

# Adams County Legal Journal

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## IN THIS ISSUE:

**H&M HOLDINGS GROUP, LLC, HAUSER FAMILY FARMS, LLC, MELINDA H. DAVIS and HANNAH M. HAUSER v. ALAN K. PATRONO, JONATHAN ALAN PATRONO, JANE HAUSER PATRONO, POLLY E. PATRONO a/k/a POLLY E. PATRONO-CARLSON, JOHN J. MURPHY, III, PATRONO & MURPHY, LLC, APPLE LEAF ABSTRACTING & SETTLEMENT COMPANY and JOHN DOE(S) / JANE DOE(S).**

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NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following account with statements of proposed distribution filed therewith have been filed in the Office of Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County-Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on 04/19/2024, 08:30 a.m.  
SMALL—Orphans' Court Action Number – OC-156-2022. Petition for Adjudication/Statement of Proposed Distribution. Estate of EVELYN I. SMALL, late of Adams County, Pennsylvania.

SCHRADE—Orphan's Court Action Number – OC-12-2024. Petition for Adjudication/Statement of Proposed Distribution. Estate of LONNY SCHRADE, late of Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

4/5 & 4/12

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-For Profit were filed on March 27, 2024, with the Department of State of the Commonwealth of Pennsylvania, for the purposes of

obtaining a Certificate of Incorporation of a proposed for-profit business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the for-profit corporation is **Valor Door Components, Inc.**, with its principal office or place of business at 1875 York Road, Gettysburg, PA 17325. The names and addresses of all persons/entities owning or interested in said business are: Benjamin Steinour, having an address of 1875 York Road, Gettysburg, PA 17325.

4/12

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H&M HOLDINGS GROUP, LLC, HAUSER FAMILY FARMS, LLC, MELINDA H. DAVIS and HANNAH M. HAUSER v. ALAN K. PATRONO, JONATHAN ALAN PATRONO, JANE HAUSER PATRONO, POLLY E. PATRONO a/k/a POLLY E. PATRONO-CARLSON, JOHN J. MURPHY, III, PATRONO & MURPHY, LLC, APPLE LEAF ABSTRACTING & SETTLEMENT COMPANY and JOHN DOE(S) / JANE DOE(S).

1. Following the non-jury trial on the Pennsylvania Uniform Voidable Transactions Act counts, the Court entered Findings of Fact and a verdict on June 16, 2023 from which Appellants have filed the current appeal.
2. Appellants are challenging Appellees' status as creditors under PUVTA. This challenge ignores the plain language of PUVTA.
3. Appellants' second challenge is similarly meritless. In this challenge, Appellants claim the trial Court erred in failing to make a finding that Appellants were rendered insolvent by the transfers on which it found liability under PUVTA.
4. Although PUVTA identifies 11 considerations which "may" be considered by the fact-finder, it makes no such requirement that the Court **must** take into consideration each of them.
5. Appellants' final challenge takes issue with the Court's finding that Appellants acted with fraudulent intent as identified by 12 Pa. C.S.A. § 5104.
6. By their own admissions, each of the Appellants acknowledged that the transfers which are the subject of this litigation were made with the actual intent to hinder and delay a creditor's claim. Such acknowledgment evidences a fraudulent intent as defined by the PUVTA.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, 2018-SU-1293, No. 985 MDA 2023

Paige Macdonald-Matthes, Esquire,  
and Jennifer L. Bruce, Esquire, Attorneys for Plaintiffs  
Ronald L. Finck, Esquire,

and Aaron D. Martin, Esquire, Attorneys for Defendants  
George, P. J., September 20, 2023

OPINION PURSUANT TO Pa. R.A.P. 1925(a)

The current litigation was initiated in 2018. The pleadings have been quite complex involving numerous claims raised in three separate counties. The various causes of action were consolidated into a Third Amended Complaint filed by H&M Holdings Group, LLC, Hauser Family Farms, LLC, Melinda H. Davis, and Hannah M. Hauser (“Appellees”) and included causes of action under numerous theories including breach of fiduciary duty, professional negligence, conversion, and claims under the Pennsylvania Uniform Voidable Transactions Act (“PUVTA”).<sup>1</sup> The claims under the PUVTA were severed from the remaining claims and scheduled for a non-jury trial held on April 21, 2023. The remaining counts were listed for jury trial for the term commencing October 30, 2023. Following the non-jury trial on the PUVTA counts, the Court entered Findings of Fact and a verdict on June 16, 2023 from which Appellants have filed the current appeal. All causes of action reserved for jury trial remain pending on the October 30, 2023 civil trial term.

Appellants initially challenge the Court’s Order alleging the trial Court failed to make a specific finding as to the lack of a good faith dispute concerning Appellees’ right to payment from Appellants. Apparently, Appellants are challenging Appellees’ status as creditors under PUVTA. This challenge ignores the plain language of PUVTA.

PUVTA makes clear that a “transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditors claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer...with actual intent to hinder, delay or defraud any creditor of the debtor.” 12 Pa. C.S.A. §

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<sup>1</sup> The Pennsylvania Uniform Fraudulent Transfer Act (“PUFTA”), 12 Pa. C.S. §§ 5101-5110, was amended effective February 20, 2018, to become the Pennsylvania Uniform Voidable Transactions Act (“PUVTA”). The amended Act applies only to transfers after February 20, 2018. There are no material differences in the two acts as they relate to the current issues before the Court.

5104(a)(1). A creditor is defined under PUVTA as “[a] person who has a claim.” 12 Pa. C.S.A. § 5101(b). That same section further defines a claim as:

a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, **disputed, undisputed**, legal, equitable, secured or unsecured.

*Id.* (emphasis added). Under these definitions, it is clear that the determination of whether one is a creditor for purposes of relief under PUVTA is not dependent upon whether the underlying claim sought to be avoided by the debtor is disputed or undisputed. Accordingly, Appellants’ challenge on this basis lacks merit as the finding sought by Appellants was not critical to the issue before the Court. On the material issue, this Court found Appellees to be a creditor.

Appellants’ second challenge is similarly meritless. In this challenge, Appellants claim the trial Court erred in failing to make a finding that Appellants were rendered insolvent by the transfers on which it found liability under PUVTA.<sup>2</sup>

In determining actual intent of a debtor in transferring property while a claim is pending against them, the PUVTA sets forth 11 different factors to be considered by the fact-finder. 12 Pa. C.S.A. § 5104(b). Among those factors is consideration of whether “the debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred[.]” 12 Pa. C.S.A. § 5104(b)(9). Although PUVTA identifies 11 considerations which “may” be considered by the fact-finder, it makes no such requirement that the Court **must** take into consideration each of them. A review of this Court’s 52 separate Findings of Fact evidences an overall consideration of the factors set forth in the PUVTA. The lack of an articulated specific finding on each of those

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<sup>2</sup> The exact nature of all of Appellants’ claims is somewhat confusing as Appellants, in their Concise Statement of Errors Complained of on Appeal, mistakenly refer to the underlying Plaintiffs, H&M Holding Group, LLC as the “Appellants.” The current appeal was filed by the underlying Defendants, Alan Kim Patrono, et al.

factors does not equate to the conclusion that the same were not considered. Rather, the lack of a finding is indicative that the Court did not make a finding that a specific factor existed as there was a lack of evidence for the same. For instance, the Court, in its Findings of Fact, did not comment on whether “the debtor absconded” pursuant to 12 Pa. C.S.A. § 5104(b)(6) as the same was not an evidentiary consideration. On the other hand, the Court identified the factors established by the evidence. These factors, in and of themselves, are sufficient to support the verdict. In raising this issue, Appellants simply ignore that each of the Appellants stated under oath their actual intent to hinder and delay the creditor’s claim.

Appellants’ final challenge takes issue with the Court’s finding that Appellants acted with fraudulent intent as identified by 12 Pa. C.S.A. § 5104. That section specifically reads:

(a) **General rule.** – A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor’s claim arose before or after transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) with actual intent to hinder, delay or defraud any creditor of the debtor; ...

12 Pa. C.S.A. §5104. By their own admissions, each of the Appellants acknowledged that the transfers which are the subject of this litigation were made with the actual intent to hinder and delay a creditor’s claim. Such acknowledgment evidences a fraudulent intent as defined by the PUVTA. *See Chestnut Street Consolidated, LLC v. Dawara*, 619 F. Supp. 3d 489, 505-06 (E.D. Pa. 2022). To the extent PUVTA requires more in order to establish fraud, the record is replete with factual support for a finding of fraud. The evidence reveals this case does not involve a circumstance where property was innocently transferred at a time coincidental with a pending debt. Rather, the transactions at issue were to an insider for nominal value with the express intent to hide the property from the reach of a known creditor. Although “fraud” for the purposes of PUVTA is not statutorily defined, Appellants’ actions clearly meet

the threshold for such a finding.<sup>3</sup> In a generic sense, the term has been interpreted to “describe anything calculated to deceive, whether by single act or combination, or by suppression of truth, or suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or silence, word of mouth, or look or gesture.” *Milliken v. Jacono*, 60 A.3d 133, 140 (Pa. Super. 2012) (quoting *Youndt v. First National Bank of Port Allegany*, 868 A.2d 539, 545 (Pa. Super. 2005)). Instantly, Appellants, two of which are trained in the law, transferred numerous properties for nominal consideration to a relative despite maintaining operational control and use of these properties with the intent of suppressing the truth of their real interest in the properties from a known creditor. The actions were calculated, secretive, malicious, and contrary to known duties.

For the foregoing reasons, it is respectfully requested that the appeal in this matter be denied.

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<sup>3</sup> The former PUFTA language defined a fraudulent transfer as being one made “with actual intent to hinder, delay or defraud any creditor...” Former 12 Pa. C.S.A. §5104.

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN** that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

**FIRST PUBLICATION**

**ESTATE OF JASON J. BANGE a/k/a JASON JACOB BANGE, DEC'D**  
Late of Berwick Township, Adams County, Pennsylvania

Executor: Nathan L. Bange, c/o Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

**ESTATE OF EUGENE J. GOETZ, SR. a/k/a EUGENE JOSEPH GOETZ, DEC'D**

Late of Carroll Valley Borough, Adams County, Pennsylvania  
Executrix: Charmaine G. Malik, 9 Main Trail, Fairfield, PA 17320

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

**ESTATE OF WILBUR M. SENTZ, DEC'D**

Late of Littlestown Borough, Adams County, Pennsylvania  
Co-Executrices: Debra L. Irvin and Daphne R. Conn, c/o Salzmans Hughes, P.C., 112 Baltimore St., Gettysburg, PA 17325

Attorney: Todd A. King, Esq., Salzmans Hughes, P.C., 112 Baltimore St., Gettysburg, PA 17325

**ESTATE OF BETTY J. STEWART, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania  
Executor: Paul Forrest Stewart, 150 Cedar Run Drive, York, PA 17404

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

**ESTATE OF DELORES T. WARNER a/k/a DOLORES T. WARNER, DEC'D**

Late of McSherrystown Borough, Adams County, Pennsylvania

Co-Executors: Barbara Ann Warner-Shields and Mark S. Warner, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

**SECOND PUBLICATION**

**ESTATE OF WILLIAM C. DECKER, DEC'D**

Late of Huntingdon Township, Adams County, York Springs, Pennsylvania  
Executrix: Tammy Kitzmiller, 23 McCandless Drive, East Berlin, PA 17316

Attorney: John A. Wolfe, Esq., Wolfe, Rice, & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

**ESTATE OF MARTHA M. WONDERS FAWBER, DEC'D**

Late of Biglerville Borough, Adams County, Pennsylvania  
Executor: Angel Martin Rosado, 69 High Street, Biglerville, PA 17307

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, Inc., Law Office, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF SCOTT L. HOMAN a/k/a SCOTT LARRY HOMAN, DEC'D**

Late of New Oxford Borough, Adams County, Pennsylvania  
Executrix: Dawn E. McMaster, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

**ESTATE OF PATRICIA M. KEENEY, DEC'D**

Late of Carroll Valley Borough, Adams County, Fairfield, Pennsylvania  
Administrator: Ronald Keeney, 75 Ranch Trail, Fairfield, PA 17320

Attorney: John A. Wolfe, Esq., Wolfe, Rice, & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

**ESTATE OF GAIL OLIVER ROLLS a/k/a GAIL O. ROLLS, DEC'D**

Late of Littlestown Borough, Adams County, Pennsylvania

Executrix: Elaine J. Rolls Berry, c/o Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

Attorney: Jennifer M. Stetter, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

**THIRD PUBLICATION**

**ESTATE OF JEAN A. BEHNEY a/k/a JEAN IORA BEHNEY, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Judy A. Behney, 45 Quaker Church Road, York Springs, PA 17372

**ESTATE OF EDWARD JOHN GROSICK, JR., DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Administratrix: Kristen Grosick, c/o Barbara Entwistle, Esq., Entwistle & Roberts, P.C., 37 West Middle Street, Gettysburg, PA 17325

Attorney: Barbara Entwistle, Esq., Entwistle & Roberts, P.C., 37 West Middle Street, Gettysburg, PA 17325

**TRUST OF DAVID M. MORRIS, DEC'D**

Late of Mount Joy Township, Adams County, Pennsylvania  
Successor Trustee: Sandra Reaver, c/o Peckman Chait, LLP, 29 Mainland Road, Harleysville, PA 19438  
Attorney: Charice D. Chait, Esq., Peckman Chait, LLP, 20 Mainland Road, Harleysville, PA 19438

**ESTATE OF JOHN W. SMITH, DEC'D**

Late of McSherrystown Borough, Adams County, Pennsylvania

Executor: Tony A. Smith, c/o Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331





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