



Chester County Law Reporter

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Chester County Law Reporter

(USPS 102-900)

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C. Eldridge Containers vs. Crum & Forster Specialty Insurance

Judgment on the pleadings – Insurance contract - Insurer’s duty to defend – Commercial general liability policy – Auto exclusion

1. Judgment on the Pleadings should be granted only where the pleadings demonstrate that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
2. The interpretation of an insurance contract is a matter of law for the courts to decide.
3. The two-step analysis used to determine whether an insurer has a duty to defend includes a determination of the scope of coverage under the policy and a determination of whether the underlying action falls within the scope of coverage.
4. A tractor operated by an employee of Chris Eldredge Containers, LLC (CEC) backed into a service truck and injured a passenger in the truck. CEC requests a declaration Crum & Forster Specialty Insurance Company is required to provide CEC with indemnification and a defense pursuant to a commercial general liability policy. Crum & Forster argues its auto exclusion to the commercial general liability policy excludes bodily injury resulting from ownership, maintenance or use of any auto and since the individual was injured while in a service truck, which fits within the policy’s definition of an auto, the injuries fit within the exclusion. Plaintiff countered that proximate causation must be pled for the exclusion to apply; the exclusion was ambiguous; the exclusion was against public policy; and the Crum & Forster failed to respond to discovery. The Court deemed Plaintiff’s arguments meritless. Accordingly, the Court Held Crum & Forster’s Motion for Judgment on the Pleadings was granted.

R.E.M.

C.C.P., Chester County, Pennsylvania, Civil Action no. 2022-02348-MJ; Chris Eldredge Containers, LLC vs. Crum & Forster Specialty Insurance Company, *et al.*

Stephen R. McConnell for Plaintiff

Elizabeth A. Sutton for Defendant

Binder, J., December 4, 2023:-

<p>CHRIS ELDREDGE CONTAINERS, LLC</p> <p style="text-align: center;">vs.</p> <p>CRUM & FORSTER SPECIALTY INSURANCE COMPANY, ET. AL.</p>	<p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p>	<p>IN THE COURT OF COMMON PLEAS</p> <p>CHESTER COUNTY, PENNSYLVANIA</p> <p>CIVIL ACTION – LAW</p> <p>NO. 2022-02348-MJ</p>
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ORDER and MEMORANDUM

AND NOW, this 4th day of December, 2023, upon consideration of Defendant Crum & Forster Specialty Insurance Company’s (C&F) Motion for Judgment on the Pleadings filed May 4, 2023, Plaintiff’s response thereto, Defendant’s sur-reply and for the reasons set forth in the attached Memorandum, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED** and judgment is entered in favor of Defendant Crum & Forster Specialty Insurance Company.

BY THE COURT:

/s/ **BRET M. BINDER, J.**

MEMORANDUM

The instant Declaratory Judgment action arises from an underlying lawsuit pending in the Court of Common Pleas of Philadelphia County. The Plaintiff in the underlying action (Chris Logan) alleges he sustained injuries from an accident which occurred on property owned by Plaintiff herein (Chris Eldredge Containers, LLC) when a tractor operated by one of Plaintiff's employees backed into a service truck in which Mr. Logan was a passenger. In Count I of the Complaint in the instant action, Plaintiff requests a declaration that C&F is required to provide Plaintiff with indemnification and a defense in connection with the underlying action pursuant to a Commercial General Liability policy (CGL policy) issued by C&F to Plaintiff.

Judgment on the Pleadings should be granted only where the pleadings demonstrate that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. Pfister v. City of Philadelphia, 963 A.2d 593 (Cmwlth.Ct. 2009).

C&F bases the instant Motion on the argument that Mr. Logan's claims in the underlying action fall within the Absolute Auto, Watercraft and Aircraft Exclusion (Absolute Auto Exclusion) contained in the CGL policy. That exclusion includes claims for "'Bodily injury' or 'property damage' arising out of or resulting from the ownership, maintenance, use or entrustment to others of any . . . 'auto.'" C&F notes that the Absolute Auto Exclusion replaces the Auto, Watercraft and Aircraft Exclusion found in the standard form policy and removes from the exclusionary language the requirement that the "auto" from which the bodily injury arises is "owned or operated by or rented or loaned to any insured." Therefore, according to C&F, the Absolute Auto Exclusion applies simply to a claim for bodily injury that arises out of or results from the ownership, maintenance, use, or entrustment to others of *any* auto regardless of whether that auto was owned, operated or being used by an insured. The Amended Complaint in the underlying action alleges that Mr. Logan was injured while a passenger in a service truck (an "auto" as defined in the CGL policy); therefore, his alleged injuries fall within the Absolute Auto Exclusion.

The interpretation of an insurance contract is a matter of law for the courts to decide. Weisman v. Green Tree Ins. Co., 670 A.2d 160 (Super.Ct. 1996); Kvaerner Metals Div. of Kvaerner U.S., Inc. v. Commercial Union Ins. Co., 908 A.2d 888 (Pa. 2006). The court engages in a two-step analysis to determine whether an insurer has a duty to defend: (1) a determination of the scope of coverage under the policy; and (2) a determination of whether the underlying action falls within the scope of coverage. See; Kvaerner, 908 A.2d at 899-900.

C&F notes that, in the only occasion that a court has applied Pennsylvania law to the Absolute Auto Exclusion, the Eastern District of Pennsylvania held the Exclusion applied when an automobile caused injury even though the insured's liability-producing conduct did not involve the automobile. Nautilus Ins. Co. v. Bike & Build, Inc. 340 F. Supp. 3d 399 (E.D. Pa. 2018). The court rejected the insured's argument that the exclusion was ambiguous with respect to whether the exclusion applied only to the insured's own use, operation, or entrustment of a vehicle. The court also

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emphasized the difference in language between the standard form exclusion (discussed above) and the Absolute Auto Exclusion. Finally, the Absolute Auto Exclusion has been found by other jurisdictions to apply in situations where the insured did not have anything to do with the auto that caused the injury. See; Colony Ins. Co. v. Wright on Behalf of Wrongful Death Beneficiaries of Wright, 16 F.4th 1186 (5th Cir. 2021).

In response, Plaintiff makes four (4) arguments. First, pursuant to Eichelberger v. Warner, 434 A.2d 747 (Pa.Super. 1981) proximate causation must be pled for the Exclusion to apply. C&F notes that Eichelberger did not involve the Absolute Auto Exclusion. In addition, as the Exclusion is not ambiguous, “but for” causation is all that is necessary.

Second, Plaintiff asserts that the Absolute Auto Exclusion is ambiguous. This argument has been discussed above.

Third, Plaintiff asserts that C&F’s interpretation of the Absolute Auto Exclusion is against public policy. Upon review, this argument is meritless and this court is bound by appellate court enforcement of the exclusion.

Finally, Plaintiff asserts that C&F has failed to respond to “relevant – and potentially dispositive – discovery.” Again, this argument is meritless.

Accordingly, for the reasons set forth above, this court will enter an order granting Defendant’s Motion for Judgment on the Pleadings.

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Chester County Court of Common Pleas
Orphans' Court Division

CALL OF THE AUDIT LIST

THE HONORABLE NICOLE R. FORZATO COURTROOM 11

WEDNESDAY; APRIL 03, 2024 09:00 AM

ROBERT F. CARROLL

1521-2374

CALL OF THE AUDIT LIST

FIRST AND FINAL ACCOUNT

COLEEN KRYST

ANDREW J. MALONE, EXECUTOR

DONALD D. TAYLOR

15-23-2227

CALL OF THE AUDIT LIST

FIRST ACCOUNT

NICOLE B. LABELTA

JAMES J. RUGGIERO, JR., TRUSTEE

HARRY R. MOST

1599-1268

CALL OF THE AUDIT LIST

FIRST AND FINAL ACCOUNT

ADAM G SILVERSTEIN

WELLS FARGO BANK, N.A., PETITIONER

ADAM G SILVERSTEIN

WELLS FARGO BANK, N.A., TRUSTEE

ADAM G SILVERSTEIN

CHRISTINA EDGAR, PETITIONER

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NOTICES

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**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION
LAW NO. 2024-01176-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Kathleen Pedrick was filed in the above-named court and will be heard on Monday, May 6, 2024 at 2:00:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.
Date of filing the Petition: Friday, February 9, 2024
Name to be changed from: Kathleen Pedrick to: Kathleen Elizabeth Pedrick
Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION
LAW NO. 2024-02027-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Kara Lee Hand was filed in the above-named court and will be heard on Monday, June 10, 2024 at 2:00:00 PM, in Courtroom 15 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.
Date of filing the Petition: Friday, March 8, 2024
Name to be changed from: Kara Lee Hand to: Kara Lee Hand-Drager
Any person interested may appear and show cause,

if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION
LAW NO. 2024-01925-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Caitlin Michener on behalf of minor child J Gryphon Michener was filed in the above-named court and will be heard on Monday, April 15, 2024 at 2:00:00 PM, in Courtroom 15 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.
Date of filing the Petition: Wednesday, March 6, 2024
Name to be changed from: J Gryphon Michener to: Gryphon J Michener
Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

AUGER, Arnold D., late of East Goshen Township. Stephanie A.C. Sheller, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

BRICKER, Dianne L., late of East Caln Township. Tom Kilburn, 312 Jefferson Dr., Malvern, PA 19355, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Executor. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

CONROY, Edward G, a/k/a Gerry, late of West Goshen. Patrick Conroy, PO Box 885, West Chester,

PA, 19381, and Christopher Conroy, Executors.

FISHER, Benjamin E., late of Honey Brook Township. David S. Stoltzfus and Abner King, care of ASHLEY GLICK, Esquire, 131 W. Main Street, New Holland, PA 17557, Executors. ASHLEY GLICK, Esquire, Glick, Goodley, Deibler & Fanning, LLP, 131 W. Main Street, New Holland, PA 17557, atty.

FOLEY, Ann M., late of East Goshen Twp.. Charles E. Wurst, 213 E State St., Kennett Square PA 19348, care of EDWARD M. FOLEY, Esquire, 213 E. State St., Kennett Square PA 19348, Executor. EDWARD M. FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly LLP, 213 E. State St., Kennett Square PA 19348, atty.

GROSECLOSE, Doris S., late of East Nottingham Township. Beth A. Groseclose, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Administratrix. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

GROVE, JR., Wayne K. a/k/a Wayne Kenneth Grove, Jr., late of East Goshen Township. Bernadette J. Grove, care of KARA A. KLAIBER, Esquire, 80 W. Lancaster Ave., 4th Fl., Devon, PA 19333-1331, Executrix. KARA A. KLAIBER, Esquire, McCausland Keen & Buckman, 80 W. Lancaster Ave., 4th Fl., Devon, PA 19333-1331, atty.

JOHNSON, Thomas James, late of Westtown Township. Julia Johnson, 1526 Skiles Blvd., West Chester, PA 19382, Executor.

KARCH, Martin A., a/k/a Martin Andrew Karch, late of Kennett Township. Allison M. Newbrough and Kevin M. Karch, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Co-Executors. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, atty.

HAGAN, Ann Noble, a/k/a Ann N. Hagan and Ann Hagan, late of Tredyffrin Township. Robert E. Bowen, care of NIKOLAOS I. TSOUROS, Esquire, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, Executor. NIKOLAOS I. TSOUROS, Esquire, Law Offices of Wendy F. Blecinski, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, atty.

KOVACH, Regina M., late of East Coventry Township. Karen Weglos, 100 Golf Dr., Gilbertville, PA 19525, care of JOHN K. KOURY, Esquire, 41 E. High St., Pottstown, PA 19464, Executrix. JOHN K. KOURY, Esquire, OWM Law, 41 E. High St., Pott-

stown, PA 19464, atty.

LAZOS, Joyce Ann, late of Downingtown Borough. Alexander M. Lazos, care of DENISE M. ANTONELLI, Esquire, 17 E. Gay Street, Suite 100, West Chester, PA 19380, Administrator. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, West Chester, PA 19380, atty.

LONG, John C., late of East Goshen Township. Jane D. Long, 1442 Quaker Ridge, West Chester, PA 19380, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Executrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

MANGANARO, Ellen Morris a/k/a Ellen Manganaro, late of Thornbury Township. Robert Morris and Ellen W.M. Gray, care of DAVID J. WINKOWSKI, Esquire, 30 Valley Stream Parkway, Malvern, PA 19355, Executors. DAVID J. WINKOWSKI, Esquire, Stradley Ronon Stevens & Young, LLP, 30 Valley Stream Parkway, Malvern, PA 19355, atty.

MANNING, Charles H. a/k/a Charles L. Manning, Charles Leslie Manning and Charles Manning, late of Kennett Square Borough. Mary C. Manning, 124 Cypress St., Kennett Square, PA 19348, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Executrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

McGINNESS, John S. a/k/a John Samuel McGinness and John McGinness, late of Charlestown Township. Anne McGinness Kears, care of NIKOLAOS I. TSOUROS, Esquire, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, Executrix. NIKOLAOS I. TSOUROS, Esquire, Law Offices of Wendy F. Blecinski, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, atty.

MIDIRI, Marlene L., late of East Marlborough Township. Ronald L. Midiri, Jr., 401 Grantleigh Court, Simpsonville, SC 29680 care of SCOTT G. MAYHART, Esquire, 128 Commons Court, P. O. Box 1539, Chadds Ford, PA 19317, Executor. SCOTT G. MAYHART, Esquire, Scott G. Mayhart and Associates, LLC., 128 Commons Court, P. O. Box 1539, Chadds Ford, PA 19317, atty.

MITCHELL, M.D., Edith Peterson, a/k/a Edith P. Mitchell, late of Willistown Twp, Newtown Sq.. Dale Edith Hobbs, care of JOHN R. TWOMBLY, JR., Esquire, 224 East Street Road, Suite 1, Kennett Square, PA 19348, Administratrix. JOHN R. TWOMBLY,

JR., Esquire, 224 East Street Road, Suite 1, Kennett Square, PA 19348, atty.

MOLLMAN, Jennifer E., late of Charlestown Township. Meredith Parente and Carol E. Mollman, care of DAVID P. BROWN, III, Esquire, P.O. Box 729, Kimberton, PA 19442, Executrices. DAVID P. BROWN, III, Esquire, P.O. Box 729, Kimberton, PA 19442, atty.

PAWLICZEK, Gary Michael, late of London Grove Township. Marion Pawliczek, 715 Sullivan Road, London Grove Township, PA 19311, care of SHARON D. ALEXANDER, Esquire, PO Box 190, Landenberg, PA 19350, Executrix. SHARON D. ALEXANDER, Esquire, Andris Law, LLC, PO Box 190, Landenberg, PA 19350, atty.

ROCHFORD, Brendan, late of West Chester. Loretta Rochford, 403 Allegiance Drive West Chester, PA 19382, care of FRANCIS C. MILLER, Esquire, 21 W Washington St, Suite D, West Chester, PA 19380, Administratrix. FRANCIS C. MILLER, Esquire, Miller Law, 21 W Washington St, Suite D, West Chester, PA 19380, atty.

SABELLICO, Lucille T., late of West Brandywine Township. Danielle Ferguson and Suzanne Sabellico, care of KARYN L. SEACE, CELA, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executrices. KARYN L. SEACE, CELA, Esquire, Seace Elder Law, PLLC, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

SANGREE, Anne Coates, a/k/a Anne C. Sangree, late of Kennett Township. Charles S. Frazier, 337 W. Lancaster Avenue, P. O. Box 527, Wayne PA 19087, care of CHARLES S. FRAZIER, Esquire, 337 W. Lancaster Avenue, P.O. Box 527, Wayne, PA 19087, Executor. CHARLES S. FRAZIER, Esquire, Frazier & Roberts, 337 W. Lancaster Avenue, P.O. Box 527, Wayne, PA 19087, atty.

SLINGHOFF, Linda Gring, a/k/a Linda G. Slinghoff and Linda Slinghoff, late of East Goshen Township. Charles M. Slinghoff, care of GUY F. MATTHEWS, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executor. GUY F. MATTHEWS, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

STEVENSON, Lillian A., a/k/a Lillian Angela Stevenson and Lillian A. MacIntyre, late of East Goshen Township. Sharon A. Stevenson, 423 Wharton Blvd, Exton, PA 19341, care of THOMAS X. MCANDREW, JR., Esquire, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, Executrix.

THOMAS X. MCANDREW, JR., Esquire, Siana Law, LLP, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, atty.

SUTER, Janet R., late of Kennett Township. Sandra K. Bahel, 115 Cedarcroft Rd., Kennett Square, PA 19348, and William E. Kavanaugh, 103 Victoria Gardens Dr., Kennett Square, PA 19348, care of GEORGE S. DONZE, Esquire, 696 Unionville Rd., Ste 6, Kennett Square, PA 19348, Co-Executors. GEORGE S. DONZE, Esquire, 696 Unionville Rd., Ste 6, Kennett Square, PA 19348, atty.

TALUCCI, Vincent Michael, late of West Bradford Township. Vincent M. Talucci Jr., care of DENISE M. ANTONELLI, Esquire, 17 E. Gay Street, Suite 100, West Chester PA 19380, Executor. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, West Chester PA 19380, atty.

VALICK, Betty Louise, late of West Chester. Kristen Blumenfeld, 233 Sills Ln., Downingtown, PA 19335, Administrator C.T.A..

WATERLOO, Carol Ann, late of West Brandywine Township. Joseph W. Waterloo, care of LOUIS N. TETI, Esquire, 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, Executor. LOUIS N. TETI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, atty.

WHITE, Jeanne A., a/k/a Jeanne Adele White, late of Tredyffrin Township. Robert D. White, care of NINA B. STRYKER, Esquire, Centre Square West, 1500 Market St., Ste. 3400, Philadelphia, PA 19102, Executor. NINA B. STRYKER, Esquire, Obermayer Rebmann Maxwell & Hippel LLP, Centre Square West, 1500 Market St., Ste. 3400, Philadelphia, PA 19102, atty.

WIEST, Nancy J., late of Coatesville. Ruth Ifrig, 1665 Beacon Hill Road, West Bradford, PA 19335, care of JAYNE A. GARVER, Esquire, 6723 Allentown Blvd., Harrisburg, PA 17112, Executrix. JAYNE A. GARVER, Esquire, J. Garver Law PLLC, 6723 Allentown Blvd., Harrisburg, PA 17112, atty.

WILLIAMS, Sara Biehn, late of West Chester. Akel Anne Blades and Nathaniel C. Blevins, III, care of NEIL W. HEAD, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. NEIL W. HEAD, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

WITHERSPOON, SR., Charles Lee, late of Sadsbury Township. Charles L. Witherspoon, Jr., care of BARRY S. RABIN, Esquire, 797 E. Lancaster Ave., Suite 13, Downingtown, PA 19335, Personal

Representative. BARRY S. RABIN, Esquire, The Law Firm of Barry S. Rabin, 797 E. Lancaster Ave., Suite 13, Downingtown, PA 19335, atty.

WYNNE, Nancy J., late of Borough of Oxford. Kristen D. Friend, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

2nd Publication

BENNETT, Stephen R., late of East Nantmeal Township. John R. Bennett, attn: of KURT M. EBNER, CPA, 211 Welsh Pool Rd., Ste. 110, Exton, PA 19341, Executor. KURT M. EBNER, CPA, 211 Welsh Pool Rd., Ste. 110, Exton, PA 19341.

BIFFEN, JR., David F., a/k/a David F. Biffen, late of West Goshen Township. Matthew D. Biffen, care of SEAMUS M. LAVIN, Esquire, 122 S. Church St., West Chester, PA 19382, Executor. SEAMUS M. LAVIN, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

CAPPS, Linda S., late of Pocopson Township. Sheridan R. Capps, care of BRUCE W. LAVERTY, Esquire, 1398 Wilmington Pike, Suite B, West Chester, PA 19382, Executor. BRUCE W. LAVERTY, Esquire, Laverty, Abele & Good, LLC, 1398 Wilmington Pike, Suite B, West Chester, PA 19382, atty.

CHRISTIANSSEN, Florence H., late of West Chester. Stephen B. Christiansen and Sharon C. Margetich, care of DENISE M. ANTONELLI, Esquire, 17 E. Gay Street, Suite 100, West Chester, PA 19380, Executors. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, West Chester, PA 19380, atty.

COATS, Gregory, late of West Whiteland Township. Gwenne Alexander, 123 Riverside Lane, Coatesville, PA 19320, care of GORDON W. GOOD, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Administrator. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

COLELLA, Michael Joseph, late of West Chester. Kim Lewis Colella, 400 Leslie Lane, West Chester, PA 19382, care of FRANCIS C. MILLER, Esquire, 21 W Washington St, Suite D, West Chester, PA 19380, Executrix. FRANCIS C. MILLER, Esquire, Miller Law Offices, 21 W Washington St, Suite D, West Chester, PA 19380, atty.

FOGEL, Joanne H., late of Penn Township. Ed-

ward J. Fogel, IV, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

FUSON, Marian Darnell, late of Kennett Township. Allan D. Fuson, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

GALESE, JR., Joseph, a/k/a Joseph Galese, late of Uwchlan Township. Nikolaos I. Tsouros, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, care of NIKOLAOS I. TSOUROS, Esquire, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, Executor. NIKOLAOS I. TSOUROS, Esquire, Law Offices of Wendy F. Bleczynski, Valley Forge Square II, 661 Moore Rd., Ste. 105, King of Prussia, PA 19406, atty.

HANNA, Robert H., late of West Brandywine Township. Suzanne Haile, care of CARRIE A.S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301, Executrix. CARRIE A.S. KENNEDY, Esquire, Connor Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301, atty.

HARROP, Helen Marie, late of Borough of Phoenixville. Dorothy Joan Harrop, care of ELIZABETH R. HOWARD, Esquire, P.O. Box 507, 301 Gay St., Phoenixville, PA 19460, Executrix. ELIZABETH R. HOWARD, Esquire, P.O. Box 507, 301 Gay St., Phoenixville, PA 19460, atty.

INSETTA, Robert J., late of Caln Township. Robert W. Insetta, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. EDWARD M. FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

KAUFMANN, Thomas R., a/k/a Thomas Raymond Kaufmann, late of Tredyffrin Township. Eric J. Kaufmann, care of LOUIS N. TETI, Esquire, 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, Executor. LOUIS N. TETI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, atty.

LA FRANCE, Ann H., late of Downingtown. Benjamin La France, 17 Pinewood Dr., Downingtown, PA 19335, Executor.

LAPELUSA, Marie Carmella, late of Kennett Square. John G. LaPelusa, 615 Aberdeen Road, Kennett Square, PA 19348, care of KAREN E. EICHMAN, Esquire, 8 Federal Road, Suite 3, West Grove,

PA 19390, Executor. KAREN E. EICHMAN, Esquire, Eichman Law, PLLC, 8 Federal Road, Suite 3, West Grove, PA 19390, atty.

LEWIS, Thea G., late of North Coventry Township. Rebecca Lewis Capuano, care of ALICE J. TILLGER, Esquire, 271 Bethlehem Pike, Ste. 100, Colmar, PA 18915, Executrix. ALICE J. TILLGER, Esquire, 271 Bethlehem Pike, Ste. 100, Colmar, PA 18915, atty.

LOVELL, James Barnett, late of North Coventry Township. Cristin L. Lovell, 1519 Chestnut Hill Road, Pottstown, PA 19465, care of DOUGLAS A. SMITH, Esquire, P.O. Box 5349, Lancaster, PA 17606, Executor. DOUGLAS A. SMITH, Esquire, Gibbel Kraybill & Hess LLP, P.O. Box 5349, Lancaster, PA 17606, atty.

MAAS, Mary Kathryn, a/k/a Mary K. Maas, late of Easttown Township. Irena Kubsik, 128 Waterloo Ave., Berwyn, PA 19312, care of ELIZABETH ZWAAN MILNE, Esquire, P.O. Box 161, Berwyn, PA 19312, Executrix. ELIZABETH ZWAAN MILNE, Esquire, Elizabeth Z. Milne, LLC, P.O. Box 161, Berwyn, PA 19312, atty.

McCORMACK, Susan K., a/k/a Susan K. MC, late of East Goshen Township. Thomas H. McCormack, care of CHARLES E. McKEE, Esquire, 1 N. Ormond Ave. – Office, Havertown, PA 19083, Executor. CHARLES E. McKEE, Esquire, Donohue, McKee & Mattson, LTD., 1 N. Ormond Ave. – Office, Havertown, PA 19083, atty.

RAMSEY, Sylvia, late of Malvern. Gregory Ricker, care of THOMAS A. PITT, III, Esquire, 214 S. New Street, West Chester, PA 19382, Executor. THOMAS A. PITT, III, Esquire, 214 S. New Street, West Chester, PA 19382, atty.

SCHLIESMAN, Ellen Ann, a/k/a Ellen A. Schliesman, late of Schuylkill Township. Jon Erik Schliesman, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executor. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

SOLEN, Janice J., late of Coatesville, East Fal-lowfield Township. Venessa E. Solen, care of VINCENT CAROSELLA, JR, Esquire, 822 S. Matlack Street, Suite 101, West Chester, PA 19382, Executrix. VINCENT CAROSELLA, JR, Esquire, Carosella & Associates, P.C., 822 S. Matlack Street, Suite 101, West Chester, PA 19382, atty.

SULLIVAN, Eileen M., a/k/a Eileen Marie Sullivan and Eileen Sullivan, late of Tredyffrin Township. Brian W. Sullivan, care of MARK T. CARLIDGE,

Esquire, 620 W. Germantown Pike, Ste. 350, Plymouth Meeting, PA 19462, Executor. MARK T. CARLIDGE, Esquire, Nachmias Morris & Alt LLC, 620 W. Germantown Pike, Ste. 350, Plymouth Meeting, PA 19462, atty.

TARQUINIO, SR., John C., late of Malvern. John C. Tarquinio, Jr., 82 Conestoga Rd., Malvern, PA 19355, care of DANIEL F. MONAHAN, Esquire, 600 Eagleview Blvd., Suite 300, Exton, PA 19341, Executor. DANIEL F. MONAHAN, Esquire, Brandywine Estate and Elder Law, 600 Eagleview Blvd., Suite 300, Exton, PA 19341, atty.

TAYLOR, Josephine Mary, a/k/a Josephine M. Taylor, late of Caln Township. John J. Volpe, 2081 Dutton Mill Road, Newtown Square, PA 19073, care of KATHLEEN K. GOOD, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Executor. KATHLEEN K. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

TOMPKINS, Joyce J., late of Caln Township. Robert F. Tompkins, care of RYAN J. GRIFFIN, Esquire, CPA, 623 N. Pottstown Pike, Exton, PA 19341, Executor. RYAN J. GRIFFIN, Esquire, CPA, James B. Griffin, P.C., 623 N. Pottstown Pike, Exton, PA 19341, atty.

VALLELY, Joyce M., late of West Chester. James Scott, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

WEBER, Richard D., late of East Nantmeal Township. Joan L. Glenn, care of LOUIS N. TETI, Esquire, 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, Executrix. LOUIS N. TETI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., P.O. Box 660, West Chester, PA 19381-0660, atty.

WRIGHT, Janet Moffatt, a/k/a Janet Wright, late of Phoenixville Borough, Phoenixville. Dina D. Reason, care of VINCENT CAROSELLA, JR., Esquire, 822 S. Matlack Street, Suite 101, West Chester, PA 19382, Administratrix. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 822 S. Matlack Street, Suite 101, West Chester, PA 19382, atty.

ZANG, Katherine Anne, a/k/a Katherine A. Zang, late of West Whiteland Township. Lynda K. Siedlecki, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

3rd Publication

BOND JR., David Ezekiel, late of West Chester Borough. Carolyne Pierce, 311 W. Washington Street, West Chester, PA 19380, care of KEVIN J. CONRAD, Esquire, 24 E. Market Street, West Chester, PA 19381, Executrix. KEVIN J. CONRAD, Esquire, Lamb McLerlane PC, 24 E. Market Street, West Chester, PA 19381, atty.

BUSH, Sharon Elizabeth, late of Westtown Township. John F. Bush, 1535 Carmac Road, West Chester, PA 19382, Executor.

CLARK, Luther C., late of Borough of West Chester. Harriette Clark, 316 N. Darlington Street, West Chester, PA 19380, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Executrix. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, atty.

CLARK, Thomas R., late of Penn Township. Robert J. Clark, care of DANIELLA A. HORN, Esquire, 1 Roberts Ave., Glenside, PA 19038, Executor. DANIELLA A. HORN, Esquire, Klenk Law, LLC, 1 Roberts Ave., Glenside, PA 19038, atty.

CONNOLLY, Michael J., late of Uwchlan Township. Mary Anne Szepanski, 896 S. York Drive, Downingtown, PA 19335, care of GORDON W. GOOD, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Executor. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

EMIG, Betty M., late of West Goshen Township. Julia A. Emig and John W. Emig, II, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, Co-Executors. ANTHONY MORRIS, Esquire, Buckley Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, atty.

ERBE, Helen H., late of Phoenixville Borough. John W. Erbe, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

FARRAR, Michael David, late of Cochranville. Gary Farrar, 195 Daleville Road, Cochranville, PA 19330, Executor.

FOX, Jarvis Powell, late of Chester Springs. Elke U. Fox, 1425 Yellow Springs Road, Chester Springs, PA, 19425 and Shawhan L. Fox, 20 Richard Lee Lane, Phoenixville, PA, 19460, Executrix.

GOUGEON, William Joseph, late of Easttown Township. Pamela N. Gougeon, care of SUZANNE M. HECHT, Esquire, Two Villanova Center, 795 E. Lancaster Ave., Ste. 280, Villanova, PA 19085, Executrix. SUZANNE M. HECHT, Esquire, Haney & Hecht, Two Villanova Center, 795 E. Lancaster Ave., Ste. 280, Villanova, PA 19085, atty.

JENKINS, JR., Edward W., late of East Goshen. Daniel E. Jenkins, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, atty.

KENT, Lillian V., late of East Goshen Township. Frank W. Hayes, Esquire, care of FRANK W. HAYES, Esquire, 31 South High Street, West Chester, PA 19382, Executor. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

KIRWAN, Kevin Peter, a/k/a Kevin P. Kirwan, late of West Bradford Township. William B. Cooper, III and Stephen J. Kirwan, 747 Constitution Dr., Ste. 100, P.O. Box 673, Exton, PA 19341-0673, care of WILLIAM B. COOPER, III, Esquire, 747 Constitution Dr., Ste. 100, P.O. Box 673, Exton, PA 19341-0673, Executors. WILLIAM B. COOPER, III, Esquire, Fox Rothschild LLP, 747 Constitution Dr., Ste. 100, P.O. Box 673, Exton, PA 19341-0673, atty.

LEHMAN, Kenneth Paul, a/k/a Kenneth P. Lehman, late of Upper Uwchlan Township. Susan M. Lehman, care of H. MICHAEL COHEN, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. H. MICHAEL COHEN, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

LILLEY, JR., John C., a/k/a John C. Lilley, late of Lower Oxford Twp.. Taryn Hand, 113 South Broad Street, Kennett Square, PA 19348, care of J. PATRICK HOLAHAN, II, Esquire, 113 South Broad Street, Kennett Square, PA 19348, Executrix. J. PATRICK HOLAHAN, II, Esquire, Law Offices of JP Holahan, II & Assoc, LLC, 113 South Broad Street, Kennett Square, PA 19348, atty.

McKINSTRY, Robert B., late of Kennett Township. Robert B. McKinstry, Jr., Mary R. McKinstry, Elizabeth R. McKinstry and John R. McKinstry, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Co-Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

PANTON, Theresa, late of West Goshen Township. David V. Bogdan, 2725 West Chester Pike,

Broomall, PA 19008, care of DAVID V. BOGDAN, Esquire, 2725 West Chester Pike, Broomall, PA 19008, Administrator. DAVID V. BOGDAN, Esquire, 2725 West Chester Pike, Broomall, PA 19008, atty.

PELARCIC, Judith H., late of Caln Township. Susan P. Moore, care of BARRY S. RABIN, Esquire, 797 E. Lancaster Avenue, Suite 13, Downingtown, PA 19335, Personal Representative. BARRY S. RABIN, Esquire, The Law Firm of Barry S. Rabin, 797 E. Lancaster Avenue, Suite 13, Downingtown, PA 19335, atty.

POTERE, Frank John, late of Malvern, East Whiteland. Christine A. Potere, 523 Courtside Avenue, Gilbertsville, PA 19525, Executor.

SOUTAR, Alister M., late of West Grove Township. Elaine M. Soutar, care of GREGORY J. WEINIG, Esquire, 1201 N. Market St., 20th Fl., Wilmington, DE 19801, Personal Representative. GREGORY J. WEINIG, Esquire, Connolly Gallagher LLP, 1201 N. Market St., 20th Fl., Wilmington, DE 19801, atty.

TAN, Darren, late of Easttown Township. Annetta Cortez, care of RONALD W. FENSTERMACHER, JR., Esquire, Four Tower Bridge, 200 Barr Harbor Drive, Suite 400, PMB 8849, West Conshohocken, PA 19428, Executrix. RONALD W. FENSTERMACHER, JR, Esquire, Law Office of Ronald W. Fenstermacher, Jr., PC, Four Tower Bridge, 200 Barr Harbor Drive, Suite 400, PMB 8849, West Conshohocken, PA 19428, atty.

THOMPSON, JR., Evans Vernon, a/k/a Evans V. Thompson, Jr., late of East Brandywine Township. Myra Terrell Laws, care of MAYLEE M. MARSANO, Esquire, One Tower Bridge, 100 Front St., Ste. 100, Conshohocken, PA 19428, Executrix. MAYLEE M. MARSANO, Esquire, Flaster Geenberg PC, One Tower Bridge, 100 Front St., Ste. 100, Conshohocken, PA 19428, atty.

TUCKER, Jacqueline, a/k/a Jacqueline T. Tucker, late of Coatesville via Caln Twp. Phillip A. Johnson, 2131 Parkwyn Road, Phila, PA 19131, Executor.

TURNER, Judith A., late of Pottstown, North Coventry Township. William F. Turner, care of MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, Executor. MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, atty.

WICKERSHAM, Kathleen S., late of Kennett Square. Susan J. Torello, care of W. PETER BARNES, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. W. PETER BARNES,

Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

NOTICE

The Schuylkill River Passenger Rail Authority (“SRPRA”) intends to file Articles of Amendment of its Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania in accordance with 53 Pa. C.S.A., §5603 & §5605(d). The name and location of the registered office of SRPRA are: Schuylkill River Passenger Rail Authority, Berks County Services Center, Attn: County Commissioners, 633 Court Street, Reading, Berks County, PA 19601. The Articles of Amendment are to be filed under the provisions of Title 53, Part V, Subpart A, Chapter 56 of Pennsylvania Consolidated Statutes Annotated. The nature and character of the proposed amendments to the Articles of Incorporation are: (1) amend Section 3 to amend the purposes for which SRPRA was incorporated to permit the expansion of SRPRA to all counties of the Commonwealth of Pennsylvania and all states in the United States; and (2) amend Section 7 to state the start dates and durations of SRPRA board members’ terms of office and to provide the procedures and term lengths for appointing a board member upon expiration of a board member’s term. The Articles of Amendment will be filed with the Secretary of the Commonwealth as soon as possible, but not less than three days after this advertisement notice is published.

Daniel P. Becker, Esquire
Schuylkill River Passenger Rail Authority

NOTICE

NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

IN THE COURT OF COMMON PLEAS
OF CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO.: 2022-09148-RC

WELLS FARGO BANK, N.A., Plaintiff,
vs.

William F. Cropper, Jr., as Believed Heir and/or Administrators of the Estate of Barbara P. Cropper (if any); Unknown Heirs and/or Administrators of the Estate of Barbara P. Cropper (if any), Defendants

TO: Unknown Heirs and/or Administrators of the Estate of Barbara P. Cropper (if any)Unknown Heirs and/or Administrators of the Estate of Barbara P. Cropper (if any)

You are hereby notified that Plaintiff, Wells Fargo Bank, N.A., filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Chester County, Pennsylvania, docketed to No. 2022-09148-RC, seeking to foreclose the mortgage secured by the real estate located at 533 Summit House, West Chester, PA 19382.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE

Lawyer Referral Service
Chester County Bar Association
15 West Gay Street, 2nd Floor
West Chester, PA 19380
(610) 429-1500

Lawyer Referral Service
Chester County Bar Association
15 West Gay Street, 2nd Floor
West Chester, PA 19380
(610) 429-1500
