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NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Thursday, August 11, 2016 at 8:30 a.m.

HOAK — Orphans' Court Action Number OC-47-2016. The First and Final Account of Richard L. Hoak Jr., Administrator of the Estate of Raymond Hoak, Deceased, late of Oxford Township, Adams County, Pennsylvania.

KEENER — Orphans' Court Action Number - OC-71-2016. The First and Final Account of Carolyn L. Zeigler, Executrix, of the Estate of Wilbur L. Keener Sr., Deceased, late of Oxford Township, Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

7/29 & 8/5

DORA MINNA WOLFE V. RONALD BARRY WILSON

1. A court may grant an extension of a final order if the court finds . . . in accordance with the procedures set forth in sections 6106 and 6107, that the defendant committed one or more acts of abuse subsequent to the entry of the final order or that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff or minor child. If the plaintiff establishes either element, the court may extend the Final PFA order beyond the three-year statutory limit, and there shall be no limitation on the number of extensions that may be granted.
2. The primary goal of the Act is not to penalize past criminal conduct; rather, it is intended to provide advance prevention of physical and sexual abuse.
3. Plaintiffs did not allege any instances of continuing abuse in violation of the existing order. Absent such allegations, the court is constrained by statute from issuing an extension.
4. Under the law, the only other way this Court could grant Plaintiff's extension order was if the Plaintiff established that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL 2012-S-1326, DORA MINNA WOLFE V.
RONALD BARRY WILSON.

Dora Minna Wolfe, Pro Se Plaintiff

Wagner, J., June 24, 2016

OPINION PURSUANT TO PA. R.A.P. 1925

The Plaintiff, Dora Minna Wolfe (hereinafter referred to as “Plaintiff”), appeals this Court’s denial of her pro se Motion for Extension of Final PFA Order. Testimony developed at the hearing revealed that the following events occurred.

A Temporary Protection from Abuse Order was entered on September 7, 2012. The Honorable Thomas R. Campbell entered a Final Protection from Abuse Order (“Final PFA”) on April 3, 2013. The Final PFA was to remain in effect for a period of three years, thus expiring on or about April 3, 2016. On March 30, 2016, Plaintiff filed a pro se Motion for an Extension of her Final PFA.

On April 6, 2016, this Court held a hearing on the matter. The Plaintiff attempted service upon the Defendant but was unsuccessful. The Defendant did not appear at the April 6, 2016 hearing. The Court conducted an on the record colloquy of the Plaintiff to determine what, if any, contact the Defendant had with the Plaintiff since April 3, 2013, when the Final PFA was entered. The Plaintiff testified that on three separate occasions, while she was driving in Maryland, she saw the Defendant walking on the roadway. She specifically testified, “I happened to come up behind him and he was just walking the times that I past (sic) him.” The Defendant did not try to have contact with her on any of those occasions nor acknowledge her. However, the Plaintiff testified that during one of those occasions the Defendant did appear to recognize her, but Defendant did not try and initiate contact.

Additionally, Plaintiff testified that in June of 2013, approximately two months after the Final PFA was entered, the Defendant’s ex-girlfriend called the Plaintiff and told the Plaintiff that the Defendant said he was going to sneak up on her and get his stuff. The Plaintiff contacted the Pennsylvania State Police to file a contempt violation. The Pennsylvania State Police determined there was insufficient evidence and did not file a contempt violation. The Plaintiff did not name Defendant’s ex-girlfriend, nor was Defendant’s ex-girlfriend present on April 6, 2016 to testify concerning Defendant’s statements.

Based upon testimony presented at the hearing for the Extension of the Final PFA, this Court found there were insufficient legal grounds upon which to grant an extension of the Final PFA.

LEGAL STANDARD

Section § 6108(e)(1)(i) of the Protection from Abuse Act states a court may grant an extension of a final order if “the court finds . . . in accordance with the procedures set forth in sections 6106 and 6107, that the defendant committed one or more acts of abuse subsequent to the entry of the final order or that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff or minor child.” 23 Pa.C.S. § 6108(e)(1)(i). If the plaintiff establishes either element, the court may extend the Final PFA order beyond the three-year statutory limit, and “there shall be no limitation on the number of extensions that may be granted.” **Id.**

The Protection from Abuse Acts’ provisions are written to enable courts to respond quickly and flexibly to both early signs and subsequent acts of abuse. **Commonwealth v. Snell**, 737 A.2d 1232 (Pa. Super. 1999). The primary goal of the Act is not to penalize past criminal conduct; rather, it is intended to provide advance prevention of physical and sexual abuse. **Snyder v. Snyder**, 629 A.2d 977 (Pa. Super. 1993).

DISCUSSION

The Plaintiff challenges this Court’s finding arguing the trial court erred (1) when it did not allow or consider evidence of past abuse by Defendant, (2) in concluding no abuse occurred subsequent to the entering of the Final PFA Order on April 3, 2013, (3) when it failed to find there was a pattern and practice by the Defendant that indicates continued risk of harm to the Plaintiff, and (4) by “not believing the ‘continued risk of harm’ criterion for extension, because evidence of past abuse was not considered along with the new abuse, pattern and practice.” For purposes of this Opinion, the Court will focus only on the controlling issues which are (1) whether an act of abuse occurred after the Final PFA was entered and/or (2) whether the Defendant “engaged in a pattern or practice that indicates a continued risk of harm to the plaintiff or minor child” after the Final PFA was entered.

The Plaintiff argues the trial court erred when it found no abuse occurred after the Final PFA Order was entered. However, in order for the Court to make a finding of abuse, the Defendant’s actions must fall within one of the definitions of abuse, as set forth in the

Protection from Abuse Act.

According to that Act, abuse is defined as

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) attempting to cause or intentionally, knowingly or recklessly causing bodily injury, . . .

(2) placing another in reasonable fear of imminent serious bodily injury,

(5) knowingly engaging in a course of conduct or repeatedly committing acts towards another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

23 Pa.C.S. § 6102(a) (1) (2) (5).

Additionally, the Court needed to find the act of abuse occurred subsequent to the entry of the Final PFA.

While only persuasive authority on this Court, the Court of Common Pleas in both Lebanon and Lancaster County have addressed extension of protection from abuse orders. **See Lehn v. Lehn**, 1992 WL 551373 (Pa. Com. Pl. September 14, 1992); **Keith v. Keith**, 1984 WL 552 (Pa. Com. Pl. January 17, 1984). In both cases the parties entered into a consent agreement, under 23 Pa.C.S. § 6108(b), which was effective for a one-year time period.

In **Keith v. Keith**, the parties entered into a consent agreement. **Id.** at *1. The Plaintiff requested the PFA Order be extended for an additional year stating the children still feared the Respondent who had sexually abused them. **Id.** The Respondent lived with his parents who were able to visit with his kids one time a month. **Id.** “Petitioner alleges there were several incidents during the visitations when the children were placed in close proximity to respondent, and that each time the children became emotionally upset.” **Id.** The Court found those incidents insufficient for a finding of abuse. **Id.** at *2. Similarly, in **Lehn**, the Plaintiff filed a petition asking for an additional one-year extension of the order. 1984 WL at *1. The Respondent argued since no acts of abuse occurred after the court issued the previous order, the court had no basis to grant the extension. **Id.** In granting the defendant’s motion to dismiss, the court held “[p]laintiffs did not

allege any instances of continuing abuse in violation of the existing order. Absent such allegations, the court is constrained by statute from issuing an extension.” **Id.** at *3-4.

In the case at bar, the only actions Plaintiff raises fail to rise to the level of abuse the statute requires. Under section 6102(a)(2), the Defendant’s statements or acts must place the Plaintiff in “reasonable fear of imminent serious bodily injury.” At the hearing on April 23, 2016, Plaintiff testified that about two months after the Final PFA was entered the Defendant’s ex-girlfriend called and told her he was going to sneak up on her and get his stuff. Such a statement by Defendant’s ex-girlfriend to the Plaintiff constituted hearsay, and its admissibility is questionable. Regardless, this statement does not include a threat from Defendant to physically injure the Plaintiff. Unfortunately, it cannot be construed as putting the Plaintiff in “reasonable fear of imminent serious bodily injury” and cannot be used to show that Defendant “attempte[d] to cause or intentionally, knowingly or recklessly caus[ed] bodily injury” to the Plaintiff. The statement concerns Defendant’s desire to retrieve his items, not harm the Plaintiff. Even the Pennsylvania State Police, who knew of this incident, found the evidence surrounding this event insufficient for purposes of bringing a PFA contempt violation. As in both **Keith** and **Lehn**, the incident Plaintiff alleges fails to meet the definition of abuse set forth in the PFA Act. Therefore, on that ground, this Court cannot legally grant Plaintiff her requested relief.

Under the law, the only other way this Court could grant Plaintiff’s extension order was if the Plaintiff established “that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff” Again, Plaintiff failed to present evidence illustrating this element was met. The only evidence Plaintiff presented was that on three different occasions she saw the Defendant walking on a roadway in Maryland. At no point during these three occasions did the Defendant try to have any contact with the Plaintiff, and only once did he possibly even recognize her. The Plaintiff failed to present any other evidence regarding Defendant’s actions after the Final PFA, which can be construed as evidencing “a pattern or practice that indicates a continued risk of harm to the plaintiff”

While the Court recognizes the extent of the prior instances of abuse inflicted by the Defendant upon the Plaintiff prior to the entry

of the Final PFA on April 3, 2013 and clearly understands Plaintiff's fear of the Defendant, the Court is constrained by the law and can only grant the PFA extension if there is a legal basis to do so. In this matter, the Plaintiff fails to establish either element under section 6108(e)(1)(i) of the Protection from Abuse Act. As such, the Plaintiff's Motion for Extension of Final PFA Order was properly denied.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF PETER J. FITZGERALD, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Mrs. Allyn M. Patterson, 200 Patterson Lane, Berkeley Springs, WV 25411

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF SHIRLEY IRENE TRENT KLINE, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Personal Representative: Tanya Maresa Henry, 1482 Braden Loop, Glen Burnie, MD 21061

ESTATE OF ANNIE MAY KNISLE-GILBERT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Thomas Gilbert, 215 Old Mill Road, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF WANITA P. ORNER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executors: Linda D. Kopf, 829 Aylesbury Drive, Lancaster, PA 17601; Raymond E. Kopf, 829 Aylesbury Drive, Lancaster, PA 17601

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CECIL L. SHOWERS, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Co-Executors: Michael D. Showers, 340 Middle Road, Aspers, PA 17304; Bradley C. Showers, 390 Middle Road, Aspers, PA 17304

Attorney: Robert E. Campbell Esq., Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARTHA E. TIPTON a/k/a MARTY E. TIPTON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: ACNB Bank, c/o Christine R. Settle, Vice President & Trust Officer, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF WILLIAM M. BOWLING, SR., DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Personal Representatives: Kathy J. Scott, 4840 Gray Hawk Dr., Waynesboro, PA 17268; William M. Bowling, Jr., 329 Georgetown Rd., Gardners, PA 17324

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

ESTATE OF JAMES ROBERT CROUSE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executor: Kirk H. Dutterer, 70 Pine Grove Road, Hanover, PA 17331

Attorney: John J. Mooney III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF CAROLYN C. DUKES, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Lynne C. Galloro, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

ESTATE OF ROBERT L. HOLMES a/k/a ROBERT LEE HOLMES, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Administrator: William P. Holmes, III, 1652 Eton Way, Crofton, MD 21114

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF ANNA M. KNAUB, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Personal Representative: Steven K. Kaub, c/o Jessica F. Greene, Esq., Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055

Administrator: Jessica F. Greene, Esq., Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055

ESTATE OF RICHARD P. KOZLOWSKI, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Stefan N. Kozlowski, c/o Jessica F. Greene, Esq., Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055

Attorney: Jessica F. Greene, Esq., Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055

ESTATE OF DORIS A. PIPER, DEC'D

Late of the Borough of Littlestown, Littlestown, Adams County, Pennsylvania

Executor: James V. McLendon, 5138 Old Harrisburg Road, York Springs, PA 17372

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF NANCY M. SHANNON, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Personal Representative: Brian D. Shannon, c/o Jessica F. Greene, Esq., Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055

Attorney: Jessica F. Greene, Esq., Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055

THIRD PUBLICATION**ESTATE OF ROBERT L. GEIMAN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Dorian L. Geiman, c/o Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

ESTATE OF JOSEPH P. HAMILTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: ACNB Bank, Attn: Christine R. Settle, Trust Department, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION CONTINUED

ESTATE OF ETHEL MAE HIMMELREICH,
DEC'D

Late of Mt. Joy Township, Adams
County, Pennsylvania

Executor: Charles Himmelreich, 2987
Somerset Pike, Johnstown, PA
15905

ESTATE OF DOROTHY A. TONER,
DEC'D

Late of Menallen Township, Adams
County, Pennsylvania

Executrix: Judy A. Toner, 371 Torway
Rd., Gardners, PA 17324

Attorney: John C. Zepp, III, Esq., P.O.
Box 204, 8438 Carlisle Pike, York
Springs, PA 17372

ESTATE OF G. ROBERT WEILAND,
DEC'D

Late of Cumberland Township, Adams
County, Pennsylvania

Executor: Gary A. Weiland, 126
Heritage Drive, Gettysburg, PA
17325

Attorney: Puhl, Eastman & Thrasher,
220 Baltimore Street, Gettysburg, PA
17325

LEGAL NOTICE

Notice of the death of Wayne W. Brant,
late of New Oxford, Adams County,
Pennsylvania, Surviving Settlor of The
Wayne W. Brant and Leah E. Brant
Revocable Living Trust, dated
1/15/2002, is hereby given. All per-
sons indebted to said Trust are
requested to make prompt payment
and those having claims to present
the same, without delay to:

Trustees: Daniel L. Brant & Philip W.
Brant

Care of:

Attorney: David A. Peckman, Peckman
Chait LLP, 29 Mainland Road,
Harleysville, PA