



Chester County Law Reporter

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(USPS 102-900)

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Rosato vs. Bookstaber

Return of firearms after protection of abuse order ends

1. A local rule cannot override the provisions of a statute.
2. Pursuant to the 23 Pa.C.S. § 6108.1, there is a checklist of conditions that must be met for the return of weapons or ammunition, including: (a) the underlying Protection from Abuse (PFA) must have been dismissed or expired; (b) the firearms, weapons, or ammunition must not be evidence of a crime; (c) there must be no prohibition by applicable federal or state law, or other condition (e.g. bail) on a petitioner possessing the seized items; (d) clearance must be given by the Pennsylvania State Police Instant Check System Unit (PICS) or National Instant Criminal Background Check System (NICS); and (e) the plaintiff in the PFA shall be notified.
3. In the instant matter, there is a seeming inconsistency between the statute and the local rule. The statute requires an application through a sheriff's form and a court petition only in the event that the sheriff determines that the applicant failed to meet certain conditions. The local rule does not specify that a party seeking a return of weapons or ammunition after the expiration or dismissal of a PFA order must first file the weapons return form with the sheriff.
4. Petitioner did not file a weapons return form. Further, his Petition does not: (a) state whether or not the firearms, weapons, or ammunition are evidence of a crime; (b) state whether any other prohibition exists regarding the petitioner possessing the weapons; or (c) attach a PICS or NICS clearance. Petitioner is directed to comply with the statute and first apply on the appropriate form with the Chester County Sheriff's Office and, pending the outcome of that application, file a petition with this court if desired. Accordingly, the Court Held Defendant's Petition for Return of Seized Property, previously surrendered pursuant to Protection from Abuse orders, was denied without prejudice.

R.E.M.

C.C.P. Chester County, Pennsylvania, No. 2018-12580-PF; Alicia Marie Rosato v. David Flynn Bookstaber

John Craynock for Plaintiff

Joseph Patrick Green, Jr., for Defendant

Binder, J., September 3, 2021:-

Rosato vs. Bookstaber

301 (2021)]

ALICIA MARIE ROSATO,
Plaintiff

vs.

DAVID FLYNN BOOKSTABER,
Defendant

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

NO. 2018-12580-PF

PROTECTION FROM ABUSE

ORDER

AND NOW, this 3rd day of September, 2021, after reviewing Defendant’s Petition for Return of Seized Property, no response having been filed thereto, and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that the Petition is **DENIED** without prejudice. Accordingly, the Motion to Make Rule Absolute asking for the relief in the underlying Petition is also **DENIED** without prejudice.

BY THE COURT:

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

MEMORANDUM

David Bookstaber (“Defendant” or “Petitioner”) petitions this court to return his property¹ surrendered to the Sheriff of Chester County pursuant to the terms of temporary and final protection from abuse (PFA) orders entered on December 5, 2018 and February 5, 2019 respectively. The February 5, 2019 PFA Order had an original expiration date of February 4, 2022. On April 15, 2019, the Honorable Robert Shenkin, in response to Defendant’s Petition to Dismiss or Vacate Protection from Abuse Order, issued an Order modifying the 2/5/2019 PFA Order by deleting the expiration date of February 4, 2022 and adding an expiration date of April 15, 2019 resulting in a termination of the 2/5/2019 PFA Order on the same date.

On July 13, 2021, Defendant filed the underlying Petition for Return of Seized Property and this court issued a Rule to Show Cause why the relief should not be granted and placed a rule returnable date of August 3, 2021. No response was filed and on August 9, 2021, Defendant filed a Motion to Make Rule Absolute pursuant to C.C.R.C.P. 1901.7.A and 206.4(c)(4). On August 16, 2021, this court in response to a letter received from counsel for Defendant issued an Order denying the presumed emergency request to have the rule made absolute immediately. As noted in the August 16, 2021 Order, no response was filed by any party notified, the underlying Petition is unopposed, and all facts pled in the Petition shall be accepted as true.

This court now turns to the underlying petition. The process through which to obtain a return of relinquished firearms, other weapons, or ammunition is controlled by 23 Pa.C.S. § 6108.1, which provides, in relevant part:

(a) General rule.--Any court order requiring the relinquishment of firearms, other weapons or ammunition shall provide for the return of the relinquished firearms, other weapons or ammunition to the defendant upon expiration of the order or dismissal of a petition for a protection from abuse order. The defendant may take custody of the firearms, other weapons and ammunition provided that the defendant is otherwise eligible to lawfully possess the relinquished items. The defendant shall not be required to pay any fees, costs or charges associated with the returns, whether those fees, costs or charges are imposed by the Pennsylvania State Police, any local law enforcement agency or any other entity, including a licensed importer, licensed manufacturer or licensed dealer in order to secure return of the relinquished firearms, other weapons or ammunition. The sheriff’s or the appropriate law enforcement

¹ That property consists of 93 separately listed items (many being boxes containing multiple items) as listed on the Chester County Sheriff’s Office Property Record form. See Petition, Exhibit B.

agency's office shall maintain a weapons return form that the defendant may fill out and return to the office once a temporary or final protection from abuse order has been dismissed or expires.

(a.1) Conditions for return.--The following conditions must be satisfied prior to the firearms, other weapons or ammunition being returned to the defendant:

(1) The firearms, other weapons or ammunition relinquished must not be evidence of a crime.

(2) The defendant or owner must not be otherwise prohibited by applicable Federal or State law, or another condition, including, but not limited to, bail, from taking possession of the firearms, other weapons or ammunition seized.

(3) The defendant or owner must have been given a clearance by the Pennsylvania State Police Instant Check System Unit or through the National Instant Criminal Background Check System (NICS), requested by the sheriff's office.

(a.2) Notice to plaintiff.--The plaintiff of the protection from abuse order shall be notified of the defendant's request to return the firearms, other weapons or ammunition.

(a.3) Petition for return.--If there is a determination under subsection (a.1) that the defendant is ineligible to regain possession of the firearms, other weapons or ammunition, the defendant or owner may file a petition appealing that determination and seeking their return. A copy of the petition must be served upon the plaintiff, sheriff and the district attorney.

* * *

(d) Hearing.--Within ten business days of the filing of any petition under this section, a hearing shall be held before the court.

Petitioner proceeded pursuant to C.C.R.C.P. 1901.7.A., which provides, inter alia, that "Petitions requesting . . . the return of seized weapons shall be in accordance with C.C.R.C.P. 206.1(a), *et. seq.* . . . Copies of the petition for return of seized weapons shall be served upon the original Petitioner in the [PFA] proceeding, the Sheriff of Chester County, and the District Attorney of Chester County." *Id.* at (a), (b)(2). The rule further requires a copy of an itemized list of seized weapons. *Id.*

There is a seeming inconsistency in the local rule and the statute. Namely, the statute requires a petition only in the event that the sheriff determines that the applicant failed to meet certain conditions. 23 Pa.C.S. § 6108.1(a.3) ("If there is a determination under subsection (a.1) [requiring application through a sheriff's form] that the defendant is ineligible to regain possession of the firearms, other weapons or ammunition, the defendant or owner may file a petition appealing that determination and seeking their return. A copy of the petition must be served upon the plaintiff, sheriff and the district attorney."). The local rule does not specify that a party seeking a return of

weapons or ammunition after the expiration or dismissal of a PFA order must first file the weapons return form with the sheriff.²

Presently, Defendant did not file a weapons return form upon the expiration of the final protection from abuse order. However, we will turn to the substance of the Petition as if a denial had occurred at the sheriff's office although no hearing need be scheduled pursuant to subsection (d) for the reasons that follow.

Pursuant to the plain language of 23 Pa.C.S. § 6108.1, there is a limited checklist of conditions that must be met for the return of weapons or ammunition: (1) the underlying PFA must have been dismissed or expired; (2) the firearms, weapons, or ammunition must not be evidence of a crime; (3) there must be no prohibition by applicable federal or state law, or other condition (e.g. bail) on a petitioner possessing the seized items; (4) clearance must be given by the Pennsylvania State Police Instant Check System Unit (PICS) or National Instant Criminal Background Check System (NICS); and (5) the plaintiff of the PFA shall be notified.

Presently, there is no question that the underlying PFA expired on April 15, 2021 after the Order of the same date issued by the Honorable Robert Shenkin satisfying the first factor. There is no question the petition was served on the original plaintiff for the PFA (as well as the Sheriff's office and District Attorney's Office). See July 13, 2021 Certificate of Service. The Petition does not: (a) state whether or not the firearms, weapons, or ammunition are evidence of a crime; (b) state whether any other prohibition exists regarding the petitioner possessing the weapons; or (c) attach a PICS or NICS clearance.³ Although no response in opposing was filed by any notified individual or entity, the failure to allege meeting the conditions precedents required by the statute result in the determination that it is facially defective. Accordingly, the Petition is denied without prejudice.⁴

² Although the local rule is in fact silent on the need to first fill out the sheriff's form, a local rule cannot override the provisions of a statute. *Sanders v. Allegheny Hospital-Parkview Division*, 833 A.2d 179, 183 (Pa.Super. 2003) ("The proper inquiry in deciding the validity of a local rule is whether it is inconsistent with any rule promulgated by the Pennsylvania Supreme Court or any statute.") (citing *Everhardt v. Akerley*, 665 A.2d 1283, 1286 (Pa.Super. 1995)). Accordingly, it follows that the rule anticipates that the weapons return form be filed first. A second inconsistency in following local rule practice involves the filing of a motion to make a rule absolute twenty (20) days after the filing of the petition. C.C.R.C.P. 206.4. As discussed infra, a hearing shall instead be scheduled within ten (10) business days after the filing of a petition pursuant to 23 Pa.C.S. § 6108.1(d) if the petition is denied by the Sheriff's Office.

³ Petitioner's petition is not verified by Petitioner directly, but instead by counsel (as is permitted), due to his residing out of state. Petition, p. 2; Motion to Make Rule Absolute, p. 2. Such out-of-state residency may create an issue with the Chester County Sheriff being able to run a PICS clearance thus necessitating a NICS clearance or a petition to this court asking for a comparable out-of-state clearance to satisfy this requirement.

⁴ As discussed, a seeming inconsistency exists between the local rules and the statute. Petitioner is directed to comply with the statute and first apply on the appropriate form with the Chester County Sheriff's Office and, pending the outcome of that application, file a petition with this court if desired. Any such petition shall be scheduled for a hearing within ten (10) business days pursuant to 23 Pa.C.S. § 6108.1(d).

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CLERK OF THE ORPHANS' COURT
DIVISION OF THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
NOTICE OF FILING ACCOUNTS
ACCOUNTS LISTED FOR AUDIT ON
WEDNESDAY, NOVEMBER 3, 2021
Courtroom 1 at 9:00 A.M. PREVAILING TIME

THE HONORABLE JOHN L. HALL

Notice is hereby given to all parties interested, that accounts in the following matters have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Chester County, Pennsylvania for AUDIT, CONFIRMATION AND DISTRIBUTION at the above date, time and place. At that time and place interested parties, claimants and objectors to the same will be heard.

ESTATE OF CHRISTOPHER H. JOHNSON, DECEASED	1519-1050
FIRST AND FINAL ACCOUNT	
OF: DAVID S. JOHNSON, ADMINISTRATOR	
ATTORNEY(S):	
JESSICA R. GRATER, ESQUIRE	

ESTATE OF CARL EDWARD THOMAS, DECEASED	1521-2389
FIRST AND FINAL ACCOUNT	
OF: VANGUARD NATIONAL TRUST COMPANY, TRUSTEE, TRUSTEE	
ATTORNEY(S):	
KAREN M. STOCKMAL, ESQUIRE	

NOTICES

Please note: All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser unless otherwise specified. Neither the Law Reporter nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content. The use of the word "solicitor" in the advertisements is taken verbatim from the advertiser's copy and the Law Reporter makes no representation or warranty as to whether the individual or organization listed as solicitor is an attorney or otherwise licensed to practice law. The Law Reporter makes no endorsement of any advertiser in this publication nor is any guarantee given to quality of services offered.

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

LAW NO. 2021-06268-NC

NOTICE IS HEREBY GIVEN that the name change petition of Karen Liberi Weaver was filed in the above-named court and will be heard on Monday, November 8, 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: Friday, August 6, 2021
Name to be changed from: Karen Liberi Weaver to: Kaye Liberi

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

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

LAW NO. 2021-07662-NC

NOTICE IS HEREBY GIVEN that the name change petition of Gertrude Lois Anderson Swift was filed in the above-named court and will be heard on Monday, December 6, 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: Thursday, September 30, 2021

Name to be changed from: Gertrude Lois Anderson Swift to: Lois Anderson Swift

Any person interested may appear and show cause,

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

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

LAW NO. 2021-07224-NC

NOTICE IS HEREBY GIVEN that the name change petition of John David DellaVecchio on behalf of minor child Clay Alexander McMahan was filed in the above-named court and will be heard on Monday, October 11, 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, September 13, 2021

Name to be changed from: Clay Alexander McMahan to: Clay Alexander DellaVecchio
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, July 14, 2021 for **Harmony Milk Producers Cooperative, Inc.** in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988. The purpose or purposes for which it was organized are: a cooperative agricultural association

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 Thursday, September 23, 2021 for **Sunnynaturals, Inc.** in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988. The purpose or purposes for which it was organized are: Horse Products
James B. Griffin, Esquire, CPA
James B. Griffin, P.C.
623 N. Pottstown Pike
Exton, PA 19341

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about September 28, 2021, for: AU Legacy, Inc.

501 E. Uwchlan Avenue
Chester Springs, PA 19425

The corporation has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

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

BOCH, Kathleen A., late of Tredyffrin Township. Lionel D. Boch, care of DAVID P. BROWN, III, Esquire, 1944 Kimberton Rd., P.O. Box 729, Kimberton, PA 19442, Administrator. DAVID P. BROWN, III, Esquire, 1944 Kimberton Rd., P.O. Box 729, Kimberton, PA 19442, atty.

BOTKIN, Stacy Taylor, late of New Garden Township. Ethan John Botkin, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Administrator. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

CAMPBELL, Christine Anne, late of West Chester. Ian Campbell, 33 S Darlington St., West Chester, PA 19382, Executor.

DINENBERG, Michael S., late of Uwchlan Township. Kristin E. Dinenberg, care of MOIRA B. ROSENBERGER, Esquire, One Summit St., Philadelphia, PA 19118, Executrix. MOIRA B. ROSENBERGER, Esquire, Barber & Rosenberger, One Summit St., Philadelphia, PA 19118, atty.

FOCHT, Bruce Elvin, late of Kennett Square. Nancy Focht, 209 Aster Circle, Kennett Square, PA 19348, Executrix.

FOY, Michael D., late of Caln Township. Lynne Foy, 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.

HAUPTMAN, Denise, late of Birmingham Township. Wendy Stackhouse, care of JOHN M. GALLAGHER, Esquire, P.O. Box 753, Media, PA 19063, Executrix. JOHN M. GALLAGHER, Esquire, Law Offices of John M. Gallagher, P.O. Box 753, Media, PA 19063, atty.

HOOPES, JR., Rowland C., late of Caln Township. Tina M. Goodine, 7 Marshall Dr., Downingtown, PA 19335, Personal Representative.

HOWARD, Neil B., late of West Chester. Jennifer H. Wagner, care of DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, Executrix. DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, atty.

JEWITT, Dona Mae Smith, late of West Chester. Bradley Jewitt, 510 Halliard Lane, Oxford Hill, MD 20745, Executor.

LAFFEY, SR., Norman G., late of West Fallowfield Township. Karen L. Kauffman and Andrew I. Laffey, care of WINIFRED MORAN SEBASTIAN, Esquire, P.O. Box 381, 208 E. Locust Street, Oxford, PA 19363, Executors. WINIFRED MORAN SEBASTIAN, Esquire, P.O. Box 381, 208 E. Locust Street, Oxford, PA 19363, atty.

MADANAT, Rasmi M., late of Caln Township. Maha Madanat, care of VINCENT CAROSELLA, JR., Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Administrator. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, atty.

MARQUETTE, Mary Anne, late of West Goshen Township. Renee Talley, care of VINCENT CAROSELLA, JR., Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Executor. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, atty.

McCARRON, William J., late of Schuylkill Township. Kenneth T McCarron, 320 N Mt Vernon St, Pottstown, PA 19464 & William P. McCarron, 1124 Township Line Road, Phoenixville, PA 19460, Co-Executors.

McHUGH, John, J., late of North Coventry. Mary Jane McKissic, 913 Summit Avenue, Schwenksville, PA 19473 & Patrick McHugh, 2531 Deep Creek Road, Perkiomenville, PA 18074, Executors. FRANQUI-ANN J. RAFFAELE, Esquire, The Fleischmann Law Firm, P.O. Box 798, Skippack, PA 19474, atty.

RUSTIN, Rafaela F., late of West Goshen Township. Ramon C Rustin, care of LISA COMBER

HALL, Esquire, 27 S Darlington Street, West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, 27 S Darlington Street, West Chester, PA 19382, atty.

STANTON, Louise Harriet, late of Frazer. Sharon R. Webster, 612 Swedesford Road, Frazer, PA 19355, Executor. TODD ELLIOTT, Esquire, Elliott Legal Services, 835 West Chester Pike - 2nd Floor, West Chester, PA 19382, atty.

STITES, Clay V., late of Kennett Township. Clara P. Stites, 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.

VINCIGUERRA, Susanna E., a/k/a Christina Louise Wakeling, late of Oxford. Kyle A. Burch, 22 State Road, Media, PA 19063-1442, Administrator.

WALKER, Louise S., a/k/a Louise Smith Walker, late of New Garden Township. Carol L. Watterson, care of STACEY WILLITS MCCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. STACEY WILLITS MCCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

WESLEY, Danielle, late of Tredyffrin Township. John R. Wesley, III, care of NEAL G. WILEY, Esquire, 1880 JFK Blvd., Ste. 1740, Philadelphia, PA 19103, Administrator. NEAL G. WILEY, Esquire, Alexander & Pelli, LLC, 1880 JFK Blvd., Ste. 1740, Philadelphia, PA 19103, atty.

2nd Publication

BOOHAR, Mildred, late of Valley Township. David A. Boohar, care of ASHLEY A. GLICK, Esquire, 131 W. Main Street, New Holland, PA 17557, Executor. ASHLEY A. GLICK, Esquire, Kling and Deibler, LLP, 131 W. Main Street, New Holland, PA 17557, atty.

BRUNO, Vincintine Jeanne, a/k/a V. Jeanne Bruno, late of West Goshen Township. Victoria J. Alvarez, 1201 Fox Glove Lane, West Chester, PA 19380, Executor. CHRISTINA B. ROBERTS, Esquire, Breslin Murphy & Roberts, 3305 Edgmont Avenue, Brookhaven, PA 19015, atty.

CONNORS, Cornelius Russell, a/k/a C. Russell Connors, late of Atglen Borough. Carol A. Connors-McCall, 18 Jefferson Avenue, Stratford, NJ 08084, Executor. LUCY F. DOWD, Esquire, Lucy Dowd Law LLC, 342 N. Queen Street Rear, Lancaster, PA 17603, atty.

DODD, James, late of Upper Uwchlan Township. Brian Dodd, 127 Krauser Road, Downingtown, PA

19335, Executor. MICHAELANGELO DIPPOLITO, Esquire, Peoples Law Firm, LLC, 712 Kimber-ton Road, Chester Springs, PA 19425, atty.

GUINDON SMITH, Doris S., late of Parker Ford. Cheryl Ngo, 1334 Oyster Point Drive, Sugar Land, TX 77478 & Lynda Booth, 4041 Waterford Road, Amissville, VA 20106, Executrices.

HARVEY, Christopher William, late of Berwyn. Sharon Federovich Harvey, 304 Lenape Dr., Berwyn, PA 19312, Administratrix.

JACQUES, Nancy L., late of Franklin Township. Susan Jacques-Pierson, 434 Church Hill Rd., Landenberg, PA 19350, Administratrix D.B.N.C.T.A. JENNIFER M. MERX, Esquire, Skarlatos Zonarich LLC, 320 Market St., Ste. 600W, Harrisburg, PA 17101, atty.

LEHMAN, Norma Reid, a/k/a Norma R. Lehman, late of West Chester. Pamela D. Lehman, care of JULIEANNE E. STEINBACHER, Esquire, 413 Washington Boulevard, Williamsport, PA 17701, Executor. JULIEANNE E. STEINBACHER, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701, atty.

MUSCARELLA, James F., late of West Chester. E. Barry Smith & Donna M. Smith, care of DENNIS WOODY, Esquire, 110 West Front Street, Media, PA 19063, Co-Executors. DENNIS WOODY, Esquire, 110 West Front Street, Media, PA 19063, atty.

NEULIN, Dennis L., late of Caln Township. Suzanne Tyrell, care of MICHAEL F. CORRIERE, Esquire, 433 East Broad Street, P.O. Box 1217, Bethlehem, PA 18016-1217, Executor. MICHAEL F. CORRIERE, Esquire, Corriere and Andres, LLC, 433 East Broad Street, P.O. Box 1217, Bethlehem, PA 18016-1217, atty.

RISH, Rita M., late of Phoenixville Borough. Kellee T. Travis, care of KRISTEN R. MATTHEWS, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. KRISTEN R. MATTHEWS, Esquire, MacElree Harvey, LTD, 17 W. Miner St., West Chester, PA 19382, atty.

STOUCH, Warren W., a/k/a Warren William Stouch, late of Tredyffrin Township. Karen M. Sharp, 904 Weatherstone Dr., Paoli, PA 19301, Executrix.

SUTTON, Susan K., late of West Goshen Township. Myrwood B. Sutton, care of NEIL W. HEAD, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. NEIL W. HEAD, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

THOMAS, Ryan, late of Tredyffrin Township.

Harry F. Zerman, care of W. PETER BARNES, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. W. PETER BARNES, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

THOMPSON, Nancy Diane, a/k/a N. Diane Thompson, late of Kennett Township. Christine D. Diubaldo, 507 Erickson Ave., Hockessin, DE 19707, Executrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

WOODWARD, Theodore R., late of East Marlborough Township. Timothy F. Rayne, care of STEPHEN M. PORTER, Esquire, 17 W. Miner St., West Chester, PA 19382, Executor. STEPHEN M. PORTER, Esquire, MacElree Harvey, LTD, 17 W. Miner St., West Chester, PA 19382, atty.

3rd Publication

ALBRECHT, Cathryn R., late of East Bradford Township. Kurt W. Albrecht, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, Executor. ANTHONY MORRIS, Esquire, Buckley Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, atty.

BAKKER, Lynne F., late of East Pikeland Township. Eric Bakker, 551 Coldstream Dr., Berwyn, PA 19312, Executor. GREGORY A. BARONI, Esquire, 13 E. Central Ave., First Floor, Paoli, PA 19301, atty.

DOWNS, Janis M., late of New Garden Township. Deborah Sears, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

DRAGER, Richard, late of West Whiteland Township. Colin Drager, 2181 Davis Drive, Media, PA 19063, Executor.

DRAPER, James M., late of Tredyffrin Township. Sandi A. Draper, care of DUKE K. SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. DUKE K. SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

DYER, Robert, a/k/a Robert Dyer, Sr., late of Schuylkill Township. Daniel R. Dyer, care of STEPHEN I. BAER, Esquire, 1288 Valley Forge Rd., Suite 63, Phoenixville, PA 19460, Executor. STEPHEN I. BAER, Esquire, Baer Romain & Ginty, LLP, 1288 Valley Forge Rd., Suite 63, Phoenixville, PA 19460, atty.

ELDON, Margaret, a/k/a Margaret Duplicki, late of Downingtown. Bradley Duplicki, 102 Stephen Dr., Downingtown, PA 19335, Executor.

GIAMBOY, Rae M., a/k/a Rae Marion Giamboy, late of West Brandywine Township. Lynn Anne Devone, 228 Creeks Bend Dr., Downingtown, PA 19335, Executrix. REBECCA A. HOBBS, Esquire, O'Donnell, Weiss & Mattei, PC, 41 E. High St., Pottstown, PA 19464, atty.

GRAMAS, Lillian, a/k/a Lillian M. Gramas, late of East Pikeland Township. Joseph S. Gramas, 448 Loop Rd., Pottstown, PA 19464, Executor. RICHARD D. LINDERMAN, Esquire, O'Donnell, Weiss & Mattei, PC, 41 E. High St., Pottstown, PA 19464, atty.

GREENE, JR., Joseph E., late of Tredyffrin Township. Anita Greene, care of DOUGLAS E. COOK, Esquire, P.O. Box 397, Drexel Hill, PA 19026, Executrix. DOUGLAS E. COOK, Esquire, P.O. Box 397, Drexel Hill, PA 19026, atty.

GULMANTOVICZ, Nancy J., late of West Chester. Timothy J. Bryan, 137 E. Marshall St., West Chester, PA 19380, Administrator.

HENRY, Leon R., late of Penn Township. Beverly Henry, 110 Rose View Dr., West Grove, PA 19390, Executrix. ANITA M. D'AMICO, Esquire, D'Amico Law P.C., 65 S. Third St., Oxford, PA 19363, atty.

HILTEBEITEL, May Elizabeth, a/k/a May E. Hiltebeitel, late of E. Caln Township. Mary Anne Feeley, care of KRISTEN R. MATTHEWS, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. KRISTEN R. MATTHEWS, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

KEELEY, Helen Jane, a/k/a Helen J. Keeley, late of London Britain Township. Lora A. Keeley, care of CATHERINE T. DUFFY, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executrix. CATHERINE T. DUFFY, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, PC, 300 W. State St., Ste. 300, Media, PA 19063, atty.

LEBER, Anastasia, late of Phoenixville Borough. Douglas L. Kaune, 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.

LEGG, Brenda Gayle, late of Highland Township. Roger E. Legg, 100 Five Points Rd., Coatesville, PA 19320, Administrator. ROGER E. LEGG, Esquire, 100 Five Points Road, Coatesville, PA 19320, atty.

LEVINE, Manfred, late of Tredyffrin Township. Richard Marc Levine, 411 Heartwood Rd., Cherry Hill, NJ 08003, Executor. **KENNETH E. MARTIN**, Esquire, Gadsden Schneider & Woodward, LLP, 1275 Drummery Ln., Ste. 210, Wayne, PA 19087, atty.

LYNCH, Catherine E., late of Tredyffrin Township. Mark Lynch, care of **JOHN J. McANENEY**, Esquire, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, Administrator. **JOHN J. McANENEY**, Esquire, Timoney Knox LLP, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, atty.

MIXON, Emily F., late of Downingtown. Donald L. Mixon, care of **W. PETER BARNES**, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. **W. PETER BARNES**, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

O'BRIEN, Suzanne A., late of Upper Providence Township. Charles Abell, care of **STEPHEN D. POTTS**, Esquire, Strafford Office Bldg. #2, Ste. 106, 200 Eagle Rd., Wayne, PA 19087-3115, Executor. **STEPHEN D. POTTS**, Esquire, Herr, Potts & Potts, LLC, Strafford Office Bldg. #2, Ste. 106, 200 Eagle Rd., Wayne, PA 19087-3115, atty.

PASSANTE, Doris E., late of Pennsbury Township. Lisa M. Passante, care of **DONALD B. LYNN, JR.**, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. **DONALD B. LYNN, JR.**, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

PENNINGTON, Martha Elizabeth, late of East Fallowfield Township. Kevin I. Pennington & Steven D. Pennington, 520 Buck Run Road, Coatesville, PA 19320, Administrators.

PIPER, Donna Jean, late of Tredyffrin Township. Edward E. Piper, care of **SEAMUS M. LAVIN**, Esquire, 122 S. Church St., West Chester, PA 19382, Executor. **SEAMUS M. LAVIN**, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

PITT, JR., Joseph E., late of Upper Uwchlan Township. Nancy Snyder, care of **JAMES B. GRIFFIN**, CPA, Esquire, 623 N. Pottstown Pike, Exton, PA 19341, Executor. **JAMES B. GRIFFIN**, CPA, Esquire, James B. Griffin, P.C., 623 N. Pottstown Pike, Exton, PA 19341, atty.

SCOTT, Geoffrey C., a/k/a Geoffrey Colon Scott, late of Charlestown Township. Jane Merritt, 1405 Golf Drive, Gilbertsville, PA 19525, Executor. **ROBERT B. ROTH**, Esquire, The Roth Law Firm, 123

North 5th Street, Allentown, PA 18102, atty.

SERRA, Joseph, late of Coatesville. Brian Lewis, 15 Mary Bell Road, Audubon, PA 19403, Executor.

SULLIVAN, Judith Marie, a/k/a Judith M Coleman, Judith M Nester, late of East Pikeland. Sean Sullivan, 14 Crestview Rd., Phoenixville, PA 19460, Administrator.

THOMPSON, Patricia Eunice Clark, late of West Chester Borough. Vida M. Whitfield, care of **L. PETER TEMPLE**, Esquire, P.O. Box 384, Kennett Square, PA 19348, Administratrix. **L. PETER TEMPLE**, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

TRAUTMAN, Thomas E., late of East Marlborough Township. Michael E. Trautman, 237 Deepdale Dr., Kennett Square, PA 19348, Administrator. **ANITA M. D'AMICO**, Esquire, D'Amico Law P.C., 65 S. Third St., Oxford, PA 19363, atty.

VERPLANCK, Eva Low, late of Kennett Township. Anne A. Verplanck, care of **DENISE M. ANTONELLI**, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. **DENISE M. ANTONELLI**, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

WOODWARD, SR., Larry Arnold, a/k/a Larry A. Woodward, Sr., Larry Woodward, late of East Bradford Township. Larry Arnold Woodward, III, care of **WILLIAM R. HAGNER**, Esquire, 211 West Lancaster Avenue, #100, Paoli, PA 19301, Administrator. **C.T.A. WILLIAM R. HAGNER**, Esquire, 211 West Lancaster Avenue, #100, Paoli, PA 19301, 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

Grace and Mercy Ministries Apostolic, Inc., with its principal place of business at 220 Church Street, PO Box 44, Avondale, PA 19311. The application has been (or will be) filed on: Wednesday, December 16, 2020. The name(s) and address(es) of the indi-

vidual(s) or entity(ies) owning or interested in said business: Arlene Norton.

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on August 17, 2021 for **Rainbow Tree Bath & Body** at 211 Township Rd. Downingtown, PA 19335. The name and address of each individual interested in the business is Kimberly Swing at 211 Township Rd. Downingtown, PA 19335. This was filed in accordance with 54 PaC.S. 311.417

Notice is hereby given, pursuant to the provisions of Act of Assembly, No. 295, effective March 16, 1983, of the filing in the office of the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, PA for an Application for the conduct of business in Chester County, PA, under the assumed or fictitious name, style or designation of **HC Opportunity Center**, with the principal place of business at 215 Barley Sheaf Rd., Thorndale, PA 19372. The name and address of the entity interested in said business is Handi-Crafters, Inc., 215 Barley Sheaf Rd., Thorndale, PA 19372. LENTZ, CANTOR & MASSEY, LTD., Solicitors, 460 E. King Rd., Malvern, PA 19355-3049

NONPROFIT CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a charter of a Nonprofit Corporation which was organized under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the corporation is **Linden Farm on Brandywine Battlefield**.

Articles of Incorporation were filed on Monday, June 21, 2021

The purpose or purposes for which it was organized are: Non Profit Museum and Educational Center

NONPROFIT CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a charter of a Nonprofit Corporation which was organized under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the corporation is **Oxford Christian**

Academy Homeschoolers, Ltd.

Articles of Incorporation were filed on Friday, September 3, 2021

The purpose or purposes for which it was organized are: Advertisement of notification of formation of corporation. Articles of Incorporation submitted on September 2, 2021 and effective on September 3, 2021.

NONPROFIT CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT, on Sept. 22, 2021, Articles of Incorporation were filed with the Dept. of State for GROWING AFRICAN SOLUTIONS, a nonprofit corporation organized under the PA Nonprofit Corp. Law of 1988, exclusively for charitable purposes. MILLER, TURETSKY, RULE & McLENNAN, P.C., Solicitors 3770 Ridge Pike, Collegeville, PA 19426

1st Publication of 3

Trust Notice

THE ANTHONY J. TREZZA REVOCABLE LIVING TRUST

ANTHONY J. TREZZA, Deceased

Late of Schuylkill 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 JUNE E. EISENHARD, 942 Anders Rd., Lansdale, PA 19446 and SCOTT A. TREZZA, 2490 Belle Christine Circle, Pensacola, FL 32503, TRUSTEES,

Or to their Attorney:

REBECCA A. HOBBS

O'DONNELL, WEISS & MATTEI, P.C.

41 E. High St.

Pottstown, PA 19464

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PUBLIC NOTICE FOR REAPPOINTMENT OF
AN INCUMBENT MAGISTRATE JUDGE**

The current term of office of United States Magistrate Judge Marilyn Heffley at Philadelphia, Pennsylvania is due to expire on April 20, 2022. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the Magistrate Judge to a new eight-year term.

The duties of a Magistrate Judge in this court include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants.

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to:

Kate Barkman, Clerk of Court
2609 United States Courthouse
601 Market Street
Philadelphia, PA 19106

***ATTN: Human Resources Department
Magistrate Judge Reappointment***

Comments must be received by October 29, 2021.

Juan R. Sánchez
Chief Judge

Dated: September 15, 2021

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PUBLIC NOTICE FOR REAPPOINTMENT OF
AN INCUMBENT MAGISTRATE JUDGE**

The current term of office of United States Magistrate Judge Richard A. Lloret at Philadelphia, Pennsylvania is due to expire on May 4, 2022. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the Magistrate Judge to a new eight-year term.

The duties of a Magistrate Judge in this court include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants.

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to:

Kate Barkman, Clerk of Court
2609 United States Courthouse
601 Market Street
Philadelphia, PA 19106

***ATTN: Human Resources Department
Magistrate Judge Reappointment***

Comments must be received by October 29, 2021.

Juan R. Sánchez
Chief Judge

Dated: September 15, 2021

MEETING SPACE?

Looking for just the right meeting space? The Chester County Bar Association facilities are utilized on a regular basis for depositions, client meetings and seminars. We have rooms available for rental by the half-day or full day – a conference room, a board room and seminar rooms. We are located just one block from the Courthouse and convenient parking is available. For more information, visit us at www.chescobar.org. To reserve your room, please call 610-692-1889.

SAMPLE AD

Classified Ads for the Chester County Law Reporter ONLY \$.20 per space/character

ESTATES/TRUSTS ATTORNEY

Estates/Trusts Attorney sought for growing, collegial Main Line firm. Send resume with cover letter and salary requirements, in confidence to responses10@gmail.com

ASSOCIATE ATTORNEY

LaMonaca Law is seeking associate attorneys to join our expanding main line law firm. Required: minimum of 2 years family law experience, transportation, career oriented, ability to multi-task in a fast paced environment. Send resume and salary requirements to Kristy@LaMonacaLaw.com.