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*Court of Common Pleas of Lancaster County*  
***Civil Action- Civil***

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Firemen’s Insur. Co. of Wash. D.C. v. Erie Insur. Exch., et al.  
Declaratory Judgment – Standing – Plaintiff

Insurer lacked standing to seek a declaration of defendant-insurer’s obligations to its putative additional insured under defendant-insurer’s insurance policy, which plaintiff was neither party to nor a third-party beneficiary of, notwithstanding “Other Insurance” provisions present in both parties’ insurance policies.

Opinion. Firemen’s Insur. Co. of Wash. D.C. v. Erie Insur. Exch., et al. No. 07580-2022.

OPINION BY Brown, J., August 11, 2022. The matters before the court are the preliminary objections of Defendant Erie Insurance Exchange (“Erie Exchange”) to Plaintiff Firemen’s Insurance Company of Washington, D.C.’s (“Firemen’s”) amended complaint. For the reasons stated below, the preliminary objection concerning Firemen’s standing to sue is sustained. The remaining objections are made moot by this court’s determination that Firemen’s lacks capacity to sue.

**I. BACKGROUND**

This insurance coverage dispute is related to the collapse of the Lancaster Museum of Art during Phase II construction of the Queen Street Station Garage on April 14, 2010. The building collapse and ensuing damage spawned at least sixteen lawsuits in the Lancaster County Court of Common Pleas, fourteen of which were consolidated for discovery only under Docket Number CI-11-12539 on February 20, 2018. See Am. Compl. 46–48. In at least five of the cases consolidated under CI-11-12539, Perrotto Builders, Ltd. (“Perrotto”), the general contractor on the project, is a defendant. One of those consolidated cases is *The Charter Oak Fire Insurance Company a/s/o Lancaster Museum of Art, Inc. v. Perrotto Builders, Ltd. et al. v. Timothy Haahs & Associates, Inc. d/b/a Tim Haahs et al.* (“Charter Oak case”). *Id.* ¶ 48.

Plaintiff Firemen’s is an insurance company whose named insured, B.R. Kreider & Son, Inc. (“Kreider”), was an excavation subcontractor on the Queen Street project. Am. Compl. ¶ 39. Perrotto is named as an additional insured under Firemen’s insurance policy with Kreider. *Id.* ¶¶ 30, 54. Firemen’s is defending Perrotto in all the underlying lawsuits against Perrotto and has spent a substantial amount of money on the defense. *Id.* ¶¶57–58.

Defendant Erie Exchange is a reciprocal insurance exchange whose named insured, Mar-Allen Concrete Products, Inc. (“Mar-Allen”), was also an excavation subcontractor on the Queen Street project. *Id.* ¶ 41. Erie Exchange issued two policies to Mar-Allen, a commercial general liability policy and an umbrella policy for catastrophic liability. *Id.* ¶¶ 59–63. Perrotto is named as an additional insured under both policies. *Id.* ¶¶ 60, 64. Perrotto tendered its defense<sup>1</sup> and indemnity to Mar-Allen

<sup>1</sup> “Tender of Defense — the act in which one party places its defense and all costs associated with said defense with another due to a contract or other agreement. This transfers the obligation of the defense and possible indemnification to the party to which the

and Erie Exchange only for the *Charter Oak* case. Prelim. Obj. ¶ 25.

Both parties' insurance policies contain "Other Insurance" provisions affecting the insurer's obligations when a covered insured has other primary insurance. See Am. Compl. ¶¶ 56, 62 (quoting policies). Firemen's and Erie Exchange's policies each state,

a. Primary Insurance

This insurance is primary . . . . If this insurance is primary, our obligations are not affected unless any of the other insurance is also primary. Then, we will share with all that other insurance by the method described in c. below.

\* \* \* \*

c. Method Of Sharing

If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

Firemen's first filed for declaratory judgment in the Eastern District of Pennsylvania in 2019 against two different Erie entities. Prelim. Obj. Ex. D. On April 5, 2021, the Eastern District dismissed Firemen's action for failure to sue the correct party. *Id.* Ex. I. Firemen's then filed a complaint in this court on October 29, 2021 seeking a declaration under the Pennsylvania Declaratory Judgments Act that Erie Exchange has a duty to defend Perrotto as an additional insured in *all* the underlying lawsuits, and to reimburse Firemen's for its share of Perrotto's past and future defense costs.

Erie Exchange filed preliminary objections on January 5, 2022, arguing, in part, that the complaint failed to contain the actual averments of the underlying complaints. Firemen's filed an amended complaint on January 25, 2022, which attached the relevant insurance policies and nine of the underlying complaints but did not change the substance of the complaint.

Erie Exchange now objects that Firemen's additions mark a failure to amend its complaint in violation of Rule of Civil Procedure 1028(c) (1). It also renews its objections to the first complaint: a demurrer to Counts I-III for insufficient pleading; a demurrer to Count VII for insufficient pleading of bad faith; a demurrer based on collateral estoppel; an objection as to Counts IV-VI under Rule 1028(a)(8) asserting Firemen's cannot bring a claim in equity because an adequate remedy exists at law; and an objection under Rule 1028(a)(5) asserting Firemen's lacks capacity to sue.

## II. DISCUSSION

A party can file preliminary objections under Rule 1028(a)(5) for lack of standing. Standing is a prudential doctrine arising from the principle that court intervention is only appropriate where a real and concrete controversy exists. See *City of Phila. v. Com.*, 838 A.2d 566, 577. A party

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tender was made." *Tender of Defense*, IRMI (last accessed Aug. 4, 2022), <https://bit.ly/3cVAafG>.

who is not aggrieved by a matter has no right to seek the matter's resolution. See *id.* "A litigant can establish that he has been "aggrieved" if he can show that he has a substantial, direct and immediate interest in the outcome of the litigation in order to be deemed to have standing." *In re Hickson*, 821 A.2d 1238, 1243 (Pa. 2003). The requirements of standing extend to matters under the Declaratory Judgments Act. *Stilp v. Commonwealth*, 910 A.2d 775, 782 (Pa. Commw. 2006).

Third parties cannot seek a determination of an insurer's duties under its insurance policy. See *Harleysville Mut. Ins. Co. v. Madison*, 609 A.2d 564, 565 (Pa. Super. 1992) (citing *Avrich v. General Accident Insurance Co.*, 532 A.2d 882 (Pa. Super. 1987)). To seek declaratory relief relating to a contract, a party must be either a party under the contract or an intentional third-party beneficiary to the contract. 42 Pa. C.S. § 7533; see *Erie Ins. Grp. v. Catania*, 95 A.3d 320, 322 (Pa. Super. 2014) (citing *McEwing v. Lititz Mut. Ins. Co.*, 77 A.3d 639, 646 (Pa. Super. 2013)) ("In actions arising under an insurance policy, . . . it is a necessary prerequisite for the **insured** to establish that his claim falls within the coverage provided by the insurance policy." (emphasis added)); see also *Nalesnik v. United Nat'l Insur. Co.*, No. 12-1671 (C.P. Carbon June 18, 2014). Firemen's is neither listed as a named insured nor an additional insured on the insurance policies Erie Exchange issued to Mar-Allen, so it must be an intentional third-party beneficiary of the policy to have standing to bring this declaratory action.

A third-party beneficiary has standing to recover on a contract if the contracting parties "expressed an intention that the third party be a beneficiary" directly in the contract. *Scarpitti v. Weborg*, 609 A.2d 147, 149 (Pa. 1992). But where a court finds that the recognition of the party's right to performance is "appropriate to effectuate the intention of the parties," a third party may also have standing if it is a creditor beneficiary or a donee beneficiary. See *Guy v. Liederbach*, 459 A.2d 744, 751 (Pa. 1983) (adopting Restatement (Second) of Contracts § 302 (1979) for determining whether party is intended third party beneficiary absent express intent). Whether the recognition of a beneficiary's right to performance is "appropriate" is a matter of discretion for the court.

Firemen's is not an intentional third-party beneficiary under *Scarpitti* or Section 302. Erie Exchange and Mar-Allen never expressed an intention that Firemen's be a beneficiary under the insurance policies, which list Mar-Allen as a named insured and Perrotto as an additional insured. The pleadings do not indicate Perrotto assigned any rights to Firemen's, and so Firemen's does not have privity of contract with Erie Exchange. Nor is Firemen's a creditor or donee beneficiary to the insurance policy: Erie Exchange did not obligate itself to make payment to Firemen's for an existing debt of Mar-Allen's, and the pleadings do not show Mar-Allen intended to confer the benefit of its bargain upon Firemen's.

The purpose of the Erie Exchange insurance policies is to protect Mar-Allen and Perrotto from claims by third parties. See *Fiz v. Kurtz, Dowd & Nuss, Inc.*, 519 A.2d 1037, 1039-40 (Pa. Super. 1987). It would be inappropriate to permit Firemen's to assert a legal right under a con-

tract to which it is neither a party nor a contemplated beneficiary. At present, its interest in the declaratory relief requested is not substantial, direct, or immediate. Because it is at most an incidental beneficiary, Firemen's is a third party who lacks standing to request this court to determine Erie Exchange's obligations as to Mar-Allen and Perrotto.

### **III. CONCLUSION**

Firemen's lacks standing to bring this declaratory action. Therefore, Erie Exchange's preliminary objections are sustained, and this case is dismissed. The remaining objections are dismissed as moot.

**ORDER**

AND NOW, this 11<sup>th</sup> day of August 2022, upon review of Plaintiff Firemen's Insurance Company of Washington, D.C.'s amended complaint and Defendant Erie Insurance Exchange's preliminary objections thereto, it is hereby ORDERED that

1. Defendant's objection under Rule 1028(a)(5) for lack of standing is SUSTAINED, and this declaratory action is DISMISSED for lack of standing.
2. Defendant's remaining objections are DISMISSED as moot.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'LGB', is written over the text 'BY THE COURT:'.

LEONARD G. BROWN, III, JUDGE

**ESTATE AND TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION**

**Battaglia, Anthony L.**, dec'd.

Late of West Hempfield Township.

Co-Executors: Patricia M. Battaglia, Suzanne C. Thomas c/o John S. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorney: May, Herr & Grosh, LLP.

**Bauder, June L.**, dec'd.

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Attorney: A. Anthony Kilkuskie. 117A West Main Street, Ephrata, PA 17522

**Beck, Jodi Anne**, dec'd.

Late of West Hempfield Township.

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Beck Jr., William S. Beck c/o Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402.

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**Beiler, Sadie K.**, dec'd.

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**Burkholder, Sherry L.**, dec'd.

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**Burkholder, Sylvia J.**, dec'd.

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**Clawson, David E.**, dec'd.

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**Miller, Dorothy M.**, dec'd.

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**Reighard, Jacqueline L.**, dec'd.  
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**Rimko, Bernadette M. a/k/a  
Bernadette Marie Rimko**, dec'd.  
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**Schuka, Janet A.**, dec'd.  
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**Smyth, Debra M.**, dec'd.  
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**Sobczynski, Eleanor C.**, dec'd.  
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**Vaitl, Julia F.**, dec'd.

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**Vasko, Mark S.**, dec'd.

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**Wenger, Mary Jane**, dec'd.

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**Winkle, Kelly O. a/k/a Kelly Ol-**

**ery a/k/a Kelly B. Winkle a/k/a  
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**SECOND PUBLICATION**

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**Bauman, Patricia T.**, dec'd.

Late of Reinholds.  
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**Carson, Amber L.**, dec'd.

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Attorney: Saxton & Stump, LLC.

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**Clark-Duncan, Anne S.**, dec'd.

Late of West Lampeter Town-  
ship.  
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Attorney: Carrie Woody, Esquire, 110 West Front St., Media, PA 17063, (610) 566-8770.

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**Clisham, Marilyn**, dec'd.

Late of Manheim Township.

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**Cox, Charles P. a/k/a Charles Patrick Cox**, dec'd.

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**Dietz, Robert E.**, dec'd.

Late of West Earl Township.

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Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

---

**Dombach, Joyce S.**, dec'd.

Late of Manheim Borough.

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Attorney: Young and Young.

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**Drumm, Beatrice E.**, dec'd.

Late of Mount Joy Borough.

Co-Executors: Lori A. McCorkel, Mark A. McCorkel c/o Karl Kreiser, Esquire, 553 Locust Street,

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**Eberly, Eugene S.**, dec'd.

Late of the Township of Earl.

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**Fassett, Gardner L.**, dec'd.

Late of West Donegal Township.

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Attorney: Alspach and Ryder LLC.

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**Felts, Kelly Lynn**, dec'd.

Late of Nottingham Township.

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**Fischer, Alphonse E., Jr.**, dec'd.

Late of East Donegal Township.

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**Funk, Donald H.**, dec'd.

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Attorney: James K. Noel, IV Esq.

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**Graby, Steven Garrett**, dec'd.

Late of Lancaster.  
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**Halter, Gregory Richard**, dec'd.

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**Harnish, Alberta R.**, dec'd.

Late of Lancaster City.  
Executor: Martin Harnish c/o David P. Carson, 2547 Lititz Pike, Lancaster, PA 17601.  
Attorney: David P. Carson.

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**Horning, Etta S.**, dec'd.

Late of Ephrata Borough.  
Executor: Arlene W. Hurst c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.  
Attorneys: Good & Harris, LLP.

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**Imhoff, Ronald L. a/k/a Ronald Lee Imhoff**, dec'd.

Late of New Holland.  
Co-Executrices: Pamela M. Voorhees, Kimberly Sue Mendenhall c/o Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372.  
Attorney: William T. Keen, Esq., Keen Keen & Good, LLC.

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**Kauffman, Roy J., Jr.**, dec'd.

Late of E. Petersburg Borough.  
Executors: Eleanor Pauline Kauffman, Kimberly Kauffman,

c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

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**Kline, G. Richard a/k/a Gilbert Richard Kline**, dec'd.

Late of Lancaster Township.  
Executrix: Nancy W. Kline  
G. Richard Kline 2013 Trust  
dtd. 05/01/2013  
Trustee: Nancy W. Kline c/o Theodore L. Brubaker, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Kreider, Marian B.**, dec'd.

Late of Manheim Township.  
Co-Executors: Kathy A. Hoopes, Jeffrey D. Kreider c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540.  
Attorney: H. Charles Benner, Esq.

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**Magalski, Therese A.**, dec'd.

Late of Manheim Township.  
Executor: Mark A. Magalski  
Attorney: Craig A. Hatch, Esquire, Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011.

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**Magee, Patricia N.**, dec'd.

Late of East Cocalico Township.  
Administratrix: Colleen DeStefano, P.O. Box 1411, Exton, PA 19341.  
Attorney: None.

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**Machon, Daniel F., Jr. a/k/a Daniel Francis Machon, Jr.**, dec'd.

Late of Warwick Township.  
Executor: Patricia A. Thorwart c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street,

Lancaster, PA 17602.  
Attorney: Pyfer, Reese, Straub,  
Gray & Farhat, P.C.

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**Meyer-Imhoff, Donna F. a/k/a  
Donna Faye Meyer-Imhoff a/k/a  
Donna F. Imhoff a/k/a Donna F.  
Meyer**, dec'd.

Late of New Holland.  
Co-Executrices: Pamela M.  
Voorhees, Kimberly Sue Men-  
denhall c/o Keen Keen & Good,  
LLC, 3460 Lincoln Highway,  
Thorndale, PA 19372.  
Attorney: William T. Keen, Esq.,  
Keen Keen & Good, LLC.

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**Miller, Lonna A.**, dec'd.

Late of East Hempfield.  
Executor: Michael D. Miller c/o  
327 Locust Street, Columbia, PA  
17512.  
Attorney: Michael S. Grab,  
Esquire, Nikolaus & Hohenadel,  
LLP, 327 Locust Street, Colum-  
bia, PA 17512.

---

**Miller, Shonna M.**, dec'd.

Late of East Hempfield.  
Executor: Michael D. Miller c/o  
327 Locust Street, Columbia, PA  
17512.  
Attorney: Michael S. Grab, Es-  
quire, Nikolaus & Hohenadel,  
LLP, 327 Locust Street, Colum-  
bia, PA 17512.

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**Pautler, Mary C.**, dec'd.

Late of Manheim Township.  
Executor: Ann C. Pautler c/o  
Barbara Reist Dillon, Esquire,  
212 North Queen Street, Lan-  
caster, PA 17603.  
Attorney: Nikolaus & Hohe-  
nadel, LLP.

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**Peck, Thomas B. a/k/a Thomas**

**B. Peck, Jr.**, dec'd.

Late of West Donegal Township.  
Executrix: Catherine P. Hallin  
c/o Walker & Spang, LLC, 247  
Lincoln Way East, Chambers-  
burg, PA 17201.  
Attorney: David F. Spang, Es-  
quire.

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**Poole, Sharon Ann**, dec'd.

Late of Columbia Borough.  
Executrix: Susan L. Poole c/o  
Karl Kreiser, Esquire, 553 Lo-  
cust Street, Columbia, PA  
17512.  
Attorney: Mountz & Kreiser, 553  
Locust Street, Columbia, PA  
17512.

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**Porreca, James J.**, dec'd.

Late of New Holland.  
Executrix: Nancy A. Gill c/o  
Keen Keen & Good, LLC, 3460  
Lincoln Highway, Thorndale, PA  
19372.  
Attorney: William T. Keen, Esq.,  
Keen Keen & Good, LLC.

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**Repsher, Terese M.**, dec'd.

Late of West Lampeter Town-  
ship.  
Executrix: Paula Howard c/o  
Angelo J. Fiorentino, Attorney,  
P.O. Box 5349, Lancaster, PA  
17606.  
Attorney: Gibbel Kraybill & Hess  
LLP.

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**Rusin, Eleanor J.**, dec'd.

Late of Manheim Township.  
Co-Executors: Joanne C. Grudz-  
inski, Linda E. Lane c/o Law Of-  
fice of Shawn Pierson, 105 East  
Oregon Road, Lititz, PA 17543.  
Attorney: Shawn M. Pierson,  
Esq.

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**Rutt, Ruth E.**, dec'd.

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Late of New Holland Borough.  
Co-Executors: Leonard N. Rutt,  
Clair E. Rutt c/o Good & Harris,  
LLP, 132 West Main Street, New  
Holland, PA 17557.  
Attorneys: Good & Harris, LLP.

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**Savant, Marie Ellen**, dec'd.

Late of Ephrata Township.  
Executor: Chelsea M. Savant  
c/o Pyfer, Reese, Straub, Gray &  
Farhat, P.C., 128 N. Lime Street,  
Lancaster, PA 17602.  
Attorney: Pyfer, Reese, Straub,  
Gray & Farhat, P.C.

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**Seitz, Richard G.**, dec'd.

Late of Lancaster Township.  
Executor: Julia K. Seitz c/o John  
H. May, Esquire, 49 North Duke  
Street, Lancaster, PA 17602.  
Attorney: May, Herr & Grosh,  
LLP.

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**Shirk, Ruth W.**, dec'd.

Late of Earl Township.  
Executors: Mark S. Leid, Lorrain  
Horning c/o Kling, Deibler &  
Glick, LLP, 131 W. Main Street,  
New Holland, PA 17557.  
Attorney: Patrick A. Deibler,  
Esq., Kling, Deibler & Glick,  
LLP.

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**Shrom, Abram R.**, dec'd.

Late of Ephrata Township.  
Executors: Abram R. Shrom, Jr.,  
Debra K. Zimmerman c/o An-  
thony P. Schimaneck, 700 North  
Duke Street, P.O. Box 4686,  
Lancaster, PA 17604-4686.  
Attorney: Morgan, Hallgren,  
Crosswell & Kane, P.C.

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**Smith, Donald L., Jr.**, dec'd.

Late of East Donegal.  
Co-Executrices: Diane Garland,  
Rebecca Dietz c/o Richard J.

Gromen, Jr., 3121C Mount Joy  
Road, Mount Joy, PA 17552.  
Attorney: Richard J. Gromen,  
Jr.

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**Smith, Geraldine**, dec'd.

Late of Providence Township.  
Executor: Jessica C. Oliver,  
2926 Lincoln Highway East,  
Gordonville, PA 17529.  
Attorney: Samuel A. Goodley, III,  
Esq., Sam Goodley Law LLC.

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**Smith, Shirley M.**, dec'd.

Late of Ronks.  
Executor: Lori A. Smith c/o  
Legacy Law, PLLC., 147 W. Air-  
port Road, Suite 300, Lititz, PA  
17543.  
Attorney: Neal A. Rice, Esq.

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**Spencer, Dorothy M.**, dec'd.

Late of Earl Township.  
Personal Representative: Karen  
S. Voigt c/o John W. Metzger,  
Esquire, 901 Rohrerstown Road,  
Lancaster, PA 17601.  
Attorneys: Metzger and Spencer,  
LLP.

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**Sperry, Joan B.**, dec'd.

Late of Lancaster Township.  
Executor: James K. Sperry,  
Jr. c/o Randy R. Moyer, Es-  
quire, Barley Snyder LLP, 126  
East King Street, Lancaster, PA  
17602.  
Attorney: Barley Snyder LLP.

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**Ulrich, Minerva N.**, dec'd.

Late of Manheim Township.  
Executor: Dale Eugene Ulrich  
c/o Young and Young, 44 S.  
Main Street, P.O. Box 126, Man-  
heim, PA 17545.  
Attorney: Young and Young.

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**Zubatsky, Marie**, dec'd.

Late of Lancaster.  
Executrix: Patricia Taylor c/o Patti Spencer, Spencer Law Firm, 320 Race Ave., Lancaster, PA 17603.  
Attorney: None.

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**THIRD PUBLICATION**

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**Arms, Louise E.**, dec'd.  
Late of Manheim Township.  
Co-Executors: Sandra L. Boyer, Timothy L. Arms c/o Clymer Musser & Sarno, PC, 408 West Chestnut Street, Lancaster, PA 17603.  
Attorney: James N. Clymer, Esq.

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**Barnett, Steven L.**, dec'd.  
Late of Lancaster County.  
Executor: James D. Wolman, Esquire, 53 North Duke Street, Suite 309, Lancaster, PA 17602.  
Attorney: James D. Wolman, Esquire.

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**Barefoot, Glenn E.**, dec'd.  
Late of West Lampeter Township.  
Administrator: Fulton Bank, N.A., P.O. Box 7989, Lancaster, PA 17604.  
Attorney: Melvin E. Newcomer.

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**Blankenmeyer, Rose Marie**, dec'd.  
Late of Lancaster.  
Executrix: Mary E. Rice, 429 Fruitville Pike, Manheim, PA 17545.  
Attorney: None.

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**Clare, Floyd B.**, dec'd.  
Late of East Lampeter Township.  
Executors: Ray F. Clare, Diane J. Meyer c/o Steven R. Blair, Attorney at Law, 650 Delp Road, Lancaster, PA 17601.

Attorney: Steven R. Blair, Esq.

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**Collins, Mildred E.**, dec'd.  
Late of Lancaster City.  
Executrix: Victoris Hess c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.  
Attorney: Mountz & Kreiser, 553 Locust Street, Columbia, PA 17512.

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**Corbett, Daniel M. a/k/a Daniel M. Corbett, Sr.**, dec'd.  
Late of E. Lampeter Township.  
Executor: Daniel M. Corbett, Jr. c/o Angela M. Ward, Esq., 140 E. King St., Lancaster, PA 17602.  
Attorney: Angela M. Ward, Esq.

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**Cunningham, Sharri L.**, dec'd.  
Late of Stevens.  
Executrix: Michele L. Ferguson c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.  
Attorney: Jeffrey S. Shank, Esquire.

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**Depew, Millie S. a/k/a Millie Melissa Depew**, dec'd.  
Late of West Earl Township.  
Executor: James S. Depew c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland PA 17557.  
Attorney: Nevin D. Beiler, Esq.

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**Dockey, Jean D.**, dec'd.  
Late of Lancaster.  
Executrix: Beth D. DiPaolo, 419 Lewisville Road, Lincoln University, PA 19532.  
Attorney: None.

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**Fields, Jane E.**, dec'd.  
Late of the Township of East Hempfield.



Executor: Peter A. Fields c/o Ann L. Martin, Attorney, P.O. Box 5349, Lancaster, PA 17606. Attorneys: Gibbel Kraybill & Hess LLP.

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**Files, Patricia H. a/k/a Patricia Helen Files, dec'd.**

Late of Lancaster Township. Executrix: Jody P. Miller c/o Angela M. Ward, Esq., 140 E. King St., Lancaster, PA 17602. Attorney: Angela M. Ward, Esq.

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**Fisher, J. Lawrence, dec'd.**

Late of West Hempfield Township. Administratrix: Kristin F. Coleman c/o Theodore L. Brubaker, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602. Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Frey, Allan R., Sr. a/k/a Ray Frey a/k/a Allan Ray Frey, dec'd.**

Late of Manor Township. Executor: Timothy D. Frey c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602. Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Garling, Karl Ronald a/k/a K. Ronald Garling a/k/a Karl R. Garling a/k/a Ronald Garling, dec'd.**

Late of West Lampeter Township. Administratrix C.T.A: Dorothy Diane Garling. Attorney: Terence J. Barna, Esquire, BENNLAWFIRM, 103 East Market Street, P.O. Box 5185, York, PA 17405-5185.

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**Gilchrest, Ida Jane a/k/a Ida J.**

**Gilchrest, dec'd.**

Late of West Lampeter Township. Executrix: Beth Murphy c/o Randy R. Moyer, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602. Attorney: Barley Snyder LLP.

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**Hazlett, Robert J. a/k/a Robert Hazlett, dec'd.**

Late of Lititz Borough. Executrix: Debra C. Hazlett c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606. Attorney: Gibbel Kraybill & Hess LLP.

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**Hogan, Alma M. a/k/a Alma Marie Hogan, dec'd.**

Late of Manheim Township. Executor: Andrew J. Jarbola, IV c/o Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603. Attorneys: Blakinger Thomas, PC.

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**Lowe, Charles P., dec'd.**

Late of East Hempfield Township. Executor: Anne E. Deuchar c/o Scott Allen Mitchell, Esq., Saxton & Stump, LLC, 280 Granite Run Dr., Ste. 300, Lancaster, PA 17601. Attorney: Saxton & Stump, LLC.

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**Meyers, James W., Sr., dec'd.**

Late of Manor Township. Executor: James W. Meyers, Jr. c/o Clymer Musser & Sarno, PC, 408 West Chestnut Street, Lancaster, PA 17603. Attorney: James N. Clymer, Esq.

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**Mimm, Alice J., dec'd.**

Late of East Hempfield Township.



Executor: Dawn M. Woomer c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.  
Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

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**Muntzenberger, Walter J., Sr. a/k/a Walter J. Muntzenberger,** dec'd.

Late of Caernarvon Township.  
Executrix: Leanna C. Long c/o Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603.  
Attorneys: Blakinger Thomas, PC.

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**Nauman, Shirley A.,** dec'd.

Late of Elizabethtown Borough.  
Executors: Shirley K. Winters, Sterling C. Nauman c/o Anthony P. Schimaneck, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.  
Attorney: Morgan, Hallgren, Crosswell & Kane, P.C.

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**Nissley, Mary Lee,** dec'd.

Late of Conoy Township.  
Co-Executrices: Judith W. Nissley, Joyce W. Nissley c/o Nancy Mayer Hughes, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.  
Attorneys: Barley Snyder LLP.

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**Pennington, Joanne E., Living Trust,** dec'd.

Late of Rapho Township.  
Trustees: Marilyn J. Gosnell, Carol A. Heath c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17601.  
Attorney: Nichole M. Baer.

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**Rankin, Larry L.,** dec'd.

Late of Conestoga Township.

Executor: Jennie Rankin c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.  
Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

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**Rhineer, Robert L.,** dec'd.

Late of Providence Township.  
Executor: Alicia L. Blankenmeyer c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601.  
Attorneys: Neil R. Vestermark, Esquire, Aevitas Law, PLLC.

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**Ruffing, Joan M.,** dec'd.

Late of Christiana.  
Executor: Charles J. Ruffing, Jr. c/o Karyn L. Seace, CELA, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380.  
Attorney: Karyn L. Seace, CELA, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380.

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**Saks, Jeffrey T.,** dec'd.

Late of Penn Township.  
Executor: Jason C. Saks, 1015 Iron Works Rd., Phoenixville, PA 19460.  
Attorney: Rebecca A. Hobbs, OWM Law, 41 E. High St., Pottstown, PA 19464.

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**Sauder, Eugene H.,** dec'd.

Late of West Earl Township.  
Executors: Jay Lloyd Sauder, Glenn Eugene Sauder, c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

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**Shenenberger, Faye R.,** dec'd.

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Late of Manheim Borough.  
Executor: Kelli Nachbar c/o  
Young and Young, 44 S. Main  
Street, P.O. Box 126, Manheim,  
PA 17545.  
Attorney: Young and Young.

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**Weaver, Elsie J.**, dec'd.

Late of Ephrata Borough.  
Co-Executors: Galen R. Weaver,  
Linford L. Weaver c/o Good &  
Harris, LLP c/o Good & Harris,  
LLP, 132 West Main Street, New  
Holland, PA 17557.  
Attorneys: Good & Harris, LLP.

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**Weisbach, Dona J.**, dec'd.

Late of Upper Leacock Township.  
Executor: Douglas J. Weisbach,  
204 N. Balliet St., Frackville, PA  
17931.  
Attorney: Rebecca A. Hobbs,  
OWM Law, 41 E. High St., Pott-  
stown, PA 19464.

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**Winters, Tammy**, dec'd.

Late of East Hempfield Town-  
ship.  
Administrator: Karen Kessler  
c/o Appel Yost & Zee LLP, 33  
North Duke Street, Lancaster,  
PA 17602.  
Attorney: Jeffrey P. Ouellet, Es-  
quire.

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**ARTICLES OF DISSOLUTION**

Notice is hereby given to all per-  
sons interested or who may be  
affected by **DOUBLE SS, LP**, a  
Pennsylvania limited partnership  
("Partnership"), that the General  
Partner and Limited Partners are  
now engaged in winding up and  
settling the affairs of said Part-  
nership so that its existence shall  
be ended by the filing of a Certif-

icate of Termination with the De-  
partment of State of the Common-  
wealth of Pennsylvania pursuant  
to the provisions of the Pennsyl-  
vania Uniform Limited Partner-  
ship Act. It is hereby publically  
requested that all persons with  
claims against said Partnership  
present them in accordance with  
this notice. Any such claims must  
be submitted in writing to Barley  
Snyder LLP, 126 East King Street,  
Lancaster, Pennsylvania 17602,  
Attn: Randy R. Moyer, Esq., Re:  
Double SS, LP. The written claim  
must describe the claim in reason-  
able detail, set forth the amount  
of the claim, be accompanied by  
any written evidence to support  
the claim, and contain return con-  
tact information of the claimant or  
claimant's counsel. A claim against  
said Partnership will be barred un-  
less an action to enforce the claim  
is commenced within two years af-  
ter publication of this notice.

BARLEY SNYDER LLP, Attorneys  
F-3

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**ARTICLES OF INCORPORATION**

**Akron Community Church** has  
been incorporated under the pro-  
visions of Article B of the Nonprofit  
Corporation Law of 1988.

GIBBEL KRAYBILL & HESS LLP  
Attorneys

F-3

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NOTICE IS HEREBY GIVEN that  
Nonprofit Articles of Incorporation  
were filed with the Department of  
State of the Commonwealth of  
Pennsylvania, at Harrisburg, Penn-  
sylvania, on January 25, 2023, for  
the purpose of obtaining a Certif-  
icate of Incorporation under the  
provisions of the Nonprofit Corpo-  
ration Law of 1988. The name of

the proposed nonprofit corporation is **The Aspire Foundation for Excentia Human Services**.

It will be organized under Section 501(c)(3) of the Internal Revenue Code of 1986, as thereafter amended, to encourage, aid, enrich, foster, and support the operations and charitable activities of Excentia Human Services.

McNEES WALLACE & NURICK  
LLC

570 Lausch Lane, Suite 200  
Lancaster, PA 17601

F-3

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Notice is hereby given that a nonprofit corporation known as **COVE AT TRINDLE SPRINGS COMMUNITY ASSOCIATION**

was incorporated on January 20, 2023, under the provisions of the Nonprofit Corporation Law of 1988, for the purpose to be the Association of Unit Owners organized pursuant to the Pennsylvania Uniform Planned Community Act, Act 180 of 1996, Title 68 Pa. C.S.A. Section 5101 et seq., as amended (the "Act"), with respect to Cove at Trindle Springs, a Planned Community, located in Silver Spring Township, Cumberland County, Pennsylvania, and established or to be established pursuant to the provisions of the Act. In furtherance of its purposes, the corporation may exercise all rights, privileges, powers and authority of a corporation organized under the Nonprofit Corporation Law of 1988, as amended, and of an association of unit owners organized under the Act.

BARLEY SNYDER  
Attorneys

F-3

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NOTICE IS HEREBY GIVEN that

Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of incorporating the below named domestic business corporation pursuant to the provisions of the Business Corporation Law of 1988, as amended.

The name of the corporation is:

**Delphos Rubber Company**

Dean H. Dusinger, Esq.

Stevens & Lee

17 N. 2nd Street, 16th Floor  
Harrisburg, PA 17101

F-3

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for **WT BT Holding Company, Inc.** on January 18, 2023. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK  
LLC

Attorneys at Law

100 Pine Street

Harrisburg, PA 17101

F.3

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for **WT PDQ Holding Company, Inc.** on January 18, 2023. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK  
LLC

Attorneys at Law  
100 Pine Street  
Harrisburg, PA 17101

F-3

**CORPORATE NOTICE**

Registration of Foreign Nonprofit Corporation: Notice is hereby given that **FAMILY NETWORK ON DISABILITIES OF FLORIDA, INC.** filed articles of foreign registration on 06/02/2022 under the Pennsylvania Nonprofit Corporation law of 1988. Commercial registered office provider is Harbor Business Compliance Corporation, Lancaster, PA

F-3

**MISCELLANEOUS LEGAL NOTICES**

NOTICE IS GIVEN that the Councils of the Boroughs of Elizabethtown and Marietta and the Boards of Supervisors of the Townships of Conoy, East Donegal, Elizabeth, Mount Joy, Penn, and West Donegal (each a “Municipality” and collectively, the “Municipalities”), all located in Lancaster County, Pennsylvania, have enacted ordinances (the “Ordinances”) signifying their intention to incorporate a municipality authority under the Pennsylvania Municipality Authorities Act (53 Pa.C.S. Ch. 56) (the “Act”), and that articles of incorporation (the “Articles”) will be filed with the Secretary of the Commonwealth of Pennsylvania on or after February 7, 2023.

Each of the Ordinances authorized necessary steps to incorporate an authority to be named the “Municipal Emergency Services Authority of Lancaster County”

(the “Authority”), including delegating the administration of emergency medical services to the Authority, designating the entirety of each Municipality as a service district of the Authority, and appointing an individual to serve as an initial member of the Board of the Authority. Each of the Ordinances approved the Articles, which include: (1) the name of the Authority, (2) a statement that the Authority is formed under the Act, (3) a list of any other municipality authorities previously incorporated by the Municipalities under the Act, or earlier legislation, (4) the names of the incorporating municipalities, which are the Municipalities; (5) a list of the names, addresses, and elected offices of the Municipalities, ( 6) a list of the names, addresses, and initial terms of office of the first members of the Board of the Authority, (7) a comprehensive framework for the proposed delivery of emergency medical services within the Municipalities, and (8) a statement that each of the Municipalities retains the right which exists under the Act to approve the initial Fee Services Plan, as such phrase is described in the Articles.

F-3

IN THE COURT OF COMMON  
PLEAS OF LANCASTER COUNTY,  
CIVIL ACTION -LAW  
**No. CI-1994-3449**

CAROLS. CARMEL, Plaintiff  
V.

BRUCE T. BARLEY, Defendant  
TO: BRUCE T. BARLEY

You are hereby notified that Carol S. Carmel, has filed a civil action against you.

**NOTICE**

If you wish to defend, you must

enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lancaster Co. Bar Assoc.  
Lawyer Referral Service  
28 E. Orange St., Lancaster, PA  
17602

F-3

### NOTICES OF SPECIAL MEETINGS

Notice is hereby given that the annual meeting of the policyholders of **GOODVILLE MUTUAL CASUALTY COMPANY** will be held at 625 West Main Street, New Holland, PA, on February 21, 2023 beginning at 1:00 p.m. for the purpose of electing members to the Board of Directors and conducting such other business as may be properly brought before this meeting.

James M. Harder  
Chairman  
Kevin Filler

Corporate Secretary

J-27, F-3, 20

Notice is hereby given that the annual meeting of the policyholders of **LANCASTER MUTUAL INSURANCE COMPANY** will be held at 625 West Main Street, New Holland, PA, on February 21, 2023 beginning at 1:00 p.m. for the purpose of electing members to the Board of Directors and conducting such other business as may be properly brought before this meeting.

James M. Harder  
Chairman  
Kevin Filler  
Corporate Secretary

J-27, F-3, 20

### ORPHANS' COURT NOTICE

Orphans' Court Division  
Auditing Notices

To All Claimants, Beneficiaries, Heirs and Next of Kin, and other persons interested: NOTICE IS GIVEN that the following accounts in decedents', incapacitated persons', minors', and trust estates have been filed in the office of the Clerk of the Orphans' Court division of the Court of Common Pleas of Lancaster County and will be presented to said Orphans' Court Division for Audit and confirmation therein to the parties legally entitled thereto on

February 7, 2023  
at 9 o'clock a.m. in Courtroom No. 11 on the fourth floor of the Courthouse, 50 North Duke Street, Lancaster, PA

1. WELKOWITZ, RICHARD, decd., 2020-0026. First & Partial Acct., Carol J. Welkowitz, Exec., Alex E. Snyder, Atty.

Anne L. Cooper  
Clerk of the Orphans' Court Division  
of the Court of Common Pleas.  
J-27, F-3

**SUITS ENTERED**

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

January 19, 2022  
to January 25, 2022

1328 PROPERTY DEVELOPMENT LLC; LH; 00439; Sophocles BEILER, AARON H., BEILER AARON; American Express National Bank; 00381; Loewy

BILLIS, BRYAN L., PECORINO, ALEXIS BETH; Andrew Samuel Kinsinger; 00386

BURTON, RAYMOND LEE, BURTON JOHN RAYMOND, BURTON, JOHN R.; PPL Electric Utilities Corporation; 00527; Manley

CLOONAN, SEAN, Lisa Lee; 00389; Justice

COELLO-MENDOZA, OSVALDO; Foose, Steven; 00534; Costlow

COMMONWEALTH DEPARTMENT OF TRANSPORTATION, Steven Hadley, Jr., 00390

COMMONWEALTH DEPARTMENT OF TRANSPORTATION; Craig Steven Gomez, Jr.; 00541

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION; Maria Antoinette Tomasseti; 00405

COMMONWEALTH OF PENNSYLVANIA; David Conrad Feemna; 00397; McMahon

EMERICK, RENAE; Trevor Wil-

liams; 00399; Savoia

FELDER, MOSELLA CINDY; Felder Sr., Michael A.; 00518; Efratration

GONZALEZ, MICHAEL; Robert C. Cundiff; 00434; Farhat

HAYNES, WILLIAM; American Express National Bank; 00394; Loewy

IN RE: A.E., a minor, by her parents and natural guardians, John Esh and Elizabeth Esh, and S.E., a minor, by her parents and natural guardians, John Esh and Elizabeth Esh; 00414, Palmer

JOHN DOE 1, JOHN DOE 2, DELGADO, OSCAR JOEL, ROSARIO-REYES, JAN; Keshona Gaffney; 00508; Richman

MUNIZ, ADAM L.; PPL Electric Utilities Corporation; 00542; Manley

NEIL, LORETTA, MEHIEL, LORETTA; Andrew Schoenberger ; 00543

NORTHEAST TIRE TRANSPORT INC., CURRIE'S TIRES FOR LESS LLC, CURRIE, TIMOTHY P.; K&W Tire Company, Inc.; 00530, Quain, Jr.

PENNSYLVANIA HOUSING FINANCE AGENCY, BACHMAN, EDNA MAE; Newrez LLC, 0396; Aftab

SANTOS-GONZALEZ, LUIS D.; State Farm Mutual Automobile Insurance Company; 00523; McElhaney

STOLTZFUS, GARY; Nelson W. Nolt; 00431

STRASBURG TOWNSHIP ZONING HEARING BOARD; Strasburg Township; 00544; Cleary

STRINE, LEON, STRINE, LEON D.; Signature Property Professionals; 00419