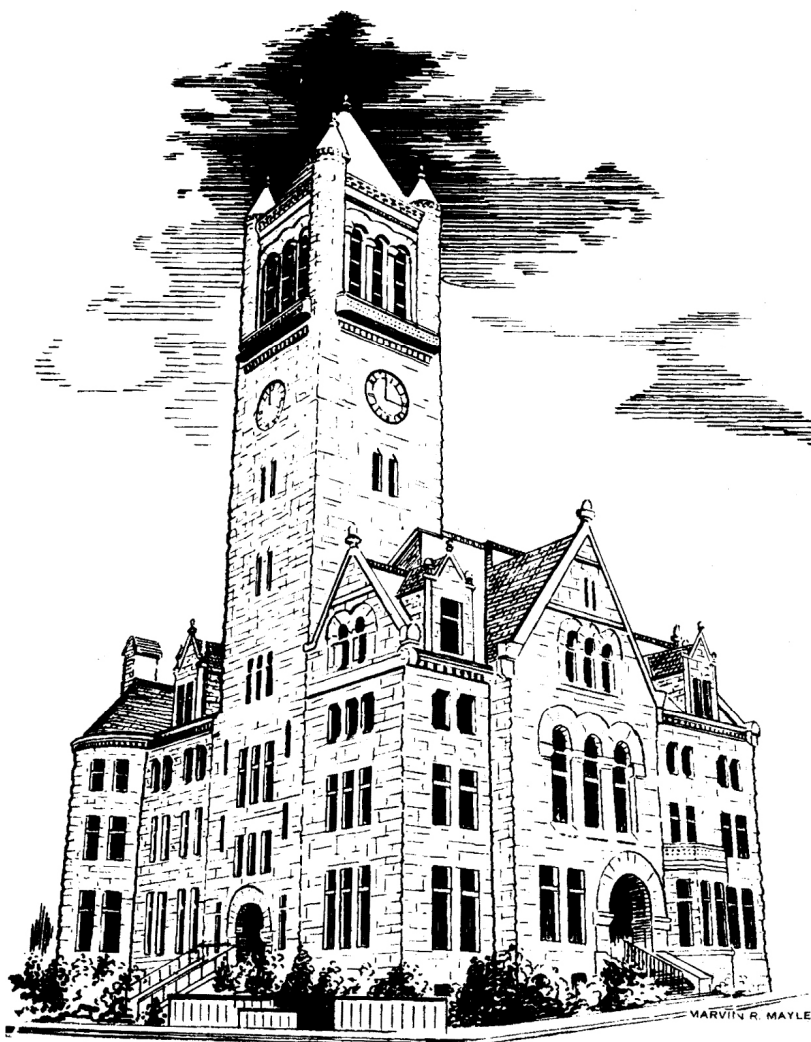


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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

BETTY ANN DURATZ, late of Redstone Township, Fayette County, PA (3)

Personal Representative: Carla DellaPenna
321816 Skidmore Drive
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Attorney: James T. Davis

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c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

ANNE C. HELISEK, late of Franklin Township, Fayette County, PA (3)

Personal Representative: Peter M. Helisek
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EVELYN JANOS, a/k/a **EVELYN M. JANOS**, a/k/a **EVELYN MARIE JANOS**, late of Luzerne Township, Fayette County, PA (3)

Administrator: Victoria William
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LORETTA J. LAZARAN, late of Uniontown, Fayette County, PA (3)

Personal Representative:
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c/o P.O. Box 952
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ROBERT J. UMBLE, late of Georges Township, Fayette County, PA (3)

Executor: Robert J. Umbler, Jr.
28 Blueberry Drive
Morgantown, WV 26508
c/o P.O. Box 430
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Second Publication

ANTHONY L. CATALDI, late of Connellsville, Fayette County, PA (2)

Executrix: Heather Stoffa
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Connellsville, PA 15425
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KARL E. DOUBLE, late of Connellsville, Fayette County, PA (2)

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Connellsville, PA 15425
Attorney: Margaret Zylka House

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424 Penncraft Road
East Millsboro, PA 15433

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107 East Main Street
Uniontown, PA 15401
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**ROBERT E. HIGINBOTHAM, a/k/a
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Higinbotham, Jr.
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92 East Main Street
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Attorney: Joseph M. George

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Fayette County, PA (2)
Executor: Douglas Jerome
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

**CECILIA M. KESSLER, a/k/a CECILIA M.
KOKOT KESSLER,** late of Bullskin
Township, Fayette County, PA (2)
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c/o Watson Mundorff & Sepic, LLP
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Attorney: Charles W. Watson

**GARNET MCNATT, a/k/a GARNET
GRACE MCNATT,** late of North Union
Township, Fayette County, PA (2)
Administratrix: Sherry D. McKenzie
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Attorney: James T. Davis

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c/o 300 Fallowfield Avenue
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MARGARET ANN WHETZEL,** late of
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107 East Main Street
Uniontown, PA 15401
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First Publication

CLYDE G. BURD, late of Connellsville,
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Burd, Jacob Travis Burd & Jon Tyler Burd
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Attorney: Charles W. Watson

EILEEN M. ENDSLEY, late of North Union
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c/o 9 Court Street
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Attorney: Vincent J. Roskovensky, II

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Fayette County, PA (1)
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JOHN MCAFEE, late of Uniontown, Fayette
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142 Homestead Street
Pittsburgh, PA 15218
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Executor: Stanley R. Moody
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Attorney: Webster & Webster

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Attorney: Jason Matzus

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Executor: Drew Z. Sabolek
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Dunlevy, PA 15432
c/o Buday Law Firm
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Attorney: Lisa Buday

WILLIAM EDWARD TATE, late of Georges
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Executor: Dottie Wallace
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15410
Attorney: Wendy L. O'Brien

NOTICE

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
No. 205 of 2019, G. D.

Seven Point Five, LLC, Plaintiff,
vs.

John E. Anderson and Judith A. Anderson,
their heirs, successors and assigns, generally,
Defendants.

TO: John E. Anderson and Judith A. Anderson,
their heirs, successors and assigns,
generally, Defendants.

TAKE NOTICE that Seven Point Five, LLC, filed a Complaint in an Action to Quiet Title at No. 205 of 2019, G.D., in the Court of Common Pleas of Fayette County, Pennsylvania, averring that it is the owner in fee and in possession of:

All that certain tract of land situate in the Borough of Perryopolis, Fayette County, Pennsylvania, being more particularly bound and described as follows:

BEGINNING at a point marked by an iron pin at corner of land hereby conveyed, other land of the Grantees herein and land now or formerly of John E. Darkangelo; thence by lands now or formerly of Darkangelo, South 89 degrees 35 minutes 10 seconds West, a distance of 40 feet to appoint marked by an iron pin; thence through other lands of Grantors herein, of which this is a part, North 33 degrees 36 minutes 35 seconds East, a distance of 188 feet, more or less, to a point marked by an iron pin in line of land now or formerly of Washington Run Railroad, South 83 degrees 49 minutes East, a distance of 40 feet to a point marked by an iron pin; thence South 33 degrees 36 minutes 35 seconds West along other lands of the Grantees herein, a distance of 185.60 feet to a point marked by an iron pin, the place of beginning.

For a more complete recital of the chain of title concerning the premises, refer to the Complaint filed in the within action.

That the defendants above named appear to have interest in said premises which creates a

cloud upon plaintiff's title, whereupon the plaintiff has filed its Complaint as aforesaid asking the Court to enter a decree terminating all rights which defendants may have in said premises and decreeing that plaintiff has the full and free use and occupation of said premises, released and forever discharged of any right, lien, title or interest of defendants herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated February 5, 2019, and filed at the above number and term.

You are hereby notified to plead to the complaint in this case, of which the above is a brief summary, within twenty (20) days from this date. 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 OR NO FEE.

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720 Vanderbilt Road
Connellsville, PA 15425-6218
Phone: (724) 626-8882

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
No. 13 of 2019, G.D.
The Honorable Judge Linda R. Cordaro

IN RE: CHANGE OF NAME,
MEGAN TUENNERMAN KAPLAN

NOTICE

Notice is hereby given that on January 3, 2019 the petition of Megan Tuennerman Kaplan was filed in the above named Court, requesting an Order to change the name of Megan Tuennerman Kaplan to Megan Henry Tuennerman.

The Court has fixed March 13, 2019 at 3:00 P.M. in Courtroom Number 3, Fayette County Courthouse, Uniontown, Pennsylvania as the time and place for a hearing on the merits of said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Sheryl R. Heid, Esquire
4 N. Beeson Blvd.
Uniontown, PA 15401
(724)437-4700

Registers’ Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans’ Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans’ Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans’ Court Division of Fayette County on

Monday, March 4, 2019, at 9:30 A.M.

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0396	PAULINE ESPER	Constance Johnson and Paul Mongell Jr, Co-Executors

Monday, March 18, 2019, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans’ Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans’ Court Division of Fayette County on

Monday, March 4, 2019, at 9:30 A.M.

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0325	JOAN A. BARCHETTI	Christopher Scott Barchetti, Executor
2614-0691	ELIAS GESTIN RAFAIL a/k/a ELIAS G. RAFAIL	Robert Elias Rafail, Executor

Monday, March 18, 2019, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.** or his chambers, 3rd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF
PENNSYLVANIA

:
:
:

vs.

ALEXANDER HUFFMAN,
Defendant.

:
:
:

No. 1749 of 2018
Honorable Linda R. Cordaro

OPINION AND ORDER

CORDARO, J.

January 10, 2019

SUMMARY

Before the Court is Defendant's Omnibus Pretrial Motion challenging that the Commonwealth did not establish a prima facie case against the Defendant. This Court held a hearing on the Motion on December 20, 2018. For the following reasons, Defendant's Motion is denied.

BACKGROUND

The Commonwealth presented the following testimony at the hearing. On June 27, 2018, Pennsylvania Constables Mark Pasqual, Robert Smith, and Philip Michael went to 29 Pershing Court in Uniontown to serve a warrant for various charges on the Defendant, Alexander Huffman.

When the Constables arrived, they knocked on the door and were met by another male. The Constables were made aware that Mr. Huffman was asleep in an upstairs bedroom. The Constables entered that bedroom where they found Mr. Huffman sleeping on a bed under the covers. They woke him up and told Mr. Huffman why they were there.

Mr. Huffman got out of bed wearing only underwear and sweatpants. The Constables told Mr. Huffman to put a shirt on, which he did. The Constables proceeded to handcuff Mr. Huffman behind his back. Constable Smith performed a Terry Search on Mr. Huffman, patting him down and checking his waistband and pockets. No weapons were found at that time.

The Constables proceeded to take Mr. Huffman out of the residence to their vehicle to transport him to the Office of Magisterial District Judge Nathan Henning. Mr. Huffman remained handcuffed behind his back and escorted by the Constables the entire time.

After arriving at the District Magistrate's Office, Mr. Huffman was transported from the Constable's vehicle to a holding cell. Mr. Huffman continued to be handcuffed behind his back and escorted by the Constables. The Constables observed the holding cell before placing Mr. Huffman inside. They did not see any weapons in the cell. The Constables placed Mr. Huffman inside the holding cell, alone. The door to the cell was then locked and shut. Mr. Huffman remained handcuffed behind his back while he was inside the cell.

The Constables then left Mr. Huffman inside the cell to begin processing paperwork. A few minutes later, the Constables were processing paperwork down the hallway when they heard commotion coming from the cell where Mr. Huffman was detained-kicking, screaming, yelling. Pennsylvania State Troopers were then called to the District Magistrate's Office to assist.

After arriving, Pennsylvania State Trooper Bell went to the holding cell to check on Mr. Huffman. Trooper Bell noticed a Beretta.380 pistol in the cell under the bench. Mr. Huffman said that it wasn't his and that the gun was already there. Mr. Huffman was removed from the cell and processed with charges. Trooper Jessica Zangla later did a search on Mr. Huffman and found that he was not licensed to carry a concealed firearm. Further, Mr. Huffman caused approximately \$1,500 in damages to the holding cell in the District Magistrate's Office.

The Constables and the State Troopers also testified that throughout their encounter with Mr. Huffman on that date, Mr. Huffman was agitated, verbally abusive, and made threatening remarks towards the officers.

As a result of this incident, Mr. Huffman was charged with 15 counts, including 1 count of Carrying a Firearm without a License, 4 counts of Terroristic Threats, 1 count of Institutional Vandalism, 4 counts of Disorderly Conduct, 1 count of Possession of a Firearm in a Court Facility, and 4 counts of Harassment.

After a preliminary hearing on the matter, Defendant filed an Omnibus Pretrial Motion in the form of a writ for habeas corpus, challenging whether the Commonwealth presented sufficient evidence to establish a prima facie case against Mr. Huffman. Specifically, Defendant challenges the charges for Carrying a Firearm without a License, 18 Pa.C.S.A. §6106(a)(1), and Possession of a Firearm in a Court Facility, 18 Pa.C.S.A. §913(a)(1).

DISCUSSION

A petition for a writ of habeas corpus is the proper means for testing a pretrial finding that the Commonwealth has sufficient evidence to establish a prima facie case against a defendant. *Commonwealth v. Scott*, 578 A.2d 933, 936-37 (Pa. Super. Ct. 1990). The question of the evidentiary sufficiency of the Commonwealth's prima facie case is one of law. *Commonwealth v. Dantzler*, 135 A.3d 1109, 1111-12 (Pa. Super. Ct.

2016) (citing *Commonwealth v. Huggins*, 836 A.2d 862, 865 (Pa. 2003)). The focus of the court in a habeas corpus hearing is on the legality of the restraint on the petitioner's liberty; the court must determine whether sufficient Commonwealth evidence exists to require a defendant to be held in government custody until trial. *Commonwealth v. Morman*, 541 A.2d 356, 359-60 (Pa. Super. Ct. 1988).

For the court to determine whether the petitioner is lawfully detained at this stage, the Commonwealth "bears the burden of establishing at least a prima facie case that a crime has been committed and that the accused is probably the one who committed it. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991) (citing *Commonwealth v. Prado*, 393 A.2d 8, 10 (Pa. 1978); *Pa.R.Crim.P.* 141(d)). In order to show a prima facie case, the Commonwealth must present evidence with regard to each material element of the crimes charged and sufficient probable cause that the accused is the person who committed the offense. *McBride* at 591. (citing *Commonwealth v. Wojdak*, 466 A.2d 991, 996-97 (Pa. 1983). Further, "[i]t is not necessary for the Commonwealth to establish at this stage the accused's guilt beyond a reasonable doubt." *McBride* at 591 (citing *Commonwealth v. Rick*, 366 A.2d 302,303 (Pa. Super. Ct. 1976)). The weight and credibility of the evidence are not factors at this stage. *Wojdak* at 997. The Commonwealth may establish its burden by wholly circumstantial evidence. See, e.g., *Commonwealth v. De Petro*, 39 A.2d 838, 842 (Pa. 1944). However, circumstantial evidence must rise above mere suspicion and conjecture. *Prado* at 10.

Here, Defendant is challenging the charges of Carrying a Firearm without a License, 18 Pa.C.S.A. §6106(a)(1), and Possession of a Firearm in a Court Facility, 18 Pa.C.S.A. §913(a)(1). The statute for Carrying a Firearm without a License states that "any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree." 18 Pa.C.S.A. §6106(a)(1).

At the hearing, the Constables testified that they observed the holding cell at the District Magistrate's Office before placing Mr. Huffman inside and that no weapons were seen within the cell. Mr. Huffman was then placed inside the cell and was the only person inside the cell. After hearing commotion from the cell, the Constables called the Pennsylvania State Police for assistance. When the State Police arrived, they found a gun in the holding cell where Mr. Huffman was detained.

Trooper Zangla also testified that Mr. Huffman was not licensed to carry a concealed weapon.

Defendant's primary argument in this matter is that Mr. Huffman could not have carried the gun with him into the holding cell. Defendant focuses on the testimony that Mr. Huffman was searched at the residence where he was sleeping and was not found to have any weapons on his person at that time. Defendant was then handcuffed behind his back and escorted to the District Magistrate's Office, accompanied by the Constables the

entire time. Based on that testimony, Defendant argues, it would not have been possible for Mr. Huffman to have carried a gun with him.

However, the convincingness of Defendant's argument is not a factor when determining whether the Commonwealth established a *prima facie* case. The Constables testified that they searched Mr. Huffman's person for weapons while he was handcuffed in the residence and that none were found. They also testified that they observed the holding cell before placing Mr. Huffman inside, and that no weapons were seen at that time. Obviously, a weapon should have been discovered either when the Constables searched Mr. Huffman or when they observed the holding cell. This might be taken into account when examining the credibility of the witnesses. However, just because a weapon should have been discovered does not negate the possibility that the Defendant had a firearm on his person when he was arrested.

The Constables did offer testimony as to how it was possible that they missed the weapon when searching Mr. Huffman. First, Constable Pasquale testified that there was a lot of commotion going on when the Constables were serving the arrest warrant on Mr. Huffman, which may have contributed to them missing the weapon. Second, Constable Pasquale testified that the Beretta.380 is a small pistol and could have been hidden "under [the Defendant's] scrotum." And while those arguments might be implausible and unconvincing to a jury, it does suffice that the Commonwealth presented evidence at the hearing to show that it was possible for the Defendant to have concealed the weapon on his person and carried it to the holding cell.

Defendant also contests the charge of Possession of a Firearm in a Court Facility, mostly for the same reasons. The statute for Possession of a Firearm in a Court Facility states that "[a] person commits [this] offense if he knowingly possesses a firearm or other dangerous weapon in a court facility or knowingly causes a firearm or other dangerous weapon to be present in a court facility." 18 Pa.C.S.A. §913(a)(1). The same analysis applies to this charge as to the charge of Carrying a Firearm without a License—the Court cannot take into account the credibility of the witnesses here and the Commonwealth ultimately presented sufficient evidence at the hearing to establish a *prima facie* case against Mr. Huffman.

The other issue Defendant raises in his Omnibus Pretrial Motion is a defense of duress. Defendant argues that even if Mr. Huffman did have the gun, he did not have the necessary intent to commit the crimes because he was under duress. Defendant's argument stems from the testimony of the Constables, who said that they pointed a taser at Mr. Huffman while he was in his residence. Defendant argues that as a result of having a taser pointed at him, he did not have an opportunity to relinquish any firearm that might have been on his person. Defendant raises this issue in his Motion but did not present any testimony or argument regarding it at the habeas corpus hearing. Regardless, the proper place for this defense would be before factfinders at trial rather than a habeas corpus court. See, generally, *Commonwealth v. DeMarco*, 809 A.2d 256 (Pa. 2002) (discussing when a trial court should allow evidence of a duress defense at trial).

CONCLUSION

The Commonwealth presented a prima facie case with respect to the contested charges against Mr. Huffman. Defendant's Omnibus Pretrial Motion is therefore denied.

This case shall be listed for trial.

ORDER

AND NOW, this 10th day of January, 2019, in consideration of Defendant's Omnibus Pretrial Motion, and after a hearing on the Motion, it is ORDERED and DIRECTED that the Motion is DENIED.

The Commonwealth established a prima facie case with respect to the charges against the Defendant, Alexander Huffman. The Commonwealth shall list this case for trial.

BY THE COURT,
LINDA R. CORDARO, JUDGE

ATTEST:
Clerk of Courts

SAVE THE DATE

SAVE *the* DATE

04.12.2019

Fayette County Bar Banquet

Aaron's Building

Connellsville

CONFERENCE ROOM RENTAL

The Fayette County Bar Association announces the availability of a conference room for rent located at the FCBA Office, 45 East Main Street, Suite 100, Uniontown. Seating is available for 16 persons. Contact Cindy at 724-437-7994 or cindy@fcbar.org to reserve.

Fayette County Bar Association Conference Room Rental Policy

FCBA Members

FCBA members may utilize the FCBA's conference room at no charge one time per calendar month for a maximum of four hours; afterwards, the member will be charged half the non-member rate. The reserving member must be present throughout the rental or the non-member rate will apply.

Non-Members

FCBA's conference room rental fee for non-members is \$50 for reservations up to four hours and \$100 for reservations of four hours up to eight hours during the hours of 9:00 a.m. to 5:00 p.m. Reservations that begin before 9:00 a.m. or continue after 5:00 p.m. will be charged \$25 per hour and extended rentals must be reserved two weeks in advance. A deposit of \$25 is required to reserve the conference room. Reserving non-members who do not show or do not cancel the room with twenty-four hours' notice will forfeit the \$25 deposit.

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