
Court of Common Pleas of Lancaster County

Civil Action

Stoltzfus v. Green Line Labs, LLC

Petition to Strike

Lack of effective service of process on the face of the original record is a fatal defect warranting the grant of Defendant's Petition to Strike Judgment Entered by Confession.

Opinion. Stoltzfus v. Green Line Labs, LLC No. CI-21-05354, 1323 MDA 2022.

PA.R.A.P. § 1925(A) OPINION BY: SPONAUGLE, J., November 15, 2022.

I. INTRODUCTION

In the matter before the Superior Court of Pennsylvania, Samuel and Susan Stoltzfus ("Appellants") appeal the order striking their confession of judgment for money and for ejectment for possession of real property, in favor of Green Line Labs, LLC ("Appellee"), on August 19, 2022. Appellants filed Notice of Appeal on September 16, 2022. Thorough review of the record and applicable law demonstrates that Appellants' claims lack merit and for the reasons stated herein, the appeal should be denied.

II. RELEVANT PROCEDURAL & FACTUAL HISTORY

On June 1, 2020, Appellants and Appellee entered into a commercial lease agreement ("Lease") for the premises located at 5541 Old Philadelphia Pike, Gap, PA for the purpose of cultivating hemp. Defendant, Green Line Lab, LLCs Petition to Strike and/or Open Judgment Entered by Confession ("Petition"), 6/17/2022, at unenumerated 2. The Lease was for a three-year term, with Appellee agreeing to pay \$4,583.33 monthly. *Id.* The Lease also contains provisions for acceleration of rent and confession of judgment for money and/or possession of the premises in the event of Appellee's default. *Id.*

This case commenced on August 6, 2021, when Appellants filed Complaint for Confession of Judgment for Money and in Ejectment for Possession of Real Property ("Complaint") against Appellee, a commercial tenant. *See* Complaint. Therein, Appellants assert the following: failure to pay rent when due, using leased premises beyond the uses permitted in the lease, altering the leased premises without approval, unauthorized storage, engaging in activities not permitted in the lease, and failure to provide proof of liability insurance. Complaint at 2. Appellants determined that Appellee owed past due rent, accelerated rent, and attorney's fees totaling \$110,766.17. *Id.* Concurrently, Appellants filed Confession of Judgment for Money and in Ejectment for Possession of Real Property ("Confession"), Notice Under Rule 2958.1 of Judgment and Execution Thereon, an affidavit stating Appellee was not in the military to the knowledge of Appellants, an affidavit stating judgment by confession was not being entered against a natural person in connection with a consumer credit transaction, and Notice Under Rule 2973.2

of Judgment and Execution. *See* Confession, 8/6/2021; Notice Under Rule 2958.1 of Judgment and Execution Thereon, 8/6/2021; Affidavit as to Whether the Defendant is in the Military Service Pursuant to “Soldiers and Sailors” Civil Relief Act of 1918 Reenacted 1940, 8/6/2021; Plaintiff’s Affidavit, 8/6/2021; and Notice Under Rule 2973.2 of Judgment and Execution, 8/6/2021, respectively.

On September 8, 2021 Appellants entered a Praecipe to Reinstate the complaint. *See* Praecipe to Reinstate Complaint for Confession of Judgment for Money and in Ejectment for Possession of Real Property, 9/8/2021. On October 12, 2021, Appellants filed Praecipe for Writ of Possession Upon a Confessed Judgment, declaring that notice required under Pa.R.C.P. 2973.3 was served more than thirty days prior; a Writ of Possession was filed in tandem with the praecipe. *See* Praecipe for Writ of Possession Upon a Confessed Judgment. On November 11, 2021, Appellee contacted Counsel for Appellants in an attempt to settle the matter. Petition at unenumerated 7. Appellee asserts that Counsel responded on November 16, 2021, with the following conditions: Appellee must pay all past due rent and rent through the end of the year totaling \$23,291.65, Appellee must pay legal fees and costs totaling \$10,750.00, all storage must be cleaned up and removed, and provided “less than 24-hour deadline” to do so. *Id.* Appellee states he was unable to secure the amount of money requested on such short notice and offered to pay \$10,000.00 the following day in good faith, with the remaining funds to be tendered to Appellants on November 24, 2021; Counsel for Appellants refused the counteroffer. *Id.*

On November 17, 2021, Appellee was ejected from the property at 5541 Old Philadelphia Pike, Gap, PA, and on November 19, 2021, Appellants filed Praecipe for Writ of Execution, Petition at unenumerated 3, 8. On November 23, 2021, and December 16, 2021, Appellee contacted Counsel for Appellants to request access to the premises so that he could remove rented equipment which needed to be returned to its owner, Plant Productions. *Id.* Appellee states both requests were denied and as a result, Plant Productions filed criminal charges for theft. *Id.* On March 23, 2022, Appellants brought Appellee’s goods, inventory, equipment, fixtures, and other assets, to public auction where, according to Appellee, neither the auction company nor Appellants verified ownership of the assets. Petition at unenumerated 9.

On June 17, 2022, Appellee filed Defendant, Green Line Lab, LLCs Petition to Strike and/or Open Judgment Entered by Confession alleging the record in this matter is fatally flawed and has irregularities on its face, the docket does not reflect proper service, there is no relation between the cognovit clause in the Lease and Appellee’s signature, and that Appellants are attempting double recovery for a single wrong. Defendant’s Memorandum of Law in Support of Defendant, Green Line Labs, LLC’s Petition to Strike and/or Open Judgment Entered by Confession (“Def’s. Br. in Supp.”) at unenumerated 4, 6, 8. In response, Appellants countered, *inter alia*, that a revised Sheriff’s Notice of Service, attached to their answer, showed all documents were served on

Appellee as required, Appellee's Petition was time barred and did not provide any explanation for the delay, and that Appellee admitted to default in their Petition and action was taken pursuant to the Lease. Plaintiff's Answer in Opposition to Defendant's Petition to Strike and/or Open Judgment Entered by Confession with New Matter ("Answer/New Matter") at 8-10.

Thereafter, Appellee filed a reply alleging the Sheriff's Notice of Service from filed September 10, 2021, and the Sheriff's Notice of Service provided by Appellants in the Answer/New Matter significantly differ, and that the matter of effective service is unclear. See Defendant, Green Line Labs, LLC's Sur Reply to Plaintiffs Answer in Opposition to Defendant's Petition to Strike and/or Open Judgment Entered by Confession with New Matter ("Reply") at unenumerated 2. Moreover, Appellee asserts that Appellants improperly entered judgment for possession and accelerated rent simultaneously, and failed to address this issue in the Answer/New Matter, beyond a conclusion of law. Reply at unenumerated 2-3. As a result, Appellee contends, Appellants have waived of any possible defense or objection pursuant to Pa. R.C.P. 2959(c). *Id.* at 3. On August 19, 2022, this court granted Appellee's Petition. Order, 8/19/2022.

Appellants filed the instant appeal averring, per Pa.R.A.P. 1925(b)(4) (vi), this court abused its discretion in granting the Petition, and they were only able to identify errors in general terms as they could not discern the reason or reasons the Petition was granted. Samuel A. Stoltzfus and Susan J. Stoltzfus' Concise Statement of Errors Compliant of on Appeal ("Appeal") at unenumerated 2. This opinion is written pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure.

III. DISCUSSION

"A confession of judgment clause permits the creditor or its attorney simply to apply to the court for judgment against the debtor in default without requiring or permitting the debtor to respond at that juncture." *Southwestern Pennsylvania Regional Council, Inc. v. Gentile*, 776 A.2d 276, 279 n. 3 (Pa. Super. 2001) (internal quotations removed) (quoting *Silverman v. Eastrich Multiple Investor Fund, L.P.*, 51 F.3d 28, 31 (3rd Cir.1995)).

"A petition to strike a judgment does not involve the discretion of the court." *Dubrey v. Izaguirre*, 685 A.2d 1391, 1393 (Pa. Super. 1996) (citing *U.K. LaSalle, Inc. v. Lawless*, 618 A.2d 447, 449 (Pa. Super. 1992)). "Instead, it acts as a demurrer to the record and, as such, may be granted only when 'a fatal defect in the judgment appears on the face of the record.'" *Id.* "A demurrer admits all well-pleaded facts for the purpose of testing conclusions of law drawn from those facts." *Cintas Corp. v. Lee's Cleaning Services*, 700 A.2d 915, 918-919 (Pa. Super. 1997) (citing *Lumax Industries, Inc. v. Aultman*, 290 A.2d 85 (Pa. 1995)). "One such defect is failure to effect proper service." *Cintas Corp.*, 700 A.2d at 917-18. A court must have personal jurisdiction over a party to enter a judgment against that party. *Dubrey*, 685 A.2d

at 1393 (citing *Mischenko v. Gowton*, 453 A.2d 658, 660 (Pa. Super. 1982)). “Absent valid service, a court lacks personal jurisdiction over a party and is powerless to enter judgment against him.” *Id.* “Moreover, a judgment may be attacked for lack of jurisdiction at any time.” *Id.* “If the record is self-sustaining, the judgment will not be stricken. An order of the court striking a judgment annuls the original judgment and the parties are left as if no judgment had been entered.” *Neducsin v. Caplan*, 121 A.3d 498, 504 (Pa. Super. 2015) (quoting *Hazer v. Zabala*, 26 A.3d 1166, 1169 (Pa. Super. 2011)).

In reviewing a petition to strike, the court is limited to the facts of the original record at the time the judgment was entered in deciding whether the record supports the judgment. *Neducsin*, 121 A.3d at 504 (Pa. Super. 2015) (quoting *Hazer v. Zabala*, 26 A.3d 1166, 1169 (Pa. Super. 2011)). The original record that is subject to review in a petition to strike a confessed judgment consists of the complaint in confession of judgment and the attached exhibits. *Neducsin*, 121 A.3d at 504 (citing *Resolution Trust Corp. v. Copely Qu-Wayne Associates*, 683 A.2d 269, 274 (Pa. 1996)).

Ultimately at issue is whether Appellee was properly served Notice Under Rule 2958.1 of Judgment and Execution Thereon and Notice Under Rule 2973.2. Petition at unenumerated 6. As detailed, both documents were filed with the Prothonotary’s Office on August 6, 2021. *Id.* at unenumerated 6-7. Per rule 2958.1, written notice of execution must be served on the Defendant at least thirty days prior to the filing of a praecipe for a writ of execution. Pa. R.C.P. 2658.1. Whereas rule 2973.2 states written notice of execution must be served on the Defendant at least thirty days prior to the filing of a praecipe for writ of possession of real property. Pa. R.C.P. 2973.2. Appellee asserts service of either document was not effectuated, and that there is nothing on the original record to show the documents were properly served. Petition at unenumerated 7. In response to Appellee’s Petition, Appellants claim, *inter alia*, that both documents were served on Appellee at the same time as the complaint, and attached a “revised Sheriff’s Notice of Service” as Exhibit A as proof. Answer/New Matter at 8.

On September 10, 2021, Sherriff’s Return of Service was filed with the following language:

09/08/2021 03:45 PM – SERVED THE COMPLAINT IN CONFESSION OF JUDGMENT (CONF JUDG) BY HANDING A COPY TO ART MCHENRY (OWNER), WHO ACCEPTED SERVICE AS “ADULT PERSON IN CHARGE” FOR GREEN LINE LABS LLC AT 5541 OLD PHILADELPHIA PIKE, GAP, PA 17527. SO ANSWERS: DEPUTY CAMREN NEY, DEPUTY SHERIFF OF LANCASTER COUNTY, PA.

Sherriff’s Return of Service, 9/8/2021. Appellants Answer/New Matter was filed July 6, 022, and the Sherriff’s Return of Service now stating:

09/08/2021 03:45 PM – SERVED THE COMPLAINT IN CONFESSION OF JUDGMENT FOR MONEY AND IN EJECTMENT FOR POSSESSION OF REAL PROPERTY, NOTICE UN-

DER RULE 2958.1 OF JUDGMENT AND EXECUTION THEREON, PLAINTIFF'S AFFIDAVIT, AFFIDAVIT AS TO WHETHER DEFENDANT IS IN MILITARY SERVICE, NOTICE UNDER RULE 2973.2 OF JUDGMENT AND EXECUTION AND THE COMMERCIAL LEASE AGREEMENT BY HANDING A COPY TO ART MCHENRY (OWNER), WHO ACCEPTED SERVICE AS "ADULT PERSON IN CHARGE" FOR GREEN LINE LABS LLC AT 5541 OLD PHILADELPHIA PIKE, GAP, PA 17527. SO ANSWERS: DEPUTY CAMREN NEY, DEPUTY SHERIFF OF LANCASTER COUNTY, PA.

Answer/New Matter, Exhibit A. As such, Appellants emphasize that this court had no basis to grant Appellee's Petition as service was properly effectuated. Answer/New Matter at 8-9.

Interestingly, Appellants offer no explanation or reason why a revised return of service was sought and/or issued, under what circumstances, or when, only that it is revised. *See* Answer/New Matter. Nevertheless, when reviewing a petition to strike, this court is limited to the original record in its determination. *Neducsin*, 121 A.3d at 504. Contrary to Appellants' claims that proper service was effectuated, the original record is clear that the only document that was demonstrably served on Appellee on September 8, 2021, was the Complaint in the instant matter. *See* Sherriff's Return of Service.

Accordingly, per rules 2958.1 and 2973.2, written notice of execution has not been served upon Appellee. The lack of effective service prescribed by the Pennsylvania Rules of Civil Procedure, relieves this court of personal jurisdiction. Further, as timeliness is not a concern when challenging personal jurisdiction, Appellee's Petition was not time barred. There exists a fatal defect on the face of the record, and this court properly granted Appellee's Petition on August 19, 2022, nullifying Confession and any documents derived therefrom. *Id. Neducsin*, 121 A.3d at 504, Pa. R.C.P. 2958.1, Pa. R.C.P. 2973.2. All of Appellants' remaining claims are moot due to lack of proper service and the merits of which are not discussed herein.

IV. CONCLUSION

Based on a thorough review of the record and corresponding law, the errors Appellants complain of on appeal are without merit. Accordingly, the order granting Appellee's Petition should be upheld.

BY THE COURT:

THOMAS B. SPONAUGLE,
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

Adair, Bertha G., dec'd.

Late of East Cocalico Township.
Administrator: Troy A. Adair
c/o Jeffrey C. Goss, Esquire,
480 New Holland Avenue, Suite
6205, Lancaster, PA 17602.
Attorneys: Brubaker Con-
naughton Goss & Lucarelli LLC.

Beiler, Mattie L., dec'd.

Late of Bart Township.
Executor: Emanuel King c/o
Nicholas T. Gard, Esquire, 121
E. Main Street, New Holland, PA
17557.
Attorneys: Smoker Gard Associ-
ates LLP.

Brullo, Teresa A., dec'd.

Late of Clay Township.
Executor: Robert Brullo c/o
Gardner and Stevens, P.C., 109
West Main Street, Ephrata, PA
17522.

Attorney: John C. Stevens.

Chambers, Erma E., dec'd.

Late of Manor Township.
Executrix: Joy Lynn Chambers
c/o John S. May, Esquire, 49
North Duke Street, Lancaster,
PA 17602.
Attorney: May, Herr & Grosh,
LLP.

Cooper, Doris M., dec'd.

Late of Manheim Township.
Executrix: Cheryl Lynn Stewart
c/o John R. Gibbel, Attorney,
P.O. Box 5394, Lancaster, PA
17606.
Attorney: Gibbel Kraybill &
Hess, LLP.

Fritz, Frank W., dec'd.

Late of Bart Township.
Executor: F. Carl Fritz, 34
Hickory Drive, Quarryville, PA
17566.
Attorney: None.

Gagot, Ana Luisa, dec'd.

Late of Lancaster.
Administrator, C.T.A.: Luna
Gagot c/o David W. Crosson,
Esq., Crosson Richetti & Daigle,
LLC, 609 W. Hamilton St., Suite
210, Allentown, PA 18101.
Attorney: Crosson Richetti &
Daigle, LLC. 609 W. Hamilton St.
Suite 210, Allentown, PA 18101.

**Geyer, Gerrylynn Carol a/k/a
Gerrylynn Kirsch Geyer**, dec'd.

Late of Colombia Borough.
Administrator: Christopher M.
Geyer c/o Pyfer, Reese, Straub,
Gray & Farhat, P.C., 128 N.
Lime Street, Lancaster, PA
17602.
Attorney: Pyfer, Reese, Straub,
Gray & Farhat, P.C.

Goldman, Stanley E. a/k/a Stanley Ely Goldman, dec'd.

Late of West Lampeter Township.

Executrix: Randi Jo Silverman c/o Barley Synder LLP, 126 East King Street, Lancaster, PA 17602.

Attorney: Alex E. Snyder, Barley Snyder LLP.

Harnish, John C., dec'd.

Late of Manheim Borough.

Executor: Jeffrey C. Harnish c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

Hartman, Doris E., dec'd.

Late of Ephrata Borough.

Executor: Scott B. Hartman c/o A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.

Attorney: A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.

Hornberger, Clyde E., dec'd.

Late of Rapho Township.

Executor: Teresa May Rohrer c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

Jester, Eileen M. a/k/a Eileen Frances Mayan Jester, dec'd.

Late of West Lampeter Township.

Administrator: Paul W. Jester c/o Douglas A. Smith, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorney: Gibbel Kraybill & Hess LLP.

Kanes, Alfreda J. a/k/a Alfreda

Josephine Kanesh, dec'd.

Late of Lititz Borough.

Executor: Karen M. Weibel c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

Lefever, Jere J., dec'd.

Late of Rapho Township.

Administrator: Kara L. Housman c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

Light, Willard L., dec'd.

Late of Manheim Township.

Executor: Fulton Bank, N.A. One Penn Square, PO Box 7989, Lancaster, PA 17604.

Attorney: David R. Warner Jr., Esquire, Buzgon Davis Law Offices, 525 South Eighth Street, Lebanon, PA 17042.

McGrew, Eileen M. a/k/a Eileen Marie McGrew, dec'd.

Late of East Hempfield Township.

Executrix: Kelly M. Pruitt c/o Angela M. Ward, Esq., Going & Plank, 140 E. King St., Lancaster, PA 17602.

Attorney: Angela M. Ward, Esq.

Metzler, Earl K., dec'd.

Late of West Lampeter Township.

Co-Executors: Thomas L. Metzler, Arnedo L. Crichton, James N. Metzler c/o Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorney: McNees Wallace & Nurick LLC.

Miller, Arlene Z., dec'd.

Late of Columbia Borough.
Executor: Judith Fulginiti and Jennifer Barley c/o May, Herr & Grosh, LLP, 49 North Duke Street, Lancaster, PA 17602.
Attorney: John Hartman May.

O'Reilly, Sarah a/k/a Sarah Goodwin O'Reilly, dec'd.

Late of West Hempfield Township.
Executor: Amy Soper c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.
Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

Ostrowski, Hubert H., dec'd.

Late of Manor Township.
Executor: James H. Ostrowski, c/o Law Office of Shawn Pierson, 105 East Oregon Rd., Lititz, PA 17543.
Attorney: Shawn M. Pierson, Esq.

Perkins, Harry Joseph a/k/a Harry J. Perkins, dec'd.

Late of Millersville Borough.
Administratrix: Karen S. Perkins c/o Thomas M. Gish, Sr., Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorney: Gibbel Kraybill & Hess, LLP.

Rauch, Robert L., dec'd.

Late of East Hempfield Township.
Executor: Catherine M. Spinelli Robert L. Rauch, Jr., c/o Laucks & Laucks, PC 105 West Broadway, Red Lion, PA 17356.
Attorney: David M. Laucks, Esq. LAUCKS & LAUCKS, PC, 105 West Broadway, Red Lion, PA 17356.

Roadcap, Theresa O., dec'd.

Late of Lancaster.
Co-Executors: Brett Michael Rubeck, Kristen Marie Rubeck c/o Mullaney Law Offices, 598 Main Street, PO Box 24, Red Hill, PA 18076-0024
Attorney: Christopher P. Mullaney, Mullaney Law Offices, 598 Main Street, PO Box 24, Red Hill, PA 18076-0024

Sheppard, Sharon M., dec'd.

Late of East Petersburg Borough.
Executor: Kimberly L. Sheppard c/o Barbara Reist Dillon, Esquire, 212 North Queen Street, Lancaster, PA 17603.
Attorney: Nikolaus & Hohe-nadel, LLP.

Stauffer, Clair E., Jr., dec'd.

Late of Upper Leacock Township.
Executor: Thomas E. Wolf c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.
Attorney: Young and Young.

Thompson, Cynthia J. a/k/a Cynthia June Thompson, dec'd.

Late of Elizabeth Township.
Executrix: Stefanie J. Martin c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Jeffrey P. Ouellet, Esquire.

Zook, Sadie Ruth a/k/a S. Ruth Zook, dec'd.

Late of Ephrata Borough.
Executor: Daryl L. Zook, 210 Creek Road, Millersville, PA 17551.
Attorney: None.

SECOND PUBLICATION

Abbot, James L., dec'd.

Late of East Drumore Township.

Executrix: Patricia A. Mitchiner c/o Clymer Musser & Sarno, PC, 408 West Chestnut Street, Lancaster, PA 17603.

Attorney: James N. Clymer, Esq.

Arroyo, Felix, dec'd.

Late of East Earl Township.

Administratrix: Soledad V. Arroyo c/o Elizabeth A. Bartlow, 8 N. Queen Street, Suite 700-H, Lancaster, PA 17603.

Attorney: Elizabeth A. Bartlow, Esquire.

Bollman, George W., Jr., dec'd.

Late of West Hempfield Township.

Executrix: Linda D. Harnes c/o Bellomo & Associates, LLC 3198 East Market Street, York, PA 17402.

Attorney: Jeffrey R. Bellomo, Esq.

Brackbill, Arlene J., dec'd.

Late of Penn Township.

Executors: Robert H. Brackbill, Carol A. Shearer c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorney: Gibbel Kraybill & Hess LLP.

Brosius, Leslie E., dec'd.

Late of East Donegal Township.

Executrix: Lisa G. Kowalski c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.

Attorney: Lindsay M. Schoeneberger, Esquire.

Bruhn, John H. a/k/a John H.

Bruhn, Jr., dec'd.

Late of Lititz Borough.

Executor: Steven R. Bruhn c/o Bellomo & Associates, LLC 3198 East Market Street, York, PA 17402.

Attorney: Daniel D. Hill, Esquire.

Chuhran, Michael, dec'd.

Late of Lancaster.

Executrix: Judith A. Chuhran c/o Legacy Law PLLC, 147 W. Airport Road, Suite 300, Lititz, PA 17543.

Attorney: Evan H. Denlinger, Esq.

Fabbio, Louise M., dec'd.

Late of Lancaster County.

Executor: Rodney E. Smith, 1300 Mill Creek Blvd, Apt. L106, Mill Creek, WA 98012-4020.

Attorney: Stefanie M. Stack, Esq., Foster Plaza 7, Ste. 315, 661 Andersen Dr., Pittsburgh, PA 15220.

Fink, Ronald E., dec'd.

Late of Manheim Township.

Executor: Karinsue Miller c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

Flickinger, Mary M., dec'd.

Late of Ephrata Township.

Administratrix: Beth A Redcay c/o James N. Clymer, Esq., 408 West Chestnut Street, Lancaster, PA 17603.

Attorney: Clymer Musser & Sarno, PC.

Gerz, Alexander William a/k/a Alex W. Gerz a/k/a Alexander W. Gerz, dec'd.

Late of Manheim Township.
Administrator: Francis A. Gerz
c/o Jeffrey Gonick, PO Box 604,
East Petersburg, PA 17520.
Attorney: Jeffrey Gonick.

Heese, John D., dec'd.

Late of Manheim Township.
Executrix: Joylynn G. Keener
c/o H. Charles Benner, Attor-
ney, 200 East Main Street, Le-
ola, PA 17540.
Attorney: H. Charles Benner,
Esq.

Hubbs, David C., dec'd.

Late of Providence Township.
Executor: Sally A. Rhoads c/o
Appel Yost & Zee LLP, 33 North
Duke Street, Lancaster, PA
17602.
Attorney: Jeffrey P. Ouellet, Es-
quire.

Kister, Eula M., dec'd.

Late of Lancaster Township.
Executors: Lynn E. Kister and
Barbara J. Kister c/o Robert E.
Sisko, Esquire, 700 North Duke
Street, P.O. Box 4686, Lancast-
er, PA 17604-4686.
Attorneys: Morgan, Hallgren,
Croswell & Kane, P.C.

Lewis, Donna J., dec'd.

Late of Elizabethtown.
Executrix: Michele P. Stack-
house, 268 Bahia Ave., Her-
shey, PA 17033.
Attorney: None.

Lewis, Kenneth E., dec'd.

Late of Elizabethtown.
Executrix: Michele P. Stack-
house, 268 Bahia Ave., Her-
shey, PA 17033.
Attorney: None.

Liezert, Cecil Gordon, dec'd.

Late of Earl Township.
Executrix: Charlotte J. Lester
c/o Nicholas T. Gard, Esquire,
121 E. Main Street, New Hol-
land, PA 17557.
Attorneys: Smoker Gard Associ-
ates LLP.

**Lombardo, Marianna Spadea
a/k/a Marianna Lombardo,**
dec'd.

Late of City of Lancaster.
Executrix: Catherine R. Lom-
bardo Sheehan c/o Nikolaus
& Hohenadel, LLP, 222 South
Market Street, Suite 201, Eliz-
abethtown, PA 17022.
Attorney: Jeffrey S. Shank, Esq.

Lombardo, Vincent, dec'd.

Late of City of Lancaster.
Executrix: Catherine R. Lom-
bardo Sheehan c/o Nikolaus
& Hohenadel, LLP, 222 South
Market Street, Suite 201, Eliz-
abethtown, PA 17022.
Attorney: Jeffrey S. Shank, Es-
quire.

Patterson, James J., dec'd.

Late of Warwick Township.
Co-Executors: Lydia P. Co-
chran, Cynthia P. Robinson
c/o Jeffrey C. Goss, Esquire,
480 New Holland Avenue, Suite
6205, Lancaster, PA 17602.
Attorneys: Brubaker Con-
naughton Goss & Lucarelli LLC.

Scalyer, Gregg J., dec'd.

Late of Lancaster City.
Administrator: Gavin J. Scalyer
c/o Jeffrey Gonick, PO Box 604,
East Petersburg, PA 17520.
Attorney: Jeffrey Gonick.

Shaubach, Robert L., dec'd.

Late of Akron.
Executor: Robert A. Shau-

bach c/o Legacy Law PLLC
147 W. Airport Road, Suite
300, Lititz, PA 17543.
Attorney: Katelyn M. Haldeman,
Esq.

Shoudy, Jane L., dec'd.

Late of Warwick Township.
Executrix: Drusilla Gaffney c/o
Michele A. Werder, Attorney,
P.O. Box 5349, Lancaster, PA
17606.
Attorney: Gibbel Kraybill &
Hess, LLP.

**Shelly, Pauline R. a/k/a Pauline
Ruth Shelly,** dec'd.

Late of Penn Township.
Co-Executors: Nancy A. Wil-
liams, Gary L. Shelly c/o John
R. Gibbel, Attorney, P.O. Box
5349, Lancaster, PA 17606.
Attorney: Gibbel Kraybill &
Hess, LLP.

Smucker, Benuel S., dec'd.

Late of East Lampeter Township.
Executrix: Barbara K. Smucker
c/o James N. Clymer, Esq., 408
West Chestnut Street, Lancast-
er, PA 17603.
Attorney: Clymer Musser & Sar-
no, PC.

Snader, Richard A., dec'd.

Late of East Drumore Township.
Executrix: Ann L. Denlinger c/o
Good & Harris, LLP, 132 West
Main Street, New Holland, PA
17557.
Attorneys: Good & Harris, LLP.

Snyder, John E., Jr., dec'd.

Late of West Earl Township
Executor: Gary L. Snyder c/o
Nicholas T. Gard, Esquire, 121
E. Main Street, New Holland, PA
17557.
Attorneys: Smoker Gard Associ-

ates LLP.

**Stone, Jacqueline G. a/k/a Jac-
queline O. Stone,** dec'd.

Late of East Hempfield Town-
ship.
Executor: Christopher S. Stone,
131 North Sheridan Road, New-
manstown, PA 17073.
Attorney: David F. Wedge, Es-
quire.

Stabile, Barbara Adele, dec'd.

Late of West Lampeter Town-
ship.
Executrix: Gale Rothwell c/o
Russell, Krafft & Gruber, LLP,
101 North Pointe Blvd, Suite
202, Lancaster, PA 17601.
Attorney: Lindsay M. Schoene-
berger, Esquire.

**Stockdale, Carole B. a/k/a Car-
ole Bullett Stockdale,** dec'd.

Late of Warwick Township.
Executor: John H. Stockdale
c/o Edward P. Seeber, Es-
quire, JSDC Law Offices, Suite
C-400, 555 Gettysburg Pike,
Mechanicsburg, PA 17055.
Attorney: Edward P. Seeber, Es-
quire.

Stuber, Terry L., dec'd.

Late of Ephrata Township.
Executors: Cheryl A. Stuber,
Denise L. Johnston c/o A. An-
thony Kilkuskie, 117A West
Main Street, Ephrata, PA 17522.
Attorney: A. Anthony Kilkuskie,
117A West Main Street, Ephra-
ta, PA 17522.

Troutman, John B., dec'd.

Late of Warwick Township.
Executor: R. Steven Troutman
c/o John R. Gibbel, Attorney,
P.O. Box 5349, Lancaster, PA
17606.

Attorney: Gibbel Kraybill & Hess, LLP.

Wilkison, Bernice A., dec'd.

Late of Manheim Township.
Co-Executors: William K. Wilkison, Nancy A. Pott, 6256 Stirrup Court, Harrisburg, PA 17111 c/o David R. Getz, Esquire, 508 North Second Street, Harrisburg, PA 17101-1002.
Attorney: Wix, Wenger & Weidner.

Woodward, Geraldine A. a/k/a Geraldine Ann Woodward a/k/a Geri A. Woodward, dec'd.

Late of West Lampeter Township.
Administrator: Rodney M. Woodward c/o Jason M. Hess, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.
Attorney: Morgan, Hallgren, Crosswell & Kane, P.C.

THIRD PUBLICATION

Amoros, Abel, dec'd.

Late of Lancaster.
Administrator: Sandra Amoros c/o Wendy Chan, Esq., 406 South Queen Street, Lancaster, PA 17603.
Attorney: Wendy Chan, Esq.

Bink, Charles L., dec'd.

Late of Columbia Borough.
Executor: Annmarie Whitson c/o 327 Locust Street, Columbia, PA 17512.
Attorney: John F. Markel, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Bluett, Thomas T., Jr., a/k/a Thomas Taylor Bluett, Jr. dec'd.

Late of Ephrata Township.
Executrix: Florence Dawn Clohecy c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.
Attorney: John C. Stevens.

Campbell, Reba, dec'd.

Late of Manheim Township.
Administratrix: Sharon L. Patrick c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.
Attorney: John C. Stevens.

Drayovitch, Alfred, Jr., dec'd.

Late of Quarryville Borough.
Executrix: Judy Culshaw c/o Masano & Bradley, 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.
Attorney: Michael J. Gombar, Jr., Masano & Bradley, 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.

Eberly, Clarence M., dec'd.

Late of West Earl Township.
Executors: Henry M. Eberly and Leon M. Eberly c/o Barley Snyder, LLP., 2755 Century Blvd., Wyomissing, PA 19610.
Attorney: Zachary D. Griffith, Esquire, Barley Snyder, LLP.

Garner, June C., a/k/a June Garner, dec'd.

Late of Ephrata Borough.
Executor: Thomas E. Garner c/o Randy R. Moyer, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.
Attorney: Barley Snyder LLP.

Gift, Lois J., dec'd.

Late of East Cocalico Township.
Executor: Henry J. Heyer, 8137 Route 183, Bernville, PA 19506.

Attorney: David S. Sobotka, Esquire, Smith Bukowski, LLC, 1050 Spring Street, Suite 1, Wyomissing, PA 19610.

Griffith, Robert A., dec'd.

Late of Mountville Borough.
Administratrix: Kimberly G. Brown c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Dana C. Panagopoulos, Esquire.

Hershey, Phyllis T., dec'd.

Late of West Hempfield Township.
Administrator: Martha H. Kast c/o Eric Schelin Rothermel, Esquire, 49 North Duke Street, Lancaster, PA 17602.
Attorney: May, Herr & Grosh, LLP.

Hershey, Verna M., dec'd.

Late of Lancaster.
Executor: Debra L. Kauffman, 215 Frogtown Rd, Pequea, PA 17565.
Attorney: None.

Hufford, Effie M., dec'd.

Late of East Earl Township.
Administrator: James L. Hufford c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Patrick A. Deibler, Esq., Kling, Deibler & Glick, LLP.

Kemper, June, dec'd.

Late of Manheim Township.
Co-Executors: Laurie L. Kemper, James M. Kemper c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540.
Attorney: H. Charles Benner, Esq.

Kreider, Steven Bradley a/k/a S. Bradley Kreider, dec'd.

Late of Lancaster City.
Executor: Randall L. Kreider c/o Aevitas Law, PLLC, 275 Hess Blvd., Suite 101. Lancaster, PA 17601.
Attorney: Neil R. Vestermark, Esquire; Aevitas Law, PLLC.

Kresge, Sheryl L., dec'd.

Late of Warwick Township.
Executrix: Susan M. Bowman c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.
Attorneys: Good & Harris, LLP.

McCafferty, John R. III, dec'd.

Late of Mount Joy Township.
Administrator: Shawn C. McCafferty c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.
Attorney: John C. Stevens.

Pohl, Wilhelm, dec'd.

Late of Manor Township.
Executor: Carolyn A. Pohl c/o Russell, Kraft & Gruber, LLP., 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.
Attorney: Lindsay M. Schoeneberger, Esquire.

Pullen, Ronald A., dec'd.

Late of West Lampeter Township.
Executor: PNC Bank, N.A. c/o Randy R. Moyer, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.
Attorney: Barley Snyder LLP.

Riehl, Cora Jean, dec'd.

Late of Leacock Township.
Executor: Jonathan K. Riehl c/o Kling, Deibler & Glick, LLP,

131 W. Main Street, New Holland, PA 17557.
Attorney: Patrick A. Deibler, Esq.; Kling, Deibler & Glick, LLP.

Shirk, Paul M., dec'd.

Late of Caernarvon Township.
Executor: Kenneth N. Shirk c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

Yenser, Sherwood, dec'd.

Late of Ephrata Borough.
Executor: Thomas R. Yenser c/o Masano & Bradley 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.
Attorney: Christopher C. Muvdi, Masano & Bradley, 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.

ARTICLES OF INCORPORATION

NOTICE

Articles of Incorporation for **Golf for a Cure**, a nonprofit corporation, were filed May 17, 2023, with the Department of State of the Commonwealth of Pennsylvania under the provisions of the Nonprofit Corporation Law of 1988.

The corporation is incorporated for the purpose of fundraising for tax exempt organizations.
BLAKINGER THOMAS, PC
Attorneys

J-2

Trails at Marsh Creek Community Association has been incorporated under the provisions of the Pennsylvania Law of 1988.

J-2

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:

ZAYNE AUTO SERVICES, INC.
GARDNER & STEVENS, P.C.
Attorneys

J-2

CERTIFICATE OF ORGANIZATION

NOTICE is hereby given that on April 21, 2023, a Certificate of Organization for **Good Mood Food, LLC**, was filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania pursuant to 15 Pa.C.S.A. Section 8913. The initial registered office is 926 Wood Street, Mt. Joy, Pennsylvania 17552.

Dorothy Livaditis, Esquire

J-2

CHANGE OF NAME NOTICES

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of **Christian Aubrey Potter** to Aubrey Theodora Potter. A hearing on the Petition will be held on July 31, 2023 at 2:15 p.m. in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any person interested may attend and show

cause, if any, why the Petition should not be granted.

J-2

140 A East King Street
Lancaster, Pa. 17602
(717) 735-3700

J-2

**Court of Common Pleas
NO. 22-07876**

NOTICE is hereby given that on December 16, 2022, the Petition for Name Change of **Eden Marina Barto** was filed in the above named Court requesting an Order for Name Change.

The Court has fixed the date of Thursday, June 8, 2023 at 2:00 P.M. in Courtroom No. 4 of the Lancaster County Courthouse, 50 N. Duke Street, Lancaster, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

THE HONORABLE MARGARET
C. MILLER, Judge
JESSE A. CONGO, Esquire

J-2

**Court of Common Pleas
NO. 23-03073**

Notice is hereby given that Parmila Gurung has filed a petition in the Court of Common Pleas of Lancaster County, Pennsylvania, requesting the Court to change the name of **N.A.** to N.G. A Hearing on the Petition will be held Thursday, August 10, 2023 at 1:45 p.m. in Courtroom #4 on the third floor of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which any person interested may attend and show cause, if any, why the Petition should not be granted.

MAKAYLA D. GILCHRIST, Esquire
J-2

FICTITIOUS NAME NOTICES

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of **Jaydin Samantha Kendall** to Jayd Samantha Kendall. A hearing on this Petition will be held on July 6, 2023 at 3:00 o'clock p.m. in Courtroom No.4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

Elizabeth A. Stineman, Esq.
ID No. 89456
Attorney for Petitioners

On April 10, 2023, 1528 West LP with its registered office at 8 West King Street, Suite 821, Lancaster, PA 17603 did file under the Fictitious Names Act in the office of the Secretary of the Commonwealth of Pennsylvania registration of the name

1528 West Apartments

under which it intends to do business at the registered office set forth above.

J-2

On April 10, 2023, Adamsburry Associates, L.P. with its registered office at 8 West King Street, Suite 821, Lancaster, PA 17603 did file under the Fictitious Names Act in the office of the Secretary of the

Commonwealth of Pennsylvania registration of the name

The Apartments at College Avenue

under which it intends to do business at the registered office set forth above.

J-2

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on March 27, 2023, for **Roseville Restyle** with a principal place of business located at 611 E. Roseville Rd., Lancaster PA 17601 in Lancaster County. The individual interested in this business is Megan Henry also located at 611 E. Roseville Rd., Lancaster PA 17601. This is filed in compliance with 54 Pa.C.S. 311.417

J-2

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on March 29, 2023, for **ZimZams Entertainment** with a principal place of business located at 214 North Cherry Alley, Elizabethtown PA 17022 in Lancaster County. The individual interested in this business is Sean Laukhuff also located at 214 North Cherry Alley, Elizabethtown PA 17022. This is filed in compliance with 54 Pa.C.S. 311.417

J-2

NOTICE OF REPEAL OF PER CAPITA TAX

Notice is given pursuant to the Local Tax Enabling Act, Act 511, that the Board of School Directors

of Ephrata Area School District intends to adopt a resolution which will repeal its previously adopted resolution imposing a per capita tax of five dollars (\$5.00) on each resident of the school district over the age of 18 years under the Public School Code of 1949, as amended (the "School Code"), and a per capita tax of five dollars (\$5.00) on each resident of the school district over the age of 18 years under the Local Tax Enabling Act, Act 511. The new resolution will determine that the per capita tax adopted under both the School Code and the Local Tax Enabling Act were of a nuisance nature and that they should be repealed in their entirety as of the July 1, 2023, fiscal year of the Ephrata Area School District.

The resolution will be acted upon at a meeting of the Board of School Directors of Ephrata Area School District to be held on June 12, 2023, at 7:00 p.m., in the District Office Board Room, 803 Oak Boulevard, Ephrata, PA 17522. If for any reason the resolution is not acted upon at that meeting, it will be acted upon at the next Board of School Directors meeting. A copy of the full text of the proposed resolution may be obtained by any citizen at the District Office of the School District located at 803 Oak Boulevard, Ephrata PA 17522, during regular business hours (Monday through Friday between 8:00 a.m. and 4:00 p.m.).
Ephrata Area School District
Board Secretary

M-26; J-2, 9

ORPHANS' COURT NOTICE

Orphans' Court Division
Auditing Notices

To All Claimants, Beneficiaries, Heirs and Next of Kin, and other persons interested: NOTICE IS GIVEN that the following accounts in decedents', incapacitated persons, minors', and trust estates have been filed in the office of the Clerk of the Orphans' Court division of the Court of Common Pleas of Lancaster County and will be presented to said Orphans' Court Division for Audit and confirmation therein to the parties legally entitled thereto on

June 6, 2023

at 9 o'clock a.m. in Courtroom No. 11 on the fourth floor of the Courthouse, 50 North Duke Street, Lancaster, PA

1. RAYBURN, PRISCILLA A., decd., 2011-1389. First & Final Acct., Robert Allen, Exec., Edward P. Seeber, atty.
2. STEPHAN, JERROD M., decd., 2021-2736. First & Final Acct., Yury Stephan, Admin., Megan C. Huff, atty.

Anne L. Cooper
 Clerk of the Orphans' Court
 Division
 of the Court of Common Pleas.
 M-26; J-2

SUITS ENTERED

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

May 18, 2023
 to May 24, 2023

AMMARITO, JULIUS; Amanda Stern; 03582

BERIGUETE-DELEON, DEY-ANIRA, BERIGUETE, DEYANIRA; Parkash 2487 LLC; 03494; Zellner COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION; Aluel A Mach;03484

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION; Steven Lee Hadley; 03592

DAVIS, AALIYAH; Solmary Torres-Garcia; 03561

E*TRADE SECURITIES LLC; Quinn Estate of, James P.; 03562; Abernethy III

HYUNDAI MOTOR AMERICA; Eric M. Boyer; 03583; Ugarte

JOYCE, BESSIE; Newport Meadows Nursing and Rehabilitation Center; 03501; Eisemann

KING, KYLE M.; HENKELS & MCCOY INC; HENKELS & MCCOY NATION INC, HENKELS & MCCOY;, WILLIAM ASPINALL JR.; 03422; McDaniel

LANCASTER CITY WATER BUREAU CITY OF LANCASTER; Stan J. Caterbone; 03481

MAXWELL, BETH D., MAXWELL SR, DAVID J., MAXWELL, DAVID J.; HSBC Bank USA National Association; 03443; Schweiger

MILLER, BARBARA, MILLER, ROBERT; Conestoga View SNF Operations LLC; 03509; Eisemann MYERS, GREGORY T.; Austin R. Kintner; 03415; Diehl

OFF THE CHAIN TREE SERVICE LLC, OSELETT, JOSEPH;

De Lage Landen Financial Services
Inc; 03584; Markind

OLWEILER, JARED, OLWEILER,
DAWN, DOE, JOHN; Keith Rinaldi;
03549; Garnick

ROMAN, RICKY; BELCO Com-
munity Credit Union; 03421, Mill-
er

STEVENSON, TRACI LEE; Brad
Templin; 03547; Staszkiw

T.S KAUFFMAN ROOFING &
CONSTRUCTION LLC, KAUFF-
MAN, TROY S.; Kohl Building
Products; 03427; Keifer