



# Chester County Law Reporter

(USPS 102-900)

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## TABLE OF CONTENTS

### 68 CHESTER COUNTY REPORTS

#### Matlack vs. Volkswagen Group of America, et al.

*Preliminary objections – Lemon law – Magnuson-Moss Warranty Improvement Act – Informal dispute settlement procedure* . . . . . 499 (2020)

**Classified Ads. . . . . 7**  
Attorney To Take Over Practice - *Chester County*  
Meeting Space - *West Chester*

**Legal Notices**  
**See Table of Contents. . . . .1**

# Chester County Law Reporter

(USPS 102-900)

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**Matlack vs. Volkswagen Group of America, et al.**

Preliminary objections – Lemon law – Magnuson-Moss Warranty Improvement Act – Informal dispute settlement procedure

Plaintiff filed an action alleging the new Volkswagen she purchased had significant engine issues. Two of Plaintiff's counts asserted violations of (a) the Pennsylvania Automobile Lemon Law and (b) the federal Magnuson-Moss Warranty Improvement Act. Defendants assert that these counts must be dismissed since Plaintiff failed to comply with Volkswagen's informal dispute settlement procedure prior to filing the instant action. The referenced Law and Act each provide that if a warrantor has established an informal dispute settlement procedure, a consumer may not commence a civil action unless the consumer initially resorts to such procedure. Plaintiff argues that she was not required to first utilize Volkswagen's informal dispute settlement procedure because she was pursuing rights and remedies not available through those procedures. The Court disagreed, noting that the procedure must be utilized prior to suit being filed under the Law or Act in question. Accordingly, the Court *Held* the Defendants' Preliminary Objections were sustained and Counts I and II of the Complaint, alleging violation of the Pennsylvania Automobile Lemon Law and the federal Magnuson-Moss Warranty Improvement Act, respectively, were dismissed with prejudice.

R.E.M.

C.C.P. Chester County, Pennsylvania, Civil Action No. 2020-00603; Christina Marie Matlack vs. Volkswagen Group of America, Ins. And #1 Jeff D'Ambrosio Auto Group

Timothy John Abeel, Jr. for Plaintiff  
Steven Andreacchi for Defendants  
Binder, J., June 30, 2020:-

CHRISTINA MARIE MATLACK : IN THE COURT OF COMMON PLEAS

vs. : CHESTER COUNTY, PENNSYLVANIA

VOLKSWAGEN GROUP OF : CIVIL ACTION – LAW

AMERICA, INC. and #1 JEFF

D'AMBROSIO AUTO GROUP : NO. 2020-00603-CT

**ORDER and MEMORANDUM**

**AND NOW**, this 30th day of June, 2020, upon consideration of Defendant Volkswagen Group of America, Inc.'s Preliminary Objection to Plaintiff's Complaint, Plaintiff's response thereto, Volkswagen's sur-reply, Defendant #1 Jeff D'Ambrosio Auto Group's joinder in the Preliminary Objections and for the reasons set forth in the attached Memorandum, it is hereby **ORDERED** that the Objection is **SUSTAINED** and that Count I – Violation of the Pennsylvania Automobile Lemon Law and Count II – Violation of the federal Magnuson-Moss Warranty Improvement Act are **DISMISSED without prejudice**.

**BY THE COURT:**

/s/ **BRET M. BINDER, J.**

**MEMORANDUM**

Plaintiff filed this action alleging that the new 2015 Volkswagen Jetta she purchased “has had significant engine issues, including but not limited to engine noise, oil light issues, [and an] ECR light which has required multiple repairs and continues to exist to this day.” Complaint, filed 1/21/20, ¶ 10. Two of Plaintiff’s counts assert violations of (1) the Pennsylvania Automobile Lemon Law, 73 P.S. §§ 1951-63, and (2) the federal Magnuson-Moss Warranty Improvement Act, 15 U.S.C. §§ 2301-2312. Volkswagen asserts that these counts must be dismissed since Plaintiff failed to comply with Volkswagen’s informal dispute settlement procedure (IDSP) prior to filing the instant action.

The Pennsylvania Automobile Lemon Law (Lemon Law) states: “[i]f the manufacturer has established an informal dispute settlement procedure which complies with the provisions of 16 CFR Pt. 703, . . . , the provisions of section 8 [73 P.S. § 1958] shall not apply to any purchaser who has not first resorted to such procedure as it relates to a remedy for defects or conditions affecting the substantial use, value or safety of the vehicle.” 73 P.S. § 1959 (footnote deleted). Likewise, the federal Magnuson-Moss Warranty Improvement Act (MMWA) provides that if a warrantor has established an informal dispute settlement procedure, a consumer may not commence a civil action unless he initially resorts to such procedure. 15 U.S.C. § 2310. It is undisputed that Volkswagen has established an IDSP through the Better Business Bureau (BBB) and that Plaintiff failed to utilize that procedure prior to filing the instant action.

Plaintiff argues that she was not required to first utilize Volkswagen’s IDSP since she is pursuing rights and remedies not available in either the BBB or NDCS programs. In addition, she argues that this issue has been resolved by other courts and that Volkswagen was made aware of these Orders. We note that Plaintiff relies on non-precedential trial court opinions. The Eastern District of Pennsylvania has held persuasively that the buyer of a vehicle must first resort to the IDSP of the manufacturer, and pursue it in good faith, before filing a Pennsylvania Lemon Law claim. Wurtz v. American Honda Motor Co., Inc., 960 F.Supp. 68 (E.D.Pa. 1997). Further, the Pennsylvania Superior Court has at least implicitly addressed the argument. See Volkswagen Group of America, Inc., v. Kimmel & Silverman, 74 A.3d 1042 (Pa. Super 2013) (holding, inter alia, that a consumer settling a claim in IDSP barred further recovery for attorneys’ fees pursuant to the Lemon Law and that the consumer may have chosen to reject the settlement and then pursue claims pursuant to the Lemon Law). In addition, as noted by the trial court’s Pa.R.C.P. No. 1925 opinion in Volkswagen Group of America, Inc., v. Kimmel & Silverman, an October 25, 2005 Staff Advisory Opinion issued by the FTC belies Plaintiff’s arguments:

[T]he opinion of FTC staff is that Rule 703 does not require that all remedies a court might award a plaintiff who prevails in a warranty lawsuit must be within the power of

an IDSM decision maker. In particular, the fact that, pursuant to the Act, a court may award a successful plaintiff in a warranty action remedies not included in the warranty, such as those provided by state law, attorneys' fees, and costs, does not mean that, in order to comply with Rule 703, an IDSM must make these extra-warranty remedies available to consumers who submit their warranty disputes to the IDSM.

Volkswagen Group of Am., Inc., v. Kimmel & Silverman, 2012 Phila. Ct. Com. P. Lexis 358, \*1 (Pa. C.P. Nov. 2, 2012).

To the extent Plaintiff's citations to unpublished opinions suggest that an IDSP need not be pursued first when claims of fraud exist, see Ward v. Volkswagen Group of America, Inc., (C.C.P. Lebanon Cty. 2015), this Court agrees that claims such as the Uniform Trade Practices and Consumer Protection Law (UTPCPL) cannot be barred or delayed in filing by the IDSP requirement – rather, only the claims brought pursuant to the MMWA or Lemon Law, which expressly require using the IDSP process first. To that end, and Defendant recognizing that fact in its briefing to this Court and by choosing not to file preliminary objections to Counts III or IV of Plaintiff's complaint, those claims may continue to be pursued in this Court.<sup>1</sup>

Moreover, although an unpublished opinion, the rationale of the Eastern District of Pennsylvania in Smith v. Chrysler Motors Corp., 1990 WL 65700 (E.D.Pa. 1990) is persuasive that it is not the consumer who is entitled to make the determination whether a dispute settlement procedure complies with the requirements of the MMWA and Lemon Law, which is not binding in any event. For example, the Lemon Law states that “The informal dispute settlement procedure shall not be binding on the purchaser and, in lieu of such settlement, the purchaser may pursue a remedy under section [1958].” 73 P.S. § 1959.

Accordingly, as Plaintiff did not first pursue the IDSP of Volkswagen, the preliminary objections for claims pursuant to the Lemon Law and MMWA are sustained and the counts are dismissed without prejudice.

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<sup>1</sup> Whether the federal or Pennsylvania legislature considered the effects of forcing a bifurcation of claims between an IDSP and the courts when, as is often the case, a Lemon Law or MMWA claim is brought coupled with a consumer protection act claim is not for this Court to decide. However, procedurally it raises the question of whether UTPCPL claims or Uniform Commercial Code claims, such as here, should be held in abeyance until the conclusion of the IDSP process. Further, res judicata or collateral estoppel issues may be implicated by virtue of arbitration in an IDSP. See Taylor v. Extendicare Health Facilities, Inc., 147 A.3d 490, 511 (Pa. 2016) (holding that the Federal Arbitration Act requires bifurcation of wrongful death and survival claims where an arbitration agreement existed and that “the preclusive effects of arbitration in judicial proceedings is uncertain”).

**TABLE OF CONTENTS**  
**LEGAL NOTICES**

Change of Name Notice . . . . . 2  
Corporation Notice . . . . . 2  
Estate Notices **1st Publication** . . . . . 2  
Estate Notices **2nd Publication** . . . . . 4  
Estate Notices **3rd Publication** . . . . . 5  
Fictitious Name . . . . . 6

**NOTICES**

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**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA**

**CIVIL ACTION**

**LAW NO. 2020-09071**

NOTICE IS HEREBY GIVEN that the name change petition of Chloe Norian on behalf of minor child Tigran Joseph Bush, Jr. was filed in the above-named court and will be heard on Monday, January 11, 2021 at 9:00 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Thursday, December 10, 2020

Name to be changed from: Tigran Joseph Bush, Jr. to: Theodore James Norian

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

Lynn A. Snyder, Attorney for the Petitioner  
Snyder Family Law, P.C.  
159 W. Lancaster Avenue  
Paoli, PA 19301

**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA**

**CIVIL ACTION**

**LAW NO. 2020-07230-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Katherine Osborne-Johnson on behalf of minor child Dominic Richard Lawson was filed in the above-named court and will be heard on December, 28 at 9:30 AM, in Courtroom 12 at the Chester

County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: September 28, 2020

Name to be changed from: Dominic Richard Lawson to: Dominic Richard Osborne

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 that Articles of Incorporation were filed with the Department of State for JIMMY FIX-IT INC., a corporation organized under the Pennsylvania Business Corporation Law of 1988. SNYDER LAW GROUP, P.C., Solicitors  
121 Ivy Ln.  
King to Prussia, PA 19406

**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**

**AIGELTINGER**, Peter L., a/k/a Pete Aigeltinger, late of Downingtown Borough. Peter J. Aigeltinger, care of JAMES M. PIERCE, Esquire, 125 Strafford Ave., Ste. 110, P.O. Box 312, Wayne, PA 19087, Administrator C.T.A. JAMES M. PIERCE, Esquire, Pierce, Caniglia & Taylor, 125 Strafford Ave., Ste. 110, P.O. Box 312, Wayne, PA 19087, atty.

**BANKS**, Barbara S., late of Penn Township. David L. Banks, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. EDWARD M. FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

**BETTS, SR.**, Kenneth Norman, late of Pocopson Township. Laurie Ann Brown, care of KRISTEN R. MATTHEWS, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. KRISTEN R. MATTHEWS, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

**COOVER**, Mary Barbara, a/k/a Barbara Coover,



a/k/a M. Barbara Coover, late of Malvern. Donald S. Coover, care of G. ELIAS GANIM, Esquire, P.O. Box 494, Paoli, PA 19301-0494, Executor. G. ELIAS GANIM, Esquire, McLaughlin Ganim, Ltd., P.O. Box 494, Paoli, PA 19301-0494, atty.

**CROSSMAN, JR.**, William H., late of East Vincent Township. Floyd W. Crossman, 498 Auten Rd., Unit 2C, Hillsborough, NJ 08844, Executor. REBECCA A. HOBBS, Esquire, O'Donnell Weiss & Mattei, P.C., 41 E. High St., Pottstown, PA 19464, atty.

**DAMBRO, JR.**, Anthony B., late of Kennett Square. Valentina Parisi and Angelina Parisi, care of DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, Co-Executors. DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, atty.

**DiSTEFANO**, Dolores, late of West Chester Borough. Tina Burke, 50 E. Oleander Dr., Mt. Laurel, NJ 08054, Administratrix. JENNIFER FELD, Esquire, Colliton Elder Law Associates, PC, 790 E. Market St., Ste. 250, West Chester, PA 19382, atty.

**HARDY**, Stacy M., late of London Grove Township. Lola Burkenstock, 309 W Washington St, West Chester, PA 19380, Administratrix.

**HOLMES**, Betty J., late of Uwchlan Township. Timothy Holmes, care of ANDREW H. DOHAN, Esquire, 460 E. King Road, Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, LTD., 460 E. King Road, Malvern, PA 19355-3049, atty.

**IFFRIG**, George, a/k/a George A. Iffrig, Jr., late of West Caln Township. Dawn M. Marchini, 307 Jennifer Dr., Coatesville, PA 19320, Executrix. JAMES R. FREEMAN, Esquire, O'Donnell Weiss & Mattei, P.C., 41 E. High St., Pottstown, PA 19464, atty.

**JONES**, Sandra B., late of Easttown Township. Suzanne Stetson, care of ERICA A. RUSSO, Esquire, 100 Four Falls, Ste. 300, West Conshohocken, PA 19428-2950, Executrix. ERICA A. RUSSO, Esquire, Heckscher, Teillon, Terrill & Sager, P.C., 100 Four Falls, Ste. 300, West Conshohocken, PA 19428-2950, atty.

**JONES, SR.**, Jason R., late of Coatesville. Denise Jones, 1102 Wayne Ave., Coatesville, PA 19320, Administratrix. JOHN F. McKENNA, Esquire, MacElree Harvey, LTD., 17 W. Miner St., P.O. Box 660, West Chester, PA 19382-0660, atty.

**KELLER**, Margaret, late of East Pikeland Township. Kristin L. Keller, care of ELIZABETH R. HOWARD, Esquire, 301 Gay Street, P.O. Box 507, Phoenixville, PA 19460, Executor. ELIZABETH R.

HOWARD, Esquire, 301 Gay Street, P.O. Box 507, Phoenixville, PA 19460, atty.

**LILLMARS**, Gary B., late of Pottstown. Margaret Lillmars, 724 Ridge Rd., Pottstown, PA 19465, Administratrix. LAWRENCE M. FRANGIOSA, Esquire, 675 North Lewis Road, Limerick, PA 19468, atty.

**MIDDLETON**, Elizabeth Liddell Burt Harvey, late of Willistown Township. Samuel W. B. Millinghausen, III, 180 S. Main Street, Suite 204, Ambler, PA 19002, Executor. SAMUEL W. B. MILLINGHAUSEN, III, Esquire, Law Offices of Samuel W. B. Millinghausen, III, 180 S. Main Street, Suite 204, Ambler, PA 19002, atty.

**PARKER**, Ronald A., late of Caln Township. Kimberly Ann Starcheski, care of BARRY S. RABIN, Esquire, 797 E. Lancaster Avenue, Suite 13, Downingtown, PA 19335, Personal Representative. BARRY S. RABIN, Esquire, The Law Firm of Barry S. Rabin, 797 E. Lancaster Avenue, Suite 13, Downingtown, PA 19335, atty.

**POLLARD**, Richard J. Melissa Pollard, 7514 Tamarron Drive, Plainsboro, NJ 08536, Executor. CHARLES C. BRATTON, II, Esquire, Bratton Estate & Elder Care Attorneys, 18 Kings Highway West, Haddonfield, NJ 08033, atty.

**POWELL**, Jacqueline L., late of Newlin Township. Norman M. Powell, care of TRAVIS G. MAURER, Esquire, 1000 N. King St., Wilmington, DE 19801, Executor. TRAVIS G. MAURER, Esquire, Young Conaway Stargatt & Taylor, LLP, 1000 N. King St., Wilmington, DE 19801, atty.

**SCHOUTEN**, Henry, a/k/a Henry G. Schouten, a/k/a Henry Gerit Schouten, late of West Chester Borough. Jennie Shatynski, care of FOX ROTHSCHILD LLP, Stone Manor Corporate Center, 2700 Kelly Rd., Ste. 300, Warrington, PA 18976-3624, Executrix. FOX ROTHSCHILD LLP, Stone Manor Corporate Center, 2700 Kelly Rd., Ste. 300, Warrington, PA 18976-3624, atty.

**SEIBERT**, Richard Lee, a/k/a Rich Seibert, a/k/a Dick Seibert, late of Glenmoore. Jeffrey Seibert, 71 Bright Summer Way, Glenmoore, PA 19343, Administrator.

**TOWNSEND, JR.**, Thomas Hillis, a/k/a Thomas H. Townsend, late of East Marlborough Township. Dorothy J. Wavrek, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

**WALRAVEN**, Barbara J., late of West Chester Borough. Cheryl L. Riddle and Pamela J. Hoopes, care of DUKE SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrices. DUKE SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

**WINGER**, Patricia Ann, late of Phoenixville. Mark Ward, 38 Manavon St., Phoenixville, PA 19460, Administrator.

## 2nd Publication

**BELLEW**, Sean P., late of West Chester Borough. Martin J. Bellew, care of JOSEPH S. NESCIO, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executor. JOSEPH S. NESCIO, Esquire, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

**CASTRO**, Gloria E., late of West Whiteland Township. Arnelito E. Castro, care of JOSEPH S. NESCIO, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executor. JOSEPH S. NESCIO, Esquire, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

**CATTELL**, Donna R., a/k/a Donna Rae Cattell, late of West Caln Township. Amy Jo Magee, 110 N. Sandy Hill Rd., Coatesville, PA 19320, Executor. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

**DONECKER**, Robert Richard, late of Pennsbury Township. Kathryn M. McDevitt, 50 Barrington Lane, Chester Springs, PA 19425, Executrix.

**HARKINS**, Betty B., late of Kennett Square. Marlene A. Taylor, 2651 Bryson Road, Cochranville, PA 19330, Executrix.

**HARP**, Michael A., late of North Coventry Township. Christopher M. Harp, care of CAROLYN MARCHESANI, Esquire, PO Box 444, Pottstown, PA 19464, Executor. CAROLYN MARCHESANI, Esquire, Wolf, Baldwin & Associates, P.C., PO Box 444, Pottstown, PA 19464, atty.

**HARPEL**, Daisy Louise, late of Downingtown. Leroy Harpel, Jr., care of JOHN H. KIEFEL, Esquire, 721 East Lancaster Avenue, Downingtown, PA 19335, Executor. JOHN H. KIEFEL, Esquire, Law Office of John H. Kiefel, 721 East Lancaster Avenue, Downingtown, PA 19335, atty.

**HAYES**, Jeffrey D., a/k/a Jeffrey Dale Hayes, late of East Marlborough Township. Hunter H. Hayes &

Emmett W. Hayes, care of TIMOTHY TROTT, Esquire, 882 S. Matlack Street, Suite 101, West Chester, PA 19382, Executors. TIMOTHY TROTT, Esquire, Carosella & Associates, P.C., 882 S. Matlack Street, Suite 101, West Chester, PA 19382, atty.

**INFORTUNA**, Patricia A., late of Tredyffrin Township. Mary. A. Werner, care of NADINE DOOLITTLE, Esquire, 1600 Market St., Ste. 3600, Philadelphia, PA 19103, Executrix. NADINE DOOLITTLE, Esquire, Schnader Harrison Segal & Lewis LLP, 1600 Market St., Ste. 3600, Philadelphia, PA 19103, atty.

**KRESGE**, David Batten, late of Chadds Ford. Pamela K. Misciagna, 807 MacDuff Court, Parkesburg, PA 19365, Administratrix.

**McCAHON**, Joan M., late of Elverson. John T. McCahon, 402 Stuben Drive, Elverson, PA 19520, Executor.

**McCHESNEY**, Eleanor H., late of Londonderry Township. Arthur L. Sagnor, III, Esq., Lachall, Cohen & Sagnor, LLP, 144 West Market Street, West Chester, PA 19382, Executor. H. MICHAEL COHEN, Esquire, Lachall, Cohen & Sagnor, LLP, 144 West Market Street, West Chester, PA 19382, atty.

**MCLAUGHLIN**, James G., late of Westtown Township. Molly McCray, care of MICHAEL F.X. GILLIN, Esquire, 230 North Monroe Street, Media, PA 19063, Executrix. MICHAEL F.X. GILLIN, Esquire, Toscani & Gillin, P.C., 230 North Monroe Street, Media, PA 19063, atty.

**MORRISSEY**, Mary Ellen, late of Tredyffrin Township. Maryanne Morrissey, care of DAVID M. BROWN, Esquire, 1500 Market St., West 38th Fl., Philadelphia, PA 19102-2186, Executrix. DAVID M. BROWN, Esquire, Saul Ewing Arnstein & Lehr LLP, 1500 Market St., West 38th Fl., Philadelphia, PA 19102-2186, atty.

**MOTTA**, Catherine Della, late of West Chester Borough. Veronica Ann Schleiss, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

**PORCHIK**, Annamay T., a/k/a Annamay Teresa Porchik, late of East Vincent Township. Stephanie A. Soltys, 189 Wits End Lane, Milton, PA 17847, Executrix. ANTONIO D. MICHETTI, Esquire, Diehl, Dluge, Michetti & Michetti, 1070 Market Street, Sunbury, PA 17801, atty.

**REATH**, Karin, a/k/a Karin S. Reath, late of Malvern Township. Michael G. Reath, care of ROMAN

J. KOROPEY, Esquire, 237 S. Bryn Mawr Avenue, Suite 100, Bryn Mawr, PA 19010, Executor. ROMAN J. KOROPEY, Esquire, Main Line Law Associates, 237 S. Bryn Mawr Avenue, Suite 100, Bryn Mawr, PA 19010, atty.

**ROMANOW**, Roslyn H., late of Chadds Ford. Aimee Romanow Flubacher and H. Set Romanow, care of WILLIAM H. LUNGER, Esquire, 1020 N. Bancroft Parkway, Suite 100, Wilmington, DE 19805, Executors. WILLIAM H. LUNGER, Esquire, Martin & Lunger, P.A., 1020 N. Bancroft Parkway, Suite 100, Wilmington, DE 19805, atty.

**SHEETZ**, Lois M., late of Malvern Borough. Bonnie L. Vaughn, care of JOSEPH S. NESCIIO, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executrix. JOSEPH S. NESCIIO, Esquire, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

**SPRIGGS**, Samuel Charles, late of London Britain Township. Stephanie C. Mitman, care of WILLIAM H. MITMAN, JR., Esquire, 111 South Church Street, West Chester, PA 19382, Administrator. WILLIAM H. MITMAN, JR., Esquire, 111 South Church Street, West Chester, PA 19382, atty.

**THIR**, John D., late of Wallace Township. Maureen Thir, care of KAREN M. STOCKMAL, Esquire, 1235 Westlakes Dr., Suite 320, Berwyn, PA 19312, Executrix. KAREN M. STOCKMAL, Esquire, KMS Law Offices, LLC, 1235 Westlakes Dr., Suite 320, Berwyn, PA 19312, atty. All persons having claims or demands against the business of the decedent, JDT Construction, LLC, to make known the same and all persons indebted to the decedent's business, JDT Construction, LLC, to make payment without delay to MAUREEN THIR, EXECUTRIX, c/o David Smith, Esq., Smith, Kane and Holman, LLC, 112 Mores Rd., Malvern, PA 19355.

**WELSH**, Eleanor, late of Coatesville. Don R. Welsh, care of JAYNE A. GARVER, Esquire, 6723 Allentown Blvd., Harrisburg, PA 17112, Executor. JAYNE A. GARVER, Esquire, J. Garver Law PLLC, 6723 Allentown Blvd., Harrisburg, PA 17112, atty.

### 3rd Publication

**BIZAR**, Irving, late of Tredyffrin Township. Steven Bizar, care of AMY NEIFELD SHKEDY, Esquire, One Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, Executor. AMY NEIFELD SHKEDY, Esquire, Bala Law Group, LLC, One Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, atty.

**FANOK**, Anne B., late of Easttown Township.

Kim Bennett, 116 Signal Hill Lane, Berwyn, PA 19312, Executor. JOSEPH P. DiGIORGIO, Esquire, 1800 E. Lancaster Avenue, Paoli, PA 19301, atty.

**LEVIN**, Martin, late of East Pikeland Township. Joann Wieland, 379 2nd Ave., Phoenixville, PA 19460, Executrix. NICHOLAS R. MONTALTO, Esquire, McBrien & Montalto, P.C., 325 Swede St., Norristown, PA 19401, atty.

**MATSON**, Claude A., late of West Caln Township. Colleen J. Hutton, care of WILLIAM P. CULP, JR., Esquire, 614 Darby Rd., Havertown, PA 19083, Executrix. WILLIAM P. CULP, JR., Esquire, 614 Darby Rd., Havertown, PA 19083, atty.

**McELVENNY**, Bernard J., late of West Whiteland Township. Ronald J. Owen, care of RAYMOND L. DAVIS, IV, Esquire, P.O. Box 1306, Doylestown, PA 18901, Administrator. RAYMOND L. DAVIS, IV, Esquire, Drake, Hileman & Davis, P.O. Box 1306, Doylestown, PA 18901, atty.

**MINKA**, Cindy N., late of Caln Township. Edward T. Minka and Diane B. Minka, care of DUKE SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 191382, Administrators. DUKE SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 191382, atty.

**MYERS**, Katharine Downing, a/k/a Katharine D. Myers, late of Kennett Township. Hugh D. Heisler, 24 East St., Northampton, MA 01060, Executor. DAVID M. BROWN, Esquire, Saul Ewing Arnstein & Lehr LLP, 1500 Market St. West, 38th Fl., Philadelphia, PA 19102-2186, atty.

**SILBERBERG**, Annice Ruth, a/k/a Annice Silberberg, a/k/a Annice R. Silberberg, late of New Garden Township. Jane Youderian, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**SMITH**, Norman K., late of West Whiteland Township. Craig S. Springer, 600 Willowbrook Ln., Ste. 624, West Chester, PA 19382, Executor.

**SPRIGGS**, Samuel Charles, late of London Britain Township. Stephanie C. Mitman, care of WILLIAM H. MITMAN, JR., Esquire, 111 South Church Street, West Chester, PA 19382, Administratrix. WILLIAM H. MITMAN, JR., Esquire, 111 South Church Street, West Chester, PA 19382, atty.

**TRAVERS**, Marie E., late of East Vincent Township. Catherine Dustman, 1267 W. Bridge St., Spring City, PA 19475, Executrix. ROBERT P. SNYDER,

Esquire, Snyder Law Group, P.C., 121 Ivy Lane, King of Prussia, PA 19406, atty.

**VOEHRINGER**, Albert E., a/k/a Albert Eugen Voehringer, late of East Goshen Township. Georgette Voehringer, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301-1775, Executrix. CARRIE A. S. KENNEDY, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301-1775, atty.

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### **FICTITIOUS NAME**

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

**Pottstown Dance Theatre**, with its principal place of business at 72 West Main St., Pottstown, PA 19465. The application has been (or will be) filed on: Thursday, June 18, 2020. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Michelle Wurtz, 901 Old Lancaster Rd., Bryn Mawr, PA 19010.

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