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(USPS 102-900)

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CHESTER COUNTY BAR ASSOCIATION
15 West Gay Street, 2nd Floor, West Chester, Pennsylvania 19380

www.chescobar.org
lawreporter@chescobar.org

Telephone: 610/692-1889 Fax: 610/692-9546

Richard Meanix, Editor

Assistant Editor

Patrick M. McKenna, Esquire
Richard Meanix, Chairperson-Publications Committee

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McClintock v. Board of Commissioners of Caln Township, et al.

Whistleblower

1. The Pennsylvania Whistleblower Law expressly prohibits an employer from retaliating against an employee because of that employee's report of wrongdoing or waste by the employer, and an employee alleging a violation may bring a civil action for injunctive relief, damages, or both.
2. The statute defines a whistleblower as a person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority.
3. The term employer is defined as a public body and includes an individual who receives money from a public body to perform work or provide services relative to the performance of work for or the provision of services to a public body. A public body includes a state officer, agency, department, division, bureau, board, commission, council, authority or other body in the executive branch of State government, or any other body which is created by Commonwealth or political subdivision authority or which is funded in any amount by or through Commonwealth or political subdivision authority or a member or employee of that body.
4. An employer may defend a whistleblower claim by showing, by a preponderance of the evidence, its action against the employee occurred for separate and legitimate reasons, which are not merely pretextual.
5. As an initial matter, in order to establish a violation of the Act, an employee must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee had reported in good faith an instance of wrongdoing or waste.
6. "Wrongdoing" is defined to include a violation which is not merely of a technical or minimal nature of a State or Federal statute or regulation, or of a political subdivision ordinance or regulation, or of a code of conduct or ethics designed to protect the interest of the public or employer. In order to fall within the definition of "wrongdoing" under the Act, a violation reported by a public employee must be a violation of a statute or regulation of the type that an employer is charged to enforce for the good of the public or one dealing with internal administration of the employer.
7. The Township appoints the Township Engineer every 2 years and can remove and/or replace him at any time, at its pleasure. Only 4 to 5 of the 73 municipalities in Chester County utilized a full time, in house engineer. In 2015, the Commissioners also discussed outsourcing the Engineering Department. It became a priority for the Township that year to find ways to save taxpayer's money. The Board determined that by outsourcing the Engineering Department the Township could provide the same level of engineering services to the

- citizens while saving taxpayer money. The Township saved over \$80,000 annually by outsourcing of the engineering position.
8. Plaintiff brought this Whistleblower Law action against his former employer, Caln Township and his former supervisor, the Township Manager, following plaintiff's termination as the Township's engineer. Plaintiff cursed routinely at work; employees complained about him and his "management style." Plaintiff did not advise the Township Manager he was uncomfortable with her language or how she spoke in staff meetings. In December 2016, the Township Manager removed Plaintiff from oversight of the Public Works Department because of his aggressive and demeaning behavior towards its employees.
 9. Plaintiff conceded he did not report "waste" for purposes of the Act. As for wrongdoing, plaintiff contends that he complained about the following "wrongdoing" during his tenure: his complaint to a manager about a commissioner's hostile behavior surrounding the building of an office wall, his complaint to a commissioner in late December 2016 about the Township Manager's "management style" and her occasional use of vulgarities, and his report to Township's solicitor that the Township Manager failed to provide Plaintiff sufficient time to consider the offered severance agreement. The court concludes that plaintiff's complaints were not reports of "wrongdoing" as contemplated by the Act.
 10. The Township Manager attempted to find another position for Plaintiff, but there was none available for him. The Township presented plaintiff with a Severance and Release Agreement; Plaintiff opted not to sign the Release. Plaintiff turned in his Township owned and provided vehicle, which contained an Opticom device, which, by law, can only be used by emergency responders to change traffic signals to green during emergencies. It had been purchased by Plaintiff with Township taxpayer money and used by the Plaintiff.
 11. Plaintiff's evidence failed to establish a causal connection between his reports of alleged wrongdoing and his job elimination and ultimate termination. Plaintiff's salary has increased subsequent to his termination.
 12. After trial by the court sitting without a jury, the court found in favor of Defendants and against Plaintiff on all counts.

R.E.M.

C.C.P. Chester County, Pennsylvania Civil Action No. 2017-07608; Jeffrey W. McClintock v. Board of Commissioners of Caln Township and Kristen Denne, Township Manager

Corey Smith for Plaintiff

David J. McMann for Defendants

Tunnell, J., January 27, 2021:-

JEFFREY W. McCLINTOCK,	:	IN THE COURT COMMON PLEAS
Plaintiff,	:	CHESTER COUNTY, PENNSYLVANIA
	:	
v.	:	NO. 2017-07608
	:	
	:	
BOARD OF COMMISSIONERS OF	:	CIVIL ACTION – LAW
CALN TOWNSHIP and KRISTEN	:	
DENNE, TOWNSHIP MANAGER,	:	
Defendants.	:	

DECISION

Plaintiff, Jeffrey McClintock, brought this Whistleblower Law action against his former employer, defendant Caln Township (the “Township”), and his former supervisor, Township Manager, defendant Kristen Denne (“Denne”), following his termination as the Township’s engineer. This matter was heard by the court sitting without a jury, November 12 and 13, 2020.

FINDINGS OF FACT

Background

1. The Board of Commissioners of Caln Township (the “Board”) is made up of five (5) elected officials who serve four (4) year terms.
2. George Chambers was elected as a Caln Township Commissioner in 2015.
3. Jennifer Breton was elected as a Caln Township Commissioner in 2015.
4. Joshua Young was elected as a Caln Township Commissioner in 2005.
5. John Contento and Cynthia Eshleman also served as commissioners during the relevant time period.
6. Defendant, Kristen Denne, was hired on October 10, 2016 to serve in the role of Township Manager.
7. As Township Manager, Denne oversees all of the day-to-day operations of the Township including personnel management, finances and purchasing and payroll responsibilities.
8. Once hired, Denne served as plaintiff’s immediate and only supervisor.

Plaintiff’s Tenure

9. Plaintiff was the full-time Engineer of the Township beginning in 2001. He was re-appointed every two (2) years until the position of full-time Engineer was outsourced in February 2017.
10. Although the Board appoints the Township Engineer every two (2) years, it

can remove and/or replace the appointment at any time, at its pleasure.

11. Plaintiff's appointed term at the time his position was eliminated was January 2016 through December 2017.

12. Prior to Denne's hiring, Peter Marshall served as the Township's Interim Manager. His position was part time and he worked two (2) to three (3) days a week.

13. Marshall appointed plaintiff to answer questions when he was not present and to manage the Department of Public Works for the Township.

14. Despite his employment as Township Engineer, plaintiff did not engage in any engineering duties. (N.T., 11/12/20, p. 11).

15. Rather, these duties were fulfilled by outside consultants with experience in the specific engineering areas for which the Township had a need. (*Id.*).

16. Plaintiff instead handled duties for the Township wholly unrelated to engineering and which also involved outside consultants. (N.T., 11/12/20, p. 12).

17. Although plaintiff was interested in becoming the Township's manager, Marshall, who participated in the hiring search, recommended Denne for the position.

Issues During Plaintiff's Tenure

Plaintiff's Interaction with Commissioner Eshleman

23. On October 2, 2016, plaintiff, under the direction of Interim Manager Marshall, oversaw the construction of a wall in the Township building to (1) divide certain offices and common areas and (2) create a private office for the Township's Finance Director.

24. The construction of this wall was not approved and was specifically prohibited by the Board of Commissioners.

25. Commissioner Eshleman learned of the construction the next day and called plaintiff. She was angry that the wall had been constructed without Board approval and used language during the call that offended him.

26. After Denne was hired, she and plaintiff discussed Commissioner Eshleman's phone call.

27. Plaintiff advised Denne that he did not want to file a complaint against Commissioner Eshelman for yelling at him.

28. Separately, there had been a discussion at an Executive Session between the Township Supervisors and Denne regarding plaintiff's construction of the unauthorized wall. The wall had cost the Township approximately \$5,000. It was determined at that time that no action would be taken against plaintiff.

Plaintiff's Interactions with Co-workers

29. During his employment with the Township, plaintiff cursed routinely at work. (N.T., 11/12/20, p. 110).

30. During his time as assistant to Interim Manager Marshall, employees complained about him to the Commissioners, which offended plaintiff. (N.T., 11/12/20, pp. 134, 136).

31. Plaintiff requested that Interim Manager Marshall issue a memo reminding employees of the chain of command and directing them that if they had a complaint about their supervisor, they should first address it directly with their superior. (N.T., 11/13/20, p. 135).

32. In 2016, the members of the Public Works Department complained about the plaintiff's "management style." (N.T., 11/12/20, p. 119-131; N.T., 11/13/20, p. 89).

33. Commissioner Young, who received complaints from the Public Works employees, advised them to wait and raise the issues with Denne once she began as Township Manager. (N.T., 11/13/20, p. 89).

34. Commissioner Young also asked Interim Manager Marshall to remove plaintiff from oversight of the Public Works Department. (*Id.*, p. 89).

Plaintiff's Interactions with Manager Denne

37. Plaintiff, in turn, did not like Denne's management style and felt she was "unapproachable". (N.T., 11/12/20, p. 142).

39. He felt that she was "aggressive" and "raw" in how she spoke at department head meetings. (N.T., 11/12/20, p. 46).

40. The court heard evidence of the following interactions:

- Denne stated during a staff meeting that when people hover around her door, it makes her want to punch them in the throat. (N.T., 11/12/20, at p. 46).
- Denne told Police Chief Elias that she would lick his water bottle and make him sick, following the Chief Elias teasing her about having a cold. (*Id.*)
- During a staff meeting regarding the Public Works Department's unionization efforts, Denne advised the department heads to continue to manage their staff but not to be a dick to anyone. (*Id.* at p. 50).

41. Denne testified about these incidents as follows:

- She stated that when she is on the phone and people are hanging around her door, or interjecting into the phone conversation, that it was frustrating. She did say it made her to want throat punch someone. (*Id.* at p. 167).
- As for Chief Elias, she explained that he was poking fun at her during a meeting when she had a cold and she said, "if you keep it up, I will lick your water bottle and you will have this cold too." (*Id.*)
- She explained that she had a staff meeting with her department heads when she learned about the possible unionization and advised them that

because the Township was in the negotiations process, employees are entitled to protected state and federal rights and although the employees can be managed and disciplined, the department heads cannot cause any undue hardship to the employees or be a dick to them. (*Id.* at p. 216).

42. Plaintiff avers these comments made him “uncomfortable”. (*Id.* at p. 47).

43. Denne never cursed at Plaintiff or called him a profanity. (*Id.* at p. 115).

44. Plaintiff did not advise Denne that he was uncomfortable with her language or how she spoke in staff meetings. (N.T., 11/13/20, at p. 151).

45. Denne heard the Plaintiff use profanity often. (N.T., 11/12/20, at p. 218).

46. Plaintiff admitted that he used profanity at work. (*Id.* at p. 110).

47. In late December 2016, plaintiff requested approval from Denne to carry over, two hundred forty-eight (248) hours of unused vacation time into 2017.

48. This time included carry over vacation time from years that predated 2016.

49. Pursuant to the Township’s policies, no employee may carry over vacation time without approval from the manager and any carried over vacation time must be used within sixty (60) days.

50. Denne advised plaintiff that he could only carry over those hours accrued in 2016, not those accrued in years prior.

51. On two (2) separate occasions, she read the policy out loud to him.

52. In December 2016, Denne removed plaintiff from oversight of the Public Works Department because of his aggressive and demeaning behavior towards its employees. (*Id.* at p. 189, 217).

53. In December 2017, plaintiff had a meeting with Commissioner Breton wherein he discussed Denne’s management style. (*Id.* at p. 222-223).

54. Plaintiff did not tell Commissioner Breton that he felt as though Denne was creating a hostile work environment. (*Id.* at p. 238).

55. Plaintiff did not tell Commissioner Breton that he felt threatened by Denne or that he was afraid of her. (*Id.*).

56. He did not ask Commissioner Breton to notify the other commissioners of his complaints. (*Id.*)

57. Plaintiff did not ask to make a written complaint about Denne. (*Id.*).

58. Commissioner Breton did not receive any other complaints from any other Township employee about Denne. (*Id.* at p. 242).

Consideration and Elimination of Plaintiff’s Position

59. Over the years, Commissioner Young discussed with other Board members many times the idea of outsourcing the engineering department. (N.T., 11/13/20, p. 93).

60. Only four (4) to five (5) other municipalities in Chester County (which has seventy-three (73) municipalities) utilized a full time, in house engineer. (N.T., 11/12/20, p. 144).

61. Chuck Wilson, Finance Director of Caln Township, told plaintiff prior to October 2016, that the Township did not need a full time engineer. (N.T., 11/12/20, p. 147).

62. In 2015, the Township outsourced the Code Enforcement Department. (N.T., 11/13/20, p. 82).

63. At that time, the Commissioners also discussed outsourcing the Engineering Department. They opted to wait, however, as outsourcing two (2) departments at once was too difficult. (*Id.*).

64. In late 2015 after two new Commissioners were elected, the Township anticipated making a change in management. The Commissioners decided to wait until a new Township Manager was hired before it made any additional personnel decisions. (N.T., 11/13/20, p. 82).

65. During one of Denne's job interviews, the Commissioners posed scenarios to assess how she would handle a situation. (*Id.* at p. 87). One of those scenarios involved the engineering department and she would appoint a Township engineer. (*Id.* at p. 142).

66. Following her hire, Denne advised the Board that she would not be making any major changes for ninety (90) days during which time she would investigate Township operations, review Township costs and determine whether and how the Township could streamline its management. (*Id.* at p. 144-145).

67. Following her hire, the Board and Denne began working on the Township's budget for 2017. (N.T., 11/13/20, p. 155-156).

68. Denne determined that a tax increase would be necessary for 2017. (*Id.*) It became a priority for the Township that year to find ways to save taxpayer's money. (N.T., 11/13/20, p. 156).

69. During her first few months, Denne gathered information about Township operations to consider changes that could save taxpayer money and provide better or lower service in a number of areas. Her examination included the engineering area.

70. Denne reviewed past bills, project budgets, costs and the Township's ability to utilize outside companies. (N.T., 11/13/20, p. 168).

71. Denne discussed with Commissioner Young whether it was necessary to have an in-house engineer. She noted that it was unusual for townships to employ one. (N.T., 11/13/20 at p. 93).

72. Denne analyzed other municipalities in Chester County to determine whether a full-time, in-house engineer was used. She confirmed that very few did and the majority used an outside engineering firm.

73. Denne learned that the Township was using outside consultants to perform engineering functions instead of having plaintiff perform such work.

74. Despite the employment of a full-time engineer, when an engineering project arose, it was often outsourced to an engineering firm; plaintiff did not or would not do the work. (N.T. 11/12/20, at p.11).

75. Denne also learned that plaintiff busied himself in many aspects of Township management other than engineering, including IT and Police Department functions. (N.T., 11/13/20, at p. 147).

76. Denne's analysis showed that eliminating the full-time in-house engineering position would save the Township and taxpayers considerable money.

77. Denne concluded that an in-house, full time Township Engineer did not serve the needs of the Township. (N.T., 11/13/20, at p. 178).

78. Denne presented her findings during an executive session with the Board. (N.T., 11/13/20, at p. 94).

79. During such executive sessions, where personnel matters are discussed, information is generally relayed to the Board verbally; written documentation is rarely used. (N.T., 11/13/20, at p. 8).

80. The Board determined that by outsourcing the Engineering Department the Township could provide the same level of engineering services to the citizens while saving taxpayer money.

81. The Board made the unanimous decision in February of 2017 to outsource the Engineering position.

82. In addition to eliminating the Engineering Department, the Township changed healthcare packages, put out new bids for insurance and combined positions in the Public Works Department all in an effort to save money. (N.T., 11/13/20, at p. 159).

83. It delegated the task of transitioning the Engineering Department to Denne.

84. Following the decision, Denne attempted to find another position for plaintiff, but there was none available for him. (N.T., 11/13/20, at p. 160-163).

85. On February 7, 2017, Denne notified plaintiff that his position was being eliminated. He was placed on administrative leave.

86. After eliminating plaintiff's position, the Township outsourced all of its engineering needs to Cedarville Engineering.

87. As predicted by Denne, for the year 2017, the Township recognized a savings of approximately \$98,108 in engineering costs. *See* Ex. D-1; (N.T., 11/13/20, at pp. 173 – 174).

88. For the year 2018, the Township recognized a savings of approximately \$147,495 in engineering costs. *See* Ex. D-1; (N.T., 11/13/20, at pp. 173 – 174).

89. For the year 2019, the Township recognized a savings of approximately \$152,634 in engineering costs. *See* Ex. D-1; (N.T., 11/13/20, at pp. 176).

Post Job Elimination

90. Following the elimination of his engineering position, plaintiff consulted legal counsel.

91. The Township, in consultation with their legal counsel, presented plaintiff with a Severance and Release Agreement ("Release") for his consideration. Per the written terms of the Release, plaintiff had twenty-one (21) days to consider and execute the Release.

92. Plaintiff opted not to sign the Release.

93. In conjunction with the end of his employment, plaintiff turned in his Township property, including his Township owned and provided vehicle.

94. The vehicle was going to be used by a lieutenant with the Township Police

Department.

95. (Now retired) Detective James Lippolis cleaned out the Township owned vehicle to ensure plaintiff did not leave behind any personal belongings.

96. Detective Lippolis found an Opticom device in the vehicle.

97. Opticom is a pre-emption device used by emergency responders to change traffic signals to green during emergencies. (N.T., 11/13/20, at p. 118).

98. Detective James Shaw of the Township Police Department investigated how plaintiff - an engineer - came into possession of the Opticom device. He determined it had been purchased and used by the plaintiff.

99. Plaintiff purchased the Opticom device through the Police Department using the Township general fund which is made up of taxpayer money. (N.T., 11/12/20, at p. 245; N.T., 11/13/20, at p. 99). The invoice said it was purchased for the Township Police Department.

100. Chief Elias, who has been the Chief of the Caln Township Police Department for over seven (7) was not aware that plaintiff had an Opticom device.

101. Plaintiff never notified or requested permission from Chief Elias to use same. (N.T., 11/13/20, at p. 117).

102. Pursuant to Pennsylvania Vehicle Code 75 Chapter 31 § 3105, only emergency service providers are lawfully permitted to possess and use an Opticom.

103. Based on his investigation and belief that a crime may have been committed, Detective Shaw contacted First Assistant District Attorney Michael Noone.

104. After reviewing the underlying information, Noone advised Detective Shaw that he could file criminal charges against plaintiff for possession of the Opticom.

105. The Board was presented with Investigator Shaw's findings and Noone's approval. It opted to pursue charges against plaintiff. (N.T., 11/13/20, at p. 123-124).

106. Plaintiff was charged with a third-degree misdemeanor pursuant to Pennsylvania Vehicle Code, 75 Chapter 31 § 3105(2).

107. Following discovery of the Opticom device, plaintiff was sent a pre-disciplinary hearing letter on February 21, 2017. (N.T., 11/12/20, at p. 77).

108. Plaintiff did not attend the pre-disciplinary hearing. (N.T., 11/12/20, at p. 154).

109. Thereafter, on March 3, 2017, plaintiff was terminated. (N.T., 11/12/20, at p. 77).

Plaintiff's Subsequent Employment

110. In 2016, plaintiff's salary as the Township's Engineer was \$115,000. (N.T., 11/13/20, at p. 31).

109. After his termination in 2017, plaintiff secured a job with Paul Harrison Company (PH&C) with a salary of \$120,000 per year. (N.T., 11/12/20, at p. 94).

110. In 2018, Plaintiff earned \$148,000 per year. (N.T., 11/12/20, at p. 108).

111. Plaintiff's current salary is \$140,000 per year. (N.T., 11/12/20, at p. 107).

112. Plaintiff received an 8.2% increase in salary per year working with PH&C. (N.T., 11/12/20, at p. 36).

113. Plaintiff received healthcare benefits through his wife's employment, representing an out of pocket expense \$3,526.08.

114. Plaintiff participates in the 401K plan through PH&C which matches 4% of his contribution. (N.T., 11/12/20, at p. 100).

115. Plaintiff's total increase in his current private sector job (\$140,000 per year) was greater than his income at Caln Township (\$115,000 per year). Totaled over the same time period (5-6 years) that income reaches \$275,000.

DISCUSSION

LAW

The Pennsylvania Whistleblower Law (the "Act") expressly prohibits an employer from retaliating against an employee because of that employee's report of wrongdoing or waste by the employer, and an employee alleging a violation may bring a civil action for injunctive relief, damages, or both. 43 P.S. §1423(a). Our Supreme Court set out the following principles in *Bailets v. Pa. Turnpike Com.*, 633 Pa. 1, 123 A.3d 300, 307 (2015):

The Whistleblower Law provides protection for employees of a public employer who report a violation or suspected violation of state law. *See* 43 P.S. §1421, Historical and Statutory Notes ('An Act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties'.) The statute defines a 'whistleblower' as 'a person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority.' *Id.*, §1422. The term 'employer' is defined as 'a public body', and includes an individual 'who receives money from a public body to perform work or provide services relative to the performance of work for or the provision of services to a public body'. *Id.* And, a 'public body' includes '[a] State officer, agency, department, division, bureau, board, commission, council, authority or other body in the executive branch of State government, or any other body which is created by Commonwealth or political subdivision authority or which is funded in any amount by or through Commonwealth or political subdivision authority or a member or employee of that body.' *Id.*

An employee alleging a violation of the Whistleblower Law must show, by a preponderance of the evidence, that prior to the adverse employment action, the employee had reported (or was about to report) in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority. 43 P.S. §1424(b).

A “good faith report” is “a report of wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.” 43 P.S. § 1422.

An employer may defend such a claim by showing, by a preponderance of the evidence, its action against the employee “occurred for separate and legitimate reasons, which are not merely pretextual.” 43 P.S. §1424(c).

Plaintiff Did Not Report “Waste” or “Wrongdoing”

As an initial matter, in order to establish a violation of the Act, an employee must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee had reported in good faith an instance of wrongdoing or waste. 43 P.S. §1424(b).

Plaintiff conceded he did not report “waste” for purposes of the Act.

As for wrongdoing, plaintiff contends that he complained about the following “wrongdoing” during his tenure: his complaint to Manager Marshall about Commissioner Eshleman’s hostile behavior surrounding the building of the office wall, his complaint to Commissioner Breton in late December 2016 about Denne’s “management style” and occasional use of vulgarities occasionally when speaking at staff meetings, and his report to Township’s solicitor that Denne failed to provide him sufficient time to consider the offered severance agreement. The court concludes that plaintiff’s complaints were not reports of “wrongdoing” as contemplated by the Act.

“Wrongdoing” is defined to include a violation which is not merely of a technical or minimal nature of a State or Federal statute or regulation, or of a political subdivision ordinance or regulation, or of a code of conduct or ethics designed to protect the interest of the public or employer. In order to fall within the definition of “wrongdoing” under the Act, a violation reported by a public employee must be a violation of a statute or regulation of the type that an employer is charged to enforce for the good of the public or one dealing with internal administration of the employer. *See Gray v. Hafer*, 168 Pa. Commw. 613, 651 A.2d 221, *affirmed*, 542 Pa. 607, 669 A.2d 335 (1995)

Plaintiff’s complaint about Commissioner Eshleman’s and Denne’s management style does not fall within the type of wrongdoing contemplated by the Act. Plaintiff’s complaint did not involve a Federal or State statute or regulation or a Township ordinance or regulation. Plaintiff did not direct the court to any such statute or regulation.

In addition, plaintiff failed to demonstrate a significant, substantive violation of code of conduct or ethics dealing with internal administration of the employer. The Township did have a written policy on harassment, Exh. P-3, §8, pp. 29-31. It states as follows:

it is the policy of this municipality that all employees have the right to work in an environment free of all forms of harassment. The municipality

does not condone, and will not tolerate, any harassment. Therefore, the municipality shall take direct and immediate action to prevent such behavior, and to take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.

No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.

The Township's policies also provide that disciplinary action could, but was not required to, be meted out for the use of profanity. (*Id.*, p 22).

Ms. Denne admitted that she did use vulgar language in the Township building, although not at Board meetings. These were on few occasions. They were not directed, however, at any particular individual.

As for the plaintiff's encounter with Commissioner Eshleman, the court similarly concludes that plaintiff's evidence of harassment and interference which he asserts in turn created a hostile work environment was not sufficient for the court to conclude that a reportable violation had occurred.

Plaintiff also argues that his counsel's letter to the Township solicitor "complaining" about Denne's two-day ultimatum violated the ADEA's 21 day notice requirement was also a report of wrongdoing. The court does not consider counsel's letter a report of wrongdoing as contemplated by the Act. Plaintiff acknowledges in his complaint that the Release with which he was presented, properly notified him of his rights under the ADEA and his right to seek counsel, which he did. Denne, a non-lawyer, advising otherwise was at best a minimal or technical violation and not actionable as wrongdoing.

Finally, although at trial plaintiff presented evidence that the Township failed to post the required notice of rights as provided in 43 P.S. §1428, there was no evidence that plaintiff reported that violation to anyone during his employment and thus that failure cannot be a basis for remedies pursuant to 43 P.S. §1424¹.

Plaintiff Was Not Retaliated Against As A Result of Any Report of Wrongdoing

In order to obtain relief, plaintiff needed to establish that he made a verbal or written report of wrongdoing and that his job was eliminated and he was fired as a direct result of the reporting. He had to "show by concrete facts or surrounding circumstances that the report of wrongdoing or waste led to his dismissal, such that there was specific direction or information he received not to file the report or there would be adverse consequences because the report was filed." *Gray v. Hafer*, 168 Pa. Cmwlth. 613, 620, 651 A.2d 221, 225 (1994); see also *Golaschewsky v.*

¹ To the extent plaintiff seeks relief pursuant to 43 P.S. § 4146 for the Township's Notice failures, plaintiff failed to present the court with legal support or citations that a civil plaintiff that has failed to meet the burdens of proof set forth in §4124 is entitled to relief under §4126.

Dep't of Env't. Prot., 554 Pa. 157, 163, 720 A.2d 757, 759 (1998) (Whistleblower plaintiff must show by "concrete facts" or surrounding circumstances his report of wrongdoing led to his dismissal). The court agrees with defendants that plaintiff's evidence failed to establish a causal connection between his reports of alleged wrongdoing and his job elimination and ultimate termination.

Plaintiff's Job Elimination

Plaintiff failed to establish the necessary causal connection between his reports of alleged wrongdoing and his job elimination. The evidence presented at trial did not show by concrete facts or surrounding circumstances that there was specific direction or information given to him that there would be adverse consequences because of his complaints to the commissioner. Even if a prima facie case of reprisal had been established, defendants successfully proved that the same adverse employment action would have occurred absent plaintiff's reporting.

Denne testified that she has eighteen (18) years of municipal government experience. She has an M.A. in public administration and has served at four (4) municipalities. During her interview with the Township, the subject was raised about the possibility of outsourcing the engineer's position. As the new manager, she requested ninety (90) days to assess the Township's overall financial condition before making any decisions. She wanted to see what was working and what was not. The Township certainly needed organization and protocol.

Following her hire, the Board and Manager began working on the Township's budget for 2017. (N.T., 11/13/20, p. 155-156). She determined that a tax increase would be necessary for 2017 and it became a priority for the Township to find ways to save taxpayers' money. (N.T., 11/13/20, p. 156). Denne gathered information about Township operations to consider changes that could save money and provide better or lower service. She examined past bills, project budgets, costs and the Township's ability to utilize outside companies. (N.T., 11/13/20, p. 168). She reviewed and changed the Township's healthcare package and realized savings of \$48,000. The Township also put out new bids for insurance. It combined positions in the Public Works Department. (N.T., 11/13/20, at p. 159).

Over the years, Commissioner Young had discussed with other Board members many times the idea of outsourcing the engineering department. (N.T., 11/13/20, p. 93). In 2015, the Township outsourced the Code Enforcement Department. (N.T., 11/13/20, p. 82). The Commissioners once again discussed at that time outsourcing the Engineering Department. Only four (4) to five (5) other municipalities in Chester County (which has seventy-three (73) municipalities) utilized a full time, in house engineer. (N.T., 11/12/20, p. 144). The Board opted to wait, however, as outsourcing two (2) departments at once was too difficult. (*Id.*).

Denne tried to analyze plaintiff's engineering role. Plaintiff seemingly had a hand in everything, some of it was certainly not engineering. Denne felt he spent an inordinate amount of time at the police station. She questioned his need to oversee the Public Works Department. The IT role he previously played had been sub-

sumed by the availability of vendors who often could fix computer problems online. Denne had observed the use of four (4) to six (6) engineers at a conditional use hearing; that is just exorbitant. This was not wise on the Township's part, and overly expensive. As engineer, plaintiff seemed to be simply a gatekeeper.

By comparing prior years' bills, she found possible savings of \$40,000 to \$80,000 on engineering. She consulted with their outside engineering firm, Cedarville Engineering, to get more information on costs. She determined that the engineering work was really already done by the outside vendor. She looked at the finances and compared those figures with other municipalities. Denne was working on outsourcing, but the end of the year brought budgeting issues and she was very busy. Eventually, after conducting her research, Denne told plaintiff she simply could not justify his position. It turned out that Denne was right: the Township saved over \$80,000 annually by outsourcing of the engineering position.

Her ultimate recommendation to the Board had nothing to do with any animosity to or from plaintiff. It was not true that Denne wanted him gone. It was true that she wanted him to stay. Denne tried to find different slots for him including in the police department. Plaintiff was ambivalent to all suggestions.

Plaintiff's Termination

Plaintiff alleges that in addition to the elimination of his engineering job, the Township retaliated against him for his reports of alleged wrongdoing even after he was told his position had been eliminated by ultimately terminating him for cause in March, 2017. Like plaintiff's assertions regarding his job elimination, the evidence presented at trial did not show by concrete facts or surrounding circumstances that there was a causal connection between his "various" complaints and his termination. And, like his job elimination, even if a prima facie case of reprisal had been established, defendants successful proved that the same adverse employment action would have occurred absent plaintiff's reporting.

The evidence was overwhelming that the history and discovery of an Opticom device in plaintiff's possession was significant to the plaintiff's termination.

Plaintiff had responsibilities in 2007-2008 with a new closed-loop traffic signal system. This system allowed for emergency preemption of traffic signals via an "Opticom," a device that interrupts the timing of lights as emergency vehicles approach intersections. Although he did not do repairs, he testified he tried to troubleshoot issues, if possible. He would gain access to the silver control box with the vendor on the phone. He would try to replicate problems by using an Opticom device himself. He testified he would call the police and let them know he was going to use it.

The Opticom was purchased from a business called J-Tech. An invoice was sent to the Caln Township Police Department. The numerical code on it means that the Opticom was paid from the engineering budget of the Township. (Exh. P-63).

Plaintiff was seen driving around the Township roads at a high rate of speed.

In approximately March 1, 2017, plaintiff received a criminal summons. This had to do with the possession of the Opticom.

The Chief of Police of Caln Township, Chief Joseph Elias, was called to testify. He has been chief for 7 ½ years. Before that time, he spent twenty-eight (28) years as a Major in the Municipal Police Officers Education and Training Commission (“MPOETC”). This organization does training and certification of police officers and their departments. He enjoyed a close working relationship with the plaintiff, Mr. McClintock. He often attended weekly staff meetings with the plaintiff, who never mentioned to him that he was having any problems with Manager Denne.

After plaintiff’s departure, the Chief testified that his department conducted a routine inventory of items used by plaintiff, including his vehicle. The Opticom was found. The Chief checked the Vehicle Code and determined that these devices were for emergency vehicles actually in route to emergencies. Otherwise, it was illegal and thus “contraband”. Further investigation revealed how and when the Opticom was purchased from J-Tech. Chief Elias learned from employee John E. Huggins that he saw McClintock with flashing lights activating the Opticom. Other employees emerged to advise the Chief that plaintiff drove erratically and “like an idiot.” The Chief testified that he told Officer Shaw to contact First Assistant District Attorney Michael Noone. Noone approved the processing of a criminal complaint.

The Chief met with Denne and the Board in an executive session. He briefed the attendees and asked whether charges were desired. After some consideration, the Board said yes and the Chief was given the “go ahead.”

While it was all pretty murky, an argument could be constructed that the plaintiff, by virtue of his authority to do highway maintenance, was an “authorized user” within the meaning of the statute and regulations. *Cf.*, 75 Pa. C.S.A. §§3105(a) and (c) and PennDOT Publication 191 (concerning highway maintenance and specialized equipment). The prosecution was unsuccessful at the magisterial district court level.

Plaintiff certainly procured one of these devices, and had it paid for. He said an earlier chief, Chief Bierly, knew about it. There was, however, insufficient evidence presented for the court to draw the inference that the Township Board knew anything about it, and therefore that Township’s purse strings were not properly used to procure it. Certainly, the current Chief had no idea. The Opticom affair was not orchestrated by Denne. It was, rather, the Police Department which investigated and went to the Board for approval to prosecute. It did so in good faith.

Following the Opticom discovery, the Township took a closer look, as expected, at plaintiff’s actions while an employee. The court does not believe plaintiff’s suggestion that all such acts were retaliation for his making any of the previously discussed “complaints.” Each incident had its own genesis. Once a suspected crime was apparent, it had to be dealt with by the Township. The Opticom discovery – not any reporting - led to the filing of a charge and the disciplinary proceedings. The Township would thereafter logically oppose any unemployment claim, changing its position in the process – as of course. The plaintiff’s report had

nothing to do with that.

CONCLUSIONS OF LAW

1. Plaintiff failed to make the necessary showing of evidence entitling him to remedies pursuant to 43 P.S. §1424(b).
2. Plaintiff failed to establish that he made a good faith report of wrongdoing or waste as defined by the Act.
3. Plaintiff failed to demonstrate a causal connection between any alleged “report” of wrongdoing and any adverse employment action – whether pre-or post-February, 2017.
4. Defendants proved a defense to this action pursuant to 43 P.S. §1424(c).
5. Defendants proved that the reasons for the complained about actions were separate, legitimate and not pretextual.
6. Defendants established that the employment actions complained of by plaintiff would have been taken even if the “whistleblowing” had not occurred.
An appropriate Order follows.

Date: 1/27/21

BY THE COURT:

/s/ Mark L. Tunnell, J.

JEFFREY W. McCLINTOCK,	:	IN THE COURT COMMON PLEAS
Plaintiff,	:	CHESTER COUNTY, PENNSYLVANIA
	:	
v.	:	NO. 2017-07608
	:	
	:	
BOARD OF COMMISSIONERS OF	:	CIVIL ACTION – LAW
CALN TOWNSHIP and KRISTEN	:	
DENNE, TOWNSHIP MANAGER,	:	
Defendants.	:	

ORDER

AND NOW, this 27nd day of January, 2021, for reasons set forth in its Decision, the court after trial by the court sitting without a jury, finds in favor of defendants and against plaintiff on all counts Amended Complaint in no amount.

BY THE COURT:

/s/ Mark L. Tunnell, J.

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CHANGE OF NAME NOTICE

**IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

LAW NO. 2021-03956-NC

NOTICE IS HEREBY GIVEN that the name change petition of Philip and Leenghoi Lower on behalf of minor child Gabrielle Marie Afuafo Lower was filed in the above-named court and will be heard on Monday, July 12, 2021 at 2:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Monday, June 7, 2021
Name to be changed from: Gabrielle Marie Afuafo Lower to: Gabrielle Alexandrina Afuafo Lower

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on the Tuesday, June 8, 2021 for **Vistum Consulting Inc.** in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988. The purpose or purposes for which it was organized are: any lawful act concerning any or all lawful business.

CORPORATION NOTICE

Equanimity Inc. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Hangley Aronchick Segal Pudlin & Schiller
One Logan Square 27th Floor
Philadelphia, PA 19103

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

BELL, Nancy J., late of Caln Township. Scott K. Bell, 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.

BUS, Virginia A., a/k/a Virginia Bus, Ginny Bus and Ginny A. Bus, late of Tredyffrin Township. Laura V. Polk, 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.

CHALMERS, JR., Duncan Douglas, late of West Goshen Township. Danielle Jamison Chalmers, care of RAYMOND J. FALZONE, JR., Esquire, 22 East Third Street, Media, PA 19063, Executrix. RAYMOND J. FALZONE, JR., Esquire, Falzone & Wyler, 22 East Third Street, Media, PA 19063, atty.

CLARK, Dolores M., late of Honey Brook. William H. Clark, Jr., 1901 N. Ridley Creek Road, Media, PA 19063, Executor.

CONNER, Beatrice Founds, late of East Goshen Township. Steven C. Founds, 16 Alton Point, Berlin, MD 21811 and Linda Founds Barnes, 896 Downingtown Pike, West Chester, PA 19380, Executors. JENNIFER FELD, Esquire, Colliton Elder Law Associates, PC, 790 E. Market St., Ste. 250, West Chester, PA 19382, atty.

DALY, Joanne Brauer, late of Penn Township. Deidre Cushwa and Mary Kay O'Rourke, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Co-Executrices. L. PETER TEMPLE, Esquire, Larmore Scarlett, P.O. Box 384, Kennett Square, PA 19348, atty.

D'AMICO, SR., Anthony V., late of New Garden Township. Stephen D'Amico, Jr., 201 Hillside Circle, Lincoln University, PA 19352, Executor. ANITA M. D'AMICO, Esquire, D'Amico Law, 65 S. Third St., Oxford, PA 19363, atty.

DANIELS, JR., Kenneth P., a/k/a Kenneth Paul Daniels, Jr., late of Easttown Township. Stephen M. Daniels, care of JEFFREY C. GOSS, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602, Executor. JEFFREY C. GOSS, Esquire, Brubacker Connaughton Goss & Lucarelli LLC, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602, atty.

DiANDREA, Artilio Joseph, late of Kennett Township. Graceann DiAndrea, Robert J. Sundry and Michael D. Sundry, care of WILLIAM J. GALLAGHER, Esquire, 17 W. Miner St., West Chester, PA 19382, Executors. WILLIAM J. GALLAGHER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

DiEULIIS, Mark A., late of Downingtown Borough. Val DiEuliis, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Administrator. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

FEHR, Mabel, late of Phoenixville Borough. Judith Phillips, care of JESSICA R. GRATER, Esquire, 400 Creekside Drive, Suite 409, Pottstown, PA 19464, Executrix. JESSICA R. GRATER, Esquire, Monastra & Grater, LLC, 400 Creekside Drive, Suite 409, Pottstown, PA 19464, atty.

FOREST, Terry L., a/k/a Terry L. Harris, late of Caln Township. Melissa Roop-Pennypacker, care of WILLIAM E. JONES, Esquire, 3905 W. Lincoln Highway, Downingtown, PA 19335-2218, Administratrix. WILLIAM E. JONES, Esquire, 3905 W. Lincoln Highway, Downingtown, PA 19335-2218, atty.

GREGG, George Robert, late of Elk Township. Anita M. Callaghan, 1595 State Road, Oxford, PA 19363, Executor. SAMUEL A. GOODLEY, III, Esquire, Sam Goodley Law LLC, 208 East Locust Street, PO BOX 80, Oxford, PA 19363, atty.

GUTIERREZ-RANGEL, Maria De Los Angeles, late of West Goshen Township. Blanca Maya-Glah, 713 South Brandywine Street, West Chester, PA 19382, Administratrix. JOEL W. GOLDBERG, Esquire, Goldberg, Goldberg & Maloney, 213-215 West Miner Street, West Chester, PA 19382, atty.

HANSCOM, Verna G., late of Honey Brook Township. David A. Gardner, 10603 SR 422, Millville, PA 17846, Executor. JERRY L. JOHNSON, Esquire, 211 Folin Street, Coatesville, PA 19320, atty.

KOLOWRAT, Henry, late of Tredyffrin Township. Henry Kolowrat, Nadine Kolowrat and Alyssa Kolowrat, care of MICHAEL A. BRESLOW, Esquire, Ste. 1-300, West Conshohocken, PA 19428, Executors. MICHAEL A. BRESLOW, Esquire, Heckscher, Teillon, Terrill & Sager, P.C., Ste. 1-300, West Conshohocken, PA 19428, atty.

LINDSEY, Patricia M., a/k/a Patricia Mae Lindsey, late of New London Township. R. Edward Pfeil, Jr., care of WINIFRED MORAN SEBASTIAN, Esquire, P.O. Box 381, 208 E. Locust Street, Oxford, PA 19363, Executor. WINIFRED MORAN SEBASTIAN, Esquire, P.O. Box 381, 208 E. Locust Street, Oxford, PA 19363, atty.

McCORMICK III, Denis J., late of Landenberg. Francis Anthony Nardo, 102 Constitution Terrace, Elkton, MD 21921, Administrator. KAREN E. EICHMAN, Esquire, Eichman Law, PLLC, 8 Federal Road, Suite 3, West Grove, PA 19390, atty.

MELTON, Dennis C., a/k/a Dennis Melton, late of Cochranville Township. Donna H. Melton, 532 Leaman Road, Cochranville, PA 19330, Executrix. MICHAEL J. SANGEMINO, Esquire, 933 S High St., West Chester, PA 19382-5400, atty.

MOCKBEE, Stephen M., late of Pennsbury Township. Maria K. Mockbee, 7 Cossart Manor Road, Chadds Ford, PA 19317, Executrix. MARK M. DALLE PAZZE, Esquire, Herdeg, du Pont & Dalle Pазze, 15 Center Meeting Road, Wilmington, DE 19807, atty.

MONROE, William C., a/k/a William Christy Monroe, late of East Goshen Township. Robert H. Monroe, care of STEPHEN D. POTTS, Esquire, Office Bldg. #2, Ste. 106, 200 Eagle Rd., Wayne, PA 19087-3115, Executor. STEPHEN D. POTTS, Esquire, Herr, Potts & Potts, LLC, Office Bldg. #2, Ste. 106, 200 Eagle Rd., Wayne, PA 19087-3115, atty.

PRETTYMAN, Donna Sharon, a/k/a Donna S., late of Downingtown. Linda M. Campbell & Deborah A. Campbell, care of JAMES S. TUPITZA, Esquire, 212 W. Gay Street, West Chester, PA 19380,

Executrices. JAMES S. TUPITZA, Esquire, Tupitza & Associates, P.C., 212 W. Gay Street, West Chester, PA 19380, atty.

RANGEL-MARMOLEJO, Roque, late of West Goshen Township. Blanca Maya-Glah, 713 South Brandywine Street, West Chester, PA 19382, Administrator. JOEL W. GOLDBERG, Esquire, Goldberg, Goldberg & Maloney, 213-215 West Miner Street, West Chester, PA 19382, atty.

SADLEIR, John, late of Honeybrook Township. Catherine Thorburn & Lisa Sindorf, care of CHARLES P. HESS, Esquire, 123 Bloomingdale Ave, Suite 300, Wayne, PA 19087, Executrices. CHARLES P. HESS, Esquire, 123 Bloomingdale Ave, Suite 300, Wayne, PA 19087, atty.

SCHELL, JR., Frederick A., Fred Schell, late of Spring City. Shelby Schell, 857 Buttonwood Avenue, Spring City, PA 19475, Administrator. ANNEMARIE DWYER, Esquire, 1512 McDaniel Drive, West Chester, PA 19380, atty.

SCHILLER, Bradley K., late of West Brandywine Township. Frederick A. Schiller, care of ROBERT M. SLUTSKY, Esquire, 600 W. Germantown Pike, #400, Plymouth Meeting, PA 19462, Administrator. ROBERT M. SLUTSKY, Esquire, Slutsky Elder Law, 600 W. Germantown Pike, #400, Plymouth Meeting, PA 19462, atty.

SCHMIDT, M. Gertrude, late of Penn Township. Douglas M. Schmidt, 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.

SHANER, Gloria D., late of East Coventry Township. Whitney P. O'Reilly & Leonard F. Shaner, care of WHITNEY P. O'REILLY, Esquire, 1600 Market Street, Fl 32, Philadelphia, PA 19103, Co-Executors. WHITNEY P. O'REILLY, Esquire, Cohen Seglias Pallas Greenhall & Furman, PC, 1600 Market Street, Fl 32, Philadelphia, PA 19103, atty.

SKACEL, SR., Robert Karl, a/k/a Bob Skacel and Robert Skacel, late of New Garden Township. Susan S. Gallagher, 5 Little Leaf Ct., Wilmington, DE 19810, Executrix. SCUDDER G. STEVENS, Esquire, Lyons Dougherty LLC, 6 Ponds Edge Dr., Ste. 1, Chadds Ford, PA 19317, atty.

TERZANO, Josephine L., late of East Goshen Township. Mary Jo Kalinowski, 1712 Bow Tree Drive, West Chester, PA 19380, Executor. MICHAEL R. BRADLEY, Esquire, Brooks Bradley & Doyle, 21 West Second Street, Media, PA 19063, atty.

WATERS, Harry L., a/k/a Harry Leroy Waters, late of London Grove Township. Elizabeth J. Spencer, care of NEIL R. VESTERMARK, Esquire, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601, Executrix. NEIL R. VESTERMARK, Esquire, Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601, atty.

WELLER, Jean M., a/k/a Jean Mary Weller, late of East Caln Township. John R. Weller, 1614 Alsace Rd., Reading, PA 19604, Executor. KATHLEEN K. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

WRIGHT, Sandra M., late of West Chester. Jillian Pratt, 3704 Kennett Pike, Suite 200, Greenville, DE 19087, Personal Representative.

2nd Publication

BELL, JR., Frederick N., late of Westtown Township. Laurel B. Davis, 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.

BERNAT, Eugene J., late of Phoenixville. Andrew Bernat, 1231 Harrison Ave., Phoenixville, PA 19460, Executor. Daly & Clemente, P.C., 1288 Valley Forge Road, Suite 72, Phoenixville, PA 19460, atty.

BOYER, Markley H., late of East Nantmeal Township. Markley H. Boyer, Jr. and Regina O. Thomas, 1735 Market St., 51st Fl., Philadelphia, PA 19103-7599, Executors. M. ELIZABETH CLOUES, Esquire, Ballard Spahr LLP, 1735 Market St., 51st Fl., Philadelphia, PA 19103-7599, atty.

CULLEN, Alicia Page, late of Pennsbury Township. Todd E. Cullen, P.O. Box 33, Kennett Square, PA 19348, Executor. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

DUMONT, Charles Walter, late of East Bradford Township. Kathy Bergmann, 784 Tree Lane, West Chester, PA 19380, Executrix.

DUTTON, Drew A., a/k/a Drew Archibald Dutton, late of Tredyffrin Township. Linda H. Dutton, care of KAREN M. STOCKMAL, Esquire, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, Executrix. KAREN M. STOCKMAL, Esquire, KMS Law Offices, LLC, 1235 Westlakes Dr., Ste. 320, Berwyn, PA 19312, atty.

EINSIG, Betsy H., late of Downingtown. Marie Pelliccio, 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.

FETTERS, James S., late of Wallace Township. Sherri F Wisdo, Stephen J Fetters, Stacey F Keith, care of VINCENT CAROSELLA, JR., Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Co-Executors. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, atty.

GREEN, Charles P., a/k/a Charles Patrick Green, late of East Marlborough Township. Betty Jo Green, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HAMMOND, John Wallace, a/k/a John W. Hammond Sr., John W. Hammond, late of West Brandywine Township. John W. Hammond, Jr. and Barbara H. Smith, care of RANDY R. MOYER, Esquire, 126 East King Street, Lancaster, PA 17602, Co-Executors. RANDY R. MOYER, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602, atty.

HURLOCK, Linda, late of West Chester. Holly Hilliard, 538 Champions Way, Ponce de Leon, FL 32455, Executrix.

JACKSON, Deborah, late of Valley Township. Immanuel E. Jackson, care of 91 Irish Lane, Coatesville, PA 19320, Executor. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

KILBY, Larry James, late of West Grove Borough. Amanda Gail Blazek, 191 S. Benjamin Dr., West Chester, PA 19382 and Michael J. Kilby, 5765 Burkey Rd., Gap, PA 17527, Executors. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

LEPARULO, Luigi, late of Phoenixville. Judith K. Leparulo, care of MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, Executrix. MARY C. CROCKER, Esquire, 1296 East High Street, Pottstown, PA 19464, atty.

MELROSE, Douglas S., late of Uwchlan Township. Steven Nicholas Grieco, care of DANA M. BRESLIN, Esquire, 3305 Edgmont Ave., Brookhaven, PA 19015, Executor. DANA M. BRESLIN, Esquire, Pappano and Breslin, 3305 Edgmont Ave., Brookhaven, PA 19015, atty.

MILLER, Emily S., a/k/a Emily Stanford Miller, late of Honey Brook Township. Janice E. Falini, 109 E. Evans St., Suite A, West Chester, PA 19380, Executrix. THERESE L. MONEY, Esquire, Law Office Therese L. Money, 109 E. Evans St., Suite A, West Chester, PA 19380, atty.

MONTGOMERY, Marguerite A., late of Honey Brook Township. Kathleen A. Farrell, care of KATHLEEN A. FARRELL, Esquire, 116 W. Baltimore Avenue, Media, PA 19063, Executrix. KATHLEEN A. FARRELL, Esquire, 116 W. Baltimore Avenue, Media, PA 19063, atty.

MOYER, Joan Marie, late of Malvern. Randall Moyer, 22 Harvey Lane, Malvern, PA 19355, Administrator.

PARSON, JR., Eugene B., late of Tredegar Township. Mary L. Parson, 1535 Salomon Lane, Wayne, PA 19087, Executor. WILLIAM J. LUTTRELL, III, Esquire, 11 S. Olive St., 2nd Fl., Media, PA 19063, atty.

ROTHERMUND, Edwin J., late of Uwchlan Township. Mary F. Geary, 6 S. Main Street, Suite 225, Washington, PA 15301, Executor. JOHN M. PETRISEK, Esquire, 998 Main Street, Bentleyville, PA 15314, atty.

SCHWARTZ, Howard, late of West Chester. Neil W. Head, Esq., 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.

SEISCIO, Carlo J., late of Schuylkill Township. Whitney Patience O'Reilly, care of WHITNEY P. O'REILLY, Esquire, 1600 Market Street, Fl 32, Philadelphia, PA 19103, Executor. WHITNEY P. O'REILLY, Esquire, Cohen Seglias Pallas Greenhall & Furman, PC, 1600 Market Street, Fl 32, Philadelphia, PA 19103, atty.

SHAW, Mary Ann, late of Willistown Township. Sally Ann Shaw, care of JOSEPH A. BELLINGHIERI, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. JOSEPH A. BELLINGHIERI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

SPALDING, Jon Mason, late of West Chester. Benjamin Spalding, 212 Coatbridge Circle, Cary, NC 27511, Executor.

STEELE, JR., Noble J., late of Willistown Township. William S. Scudder, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executor. STACEY WILLITS McCONNELL, Esquire, Lamb McEr-

lane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

STOCKER, Dorothy Y., late of East Caln Township. David P. Stocker, care of LISA COMBER HALL, Esquire, 27 S Darlington St., West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, 27 S Darlington St., West Chester, PA 19382, atty.

TILLMAN, Barbara C., late of Uwchlan Township. Ann Tillman Petraitis, 9 Rabbit Run Ln., Glenmoore, PA 19343 and Laura L. Chaplar, 388 Ross Rd., King of Prussia, PA 19406, Executrices. REBECCA A. HOBBS, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 E. High St., Pottstown, PA 19464, atty.

TORRANCE, JR., Edward G., late of West Chester Borough. Edward G. Torrance, III, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Administrator C.T.A. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

3rd Publication

BARR, Nancy D., late of East Goshen Township. Harry D. Barr, Jr., care of E. CRAIG KALEMJIAN, Esquire, 535 N. Church St., Box 125, West Chester, PA 19380, Executor. E. CRAIG KALEMJIAN, Esquire, 535 N. Church St., Box 125, West Chester, PA 19380, atty.

BELL, Carol A., a/k/a Carol Ann Bell, late of Honey Brook Township. Jennifer Bell Wanner, care of LINDA KLING, Esquire, 131 W. Main Street, New Holland, PA 17557, Executor. LINDA KLING, Esquire, Kling & Deibler LLP, 131 W. Main Street, New Holland, PA 17557, atty.

COOK, John Edwin, a/k/a J. Edwin Cook, Edwin Cook, late of East Caln Township. Darrell E Cook, 506 S Walnut St., West Chester, PA 19382, Executor.

CURTISS, David F., late of West Brandywine Township. Christina Alex Alario, care of MOIRA B. ROSENBERGER, Esquire, One Summit St., Philadelphia, PA 19118, Administratrix C.T.A. MOIRA B. ROSENBERGER, Esquire, Barber, Sharpe & Rosenberger, One Summit St., Philadelphia, PA 19118, atty.

DAVIS, Ross J., late of Uwchlan Township. Lawrence S. Davis, 169 Applegate Drive, West Chester, PA 19382, Personal Representative.

DOMBROSKI, Audrey M., late of Phoenixville. Joseph P. Dombroski, Jr., 598 King Road, Royersford, PA 19468, Executor. SCOTT C. McINTOSH,

Esquire, Lewis McIntosh & Tearey LLC, 372 N. Lewis Road, P.O. Box 515, Royersford, PA 19468, atty.

DOUGLAS, Stephanie Lee, late of Uwchlan Township. Richard Pilotti, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, Administrator. ANTHONY MORRIS, Esquire, Buckley Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, atty.

ELDER, Catherine M., a/k/a Catherine Elder, late of Parkesburg Borough. Gregory Joseph Elder, 411 W. 6th Ave., Parkesburg, PA 19365, Administrator. DAVID M. D'ORLANDO, Esquire, R+D Estate Consulting, PLLC, 53 S. Main St., Yardley, PA 19067, atty.

LEBER, Patricia A., late of East Goshen Township. Sheila Mullins, care of STEPHEN A. DURHAM, Esquire, 320 West Front Street, Media, PA 19063, Executrix. STEPHEN A. DURHAM, Esquire, Durham & James P.C., 320 West Front Street, Media, PA 19063, atty.

LeBOUTILLIER, Linda A., late of Downingtown. Francesco X. Moscia, 340 Moore Road, Downingtown, PA 19335, Executor. MICHAEL L. MAUGER, Esquire, Siana Law, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, atty.

LEWIS, Bonnie Nobel, late of Tredyffrin Township. Joshua Nobel, care of PETER L. KLENK, Esquire, 2202 Delancey Place, Philadelphia, PA 19103, Executor. PETER L. KLENK, Esquire, The Law Offices of Peter L. Klenk & Associates, 2202 Delancey Place, Philadelphia, PA 19103, atty.

MAZUR, Robert M., late of West Chester. Sandra Mazur Bialko, care of GEORGE S. DONZE, Esquire, 674 Unionville Road, Suite 105, Kennett Square, PA 19348, Administrator. GEORGE S. DONZE, Esquire, Donze & Donze, 674 Unionville Road, Suite 105, Kennett Square, PA 19348, atty.

OWEN, Theodore Bates, a/k/a Ted B. Owen, late of London Grove Township. Victor Joseph Stubbs, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executor. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, P.C., 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

PASHINSKI, Regina Ann, a/k/a Jean A. Pashinski, late of Coatesville. Rennae Gushanas, 128 Gabel Road, Coatesville, PA 19320, Executrix. LEE R. ALLMAN, Esquire, Allman, Kelly & Willner, LLC, Suite G, 41 Paoli Plaza, Paoli, PA 19301, atty.

RIMM, Robert Samuel, late of Easttown. Betty R Rimm, 5200 Boardwalk, Apt. 11-F, Vetnor, NJ 08406, Administratrix. TONI LEE CAVANAGH, Esquire, 112 W Front Street, Media, PA 19063, atty.

RISTINE, Sylvia J., late of Penn Township. Donna Palladino & Charles R. Ristine, care of KYLE A. BURCH, Esquire, 22 State Road, Media, PA 19063-1442, Executors. KYLE A. BURCH, Esquire, 22 State Road, Media, PA 19063-1442, atty.

SENIOR, Laura S., late of West Chester Borough. Lynda S. Thomas and Leslie S. Traverso, care of DUKE SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrices. DUKE SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

STEWART, Ruth E., late of Kennett Township. L. Peter Temple, 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.

TARRANT, Joann L., late of Caln Township. David Mushrush, care of RICHARD S. CAPUTO, Esquire, P.O. Box 673, Exton, PA 18341, Executor. RICHARD S. CAPUTO, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 18341, atty.

YOCUM, James E., late of Spring City Borough. Christopher L. Yocum, care of CAROLYN MARCHESANI, Esquire, P.O. Box 444, Pottstown, PA 19464, Administrator. CAROLYN MARCHESANI, Esquire, Wolf, Baldwin & Associates, P.C., P.O. Box 444, Pottstown, PA 19464, atty.

FICTITIOUS NAME

NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of

Six Seeds, with its principal place of business at 3 Long Drive, Downingtown, PA 19335. The application has been (or will be) filed on: Friday, June 4, 2021. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Brandee Bartlett.

NOTICE IS HEREBY GIVEN that an application for registration of the assumed name **Rapid HVAC Parts** for the conduct of business in Chester County, PA, with the principal place of business being 1220 Ward Ave., Suite 300, West Chester, PA 19380 was made to the Department of State of Pennsylvania at Harrisburg, Pennsylvania, on the 10th day of June 2021, pursuant to 54 Pa.C.S. §311. The name of the entity owning or interested in the said business is Energy Transfer Solutions, LLC.
McNEES WALLACE & NURICK LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

FOREIGN REGISTRATION STATEMENT

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about May 4, 2021, for a foreign corporation with a registered address in the Commonwealth of Pennsylvania as follows:

Excision Medical Inc.
50 Three Tun Road, Suite 2
Malvern, PA 19355

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 50 Three Tun Road, Suite 2, Malvern, PA 19355. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

FOREIGN REGISTRATION STATEMENT

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about May 4, 2021, for a foreign corporation with a registered address in the Commonwealth of Pennsylvania as follows:

Papilio Medical, Inc.
50 Three Tun Road, Suite 2
Malvern, PA 19355

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 50 Three Tun Road, Suite 2, Malvern, PA 19355. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

NONPROFIT CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Commonwealth of Pennsylvania, Department of State on April 27, 2021, effective date May 2, 2021, for the purpose of forming a nonprofit corporation under the name APPEAR To See Change pursuant to the provisions of the Pennsylvania Non-Profit Corporation Law of 1988, as amended.

The corporation has been organized for the following purposes:

To provide home visits to parents with children ages zero to five years, to educate them about parenting skills, and to observe the children to promote positive results from early intervention if they are failing to achieve developmental milestones.

2nd Publication of 3**TRUST NOTICE**

THE MacDONALD FAMILY TRUST dtd.
1/29/2011

EVANGELINE S. MacDONALD, Deceased
Late of Willistown Township, Chester County, PA

This Trust is in existence and all persons having claims or demands against said Trust or decedent are requested to make known the same and all persons indebted to the decedent to make payment without delay to CYNTHIA MacDONALD, TRUSTEE, c/o Ronald A. Luongo, Esq., 15 Paoli Plaza, Ste. H, Paoli, PA 19301,

Or to her Attorney:
RONALD A. LUONGO
LUONGO LAW CENTER, P.C.
15 Paoli Plaza, Ste. H
Paoli, PA 19301

Sheriff Sale of Real Estate

By virtue of the within mentioned writs directed to Sheriff Fredda L. Maddox, the herein-described real estate will be sold at public sale in the Chester County Justice Center at 201 W Market Street, 3rd Floor, Room 3300, West Chester, Pennsylvania, as announced on **Thursday, July 15th, 2021 at 11AM.**

Notice is given to all parties in interest and claimants that the Sheriff will file with the Prothonotary and in the Sheriff’s Office, both located in the Chester County Justice Center, 201 W Market Street, West Chester, Pennsylvania, Schedules of Distribution on **Monday, August 16th, 2021.** Distribution will be made in accordance with the Schedules unless exceptions are filed in the Sheriff’s Office within ten (10) days thereafter.

N.B. Ten percent (10%) of the purchase money must be paid at the time and place of sale. **Payment must be paid in cash, certified check or money order made payable to the purchaser or “Sheriff of Chester County”. The balance must be made payable to “Sheriff of Chester County”. within twenty-one (21) days from the date of sale by 4PM.**

FREDDA L. MADDOX, SHERIFF

1st Publication

SALE NO. 21-7-67

Writ of Execution No. 2017-06697

DEBT \$407,421.64

ALL THAT CERTAIN lot or piece of ground, Situate in New Garden Township Chester County Pennsylvania bounded and described according to a Final Plan of Bancroft Woods, made by Hillcrest Associates, Inc. Civil Engineers, dated 5/6/1992 and filed in Chester County as Plan #11677, bounded and described as

follows, to wit:

BEGINNING at a point on the Southerly side of Crestview Drive, a corner of Lot 138, thence extending along same, South 44 degrees 00 minutes 03 seconds East 132.00 feet to a point in line of Lot 124, thence extending along same, South 45 degrees 59 minutes 57 seconds West 133.14 feet to a point on the Easterly side of Brighton Circle, thence extending along same, north 42 degrees 20 minutes 22 seconds West, 31.78 feet to a point of curve, thence extending along the arc of a circle curving to the right with a radius of 314.99 feet, the arc distance of 60.13 feet to a point of tangent, thence extending still along same, North 31 degrees 24 minutes 04 seconds West 22.11 feet to a point of curve, thence extending along the arc of a circle curving to the right with a radius of 30.00 feet, the arc distance of 44.24 feet to a point of reverse curve, on the southerly side of Crestview Drive, aforementioned, thence extending along same, along the arc of a circle curving to the left with a radius of 542.65 feet, the arc distance of 67.13 feet to a point of tangent, thence extending still along same, north 45 degrees 59 minutes 57 seconds East 20.00 feet to the point of beginning.

BEING LOT #139 on said Plan.

Fee Simple Title Vested in Cynthia A. Santore, by deed from Kathy S. Lamborn, dated 08/15/2007, recorded 10/05/2007, in the Chester County Clerk’s Office in Deed Book 7280, Page 175, as Instrument No. 10793876.

Tax ID/Parcel No. 60-1-143

PLAINTIFF: Cascade Funding Mortgage Trust 2017-1

VS

DEFENDANT: **Cynthia A. Santore**

SALE ADDRESS: 101 Crestview Drive, Kennett Square, PA 19348

PLAINTIFF ATTORNEY: STERN & EISENBERG 215-572-8111

SALE ADDRESS: 404 Old Lancaster Road, Berwyn, PA 19312

PLAINTIFF ATTORNEY: HILL WAL-LACK LLP 215-579-7700

SALE NO. 21-7-68

SALE NO. 21-7-69

Writ of Execution No. 2021-00031

Writ of Execution No. 2021-00243

DEBT \$463,487.81

DEBT \$229,961.79

ALL THAT CERTAIN lot or piece of ground Situate in Easttown Township aforesaid, bounded and described as follows:

ALL THAT CERTAIN lot or piece of land Situate on the Borough of Phoenixville, County of Chester and Commonwealth of Pennsylvania and described according to a Survey and Plan thereof made by Earl R. Ewing, Registered Surveyor No. 5015 on June 20, 1952 as follows, to wit:

BEGINNING at a point in the center line of Lancaster Avenue at the distance of 92 feet measured Westwardly from a spike at the intersection of the middle lines of Center Avenue and Lancaster Avenue; thence South 00 degrees 34 minutes East, along lot of Joseph C. Dettore, 179.78 feet to a point in the North Side of Lot No. 4; thence along the same, South 88 degrees 29 minutes West 71 feet more or less to the southeasterly corner of Lot No. 1, now or lately owned by Luigi Deluca; thence by same, North 1 degrees 28 minutes West, 188.03 feet to a point in the center line of said Lancaster Avenue; thence along the same, South 89 degrees 30 minutes East 67 feet more or less to the northwesterly corner of Joseph C. Dettore's lot, the first mentioned point and place of beginning.

BEGINNING at an iron pipe in the Easterly side of Starr Street (80 feet wide), a corner of other lands of the grantors about to be conveyed and 168 feet from an iron pipe in the Easterly side of Starr Street and in the projected line of the North curb line of Washington Avenue (60 feet wide); thence along the side of Starr Street, North 9 degrees 30 minutes West 205.25 feet to an iron pin in line of other lands of the grantors; thence along the same North 80 degrees 22 minutes East 149.49 feet to an iron pipe in line of lands of St. Nicholas Brotherhood; thence along the same South 9 degrees 20 minutes East 306.25 feet to an iron pipe a corner of other lands of Grantors about to be conveyed; thence along the same South 80 degrees 22 minutes West 148.88 feet to the place of beginning.

Being same premises which: Matthew J. Daw and Nicole Daw by deed dated 08/31/2001 and recorded 09/10/2001 in Chester County in Record Book 5059 Page 856 conveyed unto H. Howard Wisch, Jr. and Lindsey Wisch, in fee.

CONTAINING 30.769 square feet of land, be the same more or less.

BEING UPI # 55-2H-201

PLAINTIFF: Wilmington Savings Fund Society, FSB, as trustee of Upland Mortgage Loan Trust A

Being same premises which: Michael Lucas, by his Agent, Barbara Swales, Appointed by Letter of Attorney dated 10/8/2004 and Recorded in the County of Chester on 3/18/2005 in Book 6438 Page 935 by deed dated 04/01/05 and recorded 05/13/2005 in Chester County

VS

DEFENDANT: H. Howard Wisch, Jr. & Lindsey Wisch

in Record Book 6491 Page 2244 conveyed unto Christopher Conrad, in fee.

Being UPI # 15-10-100

PLAINTIFF: Wilmington Savings Fund Society, FSB, as owner trustee of the Residential Credit Opportunities Trust V-C

VS

DEFENDANT: **Christopher Conrad**

SALE ADDRESS: 119 Starr Street, Phoenixville, PA 19460

PLAINTIFF ATTORNEY: **HILL WAL-LACK LLP 215-579-7700**

SALE NO. 21-7-70

Writ of Execution No. 2019-02165

DEBT \$146,620.64

ALL THAT CERTAIN, MESSAGE, LOT OR PIECE OF LAND SITUATE ON, IN THE BOROUGH OF ATGLEN, COUNTY OF CHESTER, STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED, AS FOLLOWS, TO WIT:

All that certain lot or piece of ground situate in the Borough of Atglen, County of Chester and Commonwealth of Pennsylvania, bounded and described according to a Subdivision Plan of Property of James E. Brown, made by the Design Coalition Architects & Planners dated May 4, 1985 and recorded November 4, 1985 in Chester County as Plan File No. 5873 and being more fully described as follows, to wit:

Beginning at a point in the bed of Valley Avenue, said point also being the Southeast corner of Lot No. 2 as shown on said plan; thence extending from said point of beginning, leaving the bed of Valley Avenue and continuing along Lot No. 2, North 02 degrees 25 minutes 00 seconds West, 265.02 feet to a

point along lands of the Penn Central Railroad; thence extending along same, North 81 degrees 09 minutes 00 seconds East 75.00 feet to a point; thence extending South 02 degrees 25 minutes 00 seconds East 264.40 feet to line in the bed of Valley Avenue South 80 degrees 30 minutes 00 seconds West 75.00 feet to the first mentioned point and place of beginning.

Being Lots No. 3 and 4 as shown on said Plan.

BEING THE SAME PROPERTY CONVEYED TO JAMES P. STAUFFER AND JULIE E. STAUFFER, HUSBAND AND WIFE WHO ACQUIRED TITLE, AS TENANTS BY THE ENTIRETY, BY VIRTUE OF A DEED FROM ELIZABETH W. BROWN, WIDOW, DATED OCTOBER 29, 1999, RECORDED NOVEMBER 3, 1999, AT INSTRUMENT NUMBER 0088737, AND RECORDED IN BOOK 4661, PAGE 1757, OFFICE OF THE RECORDER OF DEEDS, CHESTER COUNTY, PENNSYLVANIA.

BEING UPI NUMBER 07-03-0019

PLAINTIFF: The Money Source, Inc

VS

DEFENDANT: **James P. Stauffer & Julie E. Stauffer**

SALE ADDRESS: 645 Valley Avenue, Atglen, PA 19310

PLAINTIFF ATTORNEY: **MANLEY DEAS KOCHALSKI LLC 614-220-5611**

SALE NO. 21-7-71

Writ of Execution No. 2020-07394

DEBT \$170,630.84

Premises "A"

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATE ON

THE WESTERLY SIDE OF CEDAR STREET, IN THE FOURTH WARD OF THE BOROUGH OF SPRING CITY, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA, BEING LOT NO. 44 AND PART OF LOT NO. 45 SHOWN ON PLAN OR PLOT OF LOTS LAID OUT BY W.P. SNYDER AND BOUNDED AND DESCRIBED IN ACCORDANCE WITH SURVEY MADE IN SEPTEMBER 1960 BY EARL R. EWING, REGISTERED SURVEYOR, AS FOLLOWS, TO WIT:

BEGINNING AT AN IRON PIPE MARKING THE INTERSECTION OF THE NORTHERLY MARGIN LINE OF QUEEN STREET WITH THE WESTERLY MARGIN LINE OF CEDAR STREET, THENCE FROM SAID POINT OF BEGINNING AND EXTENDING ALONG THE NORTHERLY MARGIN LINE OF QUEEN STREET, NORTH EIGHTY NINE DEGREES WEST THE DISTANCE OF FORTY FEET TO AN IRON PIPE, A CORNER OF REMAINING LANDS OF ESTELLA BORTMAN; THENCE EXTENDING ALONG SAID LATTER LANDS, NORTH ONE DEGREE EAST ONE HUNDRED FIFTY FEET TO AN IRON PIPE IN THE SOUTHERLY SIDE OF A TWENTY FEET WIDE ALLEY; THENCE ALONG THE SOUTHERLY SIDE OF SAID ALLEY SOUTH EIGHTY NINE DEGREES EAST FORTY FEET TO AN IRON PIPE IN THE WESTERLY MARGIN LINE OF CEDAR STREET AFORESAID; THENCE ALONG THE WESTERLY SIDE OF MARGIN LINE OF CEDAR STREET, SOUTH ONE DEGREE WEST ONE HUNDRED FIFTY FEET TO THE FIRST MENTIONED IRON PIPE AND PLACE OF BEGINNING.

Premises "B"

ALL THAT CERTAIN DWELLING

HOUSE AND LOT OR TRACT OF LAND, THEREUNTO APPURTENANT SITUATE ON THE NORTHERLY SIDE OF QUEEN STREET IN THE FOURTH WARD OF THE BOROUGH OF SPRING CITY, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED IN ACCORDANCE WITH SURVEY MADE IN SEPTEMBER 1960 BY EARL R. EWING, REGISTERED SURVEYOR, AS FOLLOWS, TO WIT: BEGINNING AT AN IRON PIN IN THE NORTHERLY SIDE OF QUEEN STREET (FIFTY SEVEN FEET WIDE) SAID POINT OF BEGINNING BEING FORTY FEET DISTANCE IN A WESTERLY DIRECTION FROM AND IRON PIN MARKING THE INTERSECTION OF THE NORTHERLY SIDE OF QUEEN STREET WITH THE WESTERLY SIDE OF CEDAR STREET SAID POINT OF BEGINNING ALSO A CORNER OF OTHER LANDS NOW OF SAID ALBERT M. BETZ, ET UX; THENCE EXTENDING FROM SAID POINT OF BEGINNING ALONG THE NORTHERLY SIDE OF QUEEN STREET NORTH EIGHTY NINE DEGREES WEST THIRTY FIVE FEET TO AN IRON PIN; THENCE NORTH ONE DEGREE EAST ONE HUNDRED FIFTY FEET TO AN IRON PIN IN THE SOUTHERLY SIDE OF A TWENTY FEET WIDE ALLEY, THENCE ALONG SAID SIDE OF SAID ALLEY SOUTH EIGHTY NINE DEGREES EAST THIRTY FIVE FEET TO AN IRON PIN A CORNER OF SAID OTHER LANDS NOW OR ALBERT M. BETZ, ET EX; THENCE ALONG THE SAME SOUTH ONE DEGREE WEST ONE HUNDRED FIFTY FEET TO THE FIRST MENTIONED POINT, IRON PIN, AND PLACE OF BEGINNING.

BEING THE SAME PREMISES which

Dorothy Wigham and Lynne Driscoll, by Deed dated 2/1/2001 and recorded in the Office of the Recorder of Deeds of Chester County on 2/7/2002 in Deed Book Volume 5195, Page 198, granted and conveyed unto Daniel J. Driscoll, Jr. and Lynne Driscoll, Husband and Wife.

PARCEL # 14-2-3 & 14-2-3.1

IMPROVEMENTS thereon: Residential Property

PLAINTIFF: SunWest Mortgage Company, Inc

VS

DEFENDANT: **Daniel Driscoll a/k/a Daniel Driscoll a/k/a Daniel J. Driscoll, III, Executor of the Estate of Lynne S. Driscoll a/k/a/ Lynne Driscoll, Deceased**

SALE ADDRESS: 407 Queen Street, Spring City, PA 19475

PLAINTIFF ATTORNEY: **POWERS KIRN, LLC 215-942-2090**

SALE NO. 21-7-72

Writ of Execution No. 2021-01537

DEBT \$3,872,310.54

Those certain real air rights, together with all improvements and easements related thereto and any and all personal property thereon, owned by Coatesville Inn Associates, L.P. situate in the City of Coatesville, County of Chester, Commonwealth of Pennsylvania, being a part of the tax parcel number 16-1-41.1 for air rights only.

Tax Parcel 16-1-41.1

PLAINTIFF: Coatesville Holdings LLC

VS

DEFENDANT: **Coatesville Inn Associates, L.P.**

SALE ADDRESS: 600 Manor Road,

Coatesville, PA 19320

PLAINTIFF ATTORNEY: **REED SMITH LLP 215-851-8100**

SALE NO. 21-7-73

Writ of Execution No. 2020-08022

DEBT \$163,550.84

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in West Whiteland Township, in the County of Chester, State of Pennsylvania, conveyed to Loretta A. Iezzi, by deed dated 3/22/2010 and recorded 12/16/2011, from Robert A. Iezzi and Loretta A. Iezzi, of record in Book 8317, Page 1900, etc, with the Chester County Recorder of Deeds.

Tax Parcel ID: 41-06-0195

PLAINTIFF: TRUMARK FINANCIAL CREDIT UNION

VS

DEFENDANT: **Loretta A. Iezzi**

SALE ADDRESS: 1432 Woodbank Way, West Chester, PA 19380

PLAINTIFF ATTORNEY: **WEBER GALLAGHER SIMPSON STAPLETON FIRES & NEWBY LLP 267-295-3364**

SALE NO. 21-7-74

Writ of Execution No. 2020-09257

DEBT \$280,187.32

Property situate in East Nottingham Township

Tax ID/UPI Parcel No. 69-06-0468-130/69-6-468.13

Sold as the property of: William D. Mitchell

IMPROVEMENTS thereon: Residen-

tial Dwelling

PLAINTIFF: U.S. Bank National Association, as Indenture Trustee, for the CIM Trust 2016-3, Mortgage-Backed Notes, Series 2016-3

VS

DEFENDANT: **William D. Mitchell**

SALE ADDRESS: 301 Yorklyn Road, Oxford, PA 19363

PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C.215-627-1322**

SALE NO. 21-7-75

Writ of Execution No. 2017-11110

DEBT \$838,570.72

Property situate in West Pikeland Township

Tax ID/UPI Parcel No. 34-05-0012.050/34-5-12.5

Sold as the property of: Christine McCloskey and Timothy J. McCloskey a/k/a Timothy McCloskey

IMPROVEMENTS thereon: Residential Dwelling

PLAINTIFF: 1900 Capital Trust III, by US Bank Trust National Association, not in Its Individual Capacity but Solely as Certificate Trustee

VS

DEFENDANT: **Timothy J. McCloskey a/k/a Timothy McCloskey & Christine McCloskey**

SALE ADDRESS: 1253 Street Road, Chester Springs, PA 19425

PLAINTIFF ATTORNEY: **KML LAW GROUP, P.C. 215-627-1322**

SALE NO. 21-7-76

Writ of Execution No. 2020-08847

DEBT \$174,081.98

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, SITUATE in the Township of Willistown, County of Chester and Commonwealth of Pennsylvania, described according to a Map of "Richmond Gardens" made by M. R. and J.B. Yerkes, Civil Engineers, Bryn Mawr, Pennsylvania, dated May 5, 1951 and revised June 7, 1951 and last revised January 16, 1952, as follows, to wit:

BEGINNING at a point on the Northeasterly side of Richmond Road (50 feet wide) at the distance of 70.99 feet measured, South 22 degrees 32 minutes 40 seconds East, along the said side of Richmond Road, at its intersection with the Southerly side of Paoli-West Chester Road (60 feet wide) (both lines produced); thence extending from said beginning point, North 67 degrees 27minutes 20 seconds East, 100 feet to a point; thence extending South 22 degrees 32 minutes 40 seconds East, 60 feet to a point; thence extending South 67 degrees 27 minutes 20 seconds West, 100 feet to a point on the Northeasterly side of Richmond Road, aforesaid; thence extending along the same, North 22 degrees 32 minutes 40 seconds West, 60 feet to the first mentioned point and place of beginning.

BEING Lot No. 2, House No. 102 Richmond Road.

Tax I.D. #: 54-1Q-240

PLAINTIFF: McCormick 112, LLC

VS

DEFENDANT: **Christine E. Strieb**

SALE ADDRESS: 102 Richmond Road, Paoli, PA 19301

PLAINTIFF ATTORNEY: **MCCABE,**

WEISBERG & CONWAY, LLC 215-790-1010

SALE NO. 21-7-77

**Writ of Execution No. 2020-02525
DEBT \$238,108.98**

Property situate in East Whiteland Township

Tax ID/UPI Parcel No. 42-03R-0035/42-3R-35

Sold as the property of: The Unknown Heirs of STOUGHTON L. WATTS Deceased

IMPROVEMENTS thereon: Residential Dwelling

PLAINTIFF: M&T Bank

VS

DEFENDANT: The Unknown Heirs of Stoughton L. Watts, Deceased

SALE ADDRESS: 16 Fairway Drive, Malvern, PA 19355

PLAINTIFF ATTORNEY: KML LAW GROUP, P.C. 215-627-1322

SALE NO. 21-7-78

**Writ of Execution No. 2019-12876
DEBT \$87,991.84**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE IN THE BOROUGH OF PARKESBURG, COUNTY OF CHESTER AND STATE OF PENNSYLVANIA, WITH THE DWELLING ERECTED THEREON, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE IN THE LIMESTONE ROAD IN A LINE OF LAND NOW OR LATE OF EZEKIEL YOUNG AND EXTENDING THENCE ALONG THE SAID ROAD

NORTH TEN MINUTES EAST, SIXTY FEET TO A STAKE; THENCE BY REMAINING LAND OF A PRIOR GRANTOR SOUTH EIGHTY-NINE DEGREES AND FIFTY MINUTES EAST, ONE HUNDRED AND SIXTY ONE FEET TO A STAKE N A LINE OF LAND NOW OR LATE OF WILLIAM B. SMITH; THENCE BY SAID LAND NOW OR LATE OF WILLIAM B. SMITH SOUTH TEN MINUTES WEST, SIXTY FEET TO A STAKE, THENCE BY SAID REMAINING LAND OF A PRIOR GRANTOR NORTH EIGHTY-NINE DEGREES AND FIFTY MINUTES WEST, ONE HUNDRED AND SIXTY-ONE FEET TO THE PLACE OF BEGINNING.

BEING THE SAME PREMISES which Daniel L. London, Jr., by Deed dated 6/16/2017 and recorded in the Office of the Recorder of Deeds of Chester County on 7/18/2017 in Instrument No. 11555145, Deed Book Volume 9580, Page 181, granted and conveyed unto Richard D. Mathues a/k/a Richard Mathues.

Tax Parcel # 08-03-0171.010-E

IMPROVEMENTS thereon: Residential Property

PLAINTIFF: PENNYMAC LOAN SERVICES, LLC

VS

DEFENDANT: Richard D. Mathues a/k/a Richard Mathues

SALE ADDRESS: 207 N. Limestone Road a/k/a 207 North Limestone Road, Parkesburg, PA 19365

PLAINTIFF ATTORNEY: POWERS KIRN, LLC 215-942-2090

SALE NO. 21-7-79

**Writ of Execution No. 2016-06783
DEBT \$292,533.70**

Property situate in the TOWNSHIP OF EAST FALLOWFIELD, CHESTER County, Pennsylvania, being

BLR# 47-6-162

IMPROVEMENTS thereon: Residential Dwelling

PLAINTIFF: The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. as Successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2005-RS4

VS

DEFENDANT: **John F. Glah**

SALE ADDRESS: 130 Bridle Path Lane, Coatesville, PA 19320

PLAINTIFF ATTORNEY: **BROCK & SCOTT 844-856-6646**

SALE NO. 21-7-80

**Writ of Execution No. 2019-12740
DEBT \$599,798.84**

Property situate in the TOWNSHIP OF PENN, CHESTER County, Pennsylvania, being

BLR# 58-3-33.67

IMPROVEMENTS thereon: Residential Dwelling

PLAINTIFF: Deutsche Bank National Trust Company, as Trustee for Saxon Asset Securities Trust 2007-4, Mortgage Loan Asset-Backed Certificates, Series 2007-4

VS

DEFENDANT: **Karen L. Klemaszew-**

ki & Michael P. Klemaszewski

SALE ADDRESS: 640 Blanca Court, West Grove, PA 19390

PLAINTIFF ATTORNEY: **BROCK & SCOTT 844-856-6646**

SALE NO. 21-7-81

**Writ of Execution No. 2015-03579
DEBT \$474,464.24**

Property situate in the BOROUGH OF OXFORD, CHESTER County, Pennsylvania, being

BLR# 6-8-51

IMPROVEMENTS thereon: Residential Dwelling

PLAINTIFF: The Bank of New York Mellon f/k/a The Bank of New York as Successor in Interest to JPMorgan Chase Bank, National Association, as Indenture Trustee for the Registered Holders for ABFS Mortgage Loan Trust 2002-2, Mortgage-Backed Pass-Through Certificates, Series 2002-2

VS

DEFENDANT: **Henry J. Ruffenach**

SALE ADDRESS: 224 Penn Avenue, Oxford, PA 19363

PLAINTIFF ATTORNEY: **BROCK & SCOTT 844-856-6646**

MEETING SPACE?

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