

Adams County Legal Journal


Vol. 57

September 11, 2015

No. 18, pp. 50-57

IN THIS ISSUE

PETITION OF CHANGE OF NAME OF BELLA MADELINE FREY, A MINOR



Christy Settle
Trust Officer

Karen Arthur
Senior Trust Officer

Mark Bernier, CFA
Investment Officer

Debra Little, ChFC®
Trust Officer

**Benefit
from local,
experienced
advisors with
only your
goals in mind.**

**Contact a local Trust Officer today and
start building a solid future.**

Karen Arthur
Senior Trust Officer
717.339.5062
karthur@acnb.com

Christy Settle
Trust Officer
717.339.5058
csettle@acnb.com

Debra Little, ChFC®
Trust Officer
717.339.5218
dlittle@acnb.com

Not FDIC-Insured • May Lose Value • Not Bank Guaranteed • Not a Deposit • Not insured by any federal government entity



ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.

All rights reserved.

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO: 2015-648

NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

CITIMORTGAGE, INC., Plaintiff
vs.

BETTY G. MANNO

LORA A. WRIGHT, in her capacity as
Administratrix of the Estate of TIMOTHY
R. MARTIN, SR

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
TIMOTHY R. MARTIN, SR, DECEASED,
Defendants

NOTICE

TO: UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
TIMOTHY R. MARTIN, SR, DECEASED

You are hereby notified that on May 28, 2015, Plaintiff, CITIMORTGAGE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County Pennsylvania, docketed to No. 2015-648. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 305 MUD COLLEGE ROAD, LITTLESTOWN, PA 17340-9218 whereupon your property would be sold by the Sheriff of ADAMS County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU

DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

NOTICE TO DEFEND

Office of the Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Telephone (717) 337-9846

MidPenn Legal Services, Inc.
128 Breckenridge Street
Gettysburg, PA 17325
Telephone (800) 326-9177

9/11

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO: 15-SU-868

NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, Plaintiff

vs.

MICHELLE WILSON a/k/a MICHELLE L.
JOHNSON, in her capacity as
Administratrix and Heir of the Estate of
MICHAEL K. MARKLINE, SR

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
MICHAEL K. MARKLINE, SR,
DECEASED, Defendants

NOTICE

TO: UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
MICHAEL K. MARKLINE, SR,
DECEASED

You are hereby notified that on July 21, 2015, Plaintiff, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, filed a Mortgage Foreclosure Complaint

endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County Pennsylvania, docketed to No. 15-SU-868. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 3798 BALTIMORE PIKE, LITTLESTOWN, PA 17340-9596 whereupon your property would be sold by the Sheriff of ADAMS County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

NOTICE TO DEFEND

Office of the Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Telephone (717) 337-9846

MidPenn Legal Services, Inc.
128 Breckenridge Street
Gettysburg, PA 17325
Telephone (800) 326-9177

9/11

PETITION OF CHANGE OF NAME OF
BELLA MADELINE FREY, A MINOR

1. Supreme Court declared that the best interest of the child is to be the appropriate focus in these types of cases. The Court noted that specific guidelines are difficult to establish, for the circumstances in each case will be unique, as each child has individual physical, intellectual, moral, social and spiritual needs. However, general considerations should include the natural bonds between parent and child, the social stigma or respect afforded a particular name within the community and, where the child is of sufficient age, whether the child intellectually and rationally understands the significance of changing his or her name.

2. The burden of producing evidence that the name change would be in the child's best interest lies with the petitioner. In that regard, neither parent is to be accorded a presumption. Where, as here, a petition to change a child's name is contested, the court must carefully evaluate all of the relevant factual circumstances to determine if the petitioning parent has established that the change is in the child's best interest.

3. The question is not whether the change being sought will negatively impact the father-child relationship but rather whether the change will promote the child's best interest.

4. The Court believes that the child's current age raises serious question whether she truly understands the significance of changing her name.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL 2014-S-820, PETITION FOR
CHANGE OF NAME OF BELLA MADELINE FREY, A MINOR

Candace Marie Balzanna, Petitioner

Adam Zei, Esquire, Attorney for Respondent

Kuhn, J., July 20, 2015

OPINION

Before the Court for disposition is the Petition For Change Of Name Of A Minor filed by the subject child's mother. For reasons set forth herein, said Petition is denied.

BACKGROUND

Petitioner, Candace Marie Balzanna (hereinafter "Mother") and Respondent, Robert Frey (hereinafter "Father") were married and residing together when their daughter, Bella Madeline Frey, was born on November 9, 2008. At the time, Father was in the Army National Guard and stationed in Alabama for officer candidate school. When Father completed his schooling in March 2010, the family moved to Oklahoma where members of Mother's family reside.

In October 2010, the parents separated and the child remained with Mother. Father admitted that from January 2011 to August 2012, he did not see the child very often even though he was not deployed as part of his military obligation. In April 2012, the parties' divorce was finalized whereupon Mother resumed her maiden name of Balzanna. The Oklahoma court granted the parties shared legal custody of the child, granted Mother primary physical custody, and provided Father with partial custody on alternating weekends.

In August 2012, Mother advised Father that she was moving to Pennsylvania in September. At that time, Father was in pre-deployment training for approximately three months and was then deployed to Afghanistan for nine months. Upon returning to the United States, Father moved to Pennsylvania for the reported purpose of maintaining a relationship with the child. Father visited with the child from August 24-5, 2013 for the first time since June 2012. He again visited one weekend each in October, November,

December, and January. Father has not seen the child since the January 2014 visit. In February 2014, Father returned to Oklahoma in order to complete additional flight training and because he was unable to find employment in Pennsylvania.

On July 2, 2014, Mother filed the instant pro-se petition for change of the child's name. At the hearing on July 8, 2015¹ when asked why she filed for the child's name to be changed, Mother testified the child is very intelligent for her age and that the reason she filed the petition is because the child asked her why her last name needed to be "Frey" and stated that she wanted her last name to be the same as Mother's.²

In July 2014, Father came to Pennsylvania for two days to deliver items to his parents but had no contact with the child. Father's divorced parents, along with a brother and sister, live in Pennsylvania. The child's paternal grandfather has regular and positive contact with the child. In August 2014, Father was deployed to Kosovo for nine months. Father had telephone contact with the child on December 26, 2014 and May 15, 2015. Father tried to explain his lack of telephone contact with the child based

¹ The hearing was originally scheduled for September 19, 2014; however, at that time it was continued to March 6, 2015, because Father was stationed in Fort Hood, Texas and was scheduled to deploy overseas the following day. By Order dated March 6, 2015, the hearing was re-scheduled to July 9, 2015, because Father was not scheduled to return from his deployment until June 20, 2015. On March 30, 2015, at Father's request, the hearing was again re-scheduled to July 8, 2015.

² Mother averred in the Petition as follows: "My daughter has requested this name change. Bella would like her name to the same as her moms [sic], as she has virtually no contact with her biological father. Bella is old enough to know the difference and is very aware of her father's name and her mother's name; she knows that she was given her father's name when she was born. However, my daughter has requested to have the same name as her mother. Bella has told me she would like to put the last name 'Balzanna' on her school folders and papers and have it be the same as my name so her friends don't make fun of her. I am simply requesting the name change on behalf of my daughter so she can go through her life and her schooling with the same name as her mother and to keep the confusion and/or embarrassment of having a different name limited."

on his deployment and the fact that he was instructed to try to reach the child only through Mother's boyfriend's cell phone. Father testified that he maintained contact with the child "to the best of my ability." However, Father did not attempt to communicate with the child by way of written correspondence.

Father currently resides in Oklahoma City and is on leave from the National Guard. He wants to serve in the military for 20 years (until 2022) in order to obtain benefits. Father is working part-time at Norman Air Force Base but testified that he is seeking employment in Pennsylvania in order to maintain a relationship with his daughter. When asked to explain why he was opposed to the petition, he somewhat vaguely mentioned that keeping the Frey name would help in promoting a relationship with the child. At the same time, he acknowledged that whatever the child's last name it would not affect his relationship with her.

DISCUSSION

In this matter, Mother seeks to change the surname of the child from Frey to Balzanna. She argues that it would be in the best interest of the child to grant the change at this time because 1) the child has requested the change so that her name is the same as her mother's, 2) Father's contact with the child has been minimal for nearly three years, 3) the child resides with Mother who is her primary caretaker, 4) despite her good relationship with her paternal grandfather who has the last name of Frey, the child nevertheless requested the change, and 5) a name change will not affect Father's ability to contact the child. Father is opposed to Mother's request.

Statutory authority for changing the name of a minor is found at 54 Pa. C.S.A. § 701, et seq. The statute gives procedural guidance to the courts but otherwise offers no

direction for determining whether to grant a petition for a minor's name change filed by a parent. Instead, our Supreme Court in *In Re Grimes*, 609 A.2d 158 (Pa. 1992) has defined the standard by which a trial court should consider a petition to change the name of a minor. There, the mother (J.P.) and the father (D.G.) separated prior to the birth of their son (Z.G.) and divorced nearly three years after his birth. Shortly thereafter, the mother married her current husband (G.P.). Mother had primary custody of the child but the father had regular visitation, paid child support, and was consistently involved in the child's life. The mother petitioned the trial court to change the child's surname from "G" to "G-P". At hearing the mother testified that the child expressed a desire to have the same last name as her and to feel more a part of the mother's new family. The father testified that the child had close bonds with paternal cousins.

Supreme Court declared that the best interest of the child is to be the appropriate focus in these types of cases. The Court noted that,

Specific guidelines are difficult to establish, for the circumstances in each case will be unique, as each child has individual physical, intellectual, moral, social and spiritual needs. However, general considerations should include the natural bonds between parent and child, the social stigma or respect afforded a particular name within the community and, where the child is of sufficient age, whether the child intellectually and rationally understands the significance of changing his or her name.

609 A.2d at 161.

Supreme Court reversed the decision of the trial court which had granted the mother's petition.

The burden of producing evidence that the name change would be in the child's best interest lies with the petitioner. In that regard, neither parent is to be accorded a presumption. Where, as here, a petition to change a child's name is

contested, the court must carefully evaluate all of the relevant factual circumstances to determine if the petitioning parent has established that the change is in the child's best interest. In *Re Name Change of C.R.C., A Minor*, 819 A.2d 558, 560 (Pa. Super. 2003).

In this case, Mother has failed to meet her burden of establishing that a change of name will serve the child's best interest. The facts in the instant case involve different dynamics than in the *Grimes* case. Here, the parents were married at the child's birth and decided to give her the last name shared by both. The child was nearly two years old before the parents separated. Although Father was granted custody of the child on alternating weekends by the Oklahoma court, he has only minimally exercised those rights even when not in training or deployed overseas. Father's suggestion that he did the best he could to maintain a relationship with the child is given little credibility. However, the issue before the Court is not one of custody but the significance of a name and the best interest of a child. Father has been enlisted in the Army National Guard since 2002, and his physical proximity to the child has been significantly impacted by that commitment. Nevertheless, there has been some physical and verbal contact between Father and the child over the last several years. There has been no suggestion that the child does not want contact with Father or that their relationship is strained. Furthermore, Mother cannot meet her burden by arguing that the child resides primarily in her household. That situation existed in the *Grimes* case and did not justify a name change.

Mother argues that the proposed name change will not impede Father's relationship with the child, while he suggests that it would have a detrimental impact on the relationship. If Father truly wants to forge a strong relationship with his daughter, it should not be impeded by the child

having a different last name. However, the Court views this factor as neither supporting nor overriding the Mother's request. It is Mother, not Father, who is seeking the name change and who bears the burden of proving the change will promote the child's best interest. Thus, the question is not whether the change being sought will negatively impact the father-child relationship but rather whether the change will promote the child's best interest. When considering all the other factors presented, the Court does not find that Mother has sustained that burden.

There is no indication that Father has any criminal or other notorious history or that there is any social stigma associated with the Frey name. Similarly, there is no suggestion that the Balzanna name would create any advantages for the child.

The Court was not introduced to the child; however, there is no reason to doubt that she is a bright child or that she made the request of Mother. Nevertheless, the Court believes that the child's current age raises serious question whether she truly understands the significance of changing her name.

Mother offered no testimony that the child has experienced any emotional trauma in school, or otherwise, because her surname differs from Mother's. We live in a society where many parents live separate and apart from the primary custodial parent but that does not mean the name the child shares with the non-custodial parent causes ridicule or embarrassment. Furthermore, Mother cannot meet her burden by arguing that the child might, at some unknown time in the future, be made to feel uncomfortable because of different household surnames.

Mother did try to suggest that Father's child support obligation is in significant arrearage. Unfortunately, while proceeding pro se, she did not properly introduce a record

of the arrearage nor was she able to skillfully have Father admit the existence of an arrearage.

Accordingly, the attached Order is entered.³

BY THE COURT:

JOHN D. KUHN

Judge

³ Although the Court has no doubt that Mother wants what is best for her daughter and may be frustrated by Father's current opposition, one must question the filing of a name change petition at the request of a six-year-old where there is no evidence of discord between Father and the child nor psychological trauma arising from having a different surname than her mother. On the other hand, Father needs to better appreciate that being a parent involves more than biological contribution or acting as a parent when it is convenient. A commitment to maintaining contact with the child commensurate with his career commitment would do wonders. Bella should be proud of her father not only for his service to his country but for his devotion to her as well. Perhaps both parents can take a deep breath and make a renewed effort toward making that become a reality. Otherwise, Bella may reach an age or have experiences which would support a request similar to the one currently before the Court.

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 WILBUR L. KEENER, SR., DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administratrix: Carolyn L. Zeigler, 1065 Canal Road Ext., Manchester, PA 17345

Attorney: Alex E. Snyder, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

ESTATE OF NORA FRANCES SAUM, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Donald Avery Saum, 2387 Idaville-York Springs Road, York Springs, PA 17372; Joseph Harold Saum, 138 Liberty Lane, Aspers, PA 17304

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF JANET S. WICKERHAM, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: ACNB Bank, P.O. Box 4566, Gettysburg, PA 17325

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

SECOND PUBLICATION**ESTATE OF FREDERICK L. ANDREW, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Clarence L. Andrew, 199 Blacksmith Shop Road, Gettysburg, PA 17325; Joel B. Redding, 347 Bull Valley Road, Aspers, PA 17304

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

ESTATE OF MARY GENEVIEVE BELINSKI A/K/A GENEVIEVE MARY BELINSKI A/K/A MARY G. BELINSKI, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Cheryl Ann Richmond 348 Orchard Road Wyckoff, NJ 07481

ESTATE OF RUSH T. BENSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Marjorie V. Benson, 1075 Harrisburg Road, Unit 121, Gettysburg, PA 17325

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

ESTATE OF EILEEN F. COOPER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representatives: Carolyn Bigelow Harman, 167 Northview Dr., Hanover, PA 17331; Kenneth Cooper, 271 Thornhill Dr., Hanover, PA 17331

Attorney: G. Steven McKonly, 119 Baltimore Street, Hanover, PA 17331

ESTATE OF HOWARD E. HUGHES, II, DEC'D

Late of New Oxford, Adams County, Pennsylvania

Personal Representative: Howard E. Hughes, 17 East Locust Lane, New Oxford, PA 17350

Attorney: Edward E. Knauss, IV, P.O. Box 69200, Harrisburg, PA 17106

ESTATE OF FRED S. RICHSTIEN, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Fred S. Richstien II, 4213 York Rd., New Oxford, PA 17350

Attorney: Keith R. Nonemaker, Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331, (717) 632-5315

ESTATE OF RONALD J. SHRADER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Linda K. Martin, 3025 Buchanan Valley Road, Orttanna, PA 17353

Attorney: David K. James, III, 234 Baltimore St., Gettysburg, PA 17325

THIRD PUBLICATION**ESTATE OF THOMAS L. BUCHER, A/K/A THOMAS LESTER BUCHER, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executor: Leonard T. Bucher, 8 Wheaton Drive, Littlestown, PA 17340

ESTATE OF MARGARET G. WOOD-HAYS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Mary L. Wood-Shedel

Attorney: Samuel A. Gates, Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF MARY V. ZIRK, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Personal Representative: Edith M. Valentin, 2065 Box Ox Road, New Oxford, PA 17350

Attorney: Robert L. McQuaide, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately September 1, 2015, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of ASSOCIATION OF GETTYSBURG LICENSED TOWN HISTORIANS, LLC, with its principal place of business at 75 Tiffany Lane, Gettysburg, PA. The character or nature of the business is walking tours and lectures on history of town of Gettysburg.

9/11

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 7/16/2015 under the Domestic Business Corporation Law, for ARROWWOOD CONSULTING, INC., and the address of the registered office is 536 Bushey School Road, York Springs, PA 17372.

9/11
