



**Chester  
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# **Chester County Law Reporter**

(USPS 102-900)

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# Chester County Law Reporter

(USPS 102-900)

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gcunningham@chescobar.org**

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

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Patrick M. McKenna, Esquire

Richard Meanix, Chairperson-Publications Committee

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**Commonwealth v. Norman**

Expungement of summary offenses – Traffic violations within 5 years of expungement petition

One can successfully obtain expungement of a summary offense if he has not been arrested or prosecuted for any offenses, including traffic violations, in the five year period prior to the filing of the petition for expungement. In this case, the petitioner had been prosecuted for traffic offenses within the five year period prior to his petition; accordingly, the Court Held the petition was denied.

R.E.M.

C.C.P., Chester County Criminal Action Nos. CR-3297-1997; CR-469-1998; CR-1390-2005; CR-2296-2012; CR-369-1997; CR-215-1998; NT-1253-2001; NT-2218-2003; CR-228-2003; MD-2294-2012; MD-2297-2012; CR-1390-2005; Commonwealth of Pennsylvania v. Joseph Norman

Mackenzie W. Smith for the Commonwealth  
Deborah Steeves for the Petitioner  
Tunnell, J; October 12, 2012:-

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

V. : CHESTER COUNTY, PENNSYLVANIA

JOSEPH NORMAN : CRIMINAL ACTION

DEFENDANT/PETITIONER

: NOS. CR-3297-1997; CR-469-1998;  
CR-1390-2005; CR-2296-2012;  
CR-369-1997; CR-215-1998;  
NT-1253-2001; NT-2218-2003;  
CR-228-2003; MD-2294-2012;  
MD-2297-2012; CR-1390-2005

*Mackenzie W. Smith, Esquire, for the Commonwealth of Pennsylvania*  
*Deborah Steeves, Esquire, for Joseph Norman, Defendant/Petitioner*

### **OPINION**

TUNNELL, J., October 12, 2012.

Joseph Norman has petitioned the court to expunge his criminal history record information as it relates to several summary offenses that occurred more than a decade ago, pursuant to Section 9122(b)(3)(i) of the Pennsylvania Crimes Code. The Commonwealth has opposed the petition on the ground that its reading of this statutory provision precludes expungement of all of the summary offenses.

A hearing on the petition was held on September 11, 2012. For the reasons stated in this opinion, the petition for expungement will be denied.

### **DISCUSSION**

Under Section 9122(b)(3)(i) of the Pennsylvania Crimes Code, it is provided that:

Generally – Criminal history record information may be expunged when...an individual who is the subject of the information petitions the court for the expungement of a summary offense and has been free of arrest or prosecution for five years following the conviction for that offense. Act of November 26, 2008, P.L. 1670, Section 1, 18 Pa. C.S. Section 9122 (b)(3)(i) (2009 Supp.).

As short and as straightforward as this provision is, it is capable of two interpretations. The Commonwealth's position is that the words "has been free of arrest or prosecution for five years following the conviction for that offense" precludes expungement of a given summary offense when another arrest or prosecution occurred within a five-year period immediately following the conviction in question.

The other interpretation is that expungement is permitted for all summary offenses as long as one was free of arrest or prosecution in the last five years before the petition was filed.

In this respect, the court has been persuaded by the case of *Commonwealth v. Wubbe*, 59 Cumb. 34 (2009), *affirmed without opinion*, 15 A.3d 516 (Pa. Super. 2010). The Court of Common Pleas of Cumberland County, in an opinion written by Judge Oler, explained that the meaning of the statute was different than its seemingly plain meaning and required a different perspective and interpretation. His reasoning was as follows:

"First, the language 'has been free of arrest or prosecution' is in the present tense and suggests that the focus should be upon a petitioner's current rather than past history of rehabilitation. Second, a contrary interpretation would lead to illogical results (a) where one individual with a recent serious criminal record would be eligible for expungement and another individual without one would be excluded and (b) where a more recent summary offense would be subject to expungement and an older offense would not be. Third, had the legislature intended to limit the five-year period of crime-free conduct in question to a period immediately after the summary conviction it could have done so easily by using the past tense or employing the term 'immediately following.' Finally, and most importantly, the Commonwealth's interpretation of the statute is not compatible with the presumptive remedial purpose of the legislation to unfetter a presently rehabilitated petitioner as opposed a person whose rehabilitative efforts may have long-since lapsed." 59 Cumb., at 38.

The Superior Court of Pennsylvania affirmed. Neither the common pleas decision nor the affirmance without a published opinion are binding on this court. *Commonwealth v. Wubbe*, 15 A.3d 516 (Pa. Super. 2010), is an unpublished memorandum decision and is non-precedential; see Superior Court I.O.P. 65.37. However, Judge Oler's reasoning is forceful. The court agrees that the effect of Section 9122 is to permit expungement *so long as* one is free of arrest or prosecution in the five years leading up to the filing of the petition for expungement, as opposed to the five years following conviction of the original summary offense.

However, unlike the defendant in *Wubbe*, Mr. Norman also has a number of traffic offenses that he committed within the five-year time frame before the filing of petition for expungement.

This raises the second issue, namely whether such traffic offenses arise to the level of "arrest or prosecution" for the purposes of expungement. On two of the five traffic offenses, all of which took place within 3 years of the filing of petition for expungement, petitioner Norman pleaded guilty to speeding charges. This violated the Pennsylvania Vehicle Code; 75 Pa. C.S. §3362(c)(1) which provides that: "Any person violating this section is guilty of a *summary offense* and shall, upon consideration, be sentenced to a fine..." (emphasis added).

Traffic violations do not often involve "arrests" but the court has concluded that they do constitute "prosecutions" for the purposes of expungement. While there is apparently no rule, statute, or precedential case law explicitly saying so, there are a number of places in the Pennsylvania Rules of Criminal Procedure that support this conclusion. For example, in Pa. R. Crim. Rule 460(E), concerning appeals in summary cases to the court of common pleas, it is provided that: "[t]his rule shall provide the exclusive means of appealing from a summary guilty plea or conviction." The *Comment* then following is helpful. It states:

This rule applies to appeals in all summary proceedings, including appeals from *prosecutions* for violations of municipal ordinances that provide for the possibility of imprisonment, and default hearings." (emphasis added).

Additionally, Rule 462(B) and 454(C), referring to trials *de novo* in the court of common pleas, both state:

"The attorney for the Commonwealth may appear and assume charge of the prosecution."

Finally, a statute of limitation found at 42 Pa. C.S.A. §5552(e) provides:

(e) Commencement of *prosecution* . . . a prosecution is commenced . . . when a warrant, summons or citation is issued, if such warrant, summons or citation is executed without delay. (emphasis added).

From these references concerning prosecutions in summary cases, the court holds that Mr. Norman was not free of prosecution during the last five years prior to filing his petition for expungement. An appropriate order follows.

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

V. : CHESTER COUNTY, PENNSYLVANIA

JOSEPH NORMAN : CRIMINAL ACTION

DEFENDANT/PETITIONER

: NOS. CR-3297-1997; CR-469-1998;  
CR-1390-2005; CR-2296-2012;  
CR-369-1997; CR-215-1998;  
NT-1253-2001; NT-2218-2003;  
CR-228-2003; MD-2294-2012;  
MD-2297-2012; CR-1390-2005

*Mackenzie W. Smith, Esquire, for the Commonwealth of Pennsylvania*  
*Deborah Steeves, Esquire, for Joseph Norman, Defendant/Petitioner*

**ORDER**

AND NOW, this 12<sup>th</sup> day of October, 2012, a Petition for Expungement having been filed on behalf of the above-captioned defendant, following a hearing held on September 11, 2012, and for the reasons stated in the accompanying opinion,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Petition is DENIED and that all criminal charges listed in the instant Petition shall remain of record.

BY THE COURT:

/s/ Mark L. Tunnell, J.



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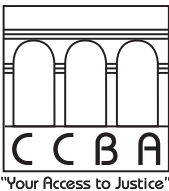
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**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
NO. 2012-09155-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Tymofiy Polyubay was filed in the above-named court and will be heard on December 3, 2012, at 9:30 AM, in Courtroom 17 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Name to be changed from: Tymofiy Polyubay to: Tymofiy Gaidash

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. 12-11418**

NOTICE IS HEREBY GIVEN that the name change petition of Justin R. McCray also known as Justin Randall McCray was filed in the above-named court and will be heard on January 28, 2013, at 9:30 AM, in Courtroom 12 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: October 26, 2012

Name to be changed from: Justin R. McCray also known as Justin Randall McCray to: Justin Jason Cook

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

BRUCE W. LAVERTY, Attorney for Petitioner on behalf of Minor Child

Laverty Law Offices, LLC  
701 East Lancaster Avenue  
Suite B

Downingtown, PA 19335  
610-269-3600

---

**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
NO. 12-11411**

NOTICE IS HEREBY GIVEN that the name change petition of Tiffany Deshanna Kemp, the guardian and natural mother of Devin Dwayne White was filed in the above-named court and will be heard on December 3, 2012, at 9:30 AM, in Courtroom 17 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: October 26, 2012

Name to be changed from: Devin Dwayne White to: Devin DeSean Kemp

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

LINDA F. BERMAN, Attorney for Petitioner  
303 W. Lancaster Avenue

#136  
Wayne, PA 19087

---

**CORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for ARCATRE GROUP INC., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

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**CORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on August 28, 2012 for YANKEY Personal Services, Inc., in accordance with the provisions of the Pennsylvania Corporation Law of 1988.

The purpose or purposes for which it was organized are: Great Clips, Inc. franchisee

**CORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on October 8, 2012 for Applebeats DJ Services, Inc., in accordance with the provisions of the Pennsylvania Corporation Law of 1988.

The purpose or purposes for which it was organized are: The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended and supplemented and to do all things and exercise all powers, rights, and privileges which a business corporation may now or hereafter be organized or authorized to do or to exercise under the said Business Corporation Law of Pennsylvania.

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**BRODOWSKI**, John P., late of Phoenixville. Bonnie Long, 922 Cherry Hill Lane, Pottstown, PA 19465, Executor.

**CORBY**, Nancy A., late of Westtown Township. Charlene S. Ciccarone, 9 Ridge Road, West Chester, PA 19382, Executrix. E. CRAIG KALEMJIAN, Esquire, 535 North Church Street, West Chester, PA 19380, atty.

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**DAVIS**, Joan B., a/k/a Joan Boyd Davis, late of Landenberg. Gerald W. Davis, 134 Walnut Run Road, Landenberg, PA 19350, Administrator. DANIEL J. MAISANO, Esquire, 415 McFarlan Road, Ste. 200, Kennett Square, PA 19348, atty.

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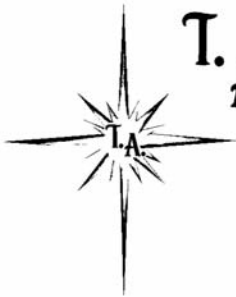
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**NIEMCZUK**, John C., late of Spring City. Michele Christman, care of DAVID G. GARNER, Esquire, 1954 E. High Street, Ste. 4, Pottstown, PA 19464, Administratrix. DAVID G. GARNER, Esquire, 1954 E. High Street, Ste. 4, Pottstown, PA 19464, atty.

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**TINDALL**, Herbert L., Jr., a/k/a Herbert L. Tindall, late of Honey Brook Township. Robert C. Tindall, 5238 Denlinger Road, Gap, PA 17527, Executor. GOOD & HARRIS, LLP, 132 West Main Street, New Holland, PA 17557, atty.

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## 2nd Publication

**BURCHILL**, Hilda A., late of West Chester. Shauna Flynn, 223 Chandler Drive, West Chester, PA 19380, Executrix.

**CRONAUER**, Virginia T., late of Malvern. Roberta L. Cyronak, care of ROBERT E. O'CONNOR, Esquire, 755 North Monroe Street, Media, PA 19063, Executrix. ROBERT E. O'CONNOR, Esquire, 755 North Monroe Street, Media, PA 19063, atty.

**ESPOSITO**, Mark R., late of East Brandywine Township. Maria Esposito, care of BARRY S. RABIN, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Personal Representative. BARRY S. RABIN, Esquire, The Law Firm of Barry S. Rabin, 3460 Lincoln Highway, Thorndale, PA 19372, atty.



**GORDON**, Mary H., late of East Bradford Township. Lisa A. Miller, care of MICHAEL C. MC BRATNIE, Esquire, 747 Constitution Drive, Ste. 100, P.O. Box 673, Exton, PA 19341-0673, Executrix. MICHAEL C. MC BRATNIE, Esquire, Fox Rothschild LLP, 747 Constitution Drive, Ste. 100, P.O. Box 673, Exton, PA 19341-0673, atty.

**JAMES**, George R., Sr., late of Uwchlan Township. George R. James Jr., care of DUKE SCHNEIDER, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executor. DUKE SCHNEIDER, Esquire, Mac Elree Harvey, LTD., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

**NESTORICK**, Raymond, late of East Nantmeal Township. Raymond Nestorick, Jr. and Carol Heilner, care of DUKE SCHNEIDER, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executors. DUKE SCHNEIDER, Esquire, Mac Elree Harvey LTD., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

**PATTERSON**, Eugene F., late of Westtown Township. Robert E. Ridge, 1 Jewel Lane, Levittown, PA 19055, Administrator. MICHAELANGELO L. DIPPOLITO, Esquire, People's Law Firm, LLC, 712 Kimberton Road, Chester Springs, PA 19425, atty.

**PERKINS**, Sherman, a/k/a Sherman E. Perkins, late of West Vincent Township. Zoe Lynn Perkins, Charles C. Perkins and William A. Humenuk, care of KEVIN P. GILBOY, Esquire, 1835 Market Street, Philadelphia, PA 19103-2968, Executors. KEVIN P. GILBOY, Esquire, Teeters Harvey Gilboy & Kaier LLP, 1835 Market Street, Philadelphia, PA 19103-2968, atty.

**PROCOPIO**, Dominic R., a/k/a Dominic R. Procopio, Jr., late of Caln Township. Marcella L. Keenan, 236 Thornridge Drive, Thorndale, PA 19372, Executor. J. WILLIAM WIDING, III, Esquire, Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610, atty.

## **CHARLES T. DeTULLIO**

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**SCHAFFER**, Mildred Catherine, a/k/a Mildred C. Schaffer, late of East Goshen Township. Scott M. Schaffer, 803 Grist Mill Lane, West Chester, PA 19380 and Thomas C. Schaffer, 389 Lynetree Drive, West Chester, PA 19380, Executors.

**YOUNG**, Anna May, a/k/a Anna May Stetser Young, late of East Goshen Township. Mark S. Rutledge and Lee A. Maiden, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executors. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

### 3rd Publication

**BALLIET**, Numa David, late of East Goshen Township. Barbara J. Balliet and David K. Balliet, care of PATRICK C. O'Donnell, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Administrators. PATRICK C. O'Donnell, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

**BATH**, Jessica Ann, a/k/a Jessica Frech, late of West Chester Borough. David Frech, 133 Sunset Hollow Road, West Chester, PA 19380, Administrator.

**BOWMAN**, Leon, late of New London Township. Frank L. Bowman, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. NEIL E. LAND, Esquire, Brutscher, Foley, Milliner & Land, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

**CLARK**, Beverly Sue, late of Caln Township. Douglas N. Clark, care of BARRY S. RABIN, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, Personal Representative. BARRY S. RABIN, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

**CREIGHTON**, Edward Joseph, a/k/a Ted Creighton, late of West Chester. James Creighton, P.O. Box 493, Edgemont, PA 19028, Executor.

**GERHART**, Eva Cecilia, late of Caln Township. Judith G. Benne, 217 Vincent Drive, Honey Brook, PA 19344, Executrix. ALAN J. JAVIS, Esquire, Highland Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

**GUERRINA**, Louis E., Sr., late of New Garden Township. Joseph Olivieri and Thomas Tattersall, care of JANET M. COLLITON, Esquire, 790 E. Market Street, Ste. 250, West Chester, PA 19382-4806, Executors. JANET M. COLLITON, Esquire, Colliton Law Associates, P.C., 790 E. Market Street, Ste. 250, West Chester, PA 19382-4806, atty.

**HOOVER**, Milton G., late of West Brandywine Township. Kim P. Hoover care of Hall Law Offices, A Professional Corporation, 27, S. Darlington Street, West Chester, PA 19382, Executrix. LISA COMBER HALL, Hall Law Offices, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, atty.

**HORREX**, Thomas M., late of East Fallowfield Township. ROBERT L. BEGGS, Esquire, 380 East Chestnut Street, Coatesville, PA 19320, Executor. ROBERT L. BEGGS, Esquire, 380 East Chestnut Street, Coatesville, PA 19320, atty.

**HUFFMAN**, Arlene E., late of Coatesville. Raymond E. Huffman, care of MICHAEL P. ROWAN, Esquire, 214 S. New Street, West Chester, PA 19382, Administrator. MICHAEL P. ROWAN, Esquire, 214 S. New Street, West Chester, PA 19382, atty.

**IRWIN**, Jean Hope, late of East Fallowfield Township. Rebecca I. Hook, 2675 Strasburg Road, East Fallowfield, PA 19320, Executrix. ALAN J. JARVIS, Esquire, Highland Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

**JUGAN**, Michael, Jr., late of Pottstown. Kathryn E. Batdorf, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executrix. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

**KING**, Carol A., late of Willistown Township. Leonard A. King and Patricia W. Fox, care of RICHARD E. JAVAGE, JR., Esquire, 3350 Township Line Road, Drexel Hill, PA 19026, Executors. RICHARD E. JAVAGE, JR., Esquire, Law Offices of Richard E. Javage, Jr., 3350 Township Line Road, Drexel Hill, PA 19026, atty.

**KOONS**, Anna G., late of Pottstown, PA, Chester County. Barbara Ann Blum, 11420 Valley Forge Circle, King of Prussia, PA 19406, Executrix. LAWRENCE FISHER, Esquire, 301 Grant St., Suite 4300, Pittsburgh, PA 15219, atty.

**KULP**, Bonnie L., late of Spring City Borough. Brian Kulp, 141 ½ Hall Street, Spring City, PA 19475, Personal Representative. KATHLEEN M. MARTIN, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19465-5426, atty.

**MCKENNA**, Winifred Joan, a/k/a Joan McKenna, W. Joan McKenna, late of East Goshen Township. Peter McKenna, care of CZAPLICKI & GREGOR, PC, Esquire, 16 Campus Blvd., Suite 200, Newtown Square, PA 19073, Administrator, CTA. CZAPLICKI & GREGOR, PC, 16 Campus Blvd., Suite 200,

Newtown Square, PA 19073, atty.

**MCNAMEE**, Rosalie I., late of Downton Boro. Lois A. Haines, 1218 Upton Circle, West Chester, PA 19380 and Frederick W. McNamee, 210 Hearthstone Road, King of Prussia, PA 19406, Executors.

**PAVELIK**, Eugene, late of West Caln Township. Gregory T. Pavelik, 9702 Promise Ct., Laurel, MD 20723, Executor. KATHLEEN K. GOOD, Esquire, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

**PFEIFFER**, Lisa Ann, late of Uwchlan Township. Virginia Susan Pfeiffer, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Administratrix. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

**REDDEN**, Mary T., late of Drexel Hill, PA - Delaware County. Michele Luzetsky, 102 Round Hill Road, Kennett Square, PA 19348, Executrix.

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**REIMER**, Myra D., late of Chester County. William E. Reimer, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

**STEIN**, Elizabeth A., late of Phoenixville. Mary Stein, 976 Brookwood Dr., Pottstown, PA 19464, Executor.

**STRANERE**, Jean A., late of Downingtown. Michael J. Stranere and Eric E. Stranere, care of L. ROBERT FRAME, JR., Esquire, 390 Waterloo Boulevard, Ste. 101, Exton, PA 19341, Executors. L. ROBERT FRAME, JR., Esquire, 390 Waterloo Boulevard, Ste. 101, Exton, PA 19341, atty.

**WHITE**, Catherine V., late of Oxford Borough. Ilona W. Strafford, care of KARIM P. HUSAIN, Esquire, 212 West Gay Street, P.O. Box 216, West Chester, PA 19381, Administratrix. KARIM P. HUSAIN, Esquire, 212 West Gay Street, P.O. Box 216, West Chester, PA 19381, atty.

**WILSON**, Richard H., late of West Marlboro Township. Charletta K. Jones, care of JANIS M. SMITH, Esquire, 428 West First Avenue, Suite C, Parkesburg, PA 19365, Executrix. JANIS M. SMITH, Esquire, 428 West First Avenue, Suite C, Parkesburg, PA 19365, atty.

**WOJEWODKA**, Boleslaw S., late of West Chester/Westtown Township. Lidia Manieri, 1126 Kolbe Lane, West Chester, PA 19382 and Barbara Ostapowicz, 3867 Marsh Rd., Garnet Valley, PA 19061, Executors.

**YERRINGTON**, Jean E., a/k/a Jean E. Cockerham-Yerrington, late of East Coventry Township. Joan E. LeGrande, 1802 Hill Road, Reading, PA 19602, Executrix. DAVID S. KAPLAN, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, 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*

Dynamic Massage and Bodywork, with its principal place of business at 148 West State St., Suite 105, Kennett Square, PA 19348.

The application has been (or will be) filed on: October 24, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: John Traino, CMT, 110 Lynthwaite Farm Lane, Wilmington, DE 19803.

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Early Bird Delivery, with its principal place of business at 190 Warwick Road, Elverson, PA 19520.

The application has been (or will be) filed on: October 5, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Jessica A. Abu Salim, 190 Warwick Rd., Elverson, PA 19520. This was filed in accordance with 54 PaC.S. 311.

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Tall Techs, with its principal place of business at 135 Turtlepoint Lane, Thorndale, PA 19372.

The application has been (or will be) filed on: October 3, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Benjamin Jeffrey Morrow, 135 Turtlepoint Lane, Thorndale, PA 19372. This was filed in accordance with 54 PaC.S. 311.

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**CORPORATION NOTICE  
LIMITED LIABILITY COMPANY**

NOTICE IS HEREBY GIVEN that on October 17, 2012, a Certificate of Organization was filed in the Pennsylvania Department of State for D'Ambrosio Partners, LLC, in accordance with the provisions of the Limited Liability Act of 1994.

JAMES R. FLICK, Solicitor  
117 N. Monroe Street  
P.O. Box 87  
Media, PA 19063  
610-565-9050

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**NOTICE OF INCORPORATION  
NON-PROFIT CORPORATION**

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State for Keystone Valley Fire Department in accordance with the provisions of the Pennsylvania Non-Profit Corporation Law, 15 Pa.C.S. § 5301, et. seq. Establishment of a volunteer fire company which will provide fire protection and emergency medical services. Said Certificate was filed on September 24, 2012.

JILL E. NAGY, Solicitor  
Summers Nagy Law Offices  
200 Spring Ridge Drive, Suite 202  
Wyomissing, PA 19610

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**NOTICE OF INCORPORATION  
NON-PROFIT CORPORATION**

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State for Keystone Valley Fire Department Relief in accordance with the provisions of the Pennsylvania Non-Profit Corporation Law, 15 Pa.C.S. § 5301, et. seq. Established to afford financial protection to volunteer firefighters who suffer misfortune as a result of their efforts. Said Certificate was filed on September 24, 2012.

JILL E. NAGY, Solicitor  
Summers Nagy Law Offices  
200 Spring Ridge Drive, Suite 202  
Wyomissing, PA 19610

---

**NONPROFIT CORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Pa. Department of State on July 11, 2012, to incorporate Pennsylvania Life Sciences Institute under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988. The corporation is incorporated to enhance the education, economics and workforce of the biosciences in the Commonwealth of Pennsylvania  
PEPPER HAMILTON LLP, Solicitor  
100 Market Street  
Suite 200  
Harrisburg, PA 17101

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**1st Publication****NOTICE**

Notice is hereby given that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for Susie Q, Inc. The address of its principal office under the laws of its jurisdiction is 311 Applebrook Drive, Malvern, PA 19355. The address of this corporation's commercial registered office provider is 311 Applebrook Drive, Malvern, PA 19355 in the county of Chester. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 4124 (b).

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**CLASSIFIED ADS SECTION****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](http://www.chescobar.org). To reserve your room, please call 610-692-1889.

**SAMPLE AD**

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**NOTICE**

IN THE COURT OF COMMON PLEAS FOR CHESTER COUNTY, CIVIL ACTION No. 2012-04079

UNRUH, TURNER, BURKE & FREES, P.C., Plaintiff v. TATTERSALL DEVELOPMENT COMPANY,  
t/a TATTERSALL PROPERTIES, LP and KENNETH C. HELLINGS and JOYCE M. HELLINGS,  
Defendants

Unruh, Turner, Burke & Frees, P.C. has filed an action against Tattersall Development Company, t/a Tattersall Properties, L.P. and Kenneth C. Hellings and Joyce M. Hellings for breach of contract.

**NOTICE**

You have been sued in court. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses and 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 by the court 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.**

**LAWYER REFERENCE AND INFORMATION SERVICE**

**Chester County Bar Association  
15 West Gay Street, 2<sup>nd</sup> Floor  
West Chester, PA 19380  
(610) 429-1500**

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**NOTICE**

NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF CHESTER COUNTY, PENNSYLVANIA  
NO. 2011-04737-RC

GMAC MORTGAGE, LLC

Vs.

MICHAEL D. MAIN and DEBORA J. DURSO

NOTICE TO: MICHAEL D. MAIN and DEBORA J. DURSO  
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 135 BARNSELY ROAD, OXFORD, PA 19363-3910

Being in EAST NOTTINGHAM TOWNSHIP, County of CHESTER, Commonwealth of Pennsylvania,  
69-6-130

Improvements consist of residential property.

Sold as the property of MICHAEL D. MAIN and DEBORA J. DURSO

Your house (real estate) at 135 BARNSELY ROAD, OXFORD, PA 19363-3910 is scheduled to be sold at the Sheriff's Sale on 02/21/2013 at 11:00 AM, at the CHESTER County Courthouse, 201 West Market Street, West Chester, PA 19382-2947, to enforce the Court Judgment of \$181,536.64 obtained by, GMAC MORTGAGE, LLC (the mortgagee), against the above premises.

PHELAN HALLINAN & SCHMIEG, LLP  
Attorney for Plaintiff

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**LEGAL NOTICE**

Letters Testamentary in the Estate of Lillian R. Cree deceased, late of West Whiteland Township, Chester County, Pennsylvania, have been granted to the undersigned. Notice of the death of Lillian Cree, Settlor of the Lillian Cree Revocable Living Trust, Dated 3/21/01, is also hereby given. All person indebted to said Estate and/or Trust are requested to make prompt payment and those having claims to present the same, without delay to:

**Executor/Trustee:** Robin D. Cree

**Attorney:** Barry O. Bohmueller  
Bohmueller Law Offices, P.C.  
29 Mainland Road  
Harleysville, PA 19438

**3<sup>rd</sup> Publication****NOTICE****IN THE COURT OF COMMON PLEAS OF  
CHESTER COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION**

IN RE: J.A.S.

Case Number: AD-12-0053

IN RE: J.A.S.

Case Number: AD-12-0054

IN RE: J.A.S.

Case Number: AD-12-0055

IN RE: J.A.S.

Case Number: AD-12-0056

**TO: Jose Antonio Santos**

Petitions have been filed by Chester County Department of Children, Youth and Families asking the Orphans' Court to put an end to all rights you and Candiss Marie Brown have to a female minor child, J.A.S. (d.o.b. 1/19/07), a male minor child, J.A.S. (d.o.b. 11/16/01), a male minor child, J.A.S. (d.o.b. 11/20/03) and a male minor child (d.o.b. 10/20/04), and to show cause why the parental rights to these children should not be terminated involuntarily. The Court has awarded Citations on these Petitions for Involuntary Termination of Parental Rights.

The Court has set a Call of the List for Monday, December 3, 2012, at 9:30 o'clock A.M., Honorable Mark L. Tunnell Court Room No. 10, Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania, to determine which day your case will be heard, and to show cause, if any you have, why the relief sought in the Petitions should not be granted. You or your lawyer should be present at the Call of the List to find out the specific date that your case will be heard.

If neither you nor your lawyer appears for the Call of the List, you may not find out when your hearing will be.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to these children may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the Lawyer Reference Service, Chester County Bar Association, 15 West Gay Street, West Chester, PA 19380, Telephone No. (610) 429-1500 to find out where you can get legal help.

Lawrence J. Persick, Esq.  
Attorney for Chester County  
Department of Children, Youth and Families

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**(610) 692-1889 OR EMAIL: [WHOFFMAN@CHESCOBAR.ORG](mailto:whoffman@chesco.org)**

### **Have a client or a relative who needs help as an older resident of Chester County?**

Help is here — “The Chester County Guide for Senior Citizens and Their Families”, is published by CCBA Elder Law Section as a public service.

Mark Tunnell, Chair of the Bar’s first Elder Law Section, made the handbook top priority. The 80-page Guide contains readable information plus an extensive telephone directory of senior citizen service providers and resources.

Members of the Elder Law Section contributed to the comprehensive handbook, an invaluable reference for fast-expanding elder law practice. To get this very helpful legal tool, contact CCBA 610-692-1889.





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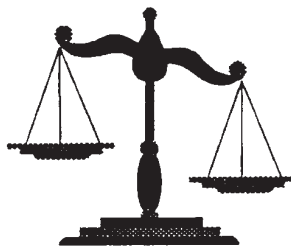
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## November 2012 CLE Opportunities

@ Chester County Bar Association

DATE	CLE SESSIONS	TIME	CREDIT HOURS
Nov. 1	PBI: DR/Lawyer End the Debate on Tort Reform (g)	Noon – 4:20 PM	4 SUB
Nov. 6	PBI: Understanding Federal Sentencing; The Guidelines and Beyond (g)	12:30 PM–3:45 PM	3 SUB
Nov. 7	CCBA's Beer & BULL Session: "Get Noticed, Get Found"****	5 PM – 6:30 PM	1 SUB
Nov. 8	Criminal + Immigration CLE - Criminal Defense Section ***	Noon – 1:30 PM	1.5 SUB
Nov. 9	PBI: Reinsurance Principles & Practice (v)	9 AM – 1:30 PM	3 SUB + 1 ETH
Nov. 14	BusinessKillers ® - Sole Practitioners' Section***	Noon – 1:30 PM	1.5 SUB
Nov. 14	"How Mediation Can Help Your Practice" – ADR Section***	9 AM – 10:15 AM	1 SUB
Nov. 16	PBI: Hot Topics in Capital Cases (g)	9 AM – 4 PM	5 SUB + 1 ETH
Nov. 20	PBI: PA's Right to Know Law (g)	8:30 AM – 2:30 PM	5 SUB
Nov. 27	PBI: The Nuts & Bolts of Running a Family Law Practice (g)	9 AM – 1:15 PM	3 SUB + 1 ETH
Nov. 29	PBI: Labor Law Symposium (g)	9 AM – 4:30 PM	5 SUB + 1 ETH
Nov. 30	PBI: Lincoln on Professionalism (g)	9 AM – 12:15 PM	3 ETH

(v) = video

(g) = live groupcast

\*\*\* = all CCBA members welcome to attend



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*The Official Legal Publication for Chester County*

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