

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY

CRIMINAL

Commonwealth v. Rachel Lee Burk

Criminal — PCRA Opinion — Untimely — Ineffective Assistance of Counsel — Counsel Abandonment.

Opinion. Commonwealth v. Rachel Lee Burk — Nos. 3339-2013; 4402-2013

Amara M. Riley, Esquire for Commonwealth
Raymond E. Stout, II, Esquire for Defendant

OPINION BY: ASHWORTH, P.J., DECEMBER 17, 2021. Before the Court is the *pro se* petition of Rachel Lee Burk, filed pursuant to the Post Conviction Collateral Relief Act, 42 Pa.C.S.A. §§ 9541-9546. For the reasons set forth below, this petition will be dismissed without a hearing.¹

I. BACKGROUND

The relevant facts and procedural history may be summarized as follows. Burk was charged at Information 3339-2013 with the offenses of robbery (two counts), criminal conspiracy (two counts), and theft by unlawful taking,² stemming from her participation in a robbery at Union Community Bank in Columbia, Lancaster County, on June 4, 2013. Additionally, Burk was charged at Information No. 4402-2013 with the offenses of robbery (2 counts) and criminal conspiracy (2 counts),³ stemming from her participation in a pair of armed robberies in the city of Lancaster between May 28, 2013 and May 30, 2013.

On January 14, 2014, Burk signed a separate negotiated plea agreement with the Commonwealth for each docket.⁴ Specifically, in exchange for Burk's guilty plea to all charges at Docket No. 3339-2013, the Commonwealth agreed to recommend a sentence of five to ten years' incarceration in a state correctional institute on each of Counts One and Three to be served concurrently,⁵ plus costs, a \$100 fine, restitution in the amount of \$546.00, and various other conditions. In exchange for Burk's guilty plea to all charges at Docket 4402-2013, the Commonwealth agreed to recommend a sentence of five to ten years' incarceration in a state correctional institute on each of the four counts, all served concurrent to one another but consecutive to the sentences at Docket No. 3339-2013, in addition to costs, a \$100 fine, restitution in the amount of \$400.00, and various other conditions. Burk was ineligi-

¹ Under Rule 907 of the Pennsylvania Rules of Criminal Procedure, a PCRA court may dispose of post conviction collateral relief petitions without a hearing if it is satisfied after reviewing the materials submitted that no genuine issues of material fact exist and that the petitioner is not entitled to post conviction relief. See Pa. R.Crim.P. 907. See also *Commonwealth v. Wah*, 42 A.3d 335, 338 (Pa. Super. 2012).

² In violation of 18 Pa C.S.A § 3701(a)(1)(iii), 18 Pa.C.S.A. § 3701(a)(1)(iv), 18 Pa.C.S.A. § 903, and 18 Pa.C.S.A. § 3921(a), respectively.

³ In violation of 18 Pa C.S.A § 3701(a)(1)(iii), and 18 Pa.C.S.A. § 903, respectively.

⁴ The written Plea Agreement was signed on January 14, 2014 and presented to the Court on January 15, 2014.

⁵ Counts Two and Four merged to Count One, and Count Five merged to Count Three.

ble for a Recidivism Risk Reduction Incentive (RRRI) sentence, and the Commonwealth did not waive ineligibility.

Prior to the guilty plea hearing on January 15, 2014, held for both dockets jointly, Burk completed and signed one written Guilty Plea Colloquy and Post-Sentence Rights form that consisted of seventy-eight paragraphs. This written Guilty Plea Colloquy specifically outlined each of the trial rights Burk would forgo by pleading guilty, the details of sentencing procedures including her maximum sentencing exposure,⁶ the trial court's discretionary authority either to accept or to reject the plea agreement, Burks' rights should the court choose to reject the plea, her appellate rights (including the right to file post-sentence motions within 10 days and to file an appeal with the Superior Court within 30 days), and several additional questions for Burk to answer in order to ensure she was entering her plea of guilty knowingly, voluntarily, and intelligently. By signing the Guilty Plea Colloquy, Burk affirmed that she had reviewed the form with trial counsel and understood the meaning of each paragraph contained therein. The Court accepted the negotiated plea agreements as to both dockets and sentenced Burk in accordance with the agreed upon terms for an aggregate period of 10-20 years' incarceration in a state correctional institute. She filed neither post-sentence motions nor an appeal to the Superior Court. Prior to and at the plea and sentencing, Burk was represented by court-appointed counsel, Christopher P. Lyden, Esquire ("trial counsel").

On September 8, 2020, Burk filed a *pro se* pleading captioned "Petition for Reconsideration of Sentence Nun Pro Tunc". After reviewing the substance of the petition, the Court deemed it a petition for post-conviction collateral relief pursuant to the Pennsylvania Post Conviction Relief Act, 42 Pa. C.S.A. §§9541-46 ("PCRA"), Burk's first such petition, and appointed Raymond E. Stout, III, Esquire ("PCRA counsel") to represent Burk on her collateral claims.⁷ The Court granted PCRA counsel thirty days within which to file an amended petition if appropriate or to advise the Court that one would not be filed.

After a careful and conscientious review of the entire record, however, PCRA counsel concluded that the petition, filed nearly six years after her judgment of sentence, was facially untimely pursuant to 42 Pa.C.S.A. § 9545(b), and Burk failed to plead and prove any of the exceptions to the timeliness requirement set forth in § 9545 (b)(1)(i-iii), and she was unable to direct counsel to specific information, evidence, or witnesses that could so prove. PCRA counsel therefore concluded that the Court lacked jurisdiction to decide the petition on its merits, explaining this to Burk in a detailed letter ("no merit letter") counsel sent along with a copy of the Motion to Withdraw for lack of meritorious issues⁸ that counsel later filed with the Court. The Court conducted its own independent review of both the *pro se* PCRA petition and counsel's

⁶ Had the Court sentenced Burk to the maximum penalty on all charges and ordered them to be served consecutively, Burk faced a maximum of 140 years' incarceration and a fine of \$195,000.00.

⁷ Rule 904 of the Pennsylvania Rules of Criminal Procedure provides that "when an unrepresented defendant satisfies the judge that the defendant is unable to afford or otherwise procure counsel, the judge shall appoint counsel to represent the defendant on defendant's first petition for post-conviction collateral relief." Pa. R.Crim.P. 904(C).

⁸ This was filed pursuant to Commonwealth v. Turner, 518 Pa. 491, 544 A.2d 927 (1988), and Commonwealth v. Finley, 379 Pa. Super. 390, 550 A.2d 213 (1988), and their progeny.

“no merit” letter. Agreeing with counsel, the Court found there were no disputed issues of fact, Burk was not entitled to post conviction collateral relief, and no purpose would be served by any further proceedings. Therefore, the Court filed a notice pursuant to Pa. R.Crim.P. 907(a) of its intent to dismiss the Amended PCRA petition without a hearing. Burk has filed no response to that notice and the matter is ripe for disposition.

II. DISCUSSION

Before the Court may address the merits of Burk’s arguments, it must first consider the timeliness of the PCRA petition because it implicates the jurisdiction of the Court. *Commonwealth v. Davis*, 86 A.3d 883, 887 (Pa. Super. 2014). Burk’s PCRA petition is governed by 42 Pa.C.S.A. § 9545(b)(1), which provides that any PCRA petition, including a second or subsequent one, normally must be filed within one year of the date on which the judgment of sentence becomes final. This time restriction is “jurisdictional in nature.” *Commonwealth v. Albrecht*, 606 Pa. 64, 67, 994 A.2d 1091, 1093 (2010) (citation omitted). Pennsylvania law makes clear that when “a PCRA petition is untimely, neither [the Superior] Court nor the trial court has jurisdiction over the petition.” *Commonwealth v. Seskey*, 86 A.3d 237, 241 (Pa. Super. 2014) (citation omitted). “[Jurisdictional time] limitations are mandatory and interpreted literally; thus, a court has no authority to extend filing periods except as the statute permits.” *Commonwealth v. Jackson*, 30 A.3d 516, 519 (Pa. Super. 2011) (quoting *Commonwealth v. Fahy*, 558 Pa. Super. 313, 329, 737 A.2d 214, 222 (1999)). “Without jurisdiction, [the courts] simply do not have the legal authority to address the substantive claims.” *Seskey*, *supra*.

For purposes of the PCRA, a judgment of sentence becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of Pennsylvania and the Supreme Court of the United States, or at the expiration of the time for seeking such review if none is sought. 42 Pa.C.S.A. § 9545(b)(3). See also *Commonwealth v. Jones*, 54 A.3d 14, 17 (Pa. Super. 2012). A petitioner who seeks review in the Superior Court has 30 days to do so after the sentence is entered. See Pa.R.A.P. 903(a). As discussed above, Burk was sentenced on the underlying charges on January 15, 2014, and she filed neither post-sentence motions nor an appeal. Therefore, her judgment of sentence became final for PCRA purposes 30 days after the date of sentence, when her time for seeking review with the Superior Court expired – on or about February 15, 2014. 42 Pa.C.S.A. § 9545(b)(3). Accordingly, Burk had one year from that date within which to file any PCRA petition. Burk waited to file the instant PCRA, however, until September 8, 2020, nearly six and one-half years after the deadline of February 15, 2015, rendering it untimely unless Burk is able to plead and prove the applicability of one of the three statutory exceptions enumerated at Section

9545(b)(1)(i-iii) of the PCRA.⁹ *Commonwealth v. Lawson*, 90 A.3d 1, 5 (Pa. Super. 2014); *Commonwealth v. Ketchmar*, 971 A.2d 1249, 1251 (Pa. Super. 2009). PCRA section 545(b)(1) permits consideration of the merits of a facially untimely PCRA petition only where:

(i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;

(ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or

(iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa.C.S.A. § 9545(b)(1)(i-iii). Moreover, any petition invoking one or more of these timeliness exceptions must be filed within one year from the date the claim *could have* been presented. *Id.* at § 9545(b)(2).

Burk simply fails to plead and prove any of the exceptions to the timeliness requirement. She does not provide a single fact or item of evidence to show either: (1) that governmental obstruction prevented her from bringing these claims earlier; (2) that new evidence has been discovered that was unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or (3) that since the expiration of her time for filing a timely PCRA, the Supreme Court of the United States has recognized a specific, new constitutional right that applies to has been held to apply retroactively.

Attempting to state a claim for ineffective assistance of counsel,¹⁰ Burk asserts that trial counsel abandoned her after the guilty plea by failing to discuss with her the appellate rights available after the guilty plea. The only way this Court might conceivably exercise jurisdiction over such a claim at this late date would be if Burk had perhaps pled that after-discovered evidence has only recently made her aware

⁹ As our Supreme Court has repeatedly stated, the petitioner maintains the burden of pleading and proving that one of these exceptions to the one-year time requirement applies. *Commonwealth v. Abu-Jamal*, 596 Pa. 219, 227, 941 A.2d 1263, 1268 (2008); *Commonwealth v. Bronshtein*, 561 Pa. 611, 616, 752 A.2d 868, 871 (2000).

¹⁰ Ineffective assistance of counsel claims are predicated on the Sixth Amendment to the United States constitution and Article I, Section 9 of the Pennsylvania Constitution.

that trial counsel was ineffective by failing to inform her of her rights or by failing to return her attempts at post-sentence communication. To avail herself of the after-discovered evidence exception, Burk would need to prove two components under subsection (b)(1)(ii). Namely, she “must establish that: 1) the facts upon which the claim was predicated were *unknown* and 2) could not have been ascertained by the exercise of *due diligence*.” *Commonwealth v. Bennett*, 593 Pa. 382, 396, 930 A.2d 1264 (2007) (citing 42 Pa.C.S. § 9545(b)(1)(ii); *Commonwealth v. Lambert*, 884 A.2d 848, 852 (Pa. 2005))(quotations omitted)(emphasis original). She simply has not and cannot meet this burden.

To claim the discovery of “new facts” regarding ineffective assistance of trial counsel with regard to appellate rights would be wholly implausible and lacking in merit. Any facts supporting a claim that trial counsel failed either to file an appeal or to discuss appellate rights with Burk would have been immediately known to her, or at the very least they would have been apparent within one year from the date her judgment of sentence was finalized. Burk herself acknowledged that she was aware of her appellate rights when by signing the seven-page written colloquy, manifesting her understanding of what appellate rights were available to her upon entry of the plea. See Plea Colloquy at ¶¶ 55-61. By signing the written colloquy, Burk affirmed she understood each of those paragraphs after reviewing them with her attorney. *Id.* Thus, the record establishes that she was well aware of her appellate rights; even if trial counsel had failed to discuss avenues of appeal with her at the conclusion of the plea and sentencing, such failure would or should have been immediately apparent to Burk. Moreover, in the PCRA petition, Burk avers that she unsuccessfully attempted after sentencing to contact trial counsel regarding an appeal. See PCRA Petition at ¶3. Thus, by her own admission Burk was well aware of the facts that could have formed the basis of an ineffective assistance of counsel claim well within the PCRA’s one year post-judgment time period. Had she wished to do so, Burk could and should have raised such claims in a timely manner by filing a PCRA petition prior to February 15, 2015. She chose not to do so.

In short, Burk has not and cannot meet her burden of pleading and proving any of the exceptions to the PCRA timeliness requirements; therefore, the PCRA petition is untimely, the Court lacks jurisdiction to decide any issue on its merits, and the PCRA petition must be dismissed.¹¹

III. Conclusion

¹¹ To the extent that Burk’s petition could be construed as a petition for reconsideration of sentence, the Court is likewise without jurisdiction over that matter. Pursuant to Section 5505 of the Judicial Code, “[A] court upon notice to the parties may modify or rescind any order *within 30 days after its entry* . . . if no appeal from such order has been taken or allowed.” 42 Pa.C.S.A. §5505 (emphasis added). As far more than 30 days have passed from the sentencing order of January 14, 2014, this Court is clearly without jurisdiction to reconsider and/or modify the sentence imposed upon Burk. See *Commonwealth v. Walters*, 814 A.2d 253, 255-56 (Pa. Super. 2002) (stating that “[t]rial courts have the power to alter or modify a criminal sentence within thirty days after entry, if no appeal is taken”); *Commonwealth v. Bogdon*, 364 Pa. Super. 300, 304, 528 A.2d 168, 169 (Pa. Super. 1987) (stating that “a sentencing court has only thirty days from the imposition of sentence within which to act to modify the sentence.”).

For the reasons set forth above, Rachel Lee Burk's *pro se* Amended PCRA petition is untimely, with no applicable exceptions, and must be dismissed without further proceedings.

Accordingly, I enter the following:

ORDER

AND NOW, this 17th day of December, 2021, upon consideration of petitioner Rachel Lee Burk's *pro se* petition for post-conviction collateral relief, it is hereby ORDERED that said petition is DENIED without a hearing. The petition is untimely filed under the Post Conviction Collateral Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546, and Petitioner fails to plead and prove any of the applicable exceptions under the PCRA. Therefore, the Court lacks jurisdiction to rule on the merits, and no purpose would be served by further proceedings.

Further, the no-merit letter of Petitioner's court-appointed attorney, Raymond E. Stout, Esquire, III, states that the *pro se* motion is untimely and lacking in merit as a matter of law, a conclusion with which the Court agrees after its independent review of the record. Accordingly, Attorney Stout is GRANTED his request for leave to withdraw as counsel.

Pursuant to Pa. R.Crim.P. 907(4), this Court advises Petitioner that she has the right to appeal from this Order. Petitioner shall have **30 days** from the date of this final Order to appeal to the Superior Court of Pennsylvania. Failure to appeal within 30 days will result in the loss of appellate rights.

It is further ORDERED that Petitioner shall have the right, if indigent, to appeal *in forma pauperis* and to proceed with assigned appellate counsel as provided in Pa. R.Crim.P. 122.

BY THE COURT:
DAVID L. ASHWORTH
PRESIDENT JUDGE

ESTATE AND TRUST NOTICES

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

FIRST PUBLICATION

Bartch, Wanda M., dec'd.

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Attorney: none

Bastendorf, Joan L., dec'd.

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Bellis, Richard J., dec'd.

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ter, PA 19382.

Attorney: Neil W. Head, Esquire.

Cox, Beatrice B., dec'd.

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Fenninger, Donald M., dec'd.

Late of Lancaster County.

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Ulrich, Evelyn N., dec'd.

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Yoder, Patricia K., dec'd.

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SECOND PUBLICATION

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Kaiser, Michael G., dec'd.

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Late of Manheim Township.

Executors: Mark A. Kelley and Martha Kelly c/o Attorney J. Elvin Kraybill, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

Kirkman, Burton L., dec'd.

Late of West Lampeter Township.

Executrix: Janet K. Crewson c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17601.

Attorney: Jon M. Gruber

Landis, Carlene Ann a/k/a Carlene A. Landis, dec'd.

Late of Penn Township.

Executor: Larry Gordon Landis c/o Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402.

Attorney: Jeffrey R. Bellomo, Esquire.

Lynn, Arlene G., dec'd.

Late of Manor Township.

Executor: Daniel R. Lynn, Jr., 1075 Richmond Rd., Lancaster, PA 17603.

Nace, Murtis C., dec'd.

Late of Columbia Borough

Executor: Janet M. Colon c/o 327 Locust Street, Columbia, PA 17512.

Attorney: John F. Markel, Nikolaus & Hoehenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Novinger, Doris M. a/k/a Doris Mae Novinger, dec'd.

Late of West Donegal Township.

Executrix: Sherry L. Baird c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, PA 17033.

Attorney: George W. Porter, Esquire.

Omerly, Audrey M., dec'd.

Late of East Drumore Township.

Personal Representative: Margaret E. Felton c/o Eric Shenlin Rothermel, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorneys: May Herr & Grosh,

LLP.

Omerly, George W., dec'd.

Late of East Drumore Township.

Personal Representative: Margaret E. Felton c/o Eric Shenlin Rothermel, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorneys: May Herr & Grosh, LLP.

Reisinger, Dennis A., dec'd.

Late of East Hempfield Township.

Administrator: Donald R. Reisinger c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.

Attorneys: Mountz & Kreiser, 553 Locust Street, Columbia, PA 17512.

Sagner, Bonnie, dec'd.

Late of West Earl Township.

Executrix: Lynn M. Mangle, 768 Paxton Dr., Dalmatia, PA 17017.

Attorney: Kathleen K. Good, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 17372.

Schrader, Sueanne E., dec'd.

Late of Lancaster Township.

Executor: Stanley P. Schrader, c/o Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402.

Attorney: Jeffrey R. Bellomo, Esquire, Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402.

Sherman, Beryl R., dec'd.

Late of Lancaster Township.

Executor: Frederic H. Sherman

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

Attorney: McNees Wallace & Nurick LLC.

Shimer, Helen E., dec'd.

Late of West Lampeter Township.

Executor: John P. Kelly c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Matthew A. Grosh.

Stehman, Linda A., dec'd.

Late of Township of Warwick.

Personal Representative: Bethany E. Jenks, Administrator c/o Justin J. Bollinger, Attorney P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

Stoltzfus, Drusilla L., dec'd.

Late of Quarryville.

Executors: Simeon R. Stoltzfus and Omar R. Stoltzfus c/o Eric L. Winkle, Esq., 363 West Roseville Road, Lancaster, PA 17601.

Attorney: Eric L. Winkle, Esq.

Vought, Jr. William S., dec'd.

Late of Mount Joy Township.

Executor: Fulton Bank NA c/o Stacey W. Betts, Esq., 75 East Main Street, Mount Joy, PA 17552.

Attorney: Stacey W. Betts, Esq.

White, Mary B. a/k/a Mary G. White, dec'd.

Late of Millersville Borough.

Executrix: Julie Lynn Reid c/o Jeanne M. Millhouse, Esq., 53

N. Duke Street, Ste 204, Lancaster, PA 17602.

Attorney: Jeanne M. Millhouse, Esquire.

Wilson, Diane a/k/a Diane J. Wilson a/k/a Diane J Gillespie a/k/a Diane Jean Wilson a/k/a Diane Jean Landis Wilson, dec'd.

Late of Penn Township.

Executor: Lawson E. Wilson, III c/o Mongiovi Law, LLC, 235 North Lime Street, Lancaster, PA 17602.

Attorney: Michael J. Mongiovi.

Zourides, Andrew G., dec'd.

Late of West Donegal Township.

Executrix: Nia J. Annick c/o Law Office of Shawn Pierson, 105 East Oregon Rd., Lititz, PA 17543.

Attorney: Shawn M. Pierson, Esq.

THIRD PUBLICATION

Ashton, Thomas R., dec'd.

Late of West Lampeter Township.

Executrix: Sarah Ullman c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.

Attorneys: Smoker Gard Associates LLP.

Cochran, Douglas Scott, dec'd.

Late of Lancaster Township.

Personal Representative: Patricia A. Blank, Administrator C.T.A., c/o John S. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorneys: May, Herr & Grosh,

LLP.

Deangelis, John M., dec'd.

Late of Lancaster Township.

Co-Executors: Maria C. Deangelis-Bowman and Nichola J. Deangelis c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.

Attorney: Mountz & Kreiser, 553 Locust Street, Columbia, PA 17512.

Dutt, Joan M., dec'd.

Late of Leacock Township.

Executor: Lana J. Solitario c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

Good, Minerva H., dec'd.

Late of West Earl Township.

Executors: Ginger A. Martin and Ivy Jo Martin c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

Graybill, Harold H., dec'd.

Late of Denver Borough.

Administrator: Jan L. Graybill c/o Jennifer M. Merx, Esq., 320 Market St., Ste. 600W, Harrisburg, PA 17101.

Attorney: Jennifer M. Merx, Atty., Skarlatos Zonarich, 320 Market St., Ste. 600W, Harrisburg, PA 17101.

Gutai, Barbara A., dec'd.

Late of Willow Street.

Executor: Vance E. Antonacci, Esquire c/o Vance E. Antonacci, Esquire, McNees Wallace &

Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601. Attorney: McNeese Wallace & Nurick LLC.

Harris, Charles E., II, dec'd.

Late of West Cocalico Township. Executrix: Nancy E. Harris c/o Russell, Krafft, & Gruber, LLP, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601. Attorney: Aaron K. Zeamer, Esquire.

Herman, Robert E., dec'd.

Late of West Lampeter Township. Executors: Tina M. Reese and Susan M. Reese c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601. Attorney: Neil R. Vestermark, Esquire; Aevitas Law, PLLC.

Huber, Michael A., dec'd.

Late of Rapho Township. Executor: Andrew Charles Huber c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602. Attorney: Bradley A. Zuke.

Kendig, Nancy C., dec'd.

Late of Providence Township. Executrix: Doris L. Rinehart c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601. Attorney: Lindsay M. Schoeneberger.

Lambert, Francis A., dec'd.

Late of Lancaster Township. Personal Representative: Candace G. Benoit c/o Eric Schelin Rothermel, Esquire, 49 North Duke Street, Lancaster, PA

17602. Attorneys: May, Herr & Grosh, LLP.

Mangold, Clara E., dec'd.

Late of Manor Township. Executor: Paul A. Mangold c/o May Herr & Grosh, LLP, 49 North Duke Street, Lancaster, PA 17602. Attorney: John H. May.

Martin, Fred W., dec'd.

Late of West Lampeter Township. Executor: Darrell Lee Martin c/o Blakinger Thomas, PC, 28 Penn Square, P.O. Box 1889, Lancaster, PA 17608-1889. Attorneys: Blakinger Thomas, PC.

Maser, Deborah D., dec'd.

Late of West Hempfield Township. Executor: Gene D. Rehm c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602. Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

McCauley, M. Beverly a/k/a Mildred Beverly McCauley, dec'd.

Late of East Hempfield Township. Executors: O. Clinton McCauley and Michael S. McCauley c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545. Attorney: Young and Young.

Mechler, Helen T. a/k/a Helen Therese Mechler, dec'd.

Late of Manheim Township. Executor: Edmund P. Garvey

c/o Nikolaus & Hohenadel, LLP,
212 North Queen Street, Lan-
caster, PA 17603.

Attorney: Richard G. Greiner,
Esquire.

Preis, Carolyn J., dec'd.

Late of Lancaster.

Executor: Eric B. Brubaker c/o
W. Bryan Byler, Byler & Winkle,
P.C., 363 West Roseville Road,
Lancaster, PA 17601.

Attorney: W. Bryan Byler.

Ratmoko, Janice Lee, dec'd.

Late of East Hempfield Town-
ship.

Administrator: Bambang Ratmoko
c/o Alspach and Ryder LLC,
232 N. Duke St., Lancaster, PA
17602.

Attorney: Alspach and Ryder
LLC.

**Schaum, Jean L. a/k/a Jean
Louise Schaum**, dec'd.

Late of Lancaster Township.

Executrices: Susan J. Pacel-
li and Nancy J. Ault c/o Appel
Yost & Zee LLP, 33 North Duke
Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet.

Shank, Philip O., dec'd.

Late of West Hempfield Town-
ship.

Executor: Jon Philip Shank c/o
Appel Yost & Zee LLP, 33 North
Duke Street, Lancaster, PA
17602.

Attorney: James W. Appel.

Sheehy, Dorothy L., dec'd.

Late of the Borough of Colum-
bia.

Executor: Jane C. Conners c/o
Law Office of James Clark, 277

Millwood Road, Lancaster, PA
17603.

Attorney: James R. Clark.

Singer, Samuel W., dec'd.

Late of Manheim Township.

Administrator: Bradley R. Sing-
er c/o Attorney J. Elvin Kraybill,
P.O. Box 5349, Lancaster, PA
17606.

Attorneys: Gibbel, Kraybill &
Hess LLP.

Torres-Cruz, Melvin, dec'd.

Late of Lancaster.

Executor: Karen Torres-Rive-
ra c/o Eric L. Winkle, Byler &
Winkle, P.C., 363 West Roseville
Road, Lancaster, PA 17601.

Attorney: Eric L. Winkle.

**Willman, Albert a/k/a Albert
Henry Willman, Jr.**, dec'd.

Late of Nicholasville, County of
Jessamine, State of Kentucky.

Executrix: Pauline Amanda
Hope Smith c/o Heather D. Roy-
er, Esquire, Johnson, Duffie,
Stewart & Weidner, P.C., 301
Market Street, P.O. Box 109,
Lemoyne, PA 17043.

Attorney: Heather C. Royer, Es-
quire.

ARTICLES OF DISSOLUTION

NOTICE OF DISSOLUTION IS
HEREBY GIVEN that B. L. Sauder,
Inc., a Pennsylvania corpora-
tion (the "Corporation"), of 3093
Turnpike Road, Elizabethtown, PA
17022, is being dissolved and is
now engaged in winding up pro-
ceedings so that its corporate exis-
tence shall be ended in accordance
with Section 1975 of the Pennsyl-
vania Business Corporation Law

of 1988, as amended.
 NIKOLAUS & HO HEN ADEL, LLP
 Attorneys for B. L. Sauder, Inc.
 222 South Market Street, Suite 201
 Elizabethtown, PA 17022

A-1

NOTICE IS HEREBY GIVEN that BLACK HORSE, LLC, a Pennsylvania limited liability company, has voluntarily dissolved and is now engaged in the process of winding up and settling its affairs under the provisions of Subchapter G (15 Pa. C.S. §8871 et seq.) of the Pennsylvania Uniform Limited Liability Company Act of 2016, as amended. As part of that process, under 15 Pa. C.S. 8875, BLACK HORSE, LLC now gives notice that any persons having claims against BLACK HORSE, LLC present them in a detailed writing to the Company, setting for the amount and exact basis for the claim. The written notice describing the details of the claim shall be mailed to BLACK HORSE, LLC, 755 White Oak Road, Denver, PA 17517. A claim against BLACK HORSE, LLC is barred unless an action to enforce the claim is commenced within two years after publication of this Notice.
 LEGACY LAW PLLC
 Attorneys for Black Horse, LLC

A-1

NOTICE IS HEREBY GIVEN that BLACK HORSE PROPERTIES, L.P., a Pennsylvania limited partnership, has voluntarily dissolved and is now engaged in the process of winding up and settling its affairs under the provisions of Subchapter H (15 Pa. C.S. §8681 et seq.) of the Pennsylvania Uniform Limited Partnership Act of 2016, as

amended. As part of that process, under 15 Pa. C. S. 8687, BLACK HORSE PROPERTIES, L.P. now gives notice that any persons having claims against BLACK HORSE PROPERTIES, L.P. present them in a detailed writing to the partnership, setting for the amount and exact basis for the claim. The written notice describing the details of the claim shall be mailed to BLACK HORSE PROPERTIES, L.P., 7 55 White Oak Road, Denver, PA 17517. A claim against BLACK HORSE PROPERTIES, L.P. is barred unless an action to enforce the claim is commenced within two years after publication of this Notice. The barring of a claim against the partnership will also bar any corresponding claim against the general partner.

LEGACY LAW PLLC
 Attorneys for Black Horse, LLC

A-1

NOTICE IS HEREBY GIVEN THAT the shareholders and directors of Kingdom Brokerage, Inc., a Pennsylvania corporation, with an address at 25 Santa Fe Drive, Lititz, PA 17543, 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.
 GIBBEL, KRAYBILL &
 HESS Attorneys

A-1

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania, at Harrisburg Pennsylvania on the 1st day of November, 2021, for the purpose of incorporating a nonprofit corporation under the Pennsylvania Non-profit Corporation Law of 1988.

The name of the corporation is: Eastern Pennsylvania Baptist Fellowship.

The purposes for which it has been organized are charitable purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provisions of any further United States Internal Revenue Law (hereinafter referred to as the "Code"), such purposes being making of distributions to organizations that qualify as exempt organizations within the meaning of Section 501 (c)(3) of the Code. These services are to include and yet not restrict the operation of the corporation to organize churches to work more efficiently to spread the gospel in the world.

Patrick J. Schaeffer, Esquire
TRINITY LAW
Solicitor

A-1

NOTICE IS HEREBY GIVEN that JB Infinity, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988. Aaron K. Zeamer
Russell, Krafft & Gruber, LLP

A-1

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement

has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about March 7, 2022, for a foreign corporation with a registered address in the Commonwealth of Pennsylvania as follows: Knocking, Inc. c/o Harbor Business Compliance Corporation

This corporation is incorporated under the laws of Delaware. The address of its principal office is 357 Commerce Drive #320599, Fairfield, CT 06825. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

A-1

Notice is hereby given that SERVANTS IN DEED was incorporated on January 28, 2022, under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended. The corporation is organized exclusively for charitable, religious, and educational purposes within the meaning of IRC Section 501(c)(3).

Nevin D. Beiler, Esq, Attorney

A-1

Skyline Swim Team has been incorporated under the provisions of Article B of the Nonprofit Corporation Law of 1988.

GIBBEL KRAYBILL & HESS LLP
Attorneys

A-1

CHANGE OF NAME NOTICES

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania,

seeking to change the name of EEG to Eden Elora Elias. A hearing on the Petition will be held on May 5th, 2022 at 3:15 pm in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of JG to Joshua Michael Elias. A hearing on the Petition will be held on May 5th, 2022 at 3:15 pm in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.
Elias Gebremichael
Petitioner

A-1

Lancaster County
Court of Common Pleas
NO.: CI-2108671

IN RE: CHANGE OF NAME OF
JEFFREY SKYLAR REESE

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of Jeffrey Skylar Reese to Skyler Jeffrey Conly. A hearing on the Petition will be held on May 5, 2022 at 4:00 p.m. in Courtroom No. 4 at the Lancaster County Courthouse,

50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

Lancaster Law Group, LLC
Attorneys

M-25, A-1

NOTICE IS HEREBY GIVEN that Jeremy Isaac Weiner has filed a Petition in the Court of Common Pleas of Lancaster County, Pennsylvania, requesting a decree to change his name to Jeremy Isaac Pederson. A Hearing will be held on the Petition on June 9, 2022, at 2:45 p.m., in Courtroom No. 4 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time and pJace you may attend if you have any questions or objections.

James D. Wolman, Esquire

A-1,8

FICTITIOUS NAME NOTICE

Hiepler Financial Group, LLC 631 Hedgewick Dr., Lancaster, PA 17603 has filed in the office of the Secretary of the Commonwealth of Pennsylvania, on or about January 21, 2022 registration of the name: Cornerstone Tax Services under which they intend to do business at: 2 S. Market St, Suite 102, Elizabethtown, PA 17022 pursuant to the provision of the Act of Assembly of December 16, 1982, Chapter 3, known as the "Fictitious Name Act".

A-1

**ORPHANS' COURT DIVISION
AUDITING NOTICES**

To All Claimants, Beneficiaries, Heirs and Next of Kin, and other persons interested: NOTICE IS GIVEN that the following accounts in decedents', incapacitated persons, minors', and trust estates have been filed in the office of the Clerk of the Orphans' Court division of the Court of Common Pleas of Lancaster County and will be presented to said Orphans' Court Division for Audit and confirmation therein to the parties legally entitled thereto on April 5, 2022 at 9 o'clock a.m. in Courtroom No. 11 on the fourth floor of the Courthouse, 50 North Duke Street, Lancaster, PA.

1. WADE, CLAIRE L., Trust under Deed, 2020-2218. First and Final Acct., Wells Fargo Bank, N. A., Trustee, Kendra D. McGuire, Atty.

2. WADE, FRANCES B., Trust under Deed, 2020- 2218. First and Final Acct., Wells Fargo Bank, N. A., Trustee, Kendra D. McGuire, Atty.

M-25, 4-1

SUITS ENTERED

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

March 17, 2022
to March 22, 2022

ANDERSON, JEREMY R., AMERICAN ELECTRICAL TESTING COMPANY; Louann Mylott; 01574; Hall

Barboza, Todd Christopher;

01610

BROWN, DENNIS W.; Spencer Nichols; 01564; Hagelgans

CALDWELL, RANDY M.; John M. Jasinski; 01566; Veronis

DAVIS, BRITTNEY; Pennsylvania SPCA; 01515; Oakley

DELROSSI, LAURA; Bailey Gar-men; 01520

DETWILER, BARBARA; Lititz Re-habilitation & Nursing LLC; 01560; Eisemann

GOOD'S DISPOSAL SERVICES, SUNNY SLOPE TREE SERVICE; Gail Reitzel; 01587; Gingrich

HALDEMAN, MARLIN; Capital One Bank (USA) NA; 01568; Klingensmith

PENNDOT BUREAU OF TRAF-FIC SAFETY; Kai-uwe Robert Kon-rad; 01528; Pfürsich

PORTALES, SHANNON N., WARDLE, JULIANA N.; Citizens Bank NA; 01503; Tsarouhis

POTTER, LORRAINE E.; BSRE Holdings LLC; 01512; Sarno

RINEER, DAVID L.; Onemain Fi-nancial Group LLC; 01514; Borer

ROWE, MELISSA; Rutgers the State University of New Jersey; 01577; Allard

SMITH, WILLIAM A., SMITH, MARY JANE; BSRE Holdings, LLC; 01501; Sarno

STEVENS FEED MILL INC, BOLL, MICHAEL L.; Cynthia Eck-ert; 01580; Bradley

SWEIGART, SUZANNA; Parkview Mobile Estates LLC; 01513; Schneck

VANTAGE MANUFACTURING AND ASSEMBLY LLC; High Steel Service Center LLC; 01505; McGar-ry

WALKER, BRIAN, WALKER, BRI-AN C.; American Express National Bank; 01584; Felzer