

York Legal Record

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

Vol. 127

YORK, PA, THURSDAY, November 27, 2013

No. 34

CASES REPORTED

COMMONWEALTH v. ADAM GRACE, Defendant/Appellant

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Subscription: \$45.00 per year to non-members, \$25.00 to members.
Published Weekly, Periodicals Postage Paid, York, PA 17402
U.S.P.S. No. 696140

POSTMASTER: Send address changes to
York Legal Record, 137 E. Market St., York, PA 17401

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COMMONWEALTH v. ADAM GRACE,
Defendant/Appellant

CP-67-CR-0000227-2011

Sexual Offender Registration Notification
Act (SORNA)

1. The Petitioner pled guilty to Corruption of Minors (18 Pa.C.S. §6301(a)(1)) and Indecent Assault (18 Pa.C.S. §3126(a)(8)). The charge of Unlawful Contact with a Minor (18 Pa.C.S. §6318(a)(1)) was nol prossed by the Commonwealth. The Court imposed the previously agreed upon sentence. For Corruption of Minors, the Petitioner was sentenced to 3 years of probation. For Indecent Assault, the Petitioner received 2 years of probation to be concurrent with his Corruption of Minors sentence. Megan's law conditions were not imposed on the Petitioner.
2. On December 20, 2012 the Sexual Offender Registration Notification Act (hereinafter SORNA), found at 42 Pa.C.S.A. § 9799.13, took effect. SORNA requires that any individual who is under supervision for one of the offenses enumerated in 42 Pa.C.S.A. § 9799.14 comply with registration requirements, which are found at 42 Pa.C.S.A. § 9799.15. Pursuant to 42 Pa.C.S.A. § 9799.14, the Petitioner's Indecent Assault conviction requires a 25-year registration period and the Petitioner's Corruption of Minors conviction requires a 15-year registration period. Following registration notification, the Defendant filed a Petition for *Writ of Habeas Corpus/Enforcement of Plea Agreement*. A hearing was held to hear argument on the Defendant's petition. At the conclusion of that hearing, this Court granted the Defendant's petition. Thereafter, the Commonwealth filed a timely appeal.
3. The Commonwealth appealed this sentence to the Superior Court. The Commonwealth appealed for the following reasons: 1) The Commonwealth stated that the Court erred in finding that registration pursuant to SORNA is not a collateral consequence to a conviction and sentencing. 2) The Commonwealth complained that the Court erred in determining that SORNAm mandated registration violates the *ex post facto clause*. 3) The Commonwealth complained that the Court erred in determining that the finding by the Pennsylvania State Police that the Defendant must register under SORNA violates the contract clause. 4) The Commonwealth believed this Court lacked jurisdiction to handle the Defendant's petition. 5) The Commonwealth believed that the Defendant should have filed his request for relief as a *writ of mandamus* and included the Pennsylvania State Police as a party to the action.
4. The Court rejected the Commonwealth's arguments and respectfully urged affirmance of

its Order.

In the Court of Common Pleas of York County, Pennsylvania, Criminal Division; COMMONWEALTH v. ADAM GRACE, Defendant/Appellant; Sexual Offender Registration Notification Act (SORNA)

COUNSEL OF RECORD:

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Counsel for the Commonwealth

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Counsel for Defendant

OPINION IN SUPPORT OF ORDER PURSUANT TO RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE

The Court received a Notice of Appeal, docketed on August 19, 2013, that the Commonwealth appeals to the Superior Court of Pennsylvania this Court's Order entered on July 31, 2013. The Court has reviewed the record. The Court now issues this Opinion in support of the July 31, 2013 Order.

I. Procedural History

On March 22, 2011, the Petitioner plead guilty to Corruption of Minors (18 Pa.C.S. §6301(a)(1)) and Indecent Assault (18 Pa.C.S. §3126(a)(8)). The charge of Unlawful Contact with a Minor (18 Pa.C.S. §6318(a)(1)) was nol prossed by the Commonwealth. On March 22, 2011, this Court imposed the previously agreed upon sentence. For Corruption of Minors, the Petitioner was sentenced to 3 years of probation. For Indecent Assault, the Petitioner received 2 years of probation to be concurrent with his Corruption of Minors sentence. Megan's law conditions were not imposed on the Petitioner.

On December 20, 2012 the Sexual Offender Registration Notification Act (hereinafter SORNA), found at 42 Pa.C.S.A. § 9799.13, took effect. SORNA requires that any individual who is under supervision for one of the offenses enumerated in 42 Pa.C.S.A. § 9799.14 comply with registration requirements, which are found at 42 Pa.C.S.A. § 9799.15. Pursuant to 42 Pa.C.S.A. § 9799.14, the Petitioner's Indecent Assault conviction requires a 25-year registration period and the Petitioner's Corruption of Minors conviction requires a 15-year registration period. Prior to a revision that became effective December 6, 2010, 18 Pa.C.S.A. § 6301(a)(1) stated that Corruption of Minors was a misdemeanor of the first degree. After the revision, 18 Pa.C.S.A. § 6301(a)(1)(ii) came into being, which states:

Whoever being of age of 18 years and upwards by any course of conduct in violation of chapter 31 (relating to sexual offenses) corrupts or tends to corrupt the

morals of any minor less than 18 years of age, or who aids, abets, entices or encourages any such minor in the commission of an offense under Chapter 31 commits a felony of the third degree.

Pursuant to 42 Pa.C.S.A. § 9799.13, the Petitioner was informed that he must register as a sex offender because his Corruption of Minors offense falls under Tier I of the enumerated offenses in 42 Pa.C.S.A. § 9799.14(b). According to 42 Pa.C.S.A. § 9799.15(a)(1), the Petitioner's Tier I sex offender status requires him to register for 15 years.

Following registration notification, on June 21, 2013, the Defendant filed a Petition for *Writ of Habeas Corpus/Enforcement of Plea Agreement*. A hearing was held on July 31, 2013 to hear argument on the Defendant's petition. At the conclusion of that hearing, this Court granted the Defendant's petition. Thereafter, the Commonwealth filed a timely appeal on August 19, 2013.

The Commonwealth appeals for the following reasons. First, the Commonwealth states that the Court erred in finding that registration pursuant to SORNA is not a collateral consequence to a conviction and sentencing. Secondly, the Commonwealth complains that the Court erred in determining that SORNA-mandated registration violates the *ex post facto* clause. Thirdly, the Commonwealth complains that the Court erred in determining that the finding by the Pennsylvania State Police that the Defendant must register under SORNA violates the contract clause. Fourth, the Commonwealth believes this Court lacked jurisdiction to handle the Defendant's petition. Fifth and finally, the Commonwealth believes that the Defendant should have filed his request for relief as a *writ of mandamus* and included the Pennsylvania State Police as a party to the action.

II. Matters Complained of on Appeal

A. Collateral Consequence

The Commonwealth's first matter complained of is that the Court erred in determining that SORNA registration was not a collateral consequence of conviction and sentencing in this case.

As with all of the petitions relating to SORNA, the Commonwealth provided the decision in *Commonwealth v. Leidig* as supportive of their position that the SORNA-mandated registration requirements imposed on the Defendant are not *ex post facto* punishments; but, rather, are *collateral consequences*. 956 A.2d 399, 404 (Pa. 2008). The example, which so many seem to use in defining collateral consequences, is that of a person who pleads guilty to driving under the influence and whose license is then collaterally suspended by the Department of Motor Vehicles. The license suspension is not a punishment for the DUI, but is collateral to the plea. This Court was unconvinced by that rationale as it applies to this case.

As our learned colleague in Westmoreland County, the Honorable John E. Blahovec, observed, the defendant in *Leidig* plead guilty to an offense for which the collateral consequence was already in existence at the time of his plea. *Commonwealth v. McMullen*, No. 3316 C 2008 and No. 3317 C 2008, slip op. at 5 (Pa. Ct. C.P. Westmoreland County filed Dec. 18, 2012). In the present case, the Defendant plead guilty and was not required to register under Megan's Law as none of the offenses constituted a Megan's Law offense. At the time of the Defendant's plea, there were no collateral consequences in the form of registration. It is one matter to plead guilty and be ignorant of the collateral consequences as a result of a lack of due diligence in finding them out. It is an entirely different matter where no amount of due diligence could ever reveal the collateral consequences as they *do not exist* at the time of pleading.

As the Defendant in the present case could not have been aware of registration requirements that *might* come into existence at some future point, the requirements are not collateral. As the requirements are not collateral, this Court believes they are unconstitutional under the *ex post facto* clause. As to this matter complained of, this Court respectfully requests affirmance.

B. Ex Post Facto Clause

The Commonwealth's second matter complained of is that the trial court erred in determining that SORNA registration requirements, as applied to this case, violate the *ex post facto* clause.

In a fairly analogous situation, the defendant in *Commonwealth v. Fleming* was sentenced to lifetime registration, which was not the governing law at the time of his crime or conviction. 801 A.2d 1234, 1237 (Pa. Super. Ct. 2002). The *Fleming* court said, "[a] state law violates the *ex post facto* clause if it was adopted after the complaining party committed the criminal acts and 'inflicts a greater punishment than the law annexed to the crime, when committed.'" *Id.* (quoting *Coady v. Vaughn*, 770 A.2d 287, 289 (Pa. 2001)). To that end, where the purpose of legislation is promoting public safety, rather than to punish, then there is no *ex post facto* violation. 801 A.2d 1234, 1237 (Pa. Super. Ct. 2002) (citing *Commonwealth v. Gaffney*, 733 A.2d 616, 617 (Pa. 1999)). Under the *Artway/Verniero* test, a statutory provision will be considered punishment if any one of the following three prongs is found:

- (1) the legislature's actual purpose is punishment,
- (2) the objective purpose is punishment; or,
- (3) the effect of the statute is so harsh that "as a matter of degree" it constitutes punishment.

801 A.2d 1234, 1238 (Pa. Super. Ct. 2002) (quoting *Commonwealth v. Gaffney*, 733 A.2d 616, 618 (Pa. 1999)).

As for the first prong of the *Artway/Verniero* test, it is safe to say that the legislature's purpose in crafting the SORNA registration requirements was to promote safety. However, the second and third prong, when applied to this case, indicate punishment was either the objective or effect of the legislature's action. In *Commonwealth v. Gaffney*, the Pennsylvania Supreme Court did not find that the objective purpose of the registration requirements under Megan's Law were to punish because that Court did not find registration and law enforcement notification to be excessive. *Fleming*, 801 A.2d 1234, 1239 (Pa. Super. Ct. 2002) (citing *Commonwealth v. Gaffney*, 733 A.2d 616, 620 (Pa. 1999)). In *Gaffney*, there does not appear to have been *public notification*. And, as to whether registration is so harsh that, as a matter of degree, it constitutes punishment, the *Gaffney* Court found that a lack of public dissemination of the offender's information meant that registration is not harsh. 801 A.2d 1234, 1239-1240 (Pa. Super. Ct. 2002) (quoting *Commonwealth v. Gaffney*, 733 A.2d 616, 621 (Pa. 1999)).

Unlike the facts that the *Gaffney* Court encountered, this Court notes that, under SORNA, the Defendant's information is publically available. A simple Google search reveals the Defendant's physical description, last known address, picture identification, and nature of his offenses. As such, this Court believes that the objective or effect of the legislature's action has been to increase the Defendant's punishment, which is an *ex post facto* violation of the United States and Pennsylvania Constitutions. And so, as to this matter complained of, we humbly request affirmance.

C. Contract Clause

The third matter of which the Commonwealth complains is that this Court erred in finding that a determination by the Pennsylvania State Police that the Defendant was subject to registration pursuant to SORNA was a violation of the contract clause.

It is required that, when both parties enter into an agreement on sentencing, the terms of that plea deal must be stated in open court. *Commonwealth v. Kroh*, 654 A.2d 1168, 1172 (Pa. Super. Ct. 1995). Following this formality, "there is an affirmative duty on the part of the prosecutor to honor any and all promises made in exchange for a defendant's plea." *Id.* (citing *Santobello v. New York*, 404 U.S. 257, 262 (1971); *Commonwealth v. Alvarado*, 276 A.2d 526, 528 (Pa. 1971); *Commonwealth v. Wilkins*, 277 A.2d 341, (Pa. 1971)). Within this Commonwealth, that duty has been strictly enforced to safeguard the plea bargaining process against the corrosive impact of defendants being coerced or misled into relinquishing their constitutionally guaranteed rights, which attach upon trial by jury. 654 A.2d 1168, 1172 (Pa. Super. Ct. 1995). As such, "it is well settled that 'where a plea bargain has been entered in to and is violated by the commonwealth, the defendant is entitled, at least, to

the benefit of the bargain.'" *Id.* (quoting *Commonwealth v. Zakrzewski*, 333 A.2d 898, 900 (Pa. 1975)) (emphasis in *Kroh*).

No party, whether defendant or Commonwealth, would willingly enter into a plea agreement that was subject to judicial alteration at any future point. *Commonwealth v. McMullen*, No. 3316 C 2008 and No. 3317 C 2008, slip op. at 7 (Pa. Ct. C.P. Westmoreland County filed Dec. 18, 2012) (quoting *Commonwealth v. Coles*, 530 A.2d 453, 458 (Pa. Super. Ct. 1987)). Any party entering such a contract would be risking their client's interests and, simultaneously, waiving any procedural rights if an alteration were to occur past the expiration point of those procedural rights.

In the present case, the Court heard uncontested argument at the June 21, 2013 hearing that the Defendant's accepted the plea agreement in order to avoid lifetime registration. The attempt to attach lifetime registration to Petitioner's case, smacks of the government renegeing on a plea bargain. The Commonwealth, then, is violating its affirmative duty to honor the promises made in exchange for the Defendant's plea. The Defendant is therefore entitled to the benefit of the bargain. To do anything else would be to assail the integrity of the judicial system and to risk destabilizing one of the fundamental elements that enables our legal system to cope with an ever-increasing caseload—the plea bargain. With this reasoning stated, the Court humbly awaits the Superior Court's ruling and prays for affirmance.

D. Jurisdiction

The Commonwealth's fourth complaint is that the trial court lacked jurisdiction to decide this matter.

This Court concedes that its consideration of the contract clause found objectionable that defendants might lose their procedural rights if alterations in plea agreements were to occur past the expiration of those procedural rights. However, this Court nonetheless believes it retained jurisdiction over this matter. The plea agreement at issue was forged before this Court and, so, this Court believes it retains jurisdiction over violations or novations regarding that agreement. The Defendant was complying with the conditions of his plea agreement when the conditions were changed. The Court wonders where else the Defendant was to turn for relief if not to the Court that sanctioned the agreement.

In a later section the Court will attempt to convey why it believes that a *writ of mandamus* would not be the correct vehicle for the Defendant's requested relief. As a *writ of mandamus* is already extraordinary relief for when no other relief is available, this Court further believes that it retains jurisdiction as a right of necessity in handling this matter if even only to create a record upon which the appeal might stand. For the reasons stated, the Court sincerely believes it acted correctly and respectfully submits this belief for the Su-

perior Court's consideration.

E. *Writ of Mandamus*

The Commonwealth's fifth contention is that the Defendant should have filed his request for relief as a *writ of mandamus* and included the Pennsylvania State Police as a party to that action.

A *writ of mandamus* is an extraordinary remedy designed to compel official performance of a ministerial act or mandatory duty. *Evans v. Pennsylvania Board of Probation and Parole*, 820 A.2d 904, 914 (Pa. Cmwlth. 2003) (citing *McGill v. Pennsylvania Department of Health, Office of Drug and Alcohol Programs*, 758 A.2d 268, 270 (Pa. Cmwlth. 2000)). The purpose of mandamus is not to establish legal rights, but to enforce those rights already established. *Id.* at 915.

In this case, a *writ of mandamus* seems to be an inappropriate and inadequate remedy. The Defendant is not seeking to compel performance of an official act or duty; but, rather, the Defendant is seeking to forestall and end what he believes to be an improper exercise of an official act or duty. Moreover, as the Commonwealth contends that SORNA registration is a collateral consequence that they have no power over, and, which, the Commonwealth agrees did not exist at the time of the Defendant's plea, no legal rights can have been established regarding SORNA registration. This Court does not believe that a *writ of mandamus* is the appropriate avenue of relief for the Defendant and, therefore, respectfully requests our decision be upheld.

III. **Conclusion**

Based upon the reasons stated above, this Court respectfully urges affirmance of our Order of July 31, 2013 and rejection of the Commonwealth's appeal.

BY THE COURT,

MICHAEL E. BORTNER, JUDGE

DATED: October _____, 2013

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Late of Loganville Borough, York County, PA.
 Executrix: Nancy A. Ahrens, c/o 3015 Eastern Blvd., York, PA 17402
 Attorney: Donald L. Reihart, Esquire, Law Offices of Donald L. Reihart, 3015 Eastern Blvd., York, PA 17402-2904 11.27-3t

ESTATE OF MARIE E. ALLEMAN, DECEASED

Late of Paradise Twp., York County, PA.
 Co-Executors: Timothy E. Alleman and Joan M. Wildasin, c/o Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331
 Attorney: Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331 11.27-3t

ESTATE OF JOSEPH A. COOPER, DECEASED

Late of Fairview Twp., York County, PA.
 Executor: Mary T. Cooper, c/o Richard C. Seneca, Esquire, Seneca Law, P.O. Box 333, 680 Yorktown Road, Lewisberry, PA, 17339
 Attorney: Richard C. Seneca, Esquire, Seneca Law, P.O. Box 333, 680 Yorktown Road, Lewisberry, PA, 17339 11.27-3t

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 Attorney: Richard C. Seneca, Esquire, Seneca Law, P.O. Box 333, Lewisberry, PA, 17339 11.27-3t

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 Attorney: Louis N. Teti Esquire, MacElree

Harvey, Ltd., 17 W. Miner Street, West
Chester, PA 19382 11.27-3t

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ESTATE OF LAMBERT R. SEALE, DECEASED
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ESTATE OF MYRON G. SHINDEL, DECEASED
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SECOND PUBLICATION

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THIRD PUBLICATION

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DECEASED

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- ESTATE OF JOSEPH L. LINK, DECEASED
Late of Hanover Borough, York County, PA.
Executrix: Amy L. Adams, 282 Kimberly Lane, East Berlin, PA 17316
Attorney: James T. Yingst, Esquire, Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331 11.14-3t
- ESTATE OF ROBERT ROLLAND MORRIS a/k/a R. ROLLAND MORRIS, DECEASED
Late of Fawn Grove Borough, York County, PA.
Co-Executors: James R. Morris and Robert E. Morris, c/o Stock and Leader, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite 600, York, PA 17401-2994
Attorney: Jody A. Leighty, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite E600, York, PA 17401-2994 11.14-3t
- ESTATE OF RUTHANNA PEARSON, DECEASED
Late of Dover Twp., York County, PA.
Executrix: Deirdre E. DeVeney, c/o 135 North George Street, York, PA 17401
Attorney: Brent C. Diefenderfer, Esquire, CGA Law Firm, PC, 135 North George Street, York, PA 17401 11.14-3t
- ESTATE OF ARLENE M. ROSER a/k/a ARLENE MAE ROSER, DECEASED
Late of Springettsbury Twp., York County, PA.
Administrator-Executor: Wanda L. Markle, c/o 10 Wyntre Brooke Drive, York, PA 17403
Attorney: Jeffrey R. Bellomo, Esquire, Bellomo & Associates, LLC, 10 Wyntre Brooke Drive, York, PA 17403 11.14-3t
- ESTATE OF BEULAH B. SWARTZ, DECEASED
Late of Manchester Twp., York County, PA.
Executor: Gail M. Pavoncello, c/o FrancePaskey, 2675 Eastern Boulevard, York, PA 17402
Attorney: Jennifer A. Galloway, Esquire, FrancePaskey, 2675 Eastern Boulevard, York, PA 17402 11.14-3t
- ESTATE OF PATRICIA L. SWEITZER, DECEASED
Late of Manchester Twp., York County, PA.
Co-Executors: Diana J. Rohrbaugh and Robert H. Sweitzer, Jr., c/o James A. Holtzer, Esquire, 135 North George St., Ste. #213, York, PA 17401
Attorney: James A. Holtzer, Esquire, 135 N. George St., Ste. #213, York, PA 17401 11.14-3t
- ESTATE OF RONALD E. TRACEY, a/k/a RONALD EDGAR TRACEY, a/k/a RONALD TRACEY, DECEASED
Late of Borough of Glen Rock, York County, PA.
Administrator: Phillip L. Tracey, c/o GARBER & GARBER, 40 South Duke Street, York, PA 17401-1402
Attorney: John M. Garber, Esquire, GARBER & GARBER, 40 South Duke Street, York, PA 17401-1402 11.14-3t
- ESTATE OF HARRY J. TRONE, DECEASED
Late of Codorus Twp., York County, PA.
Executor: Jammie L. Trone, c/o Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331
Attorney: Douglas H. Gent, Esquire, Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331 11.14-3t
- ESTATE OF KENNETH E. WIRE, DECEASED
Late of Springettsbury Twp., York County, PA.
Co-Executrix: Sandra Mae Rumsey, Joan Sarah Wilt, Lois Jean Dellinger, and Evelyn Louise Morton, c/o 129 E. Market Street, York, PA 17401
Attorney: John C. Herrold, Esquire, 129 E. Market Street, York, PA 17401 11.14-3t
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CIVIL NOTICES

ACTION IN MORTGAGE FORECLOSURE

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

Civil Action Number: 2013-SU-2525-06
Ocwen Loan Servicing, LLC, Plaintiff vs. Pamela L. Marange, Defendant

TO: Pamela L. Marange, Defendant, whose last known address is 13481 Vancar Lane, Stewartstown, PA 17363.

You have been sued in mortgage foreclosure on premises: 13481 Vancar Lane, Stewartstown, PA 17363 based on defaults since March 1, 2012. You owe \$150,094.14 plus interest.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Lawyer Referral Service
137 E. Market St., York, PA 17401
(717) 854-8755

STEVEN K. EISENBERG, M. TROY FREEDMAN, CHRISTINA C. VIOLA & ANDREW J. MARLEY, ATTYS. FOR PLAINTIFF
STERN & EISENBERG, PC
The Shops at Valley Sq.
1581 Main St., Ste. 200
Warrington, PA 18976
(215) 572-8111

11.27-1t

Solicitor

Civil Action – Law
No. 2013-SU-001259-06

Notice of Action in Mortgage Foreclosure
Citibank, N.A. as Trustee For WAMU Asset-Backed Certificates, WAMU Series 2007-HE3, Plaintiff vs. John C. Youngman & Nicole V. Youngman, Mortgagor and Real Owner, Defendant

To: Nicole V. Youngman, Mortgagor and Real Owner, Defendant, whose last known address is 94 Musselman Road, Hanover, PA 17331. This firm is a debt collector and we are attempting to collect a debt owed to our client. Any information obtained from you will be used for the purpose of collecting the debt. You are hereby notified that Plaintiff, Citibank, N.A. as Trustee For WAMU Asset-Backed Certificates, WAMU Series 2007-HE3, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of York County, Pennsylvania, docketed to No. 2013-SU-001259-06, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 94 Musselman Road, Hanover, PA 17331, whereupon your property will be sold by the Sheriff of York County. Notice: You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a Lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. Central PA Legal Services, 256 East Market St., York, PA 17403. Lawyer Referral Service of the York County Bar Assoc., York County Bar Center, 137 E. Market St., York, PA 17401, 717-854-8755. Michael T. McKeever, Atty. for Plaintiff, KML Law Group, P.C., Ste. 5000, Mellon Independence Center, 701 Market St., Phila., PA 19106-1532, 215.627.1322.

11.27-1t

Solicitor

ACTION IN QUIET TITLE

IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

No. 2013-SU-4108-93

Action to Quiet Title

U&T INC. and ERIC P. BERNADYN,
Plaintiffs

vs.

KENNETH J. BILGER, his heirs, devisees, executors, administrators and assigns, and Tax Claim Bureau of York County, Pennsylvania, Defendants

NOTICE

To : Kenneth J. Bilger, his heirs, devisees, executors, administrators and assigns, Defendants

TAKE NOTICE that on November 14, 2013, Plaintiffs filed a complaint to quiet title against all Defendants averring Plaintiff is the owner of the property described below. The complaint requests the Court extinguish any right, title or interest of all the Defendants, their heirs, devisees, executors, administrators, and/or assigns, of any nature whatsoever in and to the property, under and by nature of any will, deed, power of attorney, other unrecorded or lost deed or other instrument, or any other claim of right or title, and declaring Plaintiff, Eric P. Bernadyn, the sole owner of the property in fee simple. The property is described as follows : 117 Grove Road, Delta, Peach Bottom Township, York County, Pennsylvania 17356. Tax Parcel Number 43-CQ-11B.

You are hereby notified to plead to the above referenced Complaint on or before thirty (30) days from the date of this publication or a judgment will be entered against you.

**NOTICE TO DEFEND
AND CLAIM RIGHTS**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses and 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 paper to your lawyer at once. If you do not have a lawyer, go to or telephone this office : Lawyer Referral Service, York County Bar Association, 137 East Market Street, York, PA 17401, Telephone (717) 854-8755. This office

can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Rebecca N. Tortorici, Esquire,
Attorney for Plaintiff

11.27-1t

Solicitor

ADOPTION NOTICE

TERMINATION OF PARENTAL
RIGHTS NOTICES

PUBLIC NOTICE TO
CHAD M. WALTON

IN RE: Adoption of Teagan Allannah Walton, a Minor

In the Court of Common Pleas of Lancaster County, Pennsylvania Orphans' Court Division

ADOPTION NO. 1935 of 2013

To: Chad M. Walton

A Petition has been filed asking the Court to put an end to all rights you have to your child, Teagan Allannah Walton, born August 14, 1998. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in the Lancaster County Courthouse, Courtroom No. 6, 50 N. Duke Street, Lancaster, Pennsylvania, on December 19, 2013 at 9:10 am. 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.

LANCASTER COUNTY
LAWYER REFERRAL SERVICE
Lancaster Bar Association
P.O. Box 30
Lancaster, PA 17608
(717) 393-0737

NOTICE REQUIRED BY ACT 101 OF
2010–23 Pa. CS. §2731-2742

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication with your child following adoption.

Richard J. Gromen, Jr., Esquire
3121C Mount Joy Road
Mount Joy PA 17552
(717) 653-2191

11.21-2t Solicitor

ARTICLES OF INCORPORATION

NOTICE is hereby given that Articles of Incorporation were filed by Spring Grove Area Scholarship Fund, Inc. with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of incorporating under the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended and supplemented.

Craig A. Diehl, Esquire, CPA

11.27-1t Solicitor

NOTICE is hereby given that 220 W Philly, Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

L. C. Heim, Esq.

11.27-1t Solicitor

NOTICE is hereby given that Articles of Incorporation for Dave Mumma Insurance Agency, Inc. were filed with the Department of State of the Commonwealth of Pennsylvania on October 28, 2013, under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

GUTHRIE, NONEMAKER,
YINGST & HART

11.27-1t Solicitor

Notice is hereby given that York City Council has approved Bill No. 20 to organize an authority under the provisions of the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, No.

164, known as the "CITY REVITALIZATION AND IMPROVEMENT ZONE AUTHORITY." Articles of Incorporation will be filed with the Secretary of the Commonwealth of Pennsylvania on November 30, 2013. A copy of Bill No. 20 may be examined in whole in the office of City Clerk, 101 S. George St., 2nd Floor, York, PA between the hours of 9 a.m. and 4 p.m., Monday through Friday or call the City Clerk at (717) 849-2246 with inquires.

11.27-1t Solicitor

CIVIL TRIAL LIST

IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA CALL
OF THE CIVIL TRIAL LIST-NOVEMBER 18,
2013 AT 9:30 A.M., CR, #10
TRIAL TERM - MONDAY, DECEMBER 2ND
THROUGH FRIDAY DECEMBER 13, 2013

1. Virginia Kachnycz, as Administratrix of the Estate of Richard Kachnycz, Deceased and Virginia Kachnycz, in her Individual Capacity vs Bronwyn Wilke, D.P.M., Sonam Ruit, D.P.M. and Martin Foot and Ankle Center; 2009-SU-4797-22; Francis J. Curran Jr. and Paul P. Gaffney for Plaintiffs; Robert E. Dillon and Alexis Aloï for Defendants.

AND

Richard Kachnycz and Virginia Kachnycz, h/w vs Mindy Noll, M.D. and Dallastown Medical Associates; Francis J. Curran Jr. and Paul P. Gaffney for Plaintiffs; Hugh P. O'Neill, III for Defendant.

SCHEDULED TO BE TRIED BY JUDGE THOMPSON BEGINNING MONDAY, DECEMBER 2, 2013 AT 9:00 A.M. IN CR #10

10.24-1t District Court Administrator

CHANGE OF NAME

NOTICE is hereby given that on November 6, 2013, a Petition for Change of name was filed in the Court of Common Pleas, requesting a decree to change the name of Grace Marie Baker to Grace Marie Knaub.

The Court has fixed the 23rd day of December,

2013, at 9:30 a.m., in Court Room No. 6, York County Judicial Center, as the time and place for the hearing on said Petition when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

Leo E. Gribbin, Esquire

11.27-1t Solicitor

NOTICE is hereby given that on November 7, 2013, a petition for change of name was filed in the Court of Common Pleas, requesting a decree to change the name of Jaiden Joseph Peck to Jayden Joseph Peck.

The Court has fixed the 23rd day of December, 2013, at 9:00 a.m., in Court Room #6, York County Judicial Center, as the time and place for the hearing on said petition when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

11.27-1t Solicitor

NOTICE is hereby given that on November 19, 2013, a petition for change of name was filed in the Court of Common Pleas, requesting a decree to change the name of Teg Partap Singh to Teg-partap Singh.

The Court has fixed the 27th day of December, 2013, at 9:00 a.m., in Court Room #6, 6th Floor, York County Judicial Center, 45 North George Street, as the time and place for the hearing on said petition when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

Suzanne H. Griest, Esquire
Griest, Himes, Herrold,
Schaumann, Reynosa, LLP
129 East Market Street
York, PA 17401

11.27-1t Solicitor

FICTITIOUS NAME

NOTICE is hereby given a certificate was or will be filed under the Fictitious Name Act approved May 24, 1945 in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth

that Aarthi K Pookot, 601 Marlow Dr., York, PA 17402-4347 are the only person(s) owning or interested in a business, the character of which is create works of Art & sell them online by setting up online Store Front and that the name, style and designation under which said business is and will be conducted is Otakuartsu and the location where said business is and will be located is 601 Marlow Dr., York, PA 17402-4347

11.27-1t Solicitor

SHERIFF SALES

IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW
NO. 2013-SU-00598-06
NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

EverBank, Plaintiff vs. David K. Stryhn, Defendant

NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY

TO: David K. Stryhn, Defendant, whose last known address is 2722 Foxshire Drive, Unit 111, York, PA 17402.

Your house (real estate) at: 2722 Foxshire Drive, Unit 111, York, PA 17402, 54-IJ-253B-CD722, is scheduled to be sold at Sheriff's Sale on April 14, 2014, at 2:00 PM, at York County Judicial Center, 45 N. George St., York, PA 17401, to enforce the court judgment of \$140,201.71, obtained by EverBank (the mortgagee) 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 EverBank, 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 below on how to obtain an attorney.) - YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE - 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 E. Market St., 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.

CHRISTOPHER A. DeNARDO,
CAITLIN M. DONNELLY, AMY GLASS &
BRADLEY J. OSBORNE, Attys. for Plaintiff
SHAPIRO & DeNARDO, LLC
3600 Horizon Dr., Ste. 150
King of Prussia, PA 19406
610.278.6800

11.27-1t

Solicitor

MARSHALL & SMITH, PC

ATTORNEYS AT LAW

46 EAST PHILADELPHIA STREET
YORK, PA 17401

(717) 843-9023
(717) 846-3176 FAX

JEFFREY C. MARSHALL, ESQ
SUZANNE SENNETT SMITH, ESQ

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