

# York Legal Record

A Record of Cases Argued and Determined in the Various Courts of York County

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## CASES REPORTED

YORK COUNTY, *Petitioner* v. DYLAN SEGELBAUM, *Respondent*  
2019-SU-002464

Right to Know Appeal – Sufficient Specificity - Overbroad Request

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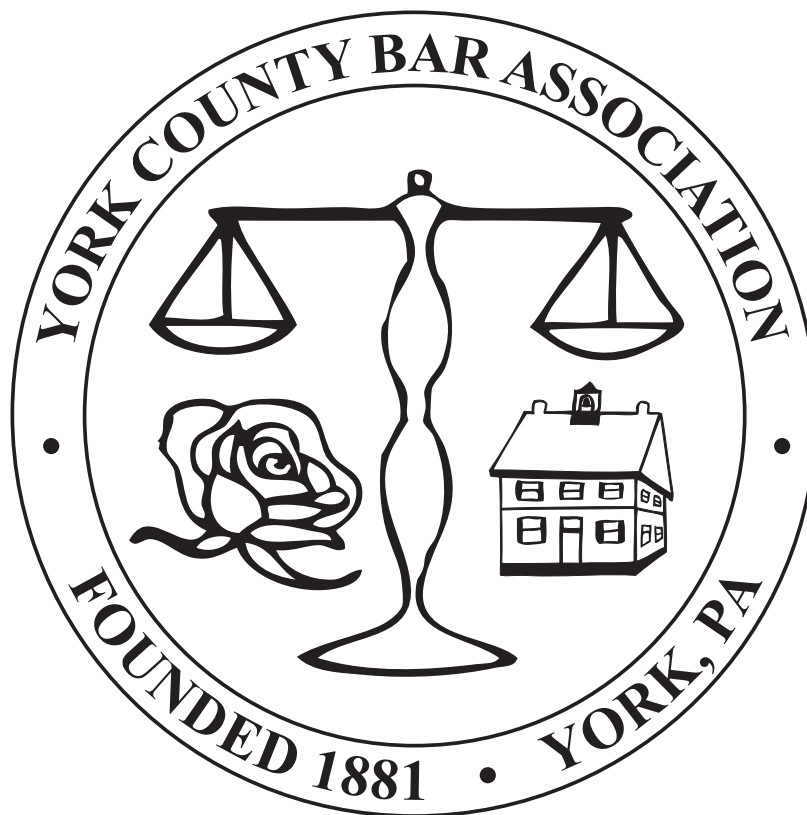
## ARTICLE OF LEGAL INTEREST

What It Means for Property Owners

By: Martin R. Siegel, Esquire – Barley Snyder Law Firm

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YORK COUNTY, *Petitioner v.*  
DYLAN SEGELBAUM, *Respondent*  
2019-SU-002464

- Contraband
- Smuggling
- Testify

#### Right to Know Appeal – Sufficient Specificity - Overbroad Request

1. On May 30, 2019, Respondent made a request to York County Prison for emails containing a list of keywords. No subject matter reference was mentioned in the request to enable a searcher to place the search terms into any meaningful context.
2. The County invoked a thirty-day extension to respond to the Request and subsequently denied the Request, arguing that the Request lacked sufficient specificity to ascertain which email records were considered to be public records, pursuant to 65 P.S. § 67.703
3. Requester appealed to the Office of Open Records, challenging the County of York's denial who granted the Request.
4. A Petition for Review was filed by York County.
5. The Court held that the request was overbroad and would not afford the County of York a reasonable ability to determine whether a particular record complies with the request.

2. No subject matter reference was mentioned in the request to enable a searcher to place the search terms into any meaningful context.

3. On May 31, 2019, the County invoked a thirty-day extension to respond to the Request. On June 17, 2019, the County denied the Request, arguing that the Request lacked sufficient specificity to ascertain which email records were considered to be public records, pursuant to 65 P.S. § 67.703.

4. On June 24, 2019, Requester appealed to the Office of Open Records, challenging the County of York's denial.

5. On July 19, 2019, the Office of Open Records issued an opinion that granted the Requester's appeal, finding the request was sufficiently specific, and that the County did not prove the responsive records were exempt from disclosure.

6. On August 8, 2019, the County of York, through its counsel Donald L. Reihart, filed a petition for review to the Court of Common Pleas of York County to review the decision of the Office of Open Records asking us to grant the County's appeal.

7. Argument was scheduled for and held on October 3, 2019. Requester did not appear at that argument.

8. Petitioner County supplemented the record from that which was considered by the OOR with a Brief In Support of Petition to Review on September 12, 2019 and Respondent filed a Response to Brief in Support of Petition for Review on September 23, 2019.

9. York County Prison is a local agency subject to the Right to Know Law.

10. The only subject of the requested e-mails, Clair Doll, is the Warden of the York County Prison. (Affidavit of Clair Doll, p. 1).

11. The keyword request resulted in 2,398 emails. (Affidavit of Clair Doll, p. 2).

#### IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

YORK COUNTY,	:	2019-SU-002464
<i>Petitioner</i>	:	
	:	
v.	:	Right to Know Appeal
	:	
DYLAN SEGELBAUM	:	
<i>Respondent</i>	:	

#### Appearances:

For York County:	Donald L. Reihart, Esquire
For Requester Segelbaum:	<i>pro se</i>

#### ORDER GRANTING PETITION FOR REVIEW

AND NOW, this 15<sup>th</sup> day of November, 2019, this matter is before the Court on the petition filed by the County of York seeking to review and overturn the final determination of the appeals officer of the Commonwealth's Office of Open Records which granted a request by Respondent (Requester), Dylan Segelbaum, for the release of certain information under the Right to Know Law. Because we conclude that the request is overbroad, we GRANT the Petition for Review and hold that the County need not comply with the request.

#### Factual and Procedural History:

1. On May 30, 2019, Respondent Dylan Segelbaum, made a request to York County Prison for the following records from September 1, 2018 to the date of the conducted search<sup>1</sup>:

"Copies of emails that York County Prison Warden Clair Doll sent or received that mention any of the following terms:" ...

- Overdose
- OD
- Drugs
- Heroin
- Fentanyl
- Substance
- Narcan
- Naloxone
- Opioids
- Opiates
- Death
- Subpoena
- Grand Jury
- GJ
- Testimony

#### Discussion:

##### Appeals Process Generally:

"Under the RTKL, a requester submits a request that 'tells the agency what record he wants, and the agency responds by either giving the records or denying the request by providing specific reasons why the request has been denied.'" *Pennsylvania Dept. of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121, 1124 (Pa. Cmwlth. 2015); quoting *Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Cmwlth. 2010). "If a written request for access to a record is denied . . . the requester may file an appeal with the Office of Open Records . . . within 15 business days of the mailing date of the agency's response." 65 P.S. § 67.1101(a)(1). "The appeal shall state the grounds upon which the requester asserts that the record is a public record . . . and shall address any grounds stated by the agency for delaying or denying the request. *Id.* "The appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal." 65 P.S. § 67.1101(b).

"Within 30 days of the mailing date of the final determination of the appeals officer . . . a requester or local agency may file a petition for review or other document as required by rule of court within the court of common pleas for the county where the local agency is located." 65 P.S. § 67.1302. The decision of the court shall contain findings of fact and conclusions of law, based upon the evidence as a whole. *Id.* The decision shall clearly and concisely explain the rationale for the decision. *Id.* The standard of review of the reviewing court is *de novo*. *Bowling v. Office of Open Records*, 990 A.2d 813, 818 (Pa. Cmwlth. 2010).

##### RTKL Generally

"[T]he objective of the [Right to Know Law] is to empower citizens by affording them access to information concerning the activities of their government." *Pittsburgh Post-Gazette*, 119 A.3d at 1124; quoting *Levy v. Senate of Pa.*, 65 A.3d 361, 381 (Pa. 2013). The RTKL is remedial legislation that "promote[s] access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions." *Bowling v. Office of Open Records*, 990 A.2d at 824.

A record in the possession of a local agency is presumed to be a public record unless the record is exempt under the RTKL or other law or protected by a privilege, judicial order, or decree. 65 P.S. § 67.305. The York County Prison is a local agency subject to the RTKL that is required to disclose public records and may not deny the release of records unless the law provides otherwise. 65 P.S. § 67.302.

### *Sufficiently Specific Requirement*

In the present case, the York County Prison denied Respondent's request to release the emails of York County Prison Warden Clair Doll because the request lacked sufficient specificity under 65 P.S. § 67.703. The OOR granted Respondent's appeal, finding that the request was sufficiently specific, and that the County of York did not prove that the responsive records were exempt from disclosure. The County of York argues that the OOR erred when it held that Respondent's requests were sufficiently specific. The County of York argues that the keyword request is insufficiently specific because it does not identify a transaction or activity for which the record is sought.

The RTKL requires that "a written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested. . . ." 65 P.S. § 67.703. "An open-ended request that gives an agency little guidance regarding what to look for may be so burdensome that it will be considered overly broad." *Commonwealth v. Engelkemier*, 148 A.3d 522, 530 (Pa. Cmwlth. 2016); quoting *Montgomery Cnty. v. Iverson*, 50 A.3d 281, 283 (Pa. Cmwlth. 2012). "The fact that a request is burdensome, however, is not sufficient in and of itself to deem the request overbroad." *Id.*; quoting *Dep't of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Cmwlth. 2012). "In determining whether a request is sufficiently specific, an agency should rely on the common meaning of words and phrases, be mindful of the remedial purpose of the RTKL, and construe the specificity of the request in the context of the request, rather than envisioning everything the request might conceivably encompass." *Office of the District Attorney of Philadelphia v. Bagwell*, 155 A.3d 1119, 1142-43 (Pa. Cmwlth. 2017).

### *Respondent's Request is Not Sufficiently Specific*

The County of York disputes the OOR's determination that Respondent's keyword search provided sufficient information to comply with Section 703 of the RTKL. We agree and conclude that the request submitted by Respondent is insufficiently specific to allow the County of York to identify a transaction or activity for which Respondent is seeking the records, without guessing whether a particular record satisfies the request.

"When considering a challenge to the specificity of a request under Section 703 of the RTKL, [the] Court employs a three-part balancing test, examining the extent to which the request sets forth (1) the subject matter of the request; (2) the scope of documents sought; and (3) the timeframe for which records are sought." *Pittsburgh Post-Gazette*, 119 A.3d at 1124-25.

The County of York does not dispute that Respondent has met the last two prongs. We, therefore, have to examine the first factor to determine whether Respondent's request (1) identified a specific activity or transaction (subject matter).

### *Respondent's Request Failed to Identify a Specific Subject Matter*

"The subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Pittsburgh Post-Gazette*, 119 A.3d at 1125; 65 P.S. § 67.102. Instantly, the request identified e-mails sent or received by a specific individual, but it failed to identify a subject matter which the e-mails were to have addressed. "The subject matter should provide a context to narrow the search." *Id.*; *Iverson*, 50 A.3d at 284. "A request that is more narrow . . . may be sufficiently specific even though it requests broad categories of records." *Iverson*, 50 A.3d at 283; *Easton Area School District v. Baxter*, 35 A.3d 1259, 1265 (Pa. Cmwlth. 2012).

Instead of providing a subject matter, Respondent's Request provided a list of keywords. A keyword request is not sufficiently specific where it requires the agency to not only identify records containing key words, but also make a judgment call regarding which records are actually responsive. See *Campbell v. Bellefonte Area Sch. Dist.*, OOR Dkt. AP 2019-0205, 2019 PA O.O.R.D. LEXIS 386 (concluding that a request was insufficiently specific insofar as it required the agency to make a judgment call as to which records were actually responsive).

The Commonwealth Court of Pennsylvania has addressed cases where keywords were used to provide a subject matter and context for a request for documents under the RTKL.

In *Iverson*, the Commonwealth Court found that a request for email records related to "montcopa.org", "septa.org", "dvrpc.org", "pahouse.net", and "pasenate.com" and a keyword list of fourteen words was an insufficiently specific request. 50 A.3d at 281-85. The Court found that petitioner failed to provide any kind of timeframe for the emails, failed to identify specific individuals, email addresses, or departments, and failed to provide a context that would allow a narrow search." *Id.* at 284. The Court found that while petitioner did provide a keyword list, some

of the search terms like the word, "Trail", were determined to be incredibly broad. *Id.* Thus, the Court held that the petitioner failed to make a sufficiently specific request under the RTKL.

In *Engelkemier*, Respondent requested "[a]ll emails sent or received by Chief of Staff Katie McGinty from January 20, 2015 to present." 148 A.3d at 524. The Commonwealth responded to the request by asking the respondent to provide further clarification and a subject matter, as the respondent's initial request yielded "thousands upon thousands of pages of records which [were] still be[ing] counted." *Id.* In response, requester submitted a keyword list of 109 different terms which included: "names of individuals . . . , organization names . . . , and topics, such as '2015-2016 Budget', 'Senate Republicans', 'White House', 'Cape Cod', 'Massachusetts', 'Pension Reform', 'Liquor Privatization', 'Veto', 'School Funding', 'Marijuana', 'Senate Bill 1', 'House Bill 1192', 'Gift Ban', 'Expenses', 'Reimbursement', and 'Editorial Board'."

On appeal, the Commonwealth Court addressed the issue of "whether the keyword list Requester provided to the Office is so general, or broad, that, on balance, the request fails the specificity test." *Id.* at 531. The Court noted that "[a] keyword list is not necessarily a substitute for a properly-defined subject matter(s) . . . i.e., a particular transaction or activity of an agency. *Id.* 'If terms on a list are too general or too broad, a requester runs the risk that the request will be rejected for lack of specificity, if not by the agency then by the OOR or this Court.' *Id.* 'A clearly-defined subject matter, such as 'liquor privatization', by contrast, has a better chance of passing the specificity test.' *Id.*

For example, the Court held that "a request to an employee of the Office of the Governor for emails that refer to the Governor (here 'Tom Wolf') seems, on its face, to be overly broad." *Id.* "Similarly, a request to the Secretary of Banking for the Commonwealth for emails that include the term 'banking' would likely fail the specificity test. *Id.* at 536, n.9.<sup>2</sup>

We find the *Engelkemier* case persuasive in how courts will analyze certain keyword search terms in the case where Respondent provides a recipient and timeframe in conjunction with a list of keywords. Unlike in *Engelkemier*, Respondent did not provide keywords related to topics. Taken in context of the prison to which the request was made, it would be common for emails to circulate containing the terms "drugs," or "opioids" so as to produce an overabundance of hits without providing the County of York insight into what type or category of business activity the Requestor was seeking. The abbreviations "OJ" and "GJ" provided by Respondent similarly do not provide a narrow enough context for the County of York to determine the records that are being sought. Because the responsibilities of a prison warden include confinement of inmates, ensuring the safety and wellbeing of inmates and prison staff, as well as coordination and cooperation with federal, state, and local law enforcement agencies that relate to criminal and non-criminal investigations, Respondent's keywords, without a defining subject matter, are overly broad and force the County of York to make a judgment call regarding which records are responsive.

In this instance, Respondent requested "copies of emails that York County Prison Warden Clair Doll sent or received" that mentioned any of eighteen keywords provided. Given this context, we conclude that the request is insufficiently specific in that it would require the County to guess at which records produced by the keyword search would satisfy the request.

Therefore, the Court finds that the Respondent's request is overly broad and is deficient under Section 703 of the RTKL.

### *Conclusions of Law*

1. The York County Prison is a local agency subject to the Right to Know Law.
2. When interpreting a request, the Right to Know Law must be interpreted to maximize access to the requested records.
3. Section 703 of the RTKL requires that a request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested without making a judgment call as to which records satisfy the request.
4. Requestor's request for copies of emails that York County Prison Warden Clair Doll sent or received, during a nine month period, with eighteen keywords listed is overbroad and would not afford the County of York a reasonable ability to determine whether a particular record complies with the request.

### *Conclusion*

For the reasons set forth above, we the GRANT the County's appeal. The County need not do anything further to comply with the re-

quest.

In view of our holding, we need not address the issue of any exemptions claimed by the County.

A copy of this ORDER shall be sent to counsel for the County, to the Requester, pro se, and a courtesy copy to the OOR Appeals Officer, Blake Eilers.

**BY THE COURT:**

\_\_\_\_\_  
Richard K. Renn, Judge

**FOOTNOTES**

<sup>1</sup> York County conducted the search on June 26, 2019, a period of 8 months and 26 days from September 1, 2018. (Affidavit of Clair Doll, p. 2).

<sup>2</sup> We recognize that the Commonwealth Court never ruled in *Engelkemier* whether Respondent's keyword list identified a subject matter, transaction, or activity or whether the request was overly broad. The Court found that Respondent's request was sufficiently specific under 65 P.S. § 67.703 because the scope of documents and timeframe elements were met, and because the Office of the Governor, after receiving the keyword list, did not seek further clarification from the Respondent. Instead, the Office asked Respondent for additional time to review the records for exemptions and proposed a "rolling production schedule" which Respondent agreed to. The Court held that the Office's response to Respondent indicated it had sufficient information to process Respondent's RTKL request and if there were specificity issues, they should have been raised before establishing a production schedule. 148 A.3d at 532-33.

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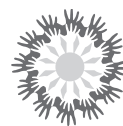


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 Executor: John Donnelly, c/o Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331  
 Attorney: Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331 11.21-3t

**ESTATE OF MICHAEL T. ECKERT, DECEASED**

Late of York Twp., York County, PA.  
 Executor: Susan Heisly Eckert, c/o MPL Law Firm, LLP, 137 East Philadelphia Street, York, PA 17401-2424  
 Attorney: John D. Miller, Jr., Esquire, MPL LAW FIRM, LLP, 137 East Philadelphia Street, York, PA 17401-2424 11.21-3t

**ESTATE OF RICHARD R. HALL, a/k/a RICHARD REESE HALL, DECEASED**

Late of Stewartstown Borough, York County, PA.  
 Executor: Mark R. Hall, c/o Stock and Leader, 221 West Philadelphia Street, Suite 600, York, PA 17401  
 Attorney: Jody Anderson Leighty, Esquire, Stock and Leader, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite 600, York, PA 17401-2994 11.21-3t

**ESTATE OF JOANNE L. HOFF, DECEASED**

Late of Penn Twp., York County, PA.  
 Executors: Joald D. Hoff, Shawn D. Hoff, and Donann G. Rider, c/o Genevieve E. Barr, 11 Carlisle Street, Suite 301, Hanover, PA 17331  
 Attorney: Genevieve E. Barr, Esquire, 11 Carlisle Street, Suite 301, Hanover, PA 17331 11.21-3t

**ESTATE OF ROBERT JACOBS, DECEASED**

Late of York Haven, York County, PA.  
 Administrator-Executor: Rolana Hoffman, 580 Midway Road, York Haven, PA 17370 11.21-3t

**ESTATE OF NANCY I. LIGHTNER a/k/a**

**NANCY IRENE LIGHTNER, DECEASED**  
 Late of Manchester Twp., York County, PA.  
 Co-Executors: Regina L. Bowman and Thomas J. Wright, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York

Street, Hanover, PA 17331  
 Attorney: Samuel A. Gates, Esquire,  
 Gates & Gates, P.C., 250 York Street,  
 Hanover, PA 17331 11.21-3t

ESTATE OF MARY C. MESSINGER,  
 DECEASED  
 Late of Penn Twp., York County, PA.  
 Executrix: Deborah C. Sterner, c/o Elinor  
 Albright Rebert, Esquire, 515 Carlisle  
 Street, Hanover, PA 17331  
 Attorney: Elinor Albright Rebert, Esquire,  
 515 Carlisle Street, Hanover, PA 17331  
 11.21-3t

ESTATE OF ANNA M. MYERS, DECEASED  
 Late of Penn Twp., York County, PA.  
 Executors: Gregory R. Myers and Jeffrey  
 A. Myers, c/o Elinor Albright Rebert,  
 Esquire, 515 Carlisle Street, Hanover, PA  
 17331  
 Attorney: Elinor Albright Rebert, Esquire,  
 515 Carlisle Street, Hanover, PA 17331  
 11.21-3t

ESTATE OF MICHAEL J. MYERS,  
 DECEASED  
 Late of Washington Twp., York County, PA.  
 Executor: Ame M. Myers, c/o PO BOX 606,  
 East Berlin, PA 17316  
 Attorney: Sharon E. Myers, Esquire, CGA  
 Law Firm, PC, PO BOX 606, East Berlin,  
 PA 17316 11.21-3t

ESTATE OF ROBERT L. REHMEYER,  
 DECEASED  
 Late of West Manchester Twp., York County, PA.  
 Executor: Jay A. Rehmyer, c/o John W.  
 Stitt, Esquire, 1434 W. Market St. York PA  
 17404  
 Attorney: John W. Stitt, Esquire, 1434 W.  
 Market Street, York, PA 17404 11.21-3t

ESTATE OF DOLLIE V. SHEAFFER a/k/a  
 DOLLIE V. KEEFER, DECEASED  
 Late of Hanover Borough, York County, PA.  
 Executrix: Gracie M. Clouser, 213 West  
 Hanover Street, Hanover, PA 17331  
 Attorney: Todd A. King, Esquire, Salzmann  
 Hughes, P.C., 112 Baltimore Street,  
 Gettysburg, PA 17325 11.21-3t

ESTATE OF JANICE LEE SMITH,  
 DECEASED  
 Late of West Manchester Twp., York County, PA.  
 Executor: Alex James Smith, c/o 135 North  
 George Street, York, PA 17401  
 Attorney: John D. Flinchbaugh, Esquire,  
 CGA Law Firm, PC, 135 North George  
 Street, York, PA 17401 11.21-3t

ESTATE OF LOUISE E. WAGNER,  
 DECEASED  
 Late of Dover Twp., York County, PA.  
 Administrators: Randolph J. Wagner,  
 Marjorie A. Trona and Jon G. Wagner,  
 c/o 340 Pine Grove Commons, York, PA  
 17403  
 Attorney: Robert Clofine, Esquire, Elder Law  
 Firm of Robert Clofine, 340 Pine Grove  
 Commons, York, PA 17403 11.21-3t

ESTATE OF FLORENCE E. WITTER a/k/a  
 FLORENCE ELAINE WITTER, DECEASED  
 Late of Conewago Twp., York County, PA.  
 Administrator-Executor: George E. Witter,  
 240 Big Creek Road, Dover, PA 17315

Attorney: David Turocy, Esquire, Ream,  
 Carr, Markey, Woloshin & Hunter LLP, 53  
 East Canal St., Dover, PA 17315 11.21-3t

ESTATE OF NORMA J. ZUTELL, a/k/a  
 NORMA JEAN ZUTELL, DECEASED  
 Late of York Twp., York County, PA.  
 Executor: Robin L. Detomas, c/o 48 South  
 Duke Street, York, PA 17401  
 Attorney: Bruce C. Bankenstein, Esquire, 8  
 South Duke Street, York, PA 17401  
 11.21-3t

### THIRD PUBLICATION

ESTATE OF CATHERINE E. CLOUSER,  
 DECEASED  
 Late of Dover Twp., York County, PA.  
 Executors: Ruby Ann Minnich, 1309  
 Livingston Road, York, PA 17404 and  
 Gary N. Clouser, 70 Fairview Road, Lititz,  
 PA 17543  
 Attorney: Jan M. Wiley, Esquire, Of Counsel,  
 STONE, WILEY & LINSENBACH, PC,  
 3 N. Baltimore Street, Dillsburg, PA 17019  
 11.14-3t

ESTATE OF BARBARA J. EVANS,  
 DECEASED  
 Late of Dover Borough, York County, PA.  
 Co-Executors: Michael J. Evans, John E.  
 Evans, and Thomas E. Evans, c/o 129 E.  
 Market St., York, PA 17401  
 Attorney: John C. Herrold, Esquire, Griest,  
 Himes, Herrold, Reynosa LLP, 129 East  
 Market Street, York, PA 17401 11.14-3t

ESTATE OF DONALD HERBERT GENT a/k/a  
 DONALD H. GENT, DECEASED  
 Late of Penn Twp., York County, PA.  
 Co-Executors: Douglas H. Gent or Kathryn  
 L. Gent, 32 Roman Lane, Hanover, PA.  
 17331  
 Attorney: Amy S. Loper, Esquire 11.14-3t

ESTATE OF ALICE A. GRINDELL a/k/a  
 ALICE ANN GRINDELL, DECEASED  
 Late of York Twp., York County, PA.  
 Executor: Thomas E. Grindell, c/o 340 Pine  
 Grove Commons, York, PA 17403  
 Attorney: Robert Clofine, Esquire, Elder Law  
 Firm of Robert Clofine, 340 Pine Grove  
 Commons, York, PA 17403 11.14-3t

ESTATE OF GEORGE N. GROVE,  
 DECEASED  
 Late of York Twp., York County, PA.  
 Executor: Marc Ferree, 58 Countryside Lane,  
 Marietta, PA 17547  
 Attorney: David J. Lenox, Esquire, 8 Tristan  
 Drive, Suite 3, Dillsburg, PA 17019  
 11.14-3t

ESTATE OF DOROTHY S. HOSTETTER,  
 DECEASED  
 Late of West Manheim Twp., York County, PA.  
 Executrix: Anna L. Hostetter, 2565 Black  
 Rock Road, Hanover, PA 17331  
 Attorney: Keith R. Nonemaker, Esquire,  
 Barley Snyder LLP, 14 Center Square,  
 Hanover, PA 17331 11.14-3t

ESTATE OF BETTY F. HUNT, DECEASED  
 Late of Spring Garden Twp., York County, PA.  
 Co-Executors: Austin T. Hunt, 3rd and  
 Elizabeth H. Meckley, c/o Stock and

Leader, 221 West Philadelphia Street,  
 Suite 600, York, PA 17401  
 Attorney: MacGregor J. Brillhart, Esquire,  
 Susquehanna Commerce Center East, 221  
 West Philadelphia Street, Suite 600, York,  
 PA 17401-2994 11.14-3t

ESTATE OF MARY CATHERINE KEENEY  
 a/k/a MARY C. KEENEY, DECEASED  
 Late of Penn Twp., York County, PA.  
 Executrix: Karen L. Keeney, 154 Maple  
 Avenue, Hanover, PA 17331  
 Attorney: Daniel M. Frey, Esquire, Barley  
 Snyder LLP, 14 Center Square, Hanover,  
 PA 17331 11.14-3t

ESTATE OF VINCENT R. LEHR, DECEASED  
 Late of Manchester Twp., York County, PA.  
 Administrator: Jeremy D. Lehr, 2375  
 Grandview Road, Hanover, PA 17331  
 Attorney: Matthew L. Guthrie, Esquire,  
 Barley Snyder LLP, 14 Center Square,  
 Hanover, PA 17331 11.14-3t

ESTATE OF TREVA K. LEESE a/k/a TREVA  
 C. LEESE, DECEASED  
 Late of Hanover Borough, York County, PA.  
 Executrice: Audry R. Menges, 1175 Hoff  
 Road, Hanover, PA 17331 and Bonnie R.  
 Raubenstine, 6636 Manor Drive, Hanover,  
 PA 17331  
 Attorney: Keith R. Nonemaker, Esquire,  
 Barley Snyder LLP, 14 Center Square,  
 Hanover, PA 17331 11.14-3t

ESTATE OF ROBERT L. MOFFITT, JR.,  
 DECEASED  
 Late of North Codorus Twp., York County, PA.  
 Executor: Robert L. Moffitt, Sr., c/o John W.  
 Stitt, Esquire, 1434 W. Market St., York  
 PA 17404  
 Attorney: John W. Stitt, Esquire, 1434 W.  
 Market Street, York, PA 17404 11.14-3t

ESTATE OF JEAN H. NEWCOMER,  
 DECEASED  
 Late of Red Lion Borough, York County, PA.  
 Administrator-Executor: Larry R. Newcomer,  
 Jr., c/o Amanda Snoke Dubbs, Esq., 294  
 Dew Drop Road, York, PA 17402  
 Attorney: Amanda Snoke Dubbs, Esquire,  
 294 Dew Drop Road, York, PA 17402  
 11.14-3t

ESTATE OF GLADYS L. NOEL, DECEASED  
 Late of Penn Twp., York County, PA.  
 Executors: Gregory T. Noel, and Jeffrey  
 D. Noel, c/o R. Thomas Murphy &  
 Associates, P.C., 237 East Queen Street,  
 Chambersburg, PA 17201  
 Attorney: R. Thomas Murphy, Esquire, R.  
 Thomas Murphy & Associates, P.C., 237  
 East Queen Street, Chambersburg, PA  
 17201 11.14-3t

ESTATE OF KENNETH G. SHELLEY a/k/a  
 KENNETH GROVE SHELLEY, DECEASED  
 Late of Windsor Twp., York County, PA.  
 Administrator-Executor: Eric Shelley, c/o  
 Bellomo & Associates, LLC, 3198 East  
 Market Street, York, PA 17402  
 Attorney: Bellomo & Associates, LLC, 3198  
 East Market Street, York, PA 17402  
 11.14-3t

ESTATE OF MALCOLM REED WARE a/k/a  
MALCOLM R. WARE, DECEASED

Late of Washington Twp., York County, PA.  
Co-Executors: Keith Eugene Ware and Cindy  
Marie Kroft, c/o Jennifer McKenrick  
Stetter, Esquire, 100 E. Market Street,  
York, PA, 17401

Attorney: Jennifer McKenrick Stetter,  
Esquire, Barley Snyder LLP, 100 E.  
Market Street, York, PA, 17401 11.14-3t

## CIVIL NOTICES

### DISSOLUTION NOTICE

NOTICE is hereby given to all persons interested or who may be affected that Hill Woodworks, Inc., a Pennsylvania Corporation, having a registered address at 2270 Delta Road, Brogue PA 17302, is about to file Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania and that its Board of Directors are now engaged in winding up and settling the affairs of the corporation so that its corporate existence shall be ended by the issuance of Articles of a Certificate of Dissolution under the Pennsylvania Business Corporation Law of 1988.

11.27-1t Solicitor

### FICTITIOUS NAME

NOTICE is hereby given that a certificate was filed under the Fictitious Name Act approved May 24, 1945 in the Office of the Secretary of the Commonwealth of Pennsylvania on November 6, 2019, setting forth that Keystruct Construction, Inc. is the only interested entity in a business, the character of which is a construction company, and that the name, style and designation under which said business is and will be conducted is: TAH Construction and the location where said business is and will be located is: 30 Marianne Drive, York, Pennsylvania 17406.

Kate E. Hynes, Esquire  
STOCK AND LEADER

11.27-1t Solicitor

### NOTICE

#### PUBLIC NOTICE TO TREVOR ANTHONY MANNING

#### In Re: Adoption of Kenovia Angeleak Marie Perez Reyes, A Minor

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Kenovia Angeleak Marie Perez Reyes. A Termination of Parental Rights Hearing has been scheduled for January 20, 2020, at 1:00 p.m., in Court Room No. 6006, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Kenovia Angeleak Marie Perez Reyes

(DOB: May 19, 2010), whose Fathers are Angel Luis Reyes Perez and Trevor Anthony Manning and whose Mother is Michelle Marie Manning. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. 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 to find out where you can get legal help.

**ATTORNEY CONNECTION/  
YCBA MODEST MEANS**  
137 East Market Street  
York, Pennsylvania 17401  
717-854-8755  
[http://www.yorkbbar.com/  
?page=YCBAFindEsq](http://www.yorkbbar.com/?page=YCBAFindEsq)

If you cannot afford an attorney, an attorney may be appointed by the court at no cost to you if you qualify. Contact the following office for instructions and forms to complete and file.

**Clerk of the Orphans' Court  
York County Judicial Center**  
45 North George Street  
York, Pennsylvania 17401  
717-771-9288  
[http://yorkcountypa.gov/composent/  
jdownloads/send/100-adopt-forms/824-  
packet-for-court-appted-counsel-and-  
financial-affidavit.html](http://yorkcountypa.gov/composent/jdownloads/send/100-adopt-forms/824-packet-for-court-appted-counsel-and-financial-affidavit.html)

Martin Miller, Esquire  
Solicitor for York County Offices of  
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

11.21-3t Solicitor

### SHERIFF'S SALE

Nationstar Mortgage LLC  
PLAINTIFF  
VS.  
Scott A. Swegon  
DEFENDANT  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
YORK COUNTY



NO: 2017-SU-000664

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

TO: Scott A. Swegon

225 Jenny Lane

Stewartstown, PA 17363

Your house (real estate) at:

225 Jenny Lane, Stewartstown, PA 17363

32000CK08650000000

is scheduled to be sold at Sheriff's Sale on February 10, 2020 at:

York County Judicial Center

45 North George Street

York, PA 17401

at 2:00PM to enforce the court judgment of \$341,503.61 obtained by Nationstar Mortgage LLC against you.

**NOTICE OF OWNER'S RIGHTS**

**YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be cancelled if you pay back to Nationstar Mortgage LLC the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: (610) 278-6800.

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 be able to stop the sale through other legal proceedings.

4. 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 notice on page two of 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.**

5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling (610) 278-6800.

6. 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.

7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 717-771-9601.

8. 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.

9. 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.

10. You may be entitled to a share of the money,

which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule.

11. You may also have other rights and defenses or ways of getting your house 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

York County Lawyer Referral Service  
137 East Market Street  
York, PA 17401

717-854-8755

**PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

17-055652

ALL that certain piece, parcel or tract of land together with improvements thereon erected, situated, lying and being in Hopewell Township, York County, Pennsylvania, bounded and limited as-follows, to wit:

BEGINNING at a point along the right-of-way line of Jenny Lane, a 50 feet wide right-of-way and corner of Lot No. 264 on the hereinafter referred to subdivision plan; thence along Lot No. 264, South 01 degree 22 minutes 50 seconds West, 204.06 feet to a point along Lot No. 270 on the hereinafter referred to subdivision plan; thence along Lot No. 270 and Lot No. 269 of said plan, North 81 degrees 29 minutes 30 seconds West 95.74 feet to a point at corner of Lot No. 266 on the hereinafter referred to subdivision plan; thence along Lot No. 266, North 01 degrees 22 minutes 50 seconds East, 192.18 feet to a point along the right-of-way line of Jenny Lane, aforesaid, thence along right-of-way line of Jenny Lane, South 88 degrees 37 minutes 10 seconds East, 95.00 feet to the point and place of BEGINNING (CONTAINING 18,821.36 square feet (net) and being designated as Lot No. 265 on final subdivision plan for Stewartstown Station, Phase 4, Section E, Project No. 960810, as recorded in the Office of Recorder of Deeds in and for York County, Pennsylvania, Plat Book QQ, Page 499)

Property Address (for informational purposes only): 225 Jenny Lane, Stewartstown, PA 17363

BEING Tax I.D. #32-000-CK-0865

BEING THE SAME PREMISES which Jeffrey A. Darby and Betty Joann Darby, by Deed dated 8/31/2005 and recorded 10/3/2005 in the office of the Recorder of Deeds in and for the County of York, in Deed Book 1759 and Page 6929 and Instrument #2005076563, granted and

conveyed unto Scott A. Swegon.

SHAPIRO & DeNARDO, LLC

BY: CHRISTOPHER A. DeNARDO,

PA I.D. NO. 78447

KRISTEN D. LITTLE, PA I.D. NO. 79992

KEVIN S. FRANKEL, PA I.D. NO. 318323

MICHELLE L. McGOWAN,

PA I.D. NO. 62414

LESLIE J. RASE, PA I.D. NO. 58365

MORRIS A. SCOTT, PA I.D. NO. 83587

ALISON H. TULIO, PA I.D. NO. 87075

KATHERINE M. WOLF, PA I.D. NO. 314307

3600 HORIZON DRIVE, SUITE 150

KING OF PRUSSIA, PA 19406

TELEPHONE: (610) 278-6800

S&D FILE NO. 17-055652

11.27-1t

Solicitor

**NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF YORK COUNTY, PENNSYLVANIA  
NO. 2019-SU-002078**

WELLS FARGO BANK, N.A.

Vs.

LAWRENCE V. YANOVER

**NOTICE TO: LAWRENCE V. YANOVER  
NOTICE OF SHERIFF'S SALE OF REAL  
PROPERTY**

Being Premises: 1139 HEINDEL ROAD,  
YORK, PA 17408-7392

Being in NORTH CODORUS TOWNSHIP,  
County of YORK, Commonwealth of  
Pennsylvania, 40000HH00650000000

Improvements consist of residential  
property.

Sold as the property of LAWRENCE V.  
YANOVER

Your house (real estate) at 1139 HEINDEL  
ROAD, YORK, PA 17408-7392 is scheduled  
to be sold at the Sheriff's Sale on 02/10/2020  
at 02:00 PM, at the YORK County Courthouse,  
45 North George Street, York, PA 17401, to  
enforce the Court Judgment of \$16,289.36  
obtained by, WELLS FARGO BANK, N.A.  
(the mortgagee), against the above premises.

PHELAN HALLINAN  
DIAMOND & JONES, LLP  
Attorney for Plaintiff

11.27-1t

Solicitor

## DEP Identifies PFAS Source: What It Means for Property Owners

November 15, 2019 By: Martin R. Siegel, real estate, Environment & Energy Practice  
Law Firm of Barley Snyder

Commercial and industrial property owners now have been put on notice by the Pennsylvania Department of Environmental Protection (DEP) when it comes to PFAS contamination.

As noted in the Philadelphia Enquirer in an article released November 12, 2019<sup>1</sup>, the DEP recently identified a retread tire company as the source of per- and polyfluoroalkyl substance (PFAS) contamination for the Ridge Run PFAS site in Bucks County. Historical records indicate the tire company was the location of a tire fire in 1986 that was extinguished with firefighting foam, a known source of PFAS. The property's owner is now considered a potentially responsible entity liable for cleanup costs at the Ridge Run site.

PFAS are a ubiquitous class of chemicals that were commonly used in surface coatings of paper and cardboard packaging, carpets, non-stick pans, textiles and firefighting foams. Several classes of PFAS are suspected of causing a wide variety of health problems. PFAS are highly mobile and persistent in the environment.

Owners of properties contaminated with PFAS face potential liability not only for the remediation of contamination on their property, but also for addressing PFAS contamination that may have migrated to neighboring properties. As the DEP continues its PFAS investigations, it is likely that potential buyers of properties will demand enhanced environmental due diligence before any purchase of a property with a potential PFAS contamination.

In addition to current property owners, those considering the purchase of commercial and industrial properties should work closely with their environmental consultants and attorneys to be fully aware of potential liabilities associated with a property.

---

<sup>1</sup> <https://www.inquirer.com/news/pfas-bucks-water-contamination-fire-rockhill-dep-20191112.html>

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whether a specific legal notice  
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