



**Chester
County
Bar
Association**

Chester County Law Reporter

(USPS 102-900)

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Vol. 60

WEST CHESTER, PENNSYLVANIA, MARCH 15, 2012

No. 11

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Chester County Law Reporter

(USPS 102-900)

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Creary v. Pennsylvania Real Estate Investment Trust, et al.

Summary judgment

1. The moving party bears the heavy burden of proving entitlement to judgment as a matter of law.
2. Where the contention is that the plaintiff has produced insufficient evidence to present the case to a jury, the moving party has the heavy burden of proving there is absolutely no genuine issue of material fact as to a necessary element of the cause of action.
3. In making this determination, the Court must view the record in the light most favorable to the non-moving party and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party.
4. The moving party cannot rely upon oral testimony by which the non-moving party is not bound.
5. It is the non-moving party, and not the moving party, who is entitled to pick and choose from the various depositions those facts which are most favorable to the non-moving party.
6. Defendants filed summary judgment motions against plaintiff. Upon consideration of the motions, the Court Held that the motions were denied.

P.McK.

C.C.P. Chester County, Civil Action – Law, No. 2010-08629-TT ; Joy Creary v. Pennsylvania Real Estate Investment Trust, The Brickman Group Ltd., LLC, Ed Stirley Excavating, Inc., and Cockerham Snow Removal, Inc.

Derek R. Layser for Plaintiff

Gary S. Williams for Defendant Pennsylvania Real Estate

Ryan S. Zavodnick for Defendant Brickman

Glenn E. Davis for Defendant Cockerham

Shenkin, J., January 17, 2012:-

JOY CREARY, : IN THE COURT OF COMMON PLEAS
Plaintiff : CHESTER COUNTY, PENNSYLVANIA

VS. : NO. 10-08629

PENNSYLVANIA REAL ESTATE :
INVESTMENT TRUST, et al., :
Defendants : CIVIL ACTION

Derek R. Layser, Esquire, Attorney for Plaintiff

Gary S. Williams, Esquire, Attorney for Defendant Pennsylvania Real Estate

Ryan S. Zavodnick, Esquire, Attorney for Defendant Brickman

Glenn E. Davis, Esquire, Attorney for Defendant Cockerham

ORDER

AND NOW, this 17th day of January, 2012, upon consideration of the motions for summary judgment of defendants PREIT, Brickman and Cockerham and plaintiff's responses thereto, it is hereby ORDERED that the motions are DENIED.¹

BY THE COURT:

/s/ Robert J. Shenkin, J.

¹ Although the decision to not grant these motions was exceedingly close, we are convinced that an order granting these motions would not withstand appellate scrutiny. Two hurdles were too much to overcome. In the first place, as is well known, the moving party bears the heavy burden of proving entitlement to judgment as a matter of law. Where, as here, the contention is that the plaintiff has produced insufficient evidence to present the case to a jury, the moving party has the again heavy burden of proving that there is absolutely no genuine issue of material fact as to a necessary element of the cause of action. And, of course, in making this determination we must view the record in the light most favorable to the non-moving party and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. See, e.g., *Walthour v. Commonwealth of Pennsylvania, Department of Transportation*, 31 A.3d 762 (Pa.Cmwlt. 2011). Second, the moving party cannot rely upon oral testimony by which the non-moving party is not bound. See *Stimmeler v. Chestnut Hill Hospital*, 602 Pa. 539, 981 A.2d 145 (2009) citing *Borough of Nanty-Glo v. American Surety Co. of New York*, 309 Pa. 236, 163

A. 523 (1932). PREIT relies upon the “hills and ridges” doctrine as an absolute bar to plaintiff’s cause of action. However, the absence of evidence of the existence of “hills and ridges” is not such an absolute bar to recovery as to entitle PREIT to judgment as a matter of law. Proof of PREIT’s negligence is not precluded by the absence of evidence of the existence of “hills and ridges.” See *Harvey v. Rouse Chamberlin, Ltd.*, 901 A.2d 523 (Pa.Super. 2006). As to the motion of defendant Brickman, it presents a statement of facts based upon numerous depositions of persons by whose testimony plaintiff is not bound. See *Nanty-Glo, supra*. Somewhat anomalously, plaintiff also refers to testimony in those depositions to demonstrate that there is evidence upon which the liability of Brickman can be predicated. Plaintiff, however, is entitled to do just that in opposing this motion and merely because plaintiff cites to some of the testimony in a person’s deposition does not require (or even permit) us to therefore consider other parts of the testimony in that deposition as binding on plaintiff. Cockerham’s motion also sets forth facts gleaned from the depositions of persons by whose testimony plaintiff is not bound. But, as stated above, it is plaintiff, as the non-moving party, and not Cockerham, the moving party, who is entitled to pick and choose from the various depositions those facts which are most favorable to plaintiff. Finally, there is the issue of the report of Keith A. Bergman. Ultimately, we have concluded that in considering these motions, we must assume that the testimony of Mr. Bergman will be admissible and that his report is part of the record that must be viewed in the light most favorable to plaintiff. Although we have serious reservations about what appear to be legal conclusions by Mr. Bergman, and it may be that the evidence presented at trial will not support the conclusion that Mr. Bergman’s opinions are admissible or that those opinions are applicable to each of the defendants, nevertheless, we believe that such considerations are insufficient to allow us to entirely ignore this report when considering these motions.

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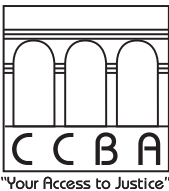
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NOTICES

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1st Publication**NOTICE OF FILING OF CERTIFICATE OF AUTHORITY**

Notice is hereby given that Waterford Hotel Group, Inc., a Connecticut subchapter S corporation doing business at 914 Hartford Turnpike, Waterford, CT intends to file an Application for Certificate of Authority as a Foreign Business Corporation with the Pennsylvania Department of State, this date March 1, 2012.

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 2012-02161-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Lisa Victoria Hastings was filed in the above-named court and will be heard on June 4, 2012, at 9:30 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: February 29, 2012

Name to be changed from: Lisa Victoria Hastings to: Gulseren Apaydin

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

ALBERT P. MASSEY, JR., Attorney for
Petitioner
Lentz, Cantor & Massey, LTD
460 East King Road
Malvern, PA 19355

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 11-14127**

NOTICE IS HEREBY GIVEN that the name change petition of LISA FLYNN OCONNOR was filed in the above-named court and will be heard on March 26, 2012, at 9:30 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: December 30, 2011

Name to be changed from: LISA FLYNN OCONNOR to: LISA MARIE FLYNN

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

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN a corporation is to be or has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988. ClearCloud Media, Inc., has been (will be) incorporated under the Pennsylvania Business Corporation Law of 1988.

DAVID T. VIDEON, Solicitor
1000 N. Providence Road
Media, PA 19063

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 VERTICE, INC., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

GEORGE WM. GEORGES, Solicitor
1760 Market Street
Suite 1100
Philadelphia, PA 19103

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for The Mintzer Law Firm, P.C., under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 18, 2012 for James J. Terry Funeral Home, Inc. Said corporation has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

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

ADDISON, Howard L., III, late of Pomeroy, Chester County, PA. Calperta J. Addison, 127 Sparkleberry Lane, Apt. 115, Columbia, SC 29229-1603, Administrator. **JOHN W. CRAYNOCK**, Esquire, 226 W. Market Street, West Chester, PA 19382, atty.

ALLGYER, John R., late of West Caln Township. Joseph S. Allgyer and Samuel L. Allgyer, care of **NICHOLAS T. GARD**, Esquire, 912 West Main Street, Suite 402, New Holland, PA 17557, Executors. **NICHOLAS T. GARD**, Esquire, 912 West Main Street, Suite 402, New Holland, PA 17557, atty.

ANDERSON, William D., Sr., a/k/a William D. Anderson, late of Pocopson Township. Bonita A. Musser, care of **LOUIS N. TETI**, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. **LOUIS N. TETI**, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

BURKE, Joseph M., late of West Chester. Patricia E. Hunter, 2510 Lindell Road, Wilmington, DE 19808, Executor. **LEO J. BOYLE**, Esquire, 5197 West Woodmill Drive, Suite 26, Wilmington, DE 19808, atty.

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CLEAVER, Frances S., late of Kennett Borough. Cynthia C. Vincent and Cathy C. Anderson, care of MURRAY S. ECKELL, Esquire, 344 W. Front Street, Media, PA 19063, Executrices. MURRAY S. ECKELL, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 344 W. Front Street, P.O. Box 319, Media, PA 19063, atty.

COPPERTHWAIT, William H., Jr., late of Thornbury Township. Nancy A. Copperthwaite, care of NANCY W. PINE, Esquire, 104 S. Church Street, West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Pine Law Offices, 104 S. Church Street, West Chester, PA 19382, atty.

CRUSE, Kenneth John, a/k/a Kenneth J. Cruse, late of Kennett Square Borough. Patricia Richards, care of MARY ANN PLANKINTON, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. MARY ANN PLANKINTON, Esquire, MacElree Harvey Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

FLAMER, Gladys J., late of City of Coatesville. Rachel McDougald, 226 Meadowlake Drive, Downingtown, PA 19335, Executrix. WILLIAM T. KEEN, Esquire, Keen, Keen & Good, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

FORREST, Paul Joseph, a/k/a Paul Forrest, late of Phoenixville. Carole Malloy, care of CAROLE HENDRICK, Esquire, 3927 Mill Road, Collegeville, PA 19426, Administrator. CAROLE HENDRICK, Esquire, 3927 Mill Road, Collegeville, PA 19426, atty.

GALLAGHER, James J., a/k/a JAMES JOSEPH GALLAGHER, late of Borough of Malvern. Kevin M. Gallagher, 1801 Ellison Creek Road, Lewisville, NC 27023, Executor. GERALD K. MCOSCAR, Esquire, 320 N. High Street, West Chester, PA 19380, atty.

GILMORE, Janet Irene, a/k/a J. Irene Gilmore, late of Chester Springs, West Pikeland Township. Bruce W. Gilmore, 1237 Street Road, Chester Springs, PA 19425, Executor.

HANSON, Richard L., late of West Brandywine Township. James W. Hanson, 5909 Tamar Drive, Unit 11, Columbia, MD 21045, Executor.

LEONE, Ernest, late of London Grove Township. Evelyn Corrado, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executrix. NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, atty.

MILLER, Mary A., late of West Brandywine Township. Mary Jayne Moreno and Elizabeth J. Martin, 301 Red Fox Lane, Lincoln University, PA 19352, Executors. ALAN J. JARVIS, Esquire, Highlands Corporate Center, 495 Boulevard, Suite 109, Coatesville, PA 19320, atty.

PETTITJOHN, William E., late of West Chester, East Goshen Township, Chester County. Virginia T. Pettijohn, care of DONALD A. MANCINI, Esquire, 250 W. Lancaster Avenue, Suite 160, Paoli, PA 19301, Executrix. DONALD A. MANCINI, Esquire, 250 W. Lancaster Avenue, Suite 160, Paoli, PA 19301, atty.

REOLI, Elizabeth S., late of Penn Township. Lisa M. Reoli, care of GEORGE G. HEINEY, II, Esquire, P.O. Box 80, Oxford, PA 19363, Executor. GEORGE G. HEINEY, II, Esquire, P.O. Box 80, Oxford, PA 19363, atty.

SCHROEDER, Miriam J., late of Pennsbury Township. The Pennsylvania Trust Company, Five Radnor Corporate Center, Suite 450, 100 Matsonford Road, Radnor, PA 19087, Executor. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood PC, 17 E. Gay Street, Suite 100, PO Box 562, West Chester, PA 19381-0562, atty.

SCHURR, Ida Doris Hipple, a/k/a Doris H. Schurr, Ida Doris Schurr, Ida D. Schurr, late of Spring City. William H. Schurr, 53 Longview Road, Linfield, PA 19468 and Mary Jane Harp, 700 Kerline Avenue, Pottstown, PA 19465, Executors. LAURALEE F. DAMBRINK, Esquire, 110 Ellis Woods Road, Pottstown, PA 19465, atty.

SMARTT, Marcia G., late of Chester County. Elizabeth J. Smartt, care of VALINDA G. LATOFF, Esquire, 800 Lancaster Avenue, Ste. T-2, Berwyn, PA 19312, Executrix. VALINDA G. LATOFF, Esquire, 800 Lancaster Avenue, Ste. T-2, Berwyn, PA 19312, atty.

SOUCEK, Ruth G., late of West Chester Borough. Bruce Alan Vessey, 916 Noble Drive, Downingtown, PA 19335, Executor.

STADDON, Ruth M., late of West Goshen Township. Elizabeth L. Clothier, 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.

STORM, Lance R., a/k/a Lance Russell Storm, late of West Goshen Township. Carol A. Storm, 102 Cumberland Drive, East Fallowfield, PA 19320, Administrator.

STROUD, Mildred S., late of Caln Township. Carol Samuelson, care of DAVID W. WOOD, JR., Esquire, 203 West Miner Street, West Chester, PA 19382-2924, Executrix. DAVID W. WOOD, JR., Esquire, Werner & Wood, 203 West Miner Street, West Chester, PA 19382-2924, atty.

THORNTON, Kathleen E., late of West Goshen Township. Edward D. Thornton, care of ROBERT S. SUPPLEE, Esquire, 329 South High Street, West Chester, PA 19382-3336, Executor. ROBERT S. SUPPLEE, Esquire, 329 South High Street, West Chester, PA 19382-3336, atty.

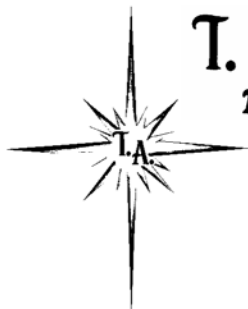
2nd Publication

BOWMAN, Paul C., late of Downingtown Borough. Jane B. Colburn, care of STACEY WILLITS MC CONNELL, Esquire, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381, Executrix. STACEY WILLITS MC CONNELL, Esquire, Lamb McErlane PC, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381, atty.

BROWN, James Walker, Jr., late of Kennett Borough. Betty L. Brown, 514 Center Street, Kennett Square, PA 19348, Executrix. WILLIAM J. GALLAGHER, Esquire, MacElree Harvey, Ltd, 211 E. State Street, Kennett Square, PA 19348, atty.

BUTLER, Mary Elizabeth, late of Willistown. Bridget M. Kaniewski and John F. Butler, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Administrator. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

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CAMPOS, Ernest E., Sr., a/k/a Ernie Campos, late of City of Coatesville. Karen M. Abdala, 3405 Edge Lane, Thorndale, PA 19375, Executrix. **NIKOLAOS I. TSOUROS**, Esquire, MacElree Harvey, Ltd., 17 W. Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

CAPRARA, Mildred, late of Tredyffrin Township. Joseph A. Caprara, 633 West Germantown Pike, Suite 103, Plymouth Meeting, PA 19462, Administrator. **JOSEPH A. CAPRARA**, Esquire, 633 West Germantown Pike, Suite 103, Plymouth Meeting, PA 19462, atty.

CLOUD, Joseph D., late of Kennett Square Borough. Louise C. Wallner, 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.

D'AGUI, Joseph F., Jr., late of Pennsbury Township. Pamela C. D'Agui, 34 Blue Stone Ct., Chadds Ford, PA 19317-9312, Executrix. **ALBERT P. MASSEY, JR.**, Esquire, Lentz, Cantor & Massey Ltd., 460 E. King Road, Malvern, PA 19355, atty.

GREGG, Margaret W., late of Penn Township. Sandra M. Ruffalt, care of **DONALD B. LYNN, JR.**, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. **DONALD B. LYNN, JR.**, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HENNESSY, Joseph B., late of South Coventry Township. Donna M. Hennesy and Jeffrey Hennesy, care of **BARRY J. TOMLINSON**, Esquire, 414 Main Street, P.O. Box 14, East Greenville, PA 18041, Executors. **BARRY J. TOMLINSON**, Esquire, Tomlinson & Gerhart, 414 Main Street, P.O. Box 14, East Greenville, PA 18041, atty.

HUEBNER, Edith F., late of West Chester Borough. Robert Huebner, care of **WILLIAM B. COOPER, III**, Esquire, 747 Constitution Drive, Suite 100, P.O. Box 673, Exton, PA 19341-0673, Administrator. **WILLIAM B. COOPER, III**, Esquire, Fox Rothschild LLP, 747 Constitution Drive, Suite 100, P.O. Box 673, Exton, PA 19341-0673, atty.

LAVIN, John B., Sr., late of West Chester Borough. Lillian Lavin, 1504 Ulster Way, West Chester, PA 19380, Executrix. **ALBERT P. MASSEY, JR.**, Esquire, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355, atty.

LIVERSIDGE, Jessica Ann, late of Chester County, PA and Cecil County, MD. Joseph C. Liversidge and Victoria A. Liversidge, care of **EUGENE STEGER**, Esquire, 411 Old Baltimore Pike, Chadds Ford, PA 19317, Executor. **EUGENE STEGER**, Esquire, Eugene Steger & Associates, P.C., 411 Old Baltimore Pike, Chadds Ford, PA 19317, atty.

MALCOLM, Thomas O., a/k/a Thomas Owen Malcolm, late of East Goshen Township. Harry D. Malcolm and Stuart A. Malcolm, care of **DENISE M. ANTONELLI**, Esquire, 17 W. Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executors. **DENISE M. ANTONELLI**, Esquire, MacElree Harvey, Ltd., 17 W. Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

OVERMAN, Edwin S., a/k/a Edwin Scott Overman, late of East Goshen Township. Clifford P. Haugen and Lowell S. Young, 720 Tannery Drive, Wayne, PA 19087, Executors. **NORA E. POMERANTZ**, Esquire, Duane Morris LLP, 30 S. 17th Street, Philadelphia, PA 19103-4196, atty.

ROLLINS, Leon R., Sr., late of Valley Township. Leon R. Rollins, Jr., 256 Northview Drive, Coatesville, PA 19320, Executor. **ALAN J. JARVIS**, Esquire, Highlands Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

RUCINSKI, Lois F., late of West Chester. Robert Taylor, Jr., 625 Shropshire Drive, West Chester, PA 19382, Executor.

SANDMANN, Lorna C., late of West Goshen Township. Nicholas C. Norris, 825 Rosary Lane, West Chester, PA 19382, Executor. **WILLIAM P. LINCKE**, Esquire, Beatty Lincke, 334 W. Front Street, Media, PA 19063, atty.

SMITH, Mary Jean P., late of Wayne. Douglas C. Smith, 343 McMull Drive, Wayne, PA 19087-2025, Executor.

WHITE, Roseanne M., late of Uwchlan Township. Roseanne M. Milligan and James White, Sr., care of **ALBERT M. SARDELLA**, Esquire, 1240 East Lincoln Highway,

Coatesville, PA 19320, Executors. ALBERT M. SARDELLA, Esquire, 1240 East Lincoln Highway, Coatesville, PA 19320, atty.

3rd Publication

APPLEGATE, Marcella M., late of Honey Brook. Karen McKelvey, 28 Beck Road, Coatesville, PA 19320, Executor.

BAEN, Russell Gene, a/k/a Russell G. Baen, late of Coatesville. Keith S. Baen, 5831 Wertztown Road, Narvon, PA 17555-9605, Executor. GERALD K. MCOSCAR, Esquire, 320 N. High Street, West Chester, PA 19380, atty.

ELLIOTT, Sherri Lee, late of West Brandywine Township. Mark Elliott, 3 Rockland Way, Glenmoore, PA 19343, Executor.

GAMBONE, Sandra L., a/k/a Sandra Lee Gambone, late of Tredyffrin Township. Sharon Anapolsky, care of FRANCIS J. MIRABELLO, Esquire, 1701 Market Street, Philadelphia, PA 19103-2921, Executrix. FRANCIS J. MIRABELLO, Esquire, Morgan Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103-2921, atty.

HALL, Dorothy R., late of West Whiteland Township. Mark P. Hall, care of KARYN L. SEACE, Esquire, 113 East Evans Street, Matlack Building, Suite D-2, West Chester, PA 19380, Executor. KARYN L. SEACE, Esquire, 113 East Evans Street, Matlack Building, Suite D-2, West Chester, PA 19380, atty.

HIGHFIELD, Florence A., late of Chester County. SAMUEL A. GOODLEY, JR., Esquire, 7 Center Street, P.O. Box 474, Intercourse, PA 17534, Executor. SAMUEL A. GOODLEY, JR., Esquire, Byler, Goodley & Winkle, P.C., 7 Center Street, P.O. Box 474, Intercourse, PA 17534, atty.

HOPP, Ethan Fredrick, late of Upper Uwchlan Township. Kerry Hopp, care of STEPHEN J. OLSEN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. STEPHEN J. OLSEN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

CHARLES T. DeTULLEO

Attorney at Law
134 North Church St.
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HORAN, Michael E., late of East Bradford Township. Karen M. Horan, care of TIMOTHY F. SULLIVAN, Esquire, 216 South Orange Street, Media, PA 19063, Executrix. TIMOTHY F. SULLIVAN, Esquire, 216 South Orange Street, Media, PA 19063, atty.

KELLAR, Enos H., late of East Coventry Township. Richard Kellar, Jr., care of ANDREW C. LAIRD, Esquire, 360 West Main Street, Trappe, PA 19426, Administrator. ANDREW C. LAIRD, Esquire, King Laird, P.C., 360 West Main Street, Trappe, PA 19426, atty.

KLINGER, George E., late of Borough of Phoenixville. Elizabeth Klinger, 1070 W. Bridge Street, Apartment A-17, Phoenixville, PA 19460, Administratrix. EARL RICHARD ETZWEILER, Esquire, 105 N. Front Street, Harrisburg, PA 17101, atty.

MASTRANGELO, Esther G., late of West Chester. Michael J. Mastrangelo and Linda M. Boucher, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executors. EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, atty.

PRZYWITOWSKI, Genevieve R., a/k/a Jane Przywitowski, late of Downingtown. James S. Przywitowski, 107 Millbrook Drive, Chadds Ford, PA 19317-9272, Executor.

STELLMAN, Helen, late of Borough of West Chester. Andrew Elko, care of JOSEPH E. LASTOWKA, JR., Esquire, The Madison Building, 108 Chesley Drive, Media, PA 19063-1712, Executor. JOSEPH E. LASTOWKA, JR., Esquire, Abbott Lastowka & Overholt LLP, The Madison Building, 108 Chesley Drive, Media, PA 19063-1712, atty.

WHITE, David A., a/k/a David Arnold White, late of London Britain Township. Linda K. White, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executrix. EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, atty.

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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

LUC FREYMANC, with its principal place of business at 109 Holly Drive, Downingtown, PA 19335.

The application has been (or will be) filed on: January 2, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Alfons Fontaine.

Hot Pots, with its principal place of business at 1174 Skelp Level Road, Downingtown, PA 19335.

The application has been (or will be) filed on: March 1, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Brenda Goldberg, 1174 Skelp Level Road, Downingtown, PA 19335.

NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau, to form a non-profit corporation under the name "Justice4pakids, Inc.", under the provisions of the Pennsylvania, Non-Profit Corporation Law of 1988, as amended.

UNRUH, TURNER, BURKE & FREES,
Solicitors

P.O. Box 515

West Chester, PA 19381-0515

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NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a charter of a Nonprofit Corporation which was organized under the provisions of the Pennsylvania Nonprofit Corporation law of 1988.

The name of the corporation is Downingtown West Cross Country Booster Club, Inc. Articles of Incorporation were filed April 26, 2011

The purpose or purposes for which it was organized are as follows: The purpose of DWC-CBC is to support the development of cross country athletes and the cross country program at Downingtown West High School in an atmosphere that is consistent with the educational philosophy of the school community.

TRUST NOTICE

Notice is hereby given of the administration of the Teresa M. Winkler Trust dated September 24, 2003. Settlor, late of Willistown Twp, Chester County, PA died January 13, 2012. All person having claims against the decedent are requested to make known the same, and all persons indebted to the decedent are required to make payment without delay to:

Carol Jurden, Trustee
c/o Brett B. Weinstein, Esquire
705 W. DeKalb Pike
King of Prussia, PA 19406

BRETT B. WEINSTEIN, Esquire
Weinstein Law Offices PC
705 West DeKalb Pike
King of Prussia, PA 19406

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NOTICE

COURT OF COMMON PLEAS
CHESTER COUNTY
CIVIL ACTION – LAW
NO. 11-01363

COMPLAINT IN MORTGAGE FORECLOSURE

RBS Citizens, N.A. successor in interest to CCO Mortgage Corp. f/k/a Charter One Mortgage Corp, PLAINTIFF vs. Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under James E. Miller, James E. Miller, III, Tiffany Miller and Timothy Miller, DEFENDANTS

TO THE DEFENDANTS, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under James E. Miller, James E. Miller, III, Tiffany Miller and Timothy Miller: TAKE NOTICE THAT PLAINTIFF, RBS Citizens, N.A. successor in interest to CCO Mortgage Corp. f/k/a Charter One Mortgage Corp has filed an Action Mortgage Foreclosure, as captioned above.

NOTICE

If you wish to defend you must enter a written appearance personally or by attorney and file your defenses or objections 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 any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS 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.

Chester County Lawyer Reference Service
Chester County Bar Assn. P.O. Box 3191
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West Chester, PA 19381
610-429-1500

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Atty for Plaintiff
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NOTICE

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF CHESTER COUNTY, PENNSYLVANIA
NO. 11-06328

WELLS FARGO BANK, N.A.

Vs.

MATTHEW S. HOFFMAN and THERESA A. HOFFMAN

NOTICE TO: MATTHEW S. HOFFMAN and THERESA A. HOFFMAN
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 283 MILL HOUSE DRIVE, LINCOLN UNIVERSITY, PA 19352-1329

Being in TOWNSHIP OF NEW LONDON, County of CHESTER, Commonwealth of Pennsylvania, 71-4-332

Improvements consist of residential property.

Sold as the property of MATTHEW S. HOFFMAN and THERESA A. HOFFMAN

Your house (real estate) at 283 MILL HOUSE DRIVE, LINCOLN UNIVERSITY, PA 19352-1329 is scheduled to be sold at the Sheriff's Sale on 05/17/2012 at 11:00 AM, at the CHESTER County Courthouse, 201 West Market Street, West Chester, PA 19382-2947, to enforce the Court Judgment of \$425,720.50 obtained by, WELLS FARGO BANK, N.A. (the mortgagee), against the above premises.

PHELAN HALLINAN & SCHMIEG, LLP
Attorney for Plaintiff

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NOTICE**CHESTER COUNTY PROTHONOTARY'S OFFICE****FEE INCREASE****Effective April 2nd, 2012****Writs**

Of Summons	161.00
Of Certiorari	161.00
Of Execution, Attachment or Possession	4.00

FAMILY COURT FEE SCHEDULE**DIVORCE**

No Fault complaint	191.00
Ancillary Relief	
Each of the first two additional counts	60.80
Each count beyond two (except counsel fees)	23.50
If any additional count for Custody, add another	
For mediation, settle/discontinue/end and Act 119 Fees	

CUSTODY (if not included as a count in Divorce)

Complaint in Custody	188.00
Petition to Modify/Contempt	122.00

Appointment of Master

Regular Master	141.00
APL Master	111.00
Counsel Fees Master	111.00
Special Master	511.00

Protection from Abuse

Petition	161.00
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NOTICE**CHESTER COUNTY PROTHONOTARY'S OFFICE****FEE INCREASE****Effective April 2nd, 2012****Name Change**

Petition for	172.00
Re-take maiden/prior name:	
If divorced in Chester County of Chester	NO FEE
Foreign Decree	38.00

Notary Public

Registration	4.00
Certification	4.00

Petitions (unless otherwise noted)	161.00
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Adverse (by Writ)	34.00
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Suggestion of Non Payment	27.00

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Settle, Discontinue & End (actions initiated prior 1997)	10.00
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Sheriff's Deed	10.00
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Subordination	10.00
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Subpoena (each)	4.00
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Venue Changes, Removals, Transfers	20.00
(includes copying costs, certifying and postage)	

NOTICE

CHESTER COUNTY PROTHONOTARY'S OFFICE

FEE INCREASE

Effective April 2nd, 2012

Exemplification(s) of Judgments or Court Orders/Decrees

Within Pennsylvania	8.00
Out of State	22.00

Foreign Fees – transfer or register from another Court

Complaint	161.00
Decree/Order	38.00
Execution	50.00
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(3)

NOTICE**CHESTER COUNTY PROTHONOTARY'S OFFICE****FEE INCREASE****Effective April 2nd, 2012****Appeals**

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Of Motor Vehicle Judgment	6.00
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March & April 2012 CLE Opportunities

@ Chester County Bar Association

DATE	CLE SESSIONS	TIME	CREDIT HOURS
March 16th	<i>Chester County Bar Association's: Spring Bench Bar Conference</i>	ALL DAY	Up to 6 credits
March 19th	PBI: Residential Agreement of Sale (g)	12:30 PM- 3:45 PM	3 SUB
March 20th	PBI: Corporate Compliance & Ethics (v)	9 AM- 1:30 PM	3 SUB & 1 ETH
March 20th	PBI: Social Security Disability—The Basics (g)	9 AM- 1:15 PM	4 SUB
March 22nd	PBI: Trials—Tips, Tactics & Practical Tales (g)	8:30 AM- 3:30 PM	6 SUB
March 23rd	PBI: Vehicle Stops & Searches in PA (g)	9 AM- 12:15 PM	3 SUB
March 27th	PBI: Communication Skills for Lawyers/ Media (v)	9 AM- 4:30 PM	5 SUB & 1 ETH
March 28th	PBI: 25th Annual Civil Litigation Update (g)	9 AM- 4:30 PM	5 SUB & 1 ETH
April 3rd	PBI: Claims Made & Prof. Liability Insur. Coverage (v)	9 AM – 12:30 PM	2 SUB & 1 ETH
April 4th	PBI: Guardianship 101 (g)	8:30 AM – 12:50 PM	3 SUB & 1ETH
April 5th	PBI: What Every Estate Planning Attorney Needs to Know About Florida Law (g)	12:30 PM – 4:45 PM	4 SUB
April 9th	Bridge the Gap	12 PM – 4 PM	4 ETH
April 10th	PBI: Writing Better Complaints, Contracts, Discovery Requests, Laws & Regulations (2 Steven Stark) (g)	9 AM – 4:15 PM	6 SUB
April 11th	PBI: How to be a Lawyer 102 (v)	9 AM – 10 AM	1 ETH
April 11th	PBI: Judgment Collection Strategies (g)	1 PM – 4:15 PM	3 SUB
April 13th	PBI: Winning Numbers: Acctg & Finance for Lawyers (g)	8:30 AM – 3:30 PM	5 SUB & 1 ETH
April 17th	PBI: Restrictive Covenants, Trade Secrets & Computer Forensics. What Every Lawyer Should Know (v)	9 AM – 1:30 PM	4 SUB
April 17th	PBI: Sheriff Sales in Pennsylvania (g)	9 AM – 1:15 PM	3 SUB & 1 ETH
April 18th	PBI: Ideal Gas Law... (v)	9 AM – 4:30 PM	6 SUB
April 18th	PBI: Five County Criminal Practice (g)	12:15 PM – 4:15 PM	4 SUB
April 19th	PBI: Family Law Institute 2012 (g)	8:30 AM – 4:30 PM	6 SUB
April 20th	PBI: Land Use Institute (g)	8:30 AM – 4:30 PM	5 SUB & 1 ETH
April 23rd	PBI: Anatomy, Injuries & Surgeries (g)	8:25 AM – 3:45 PM	6 SUB

To view the calendar online go to: http://www.chescobar.org/cle/cle_opportunities_at_ccba.html

(v) = video
(g) = live groupcast
*** = all CCBA Members welcome to attend



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The Official Legal Publication for Chester County

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