
 IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY

Criminal

Commonwealth v. Megan Lynn Haupt

Motion to Suppress — Municipal Police Jurisdiction Act — 42 Pa. C.S.A. § 8951 et seq. — Controlled Purchase of Narcotics — Extraterritorial Police Investigation Violates MPJA — Facts Do Not Satisfy MPJA §8953(a)(2) Exception — Suppression Required

Opinion. Commonwealth of Pennsylvania v. Megan Lynn Haupt. No. 3444-2020.

Deborah L. Greathouse, Esquire for Commonwealth

Patricia K. Spotts, Esquire for Defendant

OPINION BY: ASHWORTH, P.J., APRIL 6, 2022. Before the Court is Defendant Megan Lynn Haupt’s Omnibus Pretrial Motion to Suppress Evidence.¹ Haupt is charged, along with co-defendant Duamel Molina,² with one count of possession with intent to deliver fentanyl/heroin and one count of criminal conspiracy to deliver fentanyl and heroin,³ stemming from an arranged “buy/walk” incident that occurred on December 11, 2019, at 1637 Lincoln Highway, East Lampeter Township. Having considered Haupt’s Motion to Suppress, the testimony and argument presented at the joint suppression hearing, and the subsequently filed briefs of all parties, the Court will grant the Motion to Suppress for the reasons set forth below.

I. FACTS

For purposes of this motion to suppress, the facts are largely uncontested⁴ and were presented through the testimony of Officer Brian Sinnott, a member of the Lancaster Bureau of Police assigned to the Selective Enforcement Unit (SEU) and Detective Richard Gauck, a member of the East Hempfield Township Police Department in Lancaster County, assigned to the Lancaster County Drug Task Force (Drug Task Force) as a full-time detective. Notes of Testimony (N.T.), Suppression Hearing, at 7, 41-42.

The general purpose of SEU is to “solve quality-of-life issues for the residents of Lancaster” primarily through narcotics investigations. N.T., Suppression, at 7-8. The SEU’s jurisdiction is limited to the geographical boundaries of Lancaster City and does not extend to the broader geographic area of Lancaster County as a whole. *Id.* at 8. On December 11, 2019, SEU utilized a confidential informant (CI) to conduct what is known as a “buy/walk” operation. In a typical “buy/walk” situation, police officers will direct a confidential informant to arrange a controlled purchase of narcotics with a suspected drug dealer. Officers then covertly observe the planned transaction between the confidential

¹ This matter has been consolidated for trial with co-defendant, Duamel Molina, Jr. (Docket No. 3445-2020), who filed a separate pretrial motion to suppress on identical grounds. Although the Court held a joint Suppression Hearing on November 17, 2021, a separate opinion is being filed for each defendant.

² Docket No. 3445-2020

³ In violation of 35 Pa. C.S.A. § 780-113(a)(30) and 18 Pa. C.S.A. § 903, respectively.

⁴ Neither Defendant Haupt nor Defendant Molina admits guilt in this matter, however, for purposes of this motion to suppress, neither seriously questions the facts relating to the course of action taken by law enforcement officers on December 11, 2019, or the location of the drug delivery in question.

informant and suspect but do not initiate a contemporaneous arrest. Instead, in buy/walk operations, police officers opt to arrest suspects at a later date, largely to protect the identity of the confidential informant. *Id.* at 8-10.

In this case, the CI reported to SEU on December 11, 2019, that they⁵ could arrange to purchase heroin and/or fentanyl from Duamel Molina (Molina). N.T., Suppression at 7. Officer Sinnott was operating as the undercover officer on that date, and the remaining SEU officers were prepared to serve as surveillance teams. *Id.* at 12. At Sinnott's direction, the CI contacted the individual alleged to be Molina about arranging a drug purchase. *Id.* at 23. The CI and Molina exchanged text messages via Facebook Messenger⁶ and also phone calls to arrange a meeting later that day for the sale of \$60 worth of heroin and/or fentanyl. *Id.* at 12. The CI "was told to travel to a laundromat in the Bridgeport area on Lincoln Highway, which would be just east of Lancaster City." *Id.* at 12-14.⁷ It is typical for drug dealers and not buyers to determine when and where a transaction will occur. *Id.* at 14. Although SEU knew that the specified laundromat was outside the City of Lancaster and therefore outside of its authorized jurisdiction, SEU officers made a group decision to proceed with the buy/walk operation at that location nonetheless. *Id.* at 14, 33. Officer Sinnott explained the decision to proceed was made, in part, out of concern that the CI's identity and safety would be compromised if they attempted to change the meeting location to a place within SEU's jurisdiction. N.T., Suppression at 14, 20. Officer Sinnott and the CI arrived at the laundromat, and other SEU officers set up various surveillance locations outside in the surrounding area. Subsequently, the individual identified as Molina contacted the CI and changed the meeting place from the laundromat to a Sunoco gas station. The Sunoco was just across the street and still outside the City of Lancaster/SEU jurisdiction. *Id.* at 15. The time elapsed between the CI's initial contact with Molina and the time of the location change was approximately 19 minutes. *Id.* at 30. During that time period, Officer Sinnott did not contact the Drug Task Force for assistance outside SEU's jurisdiction⁸ and could not recall whether any other law enforcement agencies had been contacted. *Id.* at 31-32.

At the Sunoco, the drugs in question were delivered to the CI who then delivered the same to Officer Sinnott. The entire drug sale/delivery was captured on surveillance footage at the Sunoco. N.T., Suppression at 16-17. At the scene, SEU officers remained concealed, never identified themselves to the defendants, and in keeping with customary buy/walk protocols, SEU officers allowed Molina and Haupt to leave the scene without arrest.⁹ *Id.* at 36. Officer Sinnott waited approximately six

⁵ The Court will refer to the CI using non-gendered pronouns as the gender of the CI was not disclosed at the Suppression Hearing.

⁶ The individual texting with the CI used a Facebook profile in the name of Duamel Molina. N.T., Suppression at 12.

⁷ The Commonwealth stipulated that the actual felony drug *delivery* occurred outside the City of Lancaster but maintained at the hearing and on brief that the setup for the delivery, which the Commonwealth argues is part of the crime, occurred in Lancaster City. N.T., Suppression at 20. After discussion, the Court noted for the record that it was satisfied the Sunoco in question was outside the City of Lancaster. *Id.* at 20-21.

⁸ The Drug Task Force's territorial jurisdiction includes all of Lancaster County. N.T., Suppression at 18, 41-42.

⁹ There was no testimony as to how or why Haupt came to be with Molina at the Sunoco during the drug delivery; fortunately, answers to such lingering questions are irrelevant to the Court's legal analysis of the

months before contacting Detective Gauk of the Drug Task Force on or about June 25, 2020, to request assistance with charging Haupt and Molina in connection with the buy/walk sale from December 11, 2019. *Id.* at 17-18. Unlike SEU, the Drug Task Force’s territorial jurisdiction covers all of Lancaster County, including the Sunoco gas station where the drug sale/delivery in question was conducted. *Id.* at 18, 41-42. Officer Gauk served as the affiant for the warrants obtained to arrest and charge Haupt and Molina even though he had no prior, individual knowledge of the buy/walk drug sale/delivery conducted by SEU on December 11, 2019. *Id.* at 42-43.

II. DISCUSSION

The two issues before the Court are: 1) whether SEU officers were legally authorized to conduct the buy/walk operation outside the territorial limits of SEU’s primary jurisdiction; and 2) if SEU officers did *not* have such legal authority, whether suppression of the evidence is required. When a motion to suppress has been filed, the burden is on the Commonwealth to establish by a preponderance of the evidence that the challenged evidence was not obtained in violation of a defendant’s rights. Pa. R.Crim.P. 581(H); *Commonwealth v. Wallace*, 42 A.3d 1040, 1047-48 (Pa. Super. 2012)(*en banc*).

A. Municipal Police Jurisdiction Act

In order to promote “public safety while maintaining jurisdictional police lines,” the Pennsylvania General Assembly enacted the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. 8951 *et seq.* (MPJA), which “provides that a municipal police officer may perform the functions of his or her office anywhere within his or her primary jurisdiction.” *Commonwealth v. Hlubin*, 208 A.3d 1032, 1040 (Pa. 2019). Originally, the only exception to this statutory limitation existed to accommodate officers in “hot pursuit” of a fleeing suspect who had committed a crime within the municipal police officer’s primary jurisdiction and who was fleeing into another jurisdiction. *Id.* at 1041-1042. Recognizing that “constructing impenetrable jurisdictional walls benefited only the criminals hidden in their shadows,” the legislature revised the MPJA in 1982 to allow the exercise of extra-jurisdictional police authority in six specific and limited circumstances. *Id.* The exceptions now enumerated at MPJA §8953(a) are as follows:

- (1) Where the officer is acting pursuant to an order issued by a court of record or an order issued by a district magistrate whose magisterial district is located within the judicial district wherein the officer’s primary jurisdiction is situated, or where the officer is otherwise acting pursuant to the requirements of the Pennsylvania Rules of Criminal Procedure, except that the service of an arrest or search warrant shall require the consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which regularly provides primary

police services in the municipality wherein the warrant is to be served.

(2) Where the officer is in hot pursuit of any person for any offense which was committed, or which has probable cause to believe was committed, within his primary jurisdiction and for which offense the officer continues in fresh pursuit of the person after the commission of the offense.

(3) Where the officer:

i) has been requested to assist a Federal, State, or local law enforcement officer, or park police officer;

(ii) has probable cause to believe that a Federal, State, or local law enforcement officer, or park police officer is in need of aid or assistance; or

(iii) has been requested to participate in a Federal, State, or local task force and participation has been approved by the police department of the municipality which employs the officer.

(4) Where the officer has obtained the prior consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which provides primary police services to a political subdivision which is beyond that officer's primary jurisdiction to enter the other jurisdiction for the purpose of conducting official duties which arise from official matters within his primary jurisdiction.

(5) Where the officer is on official business and views an offense, or has probable cause to believe that an offense has been committed, and makes a reasonable effort to identify himself as a police officer and which offense is a felony, misdemeanor, breach of the peace or other act which presents an immediate clear and present danger to persons or property.

(6) Where the officer views an offense which is a felony, or has probable cause to believe that an offense which is a felony has been committed, and makes a reasonable effort to identify himself as a police officer.

42 Pa. C.S.A. §8953(a).

It is undisputed in this matter that the actual drug delivery occurred outside the defined territorial jurisdiction of the SEU, which narrows the first issue to whether the Commonwealth has proved by a preponderance of the evidence that the SEU officers' actions, though taken outside SEU's authorized jurisdiction, were nonetheless legal under one of the MPJA's six exceptions. The Court agrees with defendants Haupt and Molina that the Commonwealth has failed "to establish any exception that would permit the members of the Lancaster City S.E.U. to conduct a drug operation outside of the geographical territorial jurisdiction of

Lancaster County.” Haupt Br. in Supp. at 4 (unpaginated). The facts of record simply cannot be molded to fit any of the MPJA’s six carefully tailored exceptions to allow SEU officers to engage in the type of extra-territorial police operations they did in this case.

Our Superior Court has opined, in a strikingly similar factual situation, that the MPJA’s territorial limitations on police conduct *include* limitations on extra-territorial police *investigations*, even when the charges stemming from those investigations are later brought by other law enforcement officers with proper authority in the relevant jurisdiction. See *Commonwealth v. Saul*, 499 A.2d 358 (Pa. Super. 1985).¹⁰ In *Saul*, a Harrisburg police officer working with a confidential informant set up and participated in an extra-territorial controlled purchase of narcotics. The officer “knowingly went beyond the geographical bounds of the City of Harrisburg for the express purpose of conducting an investigation of drug activity involving a residence in Susquehanna Township. There is no evidence in the record that [the officer] had been requested to participate in such activity by the Susquehanna Township police nor is there evidence of any agreement of cooperation between the officials of Harrisburg and Susquehanna Township.” *Id.* at 359. Interpreting the language of the revised MPJA §8953(a), the Superior Court found “no good reason” to interpret the MPJA’s language (regarding the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office) “to mean the limitation on a police officer’s authority outside his primary jurisdiction does not include his right to conduct investigations.” *Id.* at 361.

In the instant case, as in *Saul*, there is no evidence in the record and no argument made that the statutory exceptions found at §8953(a)(1), (a)(3), and (a)(4) would apply. Likewise, no serious argument can be made that the buy/walk here was authorized under §9853(a)(5) or (a)(6) since it is undisputed that Officer Sinnott made no attempt to “identify himself as a police officer”, an essential element under both sections.

Instead, the Commonwealth contends that SEU’s actions were legally authorized pursuant to §8953(a)(2) (officer in hot pursuit where offense was committed within primary jurisdiction and officer continues in fresh pursuit after the commission of the offense). The Commonwealth reasons that when the CI made initial contact with Molina to set up the drug sale and delivery, he did so from a location within the City of Lancaster/SEU’s jurisdiction, and such initial contact constituted an essential part of the crime. Accordingly, when SEU knowingly allowed the CI to meet with Molina outside SEU’s jurisdictional limits, SEU merely did so as part of an ongoing criminal investigation, which only incidentally required SEU’s presence beyond its legal jurisdiction. The Commonwealth concludes that SEU’s actions were thus fully authorized by the MPJA’s § 8953(a)(2).

As support, the Commonwealth relies by analogy on *Commonwealth v. Cole*, 167 A.3d 49 (Pa. Super. 2017). The *Cole* defendant was a sus-

¹⁰ The analysis utilized by the Superior Court in *Saul* to determine whether an MPJA violation occurred in that case remains sound; however, its analysis regarding the proper remedy to impose for an MPJA violation is no longer appropriate, for reasons set for in Section II(B), *infra*.

pect in several burglaries committed in the state of Maryland. During the ensuing investigation of those Maryland burglaries, Maryland police officers learned through cell phone records that the defendant was traveling to Pennsylvania. The Maryland officers followed the defendant outside as he traveled outside their jurisdiction and into Pennsylvania, where they covertly observed him engaging in additional criminal activity in this Commonwealth. *Id.* at 58-60. Upon observing the crime, the Maryland police officers made no attempt to arrest the defendant in Pennsylvania, a location clearly outside their jurisdiction, but chose instead to contact the appropriate Pennsylvania law enforcement authorities. The *Cole* defendant was later arrested and charged in Pennsylvania based in part on the Maryland officer's original observations in Pennsylvania and in part on a subsequent joint law enforcement operation that occurred in Pennsylvania. *Id.* at 58-60. On appeal, the Superior Court upheld the trial court's refusal to suppress evidence of the Maryland police officers' observations, finding that the Maryland officers were "investigating suspects who were believed to be in their own jurisdiction. After tracking the suspects to Pennsylvania, they observed them . . . and did not attempt to make an arrest. Instead, they followed the proper channels and made contact with detectives in Pennsylvania." *Id.* at 61 (cleaned up).

The Commonwealth maintains that SEU's actions in this case are akin to those of the Maryland police officers in *Cole*, arguing the initial agreement for the sale of illegal drugs was made within SEU's jurisdiction, and "[o]nce out of the City's jurisdiction [SEU officers] observe[d] the felony drug delivery that occur[ed] in their presence, thus continuing their investigation into illegal drug activity." Br. of Comwlth. at 6. This Court disagrees; the instant case is distinguished on its facts. In *Cole*, the defendant was a known suspect for a crime that had been fully committed and completed in the state of Maryland. As part and parcel of that investigation, the Maryland officers found the defendant traveling to the Commonwealth of Pennsylvania, followed him, and observed additional criminal activity at that time, outside of their jurisdiction. In this case, SEU officers themselves initiated an operation wherein they directed their CI to contact Molina and set up a buy/walk narcotics sale, which the CI successfully did. It is irrelevant that the CI was physically within the City of Lancaster/SEU's jurisdiction at the point of initial contact with Molina because the agreement to make a future sale of drugs is not the crime for which Defendants Haupt and Molina are charged. Significantly, SEU maintained absolute control at all times over the entire buy/walk operation, including whether it would even occur at all. Yet, SEU decided to proceed at the designated location, even knowing that location was outside of SEU's legally authorized jurisdiction.

The facts of this case do not satisfy the exception at 8953(a)(2). This is simply not a case like *Cole* where SEU observed a crime being committed within their jurisdiction and had no choice but to follow a suspect into another jurisdiction to complete the investigation. Rather, the drug transaction in this case was at all times under the SEU officers' ulti-

mate control, even though Molina suggested the meeting place. While the Court can certainly appreciate Officer Sinnott's stated reasons for SEU's decision to proceed with the operation, such reasons simply do not change the fact that the buy/walk operation was created and controlled by SEU officers, SEU knew the proposed location was outside their jurisdiction, and SEU chose as a group to proceed nonetheless. N.T., Suppression at 33. If canceling or changing the location would have compromised the identity and safety of the CI,¹¹ SEU could still have proceeded with the operation *and* complied with the MPJA simply by requesting assistance from a law enforcement agency, such as the Drug Task Force, that did possess clear legal authority to engage in law enforcement activities at the chosen location. The record shows there was sufficient time between the initial contact and the actual meeting for SEU officers to place surveillance teams at the designated location. N.T., Suppression at 29-30. Certainly, then, SEU would have had the time and opportunity to secure assistance from an authorized law enforcement body. Like the police officers in *Saul*, the SEU's collective, knowing choice to proceed with the buy/walk operation alone and outside their authorized territorial jurisdiction renders their actions in plain violation of the MPJA. *Commonwealth v. Saul*, *supra*. The SEU officers' subsequent use of Detective Gauck and the Drug Task Force to obtain the arrest warrants does not cure the violation. *See Saul*, *supra*.

B. Remedy

Having found that SEU officers exceeded their authority under the MPJA, we now turn to the proper remedy. Defendants maintain the Court must suppress any and all evidence obtained in connection with the illegal buy/walk operation. The Commonwealth suggests that suppression might not be the required remedy.

Courts faced with MPJA violations have previously declined to apply a blanket remedy of suppression, engaging instead in a three-pronged analysis first described in *Commonwealth v. O'Shea*, 567 A.2d 1023 (Pa. 1989). The analysis contemplated "the intrusiveness of the police conduct, the extent of deviation from the letter and spirit of the MPJA, and the prejudice to the accused." *Commonwealth v. Hlubin*, *supra* at 1038 (Pa. 2019)(citing *O'Shea*, 567. A.2d at 1030). More recently, however, our Supreme Court has acknowledged that by virtue of its previous refusals to apply the *O'Shea* test in factual situations that would have called for it, the *O'Shea* opinion and its three-factor test have effectively been overruled. *Id.* at 1049-1051. In *Commonwealth v. Hlubin*, the Supreme Court explicitly addressed the "continued vitality of *O'Shea*" upon a finding of an MPJA violation. *Id.* at 1049. While the *Hlubin* Court would not expressly overrule *O'Shea*, it was "unwilling to expressly condone the continued application of its three-factor test." *Id.* at 1049. Explaining, the Court noted that since deciding *O'Shea*, it had never again applied that test in any "subsequent suppression case involving a violation of the MPJA." Furthermore, the Court highlighted that in

¹¹ The Court finds Officer Sinnott's testimony credible and has no reasons to doubt that SEU officers truly believed their CI's safety would be compromised if they directed them not to follow through with the buy/walk at the location dictated by Molina.

several cases since *O’Shea*, it had “consistently held that when individuals engage in criminal law enforcement activities without any statutory authority to do so, evidentiary suppression is the remedy for any and all breaches.” *Id.* at 1049, 1050 (citations omitted). Thus, the *Hlubin* Court found that suppression was the proper remedy in that case when a police task force exercised its policing powers outside its territorial jurisdiction without authorization to do so under the MPJA. *Id.* at 1052.

In the instant case, the Court similarly finds itself faced with municipal police officers who knowingly conducted a law enforcement operation outside their territorial jurisdiction without authorization to do so under any of the enumerated exceptions listed in the MPJA. In light of the holding and strongly worded dicta of *Hlubin*, this Court is compelled to find that suppression of the evidence is the required remedy, and that Defendant Haupt and Defendant Molina’s motions to suppress must be granted.

III. CONCLUSION

For the reasons set forth above, the Commonwealth was unable to establish that SEU was legally authorized under the MPJA to carry out the instant buy/walk operation outside the territorial boundaries of SEU’s legal jurisdiction. Therefore, suppression of the evidence recovered as a result of the illegal operation must be suppressed.

As such, the Court enters the following:

ORDER

AND NOW, this 6th day of April, 2022, upon consideration of the Defendant's Motion to Suppress, the testimony heard at the Suppression Hearing, and upon subsequent briefing and argument from all parties, it is ORDERED that said motion is GRANTED and the evidence recovered as a result of the Special Enforcement Unit's illegal law enforcement operation on December 11, 2019, is SUPPRESSED, for reasons stated more fully in the Opinion accompanying this Order.

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

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SECOND PUBLICATION

Barton, Michael D., Sr., dec'd.

Late of East Donegal Township.

Executor: Michael D. Barton, Jr. c/o 327 Locust Street, Columbia, PA 17512.

Attorney: Michael S. Grab, Esquire, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Beamenderfer, Robert C., dec'd.

Late of Elizabethtown Borough.

Executors: Robert Beamenderfer, David Beamenderfer, W. Farmer c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

Birkey, Verna M., dec'd.

Late of West Lampeter Township.

Executor: Patricia Deiter c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Matthew A. Grosh.

Boltz, Shirley A., dec'd.

Late of Elizabethtown Boro.

Executor: Scott E. Boltz c/o 327 Locust Street, Columbia, PA 17512.

Attorney: Michael S. Grab, Esquire, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Buckwalter, Paul M., dec'd.

Late of New Holland Borough.

Executors: Paul M. Buckwal-

ter, II, Robyn G. High c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

Costello, Eleanor M. a/k/a Eleanor Mary, dec'd.

Late of East Petersburg Borough.
Executor: Robert S. Costello, Jr. c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorney: Gibbel Kraybill & Hess LLP.

Davila, Sharon Albino, dec'd.

Late of Lancaster.
Administrator: Gilberto Davila, 8805 Arion Road, Ozone Park, NY, 11417.
Attorney: None.

de Matteis, Joelle F. a/k/a Joelle Frederic de Matteis, dec'd.

Late of West Lampeter Township.
Executrix: Gaelle P. Kelly c/o Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.
Attorney: McNees Wallace & Nurick LLC.

Donley, Mary Ellen, dec'd.

Late of Manheim Township.
Executor: Theresa J. Donley c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601.
Attorneys: Santo G. Spataro, Esquire, Aevitas Law, PLLC.

Florencio Morales Martinez a/k/a Florencio Morales a/k/a

Florencio Morales-Martinez, dec'd.

Late of Lancaster.
Executor: Carmen Colondres c/o Cody & Pfursich, 53 North Duke Street, Suite 420, Lancaster, PA 17602.
Attorney: Stephen W. Cody.

Hardy, Harold Richard, Sr., dec'd.

Late of Providence Township.
Executrix: Rachel Hardy c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.
Attorney: Young and Young.

Kinert, Rosemary S. a/k/a Rosemary Sarah Kinert, dec'd.

Late of West Lampeter Township.
Executor: Bruce W. Kauffman c/o Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.
Attorney: Barbara Reist Dillon.

Lowery, Juanita L., dec'd.

Late of Pequea Township.
Co-Executors: Deborah J. Bair, John A. Fitzkee, Jr. c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: James K. Noel, IV Esq.

Miller, Kimberly J., dec'd.

Late of Mountville.
Executor: K. Troy Miller c/o Legacy Law, PLLC., 147 W. Airport Road, Suite 300, Lititz, PA 17543.
Attorney: Timothy E. Shawaryn, Esq.

Miller, Rosanne L., dec'd.

Late of Lititz.
Executrix: Eileen M. White c/o

Scott E. Albert, Esq., 50 East Main Street, Mount Joy, PA 17552.

Attorney: Scott E. Albert, Esq.

Minehart, Verna S., dec'd.

Late of the Township of West Donegal.

Executrix: Carol A. Bell c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esq.

Noel, John Nicholas a/k/a John N. Noel, dec'd.

Late of Manheim Township.

Executor: John G. Noel c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Reinking, Larry N., dec'd.

Late of the Borough of Millersville.

Executors: Brian S. Reinking, Jeffrey L. Reinking c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

Shaub, Daniel H., dec'd.

Late of Lancaster City.

Administrators: Sierra J. Shaub, Savannah D. Shaub c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

Simms, Anna E., dec'd.

Late of Columbia Borough.

Executor: Michelle E. Grimes c/o 327 Locust Street, Columbia, PA 17512.

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

St. John, Doris F., dec'd.

Late of Lancaster Township.

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

Attorney: Bradley A. Zuke.

Sterling, John W., dec'd.

Late of Manor Township.

Executrix: Elizabeth Sterling c/o Attorney Patrick J. Schaeffer, Esquire and Laura E. Bayer, Esquire, Trinity Law, 1681 Kenneth Road, Suite 2, York, PA 17408.

Attorney: Patrick J. Schaeffer, Esquire and Laura E. Bayer, Esquire, Trinity Law, 1681 Kenneth Road, Suite 2, York, PA 17408.

Stoltzfus, Annie a/k/a Annie S., dec'd.

Late of Eden Township.

Executor: Melvin B. Stoltzfus c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet, Esquire.

Sweitzer, Kathryn E., dec'd.

Late of Ephrata Borough.

Co-Executors: Cynthia K. Zimmerman, Wendolen R. Mellinger c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: James K. Noel, IV Esq.

Thompson, Anna P., dec'd.

Late of Lancaster Township.

Executor: Gerard D. Thompson

c/o Caprice Hicks Bunting, Esquire, 180 West Main Street, Leola, PA 17540.

Attorney: Caprice Hicks Bunting, Esquire.

Torpey, Daniel D., dec'd.

Late of Lititz Borough.

Administratrix: Marilyn Odesser-Torpey c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

Waters, Denise E., dec'd.

Late of Providence Township.

Administrator: Delores Ann Waters, Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

Wehry, June Grace, dec'd.

Late of West Hempfield Township.

Executor: Gail M. Wehry, Kathi D. Fox c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Bradley A. Zuke.

Wilson, Ann S., dec'd.

Late of the Township of East Lampeter.

Executor: Robert L. Wilson c/o Gible Law Offices, P.C., 126 East Main Street, Lititz, PA 17543.

Attorney: Stephen R. Gible.

Woodland, Jean L., dec'd.

Late of East Lampeter Township.

Executor: Scott B. Fisher c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540.

Attorney: H. Charles Benner, Esq.

THIRD PUBLICATION

Booz, Carol B., dec'd.

Late of Ephrata Borough.

Administrator: Barbara B. Overly c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Ashley A. Glick, Esq., Kling, Deibler & Glick, LLP.

Funk, Naomi S., dec'd.

Late of West Hempfield Township.

Co-Executors: Jacqueline Leaman, J. Scott Funk c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.

Attorneys: Smoker Gard Associates LLP.

Graham, Norman L., dec'd.

Late of Manheim Township.

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

Attorney: McNees Wallace & Nurick LLC.

Gregg, Ruth A., dec'd.

Late of New Holland.

Executor: Kenneth L. Henry, Sr. c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.

Attorneys: Good & Harris, LLP.

Groff, Stavroula, dec'd.

Late of East Drumore Township.

Administratrix: Cindy J. Stoner c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet, Esquire.

Hartranft, Charles W., dec'd.

Late of Ephrata Township.
Executor: Carolyn M. Kramer
c/o Good & Harris, LLP, 132
West Main Street, New Holland,
PA 17557.
Attorneys: Good & Harris, LLP.

Hessemer, Paul B., dec'd.

Late of Earl Township.
Executor: Steven R. Speer c/o
Kling, Deibler & Glick, LLP, 131
W. Main Street, New Holland, PA
17557.
Attorney: Patrick A. Deibler,
Esq., Kling, Deibler & Glick,
LLP.

Keller, Lois K., dec'd.

Late of Penn Township.
Executor: Jonathan R. Keller
c/o Young and Young, 44 S.
Main Street, P.O. Box 126, Man-
heim, PA 17545.
Attorney: Young and Young.

King, Rebecca S., dec'd.

Late of Earl Township.
Executors: Benjamin F. King,
John G. King c/o Good & Har-
ris, LLP, 132 West Main Street,
New Holland, PA 17557.
Attorneys: Good & Harris, LLP.

Kline, Helen P., dec'd.

Late of West Lampeter Town-
ship.
Executor: James W. Appel c/o
Appel Yost & Zee LLP, 33 North
Duke Street, Lancaster, PA
17602.
Attorney: James W. Appel, Es-
quire.

Parrish-Poole, Karen L., dec'd.

Late of Manheim Township.
Executor: Sean C. Parrish c/o

Jennifer A. Galloway, Esq., Sax-
ton & Stump, LLC, 280 Granite
Run Dr., Ste. 300, Lancaster, PA
17601.
Attorney: Saxton & Stump, LLC.

Shirk, Ruth M., dec'd.

Late of Upper Leacock Town-
ship.
Co-Executors: Jeffrey R. Shirk,
Donna J. Shirk c/o H. Charles
Benner, Attorney, 200 East
Main Street, Leola, PA 17540.
Attorney: H. Charles Benner,
Esq.

Strickler, Ruth I., dec'd.

Late of West Earl Township.
Executor: Michael G. Strickler
c/o H. Charles Benner, Attor-
ney, 200 East Main Street, Leo-
la, PA 17540.
Attorney: H. Charles Benner,
Esq.

Styer, Ralph M., dec'd.

Late of Caernarvon Township.
Executors: Brenda L. Kurtz, Jer-
ry L. Styer, Randy M. Styer c/o
Kling, Deibler & Glick, LLP, 131
W. Main Street, New Holland, PA
17557.
Attorney: Patrick A. Deibler,
Esq., Kling, Deibler & Glick,
LLP.

Sweigart, Roy L., dec'd.

Late of West Cocalico Township.
Administrator: John L. Sweigart
c/o Kling, Deibler & Glick, LLP,
131 W. Main Street, New Hol-
land, PA 17557.
Attorney: Patrick A. Deibler,
Esq., Kling, Deibler & Glick,
LLP.

Yim, Chae, dec'd.

Late of Ephrata Borough.

Administrator: Robert B. Blaus-
er c/o Barbara Reist Dillon, Es-
quire, 212 North Queen Street,
Lancaster, PA 17603.

Attorney: Nikolaus & Hohe-
nadel, LLP

**ACTIONS IN MORTGAGE
FORECLOSURES**

CIVIL ACTION
COURT OF COMMON PLEAS
LANCASTER COUNTY, PA
CIVIL ACTION-LAW

NO. CI-22-06208

NOTICE OF ACTION IN MORT-
GAGE FORECLOSURE CITI-
MORTGAGE, INC., Plaintiff
V.

TODD D. EISENHAUR, Defen-
dants

To: TODD D. EISENHAUR Defen-
dant(s), 428 MANOR ST COLUM-
BIA, PA 17512 COMPLAINT IN
MORTGAGE FORECLOSURE

You are hereby notified that Plain-
tiff, CITIMORTGAGE, INC., has
filed a Mortgage Foreclosure Com-
plaint endorsed with a Notice to
Defend, against you in the Court
of Common Pleas of LANCASTER
County, PA docketed to No. CI-
22-06208, seeking to foreclose the
mortgage secured on your prop-
erty located, 428 MANOR ST CO-
LUMBIA, PA 17512.

NOTICE

YOU HAVE BEEN SUED IN
COURT. If you wish to defend
against the claims set forth in
this notice you must take action
within twenty (20) days after the
Complaint and Notice are served,
by entering a written appearance
personally or by attorney and
filing in writing with the Court
your defenses or objections to the
claims set forth against you. You
are warned that if you fail to do so,

the case may proceed without you,
and a judgment may be entered
against you by the Court with-
out further notice for any money
claimed in the Complaint or for
any other claim or relief request-
ed by the plaintiff. You may lose
money or property or other rights
important to you.

YOU SHOULD TAKE THIS PA-
PER TO YOUR LAWYER AT ONCE.
IF YOU DO NOT HAVE A LAWYER,
GO TO OR TELEPHONE THE OF-
FICE 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 THE INFORMATION ABOUT
AGENCIES THAT MAY OFFER
LEGAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE
OR NO FEE.

Lancaster Bar Association Lawyer
Referral Service

28 East Orange Street
Lancaster PA, 17602
717-393-0737

Robertson, Anschutz, Schneid,
Crane & Partners, PLLC

A Florida professional limited
liability company

ATTORNEYS FOR PLAINTIFF

Jonathan Etkowicz, Esq. ID

No.208786

133 Gaither Drive, Suite F

Mt. Laurel, NJ 08054

855-225-6906

J-20

IN THE COURT OF COMMON
PLEAS
Lancaster COUNTY
CIVIL ACTION - LAW ACTION OF
MORTGAGE FORECLOSURE
Term No. 22-05333
NOTICE OF ACTION IN

MORTGAGE FORECLOSURE Aurora Financial Group, Inc.

Plaintiff

vs.

The Unknown Heirs of

JONATHAN ERIC WILSON

Deceased

Mortgagor and Real Owner

Defendant

The Unknown Heirs of JONATHAN ERIC WILSON Deceased, MORTGAGOR AND REAL OWNER, DEFENDANT whose last known address is 708 King Pen Road Kirkwood, PA 17536.

THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.

You are hereby notified that Plaintiff Aurora Financial Group, Inc., has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Lancaster County, Pennsylvania, docketed to No. 22-05333 wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 708 King Pen Road Kirkwood, PA 17536 whereupon your property will be sold by the Sheriff of Lancaster.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case

may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint of for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, 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.

LANCASTER BAR ASSOCIATION
28 E. Orange Street
Lancaster, PA 17602
71 7-393-0737
Michael T. McKeever
Attorney for Plaintiff
KML Law Group, P.C., PC
Suite 5000, BNY Independence
Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

J-20

ARTICLES OF INCORPORATION

NOTICE is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for a business corporation organized under the Pennsylvania Business Corporation Law of 1988. The name

of the corporation is:

Audrey & Bear, Inc.

Morgan, Hallgren, Crosswell &
Kane, P.C., Attorneys

J-20

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 14, 2022, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is **The Underground Railroad Center of Columbia, Pennsylvania.**

It will be organized under Section 501(c)(3) of the Internal Revenue Code of 1986, as thereafter amended, for purposes including but not limited to operating a museum dedicated to chronicling the unique role the town and residents of Columbia, Pennsylvania played in the operation the underground railroad.

McNEES WALLACE & NURICK
LLC

100 Pine Street
Harrisburg, PA 17101

J-20

ASSUMED NAME NOTICES

NOTICE IS HEREBY GIVEN that an application for registration of the assumed name **Penn Wire Products Corporation** for the conduct of business in Lancaster County, Pennsylvania, with the principal place of business being 280 S. Penn Street, Manheim, PA was made to the

Department of State of Pennsyl-

vania at Harrisburg, Pennsylvania, on the 10th day of January 2023, pursuant to 54 Pa.C.S. §311. The name of the entity owning or interested in the said business is Wire Mesh Products, Inc.

McNEES WALLACE & NURICK
LLC

Attorneys at Law
100 Pine Street
Harrisburg, PA 17101

J-20

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN, a Petition has been filed with the Court of Common Pleas of Lancaster County, Pennsylvania, to change the name of **RAS, a minor** by Erika Snitzer and Brian Snitzer to KAS. The hearing is March 16, 2023 in Courtroom 4 of the Lancaster County Courthouse, at which time interested persons may attend and show cause, if any, why the request should not be granted.

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CORPORATE NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, PA on September 30, 2022 for:

560 PARTNERS, LLC

The said entity has been organized under the provisions of the Pennsylvania Limited Liability Company Law of 1994 of the Commonwealth of Pennsylvania, as amended.

J-20

FICTITIOUS NAME NOTICES

NOTICE is hereby given that an Application for Registration of Fictitious Name will be filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, pursuant to the Fictitious Names Act, for the name Conrad's Deli, having a principal place of business at 359 Habecker Church Road, Lancaster, PA 17603. The entity interested in the said name is Saint Conrad's, LLC, with a principal place of business at 359 Habecker Church Road, Lancaster, PA 17603. MPL LAW FIRM, LLP
Bradley J. Leber, Esquire

J-20

NOTICE OF SHERIFF'S SALE

CIVIL ACTION LAW
COURT OF COMMON PLEAS
LANCASTER COUNTY
Number CI-20-00838

LoanCare, LLC
V.

Dusteen A. Maggs and Unknown
Surviving Heirs, Successors,
Interests or Claimants under title
Richard C. Maggs, Deceased
Owner

**NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY**

TO: Unknown Surviving Heirs, Successors, Interests or Claimants under title Richard C. Maggs, Deceased Owner

Your house (real estate) at **562 Georgetown Road, Ronks, Pennsylvania 17572** is scheduled to be sold at Sheriffs Sale on **January 25, 2023** at 10:00 a.m. at 150 North Queen Street, Rooms 102/104, Lancaster, Pennsylvania to enforce the court judgment of \$208,557.62 obtained by LoanCare, LLC against the above prem-

ises.

NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO
PREVENT THIS SHERIFF'S
SALE

To prevent this Sheriffs Sale you must take immediate action:

- 1.The sale will be canceled if you pay to LoanCare, LLC the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, LLC, Esquire at (215) 790-1010.
- 2.You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
- 3.You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO
SAVE YOUR PROPERTY
AND YOU HAVE OTHER RIGHTS
EVEN IF THE SHERIFF'S SALE
DOES TAKE PLACE

- 1.If the Sheriffs Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, LLC, Esquire at (215) 790-1010.
- 2.You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, LLC, at (215) 790-1010.
4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.
7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER 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. LAWYER REFERRAL SERVICE ASSOCIATION DE LICENCIADOS

Lancaster Bar Association Lawyer Referral Service
28 East Orange Street
Lancaster, Pennsylvania 17602
717- 393-0737
 McCABE, WEISBERG & CONWAY, LLC
 Attorneys for Plaintiff
 1420 Walnut St, Ste 1501
 Philadelphia, PA 19102
 215-790-1010

J-20

SUITS ENTERED

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

January 5, 2022
 to January 11, 2022

ATKINSON, JORDON M.; Servicer for Carvana LLC; 00118; Dougherty

ATLANTIC STATES INSURANCE COMPANY; Benjamin L. Roth; 00176; Low

CITADEL FEDERAL CREDIT UNION SETTLEMENT; Luis Cruz; 00111; Shenkan

COMMONWEALTH OF PA DEPARTMENT OF TRANSPORTATION; Ryan Bailey Walten; 00170; Win-

ters

CUNNINGHAM, GERALD J.;
Reverse Mortgage Funding LLC;
00191; Foley

FURILLO, THOMAS; PPL Electric
Utilities Corporation; 00066; Man-
ley

HUYNH, HIEU, PHO VIETNAM
RESTAURANT; RSI Acquisition Eq-
uities LLC; 00159; Kampf

LUSBY, NATHAN, LONDONO,
ALEJANDRO, LONDONO-FAJAR-
DO, LEONARDO; Betzaida Torres;
00141; O'Donnell

MALDONADO-CRUZ, JESSICA
L., FELICIANO, ELIEZER, FELI-
CIANO, JESSICA; New Belair As-
sociates LP; 00169

MCCOLLOUGH, MELISSA A.;
National Collegiate Student Loan
Trust 2005-3; 00129; Morris

MILLER, JENNIFER LEE; MCLP
Asset Company Inc.; 00145; Linn

PENNDOT; Jose Vega; 00075;
Egner

POGWIST, LOGAN; Centier
Bank; 00168; Demers

SHANK, BEVERLY; Kimberly
Canfield; 00062; Zakos

SHINDLE, GREGORY, SANTO-
RIELLO, CHEYENNE; Hauenstein
Agency Inc.; 00179; Gingrich

SQA-13 LLC; T.S.; 00192; So-
phocles

WERNER, JOSEPH, BLESS-
INGS OF HOPE; Damien Smoker;
00101; Kosik