publication**ESTATE NOTICE
ESTATE NOTICE**

ESTATE OF MARY LOUISE BOVE,
Deceased.

Late of West Grove Borough, Chester County,
PA

LETTERS OF ADMINISTRATION PENDENTE LITE on the above Estate have been granted to the undersigned, who request all persons having claims or demands against the estate of the decedent to make known the same and all persons indebted to the decedent to make payment without delay to JOHN F. MC KENNA, Administrator, Pendente Lite 17 West Miner Street, West Chester, PA 19381-0660,

Or to his Attorney:

JOHN MC KENNA
MAC ELREE HARVEY, LTD.
17 West Miner Street
P.O. Box 660
West Chester, PA 19381-0660

3rd Publication**TRUST NOTICE**

Trust Estate of MARY deS. WOOD, deceased, late of Kennett Township, Chester County, Pennsylvania. All persons having claims or demands against the Trust Estate of MARY deS. WOOD are requested to make known the same and all persons indebted to the said decedent are requested to make payment without delay to:

Susan Wood, Trustee
c/o Larmore Scarlett LLP
P.O. Box 384
Kennett Square, PA 19348

L. PETER TEMPLE, Esquire
Lamore Scarlett LLP
P.O. Box 384
Kennett Square, PA 19348



December 2012 CLE Opportunities

@ Chester County Bar Association

DATE	CLE SESSIONS	TIME	CREDIT HOURS
Dec. 3	PBI: iPad for Legal Professionals (v)	9 AM – 5 PM	6 SUB
Dec. 4	PBI: Slicing Up the Pie: Property Distribution in PA (g)	1:15 PM - 4:30 PM	3 SUB
Dec. 5	PBI: Discovery in Bad Faith Claims (g)	12 PM – 4:15 PM	3 SUB + 1 ETH
Dec. 5	Beer & B.U.L.L.: Avoiding Your Friend “Mal”- Legal Malpractice***	5 PM – 6 PM	1 ETH
Dec. 7	PBI: Four County Civil Practice (v)	9 AM – 1:30 PM	4 SUB
Dec. 10	PBI: Eminent Domain Takings in PA (v)	9 AM – 12:30 PM	3 SUB
Dec. 10	PBI: Death and Taxes (g)	9 AM – 4:30 PM	5 SUB & 1 ETH
Dec. 11	PBI: After the Engagement Letter/ When Legal & Business Ethics Collide (v)	9 AM -10 AM	1 ETH
Dec. 12	PBI: Anatomy for Lawyers – The Back and Knee (g)	8:30 AM – 3:30 PM	5 SUB + 1 ETH
Dec. 14	PBI: Your First Divorce Case (v)	9 AM – 1:30 PM	4 SUB
Dec. 17	BRIDGE THE GAP	12 PM – 4 PM	4 ETH
Dec. 20	PBI: Disciplinary Diversion for Lawyers & Judges (v)	9 AM - 10 AM	1 ETH
Dec. 20	PBI: 19 th Annual Auto Law Update (g)	12:15 PM – 4:30 PM	3 SUB + 1 ETH
Dec. 21	PBI: Trends in Municipal Finance (g)	9 AM – 1:15 PM	4 SUB

(v) = video

(g) = live groupcast

*** = all CCBA members welcome to attend

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Chester County Law Reporter

The Official Legal Publication for Chester County

Chester County Law Reporter - Legal Advertising Rates effective January 1, 2011

Estate Notices* (3 publications; 1 proof)	\$80.00
Fictitious Name* (1 publication; 1 proof)	\$80.00
All Corporation Notices , including, Dissolution, Charter*, Certificate of Authority, Nonprofit, and Limited Liability (1 publication; 1 proof)	\$80.00
Change of Name Notice* (1 publication; 1 proof)	\$80.00
Adoption Notice (3 publications; 1 proof).....	\$180.00
Private Sheriff Sale Notices (1 proof; 1 publication).....	\$375.00
County Sheriff Sale Notices (printed monthly; 3 publications).....	\$325.00
(up to 1 column in length - \$2.50 per line for each additional line over 1 column)	
Annual Tax Sale (County)	\$2.50/line + layout costs
Legal Notice Rate (camera ready; per insertion)	\$7.00 per 100 characters/spaces
Orphans' Court Accounts (printed monthly; 2 publications)	\$60.00 per account
Miscellaneous Notices: Bank, Divorce, Action to Quiet Title, Annual Meetings, etc. (1 publication; 1 proof).....	20 cents per space/character
Additional Proof of Publication	\$10.00

**A standard form is available for advertising. Contact the Office of the Law Reporter (610)692-1889 or download from our website www.chescobar.org*

Commercial/Classified Rates:

The *Chester County Law Reporter* is published weekly, 52 issues per year. The rates listed below represent an ad run for 13 consecutive issues. Ad copy must be submitted "camera ready" or submitted via e-mail as a TIFF or JPEG file. For more information, contact **Stephanie Gibbs at 610-692-1889, or by e-mail: sgibbs@chescobar.org**

1/3 page (business card size) - 13 issues	\$350.00
1/2 page - 13 issues -	\$650.00
full page - 13 issues	\$1,000.00
Classified Ads 20 cents per space & character (\$25 minimum)	

Not Yet a Member of the CCBA? Get your first year dues free!*

If you're not yet a member of the Chester County Bar Association, you are missing out on many money saving benefits and services:

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Published annually and free to members

Chester County Law Reporter

Only \$50 per year to members

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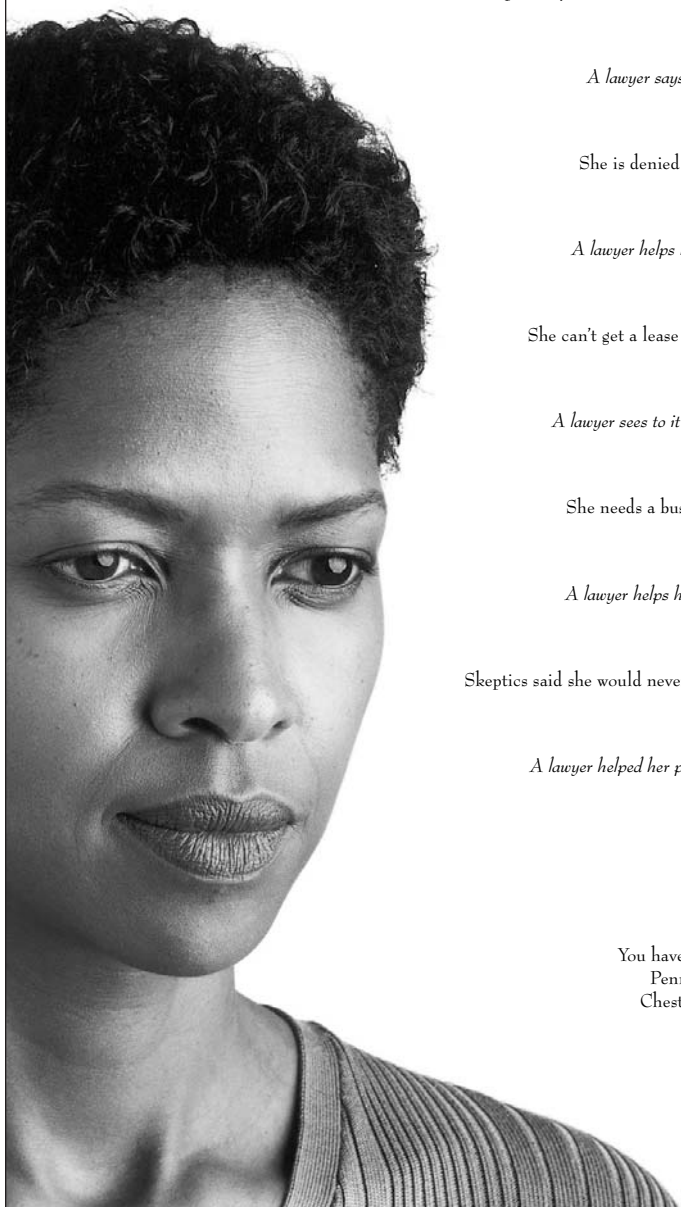
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A lawyer says she will.

She is denied her loan.

A lawyer helps her get one.

She can't get a lease for office space.

A lawyer sees to it that she does.

She needs a business plan.

A lawyer helps her draft one.

Skeptics said she would never start her own company.

A lawyer helped her prove them wrong.

You have rights. Lawyers protect them.
Pennsylvania Bar Association
Chester County Bar Association

MOVING?
Let Us Know!



If you are moving or you would like your *CHESTER COUNTY LAW REPORTER* sent to a different mailing address, please fill out this form and return it to:

CHESTER COUNTY LAW REPORTER

15 West Gay Street, 2nd Floor

West Chester, PA 19380

Fax to: 610/692-9546

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