

### Chester County Law Reporter

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### **Chester County Law Reporter**

(USPS 102-900)

Reporting the Decisions of the Divisions of the Court of the Fifteenth Judicial District of Pennsylvania, Composed of Chester County, Officially Designated by the Rule Thereof as the Legal Periodical for the Publication of Legal Notices

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### Hashem v. Hashem

Divorce - Equitable distribution - Declaratory judgment - Marital assets

- The Declaratory Judgment Act provides that any person interested under a
  deed, will, written contract, or other writings constituting a contract, or whose
  rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or
  franchise, and obtain a declaration of rights, status, or other legal relations
  thereunder.
- 2. Relief under the Declaratory Judgments Act is expressly limited in divorce cases. Where the validity of a marriage is denied or doubted, either or both of the parties to the marriage may bring an action for a declaratory judgment seeking a declaration of the validity or invalidity of the marriage and, upon proof of the validity or invalidity of the marriage shall be declared valid or invalid by decree of the court and, unless reversed upon appeal, the declaration shall be conclusive upon all persons concerned.
- 3. Pursuant to the Divorce Code, a marital asset is one that is acquired during the marriage.
- A spouse's partnership interest is marital property subject to equitable distribution.
- 5. Wife filed for divorce from husband. Husband's father intervened in the divorce action and filed a Petition for Declaratory Judgment seeking a declaration confirming his ownership interest in a pizza business, and seeking a declaration as to the enforceability of an agreement between husband and intervenor granting intervener a 50% interest in eventual net proceeds from the sale of the marital real estate where the business is located. Following a hearing on the petition, the Court <u>Held</u>, that the Petition was denied in part and granted in part.

P. McK.

C.C.P. Chester County, Civil Action – In Divorce, No. 2005-05941-DI; Nawal Hashem v. Christopher Hashem v. John H. Hashem, Sr.

Walter P. Eels for Plaintiff.
William J. Litvin for Defendant.
Thomas S. Myers Jr., for Intervenor.
Platt, J., July 21, 2011:-

**Hashem v. Hashem** 300 (2011)]

NAWAL HASHEM : IN THE COURT OF COMMON PLEAS

Plaintiff

: CHESTER COUNTY, PENNSYLVANIA

VS.

: NO. 05-05941

CHRISTOPHER HASHEM

Defendant : IN DIVORCE

VS.

JOHN H. HASHEM, SR.

Intervenor

Walter P. Eells, Esquire, Attorney for Plaintiff William J. Litvin, Esquire, Attorney for Defendant Thomas S. Myers, Jr., Esquire, Attorney for Intervenor

### **OPINION**

This matter comes to me on the Petition for Declaratory Judgment filed by Intervenor John H. Hashem, Sr. For the reasons that follow, the Petition is denied in part and granted in part.

### **Procedural History**

Christopher Hashem ("Husband") and Nawal Hashem ("Wife") were married in 1986. On July 28, 2005, Wife filed a Complaint in Divorce. For purposes of this proceeding (and the divorce action) that date, July 28, 2005, is "the date of final separation" as defined in the Divorce Code. 23 Pa.C.S.A 3501(a.1). The case remained inactive until December 24, 2009, when Wife filed a Motion for appointment of a Special Master. On May 5, 2010, Husband's father, John H. Hashem, Sr. ("Intervenor"), filed a Petition for Intervention. On August 30, 2010, the Honorable Jacqueline C. Cody granted the Petition for Intervention.

On September 23, 2010, Intervenor filed the instant Declaratory Judgment action, seeking a declaration confirming Intervenor's ownership interest in the business known as John's Pizza, and seeking a declaration as to the enforceability of an agreement between Husband and Intervenor granting Intervenor a 50% interest in eventual net proceeds from the sale of the marital real estate where the business is located. Intervenor seeks to have this court determine that his asserted interests in both the business and the real estate are not subject to equitable distribution in the pending divorce action between his son and daughter-in-law.

### The Business

Intervenor contends that he operated a pizza business since 1972. On November 30, 1992, the business was incorporated and he was issued 5100 shares of stock in John's Pizza, a Pennsylvania corporation, and his son (Husband) was issued 4900 shares of stock (Exhibit I-7, I-8). During the divorce litigation, Wife filed an inventory of marital assets that included ownership of John's Pizza as a marital asset. Intervenor requests that I declare that he is the owner of 51% of John's Pizza, and that that interest is protected from distribution in the divorce.

### The Property

Intervenor contends that he and Husband acquired title to the real property located at 630 East Lancaster Avenue, Frazer, PA ("the Property") on November 24, 1992 (Exhibit I-3). On January 22, 1998, Intervenor transferred his interest in the Property to Husband (I- 4, P-3). The Deed transferring the property states that Husband is the sole owner (P-3). Intervenor asserts that, contemporaneously with the conveyance to Husband, Husband entered into an oral agreement with Intervenor whereby Intervenor, or his estate, would receive 50% of any and all net proceeds from the eventual sale of the Property. On November 4, 2005, after Wife filed for divorce, Intervenor and Husband memorialized the oral agreement in writing ("Agreement") (I-5).

Wife included the Property on her inventory of marital assets. Intervenor requests that I declare the Agreement in full force and effect, thus preserving his interest in the net proceeds of any sale of the Property, and excluding his 50% share from equitable distribution.

### **Declaratory Judgment**

Intervenor seeks to have this court declare confirmation of his rights both as to his 51% ownership in the business and the enforceability of the November 4, 2005 Agreement, pursuant to The Declaratory Judgments Act . That Act provides, in pertinent part:

Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.

### 42 Pa. C.S.A. §7533.

However, "[r]elief under the Declaratory Judgments Act is expressly limited in divorce cases. The Act provides no relief with respect to any '[a]ction

wherein a divorce or annulment of marriage is sought except as provided by 23 Pa.C.S.A. §3306.' 42 Pa.C.S.A. § 7541(c)(1). Thus, relief is limited to the follow situations:

When the validity of a marriage is denied or doubted, either or both of the parties to the marriage may bring an action for a declaratory judgment seeking a declaration of the validity or invalidity of the marriage and, upon proof of the validity or invalidity of the marriage, the marriage shall be declared valid or invalid by decree of the court and, unless *reversed upon appeal*, the declaration shall be conclusive upon all persons concerned."

Kensey v. Kensey, 877 A.2d 1284, 1287 (Pa. Super. 2005).

Here, it is not the validity of the marriage which is at issue, rather the extent to which Intervenor may have an interest in assets which form the marital estate. Thus, while this Declaratory Judgment action is necessarily captioned in the Divorce matter, the subjects for declaration are properly brought under the broader civil Declaratory Judgments Act.

### Husband and Intervenor's factual assertions

Husband testified that in 1992 he and Intervenor purchased the Property from Veritechnology Electronics Corporation for \$475,000. Husband and Intervenor borrowed \$150,000 from a friend named Sarkis Karzajian to purchase the Property. Veritechnology took back a purchase money mortgage on the Property for \$380,000, on which both Husband and Intervenor were mortgagors (P-2). Husband testified that in 1998 Wife pressured him into putting the Property in his name alone. Husband and his father executed the Deed, and Husband obtained a mortgage with PNC Bank for \$370,000. Husband is the sole "grantor" listed on the mortgage document (P-4). Husband testified that he paid off the Veritechnology mortgage (P-5), and he also paid the debt to Mr. Karzajian. Despite the fact that Husband had been issued 4900 shares (49%) of John's Pizza stock in 1992, Husband maintains that at the time of the property transfer in 1998 he had not yet paid his father for those shares.

In 1999, Husband refinanced the mortgage with Downingtown National Bank, again as the sole borrower/mortgagor (P-6). In 2006, post-separation, Husband obtained a loan from PNC bank for \$300,000 (I-11). He testified that he paid off the remaining balance of the Downingtown National Bank mortgage of \$61,677 (P-8), and only then paid Intervenor \$240,000 for Husband's 49% share of the stock issued in 1992. Although not material to these proceedings, Husband also testified that in 2007 he obtained a \$100,000 line of credit with the Property as collateral (P-9) and another mortgage for \$285,000 (P-10).

As to the real estate, Intervenor testified that he gave Husband his 50% ownership of the Property in 1998 with the understanding that if it was sold,

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Intervenor or his estate would receive 50% of any and all net proceeds from the eventual sale of the Property. Intervenor testified that in 2005 he suggested to Husband that they memorialize the Agreement "because of the divorce."

### Wife's factual assertions

Wife testified that after the 1992 purchase of the Property, Husband gave Intervenor money from the business to pay the mortgage, as Intervenor was a comortgagor. Wife claims Intervenor failed to use the funds to pay down the mortgage. Wife further asserts that Intervenor had gambling debt and credit card debt that jeopardized the Property. In 1998, when Intervenor conveyed the real estate to him, Husband paid Intervenor's credit card debt, and assumed the sole obligation on the mortgage. She was never informed of any agreement as to future proceeds of the Property. Wife stated that Husband paid for his 49% of stock by paying off the debt to Mr. Karzajian and paying Intervenor's credit card debt. Wife testified that Husband told her that he borrowed the \$300,000 in 2006 to buy his father's remaining 51% of stock in the business. Wife does not dispute that at the date of separation (2005), Husband's father owned 51% of the business and Husband owned 49%. It is her position, however, that Husband now owns 100% of John's Pizza, which may have relevance in the equitable distribution proceedings; and that Intervenor has no interest in the Property.

### The Court's analysis

Before undertaking my analysis, it should be noted that besides expressly denying the facts which Intervenor asserts give rise to his claims, Wife has asserted the affirmative defenses of fraudulent transfer, laches, failure of consideration, estoppel, merger the statute of frauds and release. In ruling on Intervenor's Declaratory Judgment action, I am persuaded that Intervenor has not met his factual burden, and thus have not analyzed herein the affirmative defenses raised by Wife.

### Legal considerations

Pursuant to the Divorce Code, a marital asset is one that is acquired during the marriage. 23 Pa.C.S.A.3501(a). *See also Nagle V. Nagle*, 799 A.2d 812, 819 (Pa. Super. 2002). A spouse's partnership interest is marital property subject to equitable distribution. *Naddeo v. Naddeo*, 626 A.2d 609 (Pa. Super.1993)

### The Property

The evidence here is compelling that Husband owned 100% of the Property pursuant to the 1998 conveyance. The January 22, 1998 Deed transferring

the Property to Husband states that Husband is the sole owner of the Property (P-3). That is further supported by the Realty Transfer Tax Statement of Value executed contemporaneously (P-4).

The testimony of Intervenor and Husband as to the existence of an alleged oral agreement is not credible. Husband paid off the loan to Mr. Karzajian, obligated himself solely on a \$370,000 mortgage and note to PNC, and made all of the mortgage payments on the Property from at least 1998 forward. If Intervenor and Husband had agreed in 1998 that Intervenor would retain 50% of the sale proceeds of the Property, they had ample opportunity to memorialize the agreement in writing. However, they waited until November 2005, *after* Wife filed the Complaint for Divorce. There can be no question that Wife had a marital interest in the Property as it was acquired during the marriage, yet her consent was not sought on this "agreement", either in its alleged oral phase or once put in writing. The timing suggests a transparent attempt to defeat Wife's interests in equitable distribution, and I find the "agreement" unenforceable.

Thus, the Property is a marital asset and Intervenor has no claim to any portion of it in the pending equitable distribution proceedings.

### The Business

There is no dispute here that Husband's 49% of the shares of John's Pizza are marital property subject to equitable distribution. The question seems to be not when those shares were acquired, but when they were paid for and whether Husband acquired the remaining 51% post-separation. In *Nagle v. Nagle*, 799 A.2d 812 (Pa. Super. 2002), the primary marital asset was the husband's business and the land where the business was located. After the divorce action was commenced, the husband transferred shares of stock in his business to his son. The trial court awarded the stock equally to the husband and wife, and ordered the son to pay his parents for the stock, as well as to execute financing documents in order to secure their interest in it. The husband appealed, arguing that the stock was not marital property. The Pennsylvania Superior Court affirmed, finding that the stock was marital property because the husband acquired the business as a sole proprietorship before the parties were separated.

Here, it is undisputed that in 1992, during the marriage, 4900 shares of John's Pizza (49%) were issued to Husband, and 5100 shares (51%) to Intervenor. No additional shares were issued, nor transferred. Thus, as of the date of separation, Husband still owned 49% of the stock in John's Pizza, and it is clearly a marital asset. The question of *when the shares were paid for* becomes an issue for their valuation in the marital estate, and that has not been raised for my consideration in this Declaratory Judgment action.

Wife contends that in 2006 Husband borrowed \$300,000 to pay his father for the remaining 51% stock in the business. Intervenor asserts that Wife and

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Husband will be unjustly enriched if the Court finds that Husband presently owns 100% of the stock in the business, as it would be a factor to be considered in equitable distribution (Factors to be considered in Sections 3502 and 3701(b) of the Divorce Code include the sources of income of the parties and the relative assets and liabilities of the parties). Intervenor requests that I declare that he is presently the owner of 51% of John's Pizza.

Husband did not specifically state when, or if, he acquired the remaining 51% of stock. In his Answer to the Action for Declaratory Judgment, Husband denied that he will be unjustly enriched by Wife's assertion that he owns 100% of the business. Husband testified that after he paid Intervenor in 2006 there was no subsequent change in ownership of the business. The corporate Schedule K-1 documents (Shareholder's Share of Income, Credits, Deductions, etc.) for the years 2002 through 2009 show Husband 49% shareholder in the business and Intervenor, 51% (I-6). Wife has produced no credible evidence to rebut this. Therefore, I have been provided no substantial evidence that Husband presently owns 100% of stock in John's Pizza.

### Conclusion

Thus, the Court declares that (1) at the date of separation, Intervenor owned 51% of the business known as John's Pizza, and therefore that portion is not part of the marital estate. Additionally, Intervenor <u>presently</u> owns 51% of the business known as John's Pizza; and (2) Intervenor has no legal or equitable interest the property at 630 East Lancaster Avenue, Frazer, PA., which is a marital asset.

Based on the foregoing, the following Order is hereby entered.

Hashem v. Hashem 300 (2011)]

NAWAL HASHEM : IN THE COURT OF COMMON PLEAS

Plaintiff

: CHESTER COUNTY, PENNSYLVANIA

VS.

: NO. 05-05941

CHRISTOPHER HASHEM

Defendant : IN DIVORCE

VS.

JOHN H. HASHEM, SR.

Intervenor

Walter P. Eells, Esquire, Attorney for Plaintiff

William J. Litvin, Esquire, Attorney for Defendant

Thomas S. Myers, Jr., Esquire, Attorney for Intervenor

### **ORDER**

AND NOW, this 21st day of July, 2011, upon consideration of the Petition for Declaratory Judgment filed by Intervenor John H. Hashem, Sr., the responses thereto, and after hearing, it is hereby ordered that the Petition is denied in part and granted in part.

The Court declares that

- (1) as of July 28, 2005 Intervenor owned 51% of the business known as John's Pizza, and therefore it is not part of the marital estate. Intervenor presently owns 51% of the business known as John's Pizza, and
- (2) Intervenor has no legal or equitable interest the property at 630 East Lancaster Avenue, Frazer, PA., which is a marital asset.

BY THE COURT:

/s/ Katherine B. L. Platt, J.

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### CERTIFICATE OF AUTHORITY

Notice is hereby given that an Application was made to the Department of State of the Commonwealth of Pennsylvania by CLIMATE AMERICA, INC., a foreign corporation formed under the laws of the State of Delaware where its principal office is provided by Corporation Service Company and located at 2711 Centerville Rd., Ste. 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania is located at 435 Devon Park Drive, 700 Bldg., Wayne, Chester County, Pennsylvania 19087.

FOX ROTHSCHILD LLP, Solicitors 747 Constitution Drive, Suite 100 P.O. Box 673 Exton, PA 19341-0673

# CHANGE OF NAME NOTICE IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA CIVIL ACTION - LAW NO. AD-11-0047

NOTICE IS HEREBY GIVEN that the name change petition of James S. McCormick, Jr., was filed in the above-named court and will be heard on August 29, 2011, at 9:00 AM, in a Courtroom before Judge John L. Hall of the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: June 27, 2011

Name to be changed from: Lara Anne Shaffer Dushkewich to: Lara Anne McCormick Dushkewich

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

LAWRENCE E. WOOD, Attorney for Petitioner 126 West Miner Street West Chester, PA 19382

### CHARTER (CORPORATION) NOTICE

NOTICE is hereby given that Articles of Incorporation have been (will be) filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 1101.

The Name of the Corporation is The McCarter-Kozak Agency.

Articles of Incorporation have been filed on July 20, 2011.

The Purpose or purposes for which it was organized are as follows: Insurance

The corporation shall have unlimited power to engage in and to do any lawful business act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended and as supplemented and to do all things and exercise all powers, rights and priveleges 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.

THOMAS A. PITT, III, Solicitor 214 S. New Street West Chester. PA 19382

### 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 Purple Stone, Inc., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

STEPHEN V. SIANA, Solicitor Siana, Bellwoar & McAndrew, LLP 941 Pottstown Pike Suite 200 Chester Springs, PA 19425

### CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania at Harrisburg, PA on or about July 26, 2011 for a foreign corporation with a registered address in the state of Pennsylvania as follows:

Avraham Pharmaceuticals, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 929 South High Street, Suite 159, West Chester, PA 19382.

The corporation has been qualified in Pennsylvania under the provisoins of the Business Corporation Law of 1988, as amended.

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### 1st Publication

### DISSOLUTION NOTICE

Notice is hereby given by Ivy Home Benefits, LLC, with an address of 110 Crestview Circle, Pottstown, PA 19465, a Pennsylvania Business corporation, that said corporation is winding up its affairs in the manner prescribed by section 1975 of the Business Corporation Law of 1988, as amended, so that its corporate existence shall cease upon the filing of Articles of Dissolution in the Department of State of Commonwealth of Pennsylvania.

### ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

#### 1st Publication

CAMPBELL, Dudley D., late of Kennett Township. Rosalind H. Campbell, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executrix. KEVIN HOLLERAN, Esquire, Gawthorp Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

COOPER, Joan Marie, late of Borough of Phoenixville. Diana Brignola, care of DAVID W. WOOD, JR., Esquire, 203 West Miner Street, West Chester, PA 19382-2924, Executrix. DAVID W. WOOD, JR., Esquire, Werner & Wood, 203 West Miner Street, West Chester, PA 19382-2924, atty.

**D'AGOSTINO**, David, late of Borough of West Chester. Terri S. Wood, care of JOSEPH A. BELLINGHIERI, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. JOSEPH A. BELLINGHIERI, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

**DURBANO**, Henry R., a/k/a Hank Durbano, late of Paoli, Tredyffrin Township. John Wiskoski, 781 Argyle Road, Glenside, PA 19038, Executor. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices LLC, 16 Industrial Blvd, Suite 211, Paoli, PA 19301, atty.

EMERY, Truman P., late of East Vincent Township. Jay Trego, 1208 S. Rapps Damn Road, Phoenixville, PA 19460 and Craig Emery, 117 Midway Road, Phoenixville, PA 19460, Executors. JOHN SHNIPER, Esquire, P.O. Box 598, Phoenixville, PA 19460, atty.

FASSETT, Violet M., late of Pennsbury Township. Timothy F. Rayne, care of NIKO-LAOS I. TSOUROS, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executor. NIKOLAOS I. TSOUROS, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

GILL, Dan R., late of East Marlborough Township. Winnifred H. Gill, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEM-PLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HAZARD, Dorothy M., a/k/a Dorothy Mae Hazard, late of Caln Township. Thomas F. Hazard, 3136 Silbury Hill, Downingtown, PA 19335, Executor. WILLIAM T. KEEN, Esquire, Keen, Keen & Good, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

HOBER, Alice Jean, late of Penn Township. Charles Hober, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HOUSER, Evelyn Louise D., a/k/a Louise D. Houser, late of Penn Township. Mitchell D. Houser, 844 Four Seasons Drive, West Chester, PA 19382 and Robert F. Houser, 1009 Ballintree Lane, West Chester, PA 19382, Executors. W. JEFFREY WHITTLE, Esquire, Cooch and Taylor, P.O. Box 1680, Wilmington, DE 19899-1680, atty.

**KALLMEYER**, William T., late of Uwchlan Township. Thomas W. Kallmeyer, 21 Berkley Drive, Downingtown, PA 19335, Executor. DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, atty.

LEVAN, Theodore S., III, a/k/a Theordore Stillwagon Levan, III, late of West Caln Township. Barbara L. Levan, 678 Telegraph Road, Coatesville, PA 19320, Executrix. JOHN A. KOURY, JR., Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

MAZEI, Thomas J., late of Phoenixville. Ronald M. Mazei, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

MCCORMICK, Horace R., late of East Goshen Township. Susan L. Doyle, 343 Edinburgh Road, Chadds Ford, PA 19317, Executrix. MCKUNE, Esther J., late of Kennett Township. Adrienne D. Gallagher, care of WILLIAM J. GALLAGHER, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. WILLIAM J. GALLAGHER, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

MESZAROS, Joseph R., a/k/a Joseph Ray Meszaros, late of Tredyffrin Township. Richard M. Shusterman, 1044 Beaumont Road, Berwyn, PA 19312, Executor.

MORRIS, Margaret M., late of West Brandywine Township. Hubert Smoczynski, 7876 Godolphin Drive, Springfield, VA 22153 and Robert Morris, 154 Kirwans Landing Lane, Chester, MD 21619, Executors. FRANCIS C. ORTNER, JR., Esquire, 4 Mystic Lane, Malvern, PA 19355, atty.



MURRAY, John W., late of West Chester. Stephen J. Murray, care of JOHN F. HASKINS, Esquire, 43 E. Marshall Street, Norristown, PA 19401, Executor. JOHN F. HASKINS, Esquire, 43 E. Marshall Street, Norristown, PA 19401, atty.

SKILES, Sara K., late of Honey Brook Township. Robert S. Woodrow, care of ROD-MAN M. ROSENBERGER, Esquire, One Summit Street, Philadelphia, PA 19118, Executor. RODMAN M. ROSENBERGER, Esquire, Barber, Sharpe & Rosenberger, One Summit Street, Philadelphia, PA 19118, atty.

WESSELLS, Daniel B., late of Wallace Township. Deborah D. Wessells, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executrix. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

### 2nd Publication

BOYLAN, Hildegarde S., a/k/a Hildegarde Wilhelmina Boylan, late of Easttown Township. Jennifer Finney Boylan, Cynthia Boylan Johnston, John W. Mc Laughlin and PNC Bank, N.A., care of GIL A. NUSBAUM, Esquire, 1735 Market Street, 51st Floor, Philadelphia, PA 19103-7599, Executors. GIL A. NUSBAUM, Esquire, Ballard Spahr, LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103-7599, atty.

BROWN, Robert E., late of East Brandywine Township. Robert E. Brown, II, care of ALLAN B. GREENWOOD, Esquire, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, Executor. ALLAN B. GREENWOOD, Siana, Bellwoar & McAndrew, LLP, Esquire, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, atty.

CARMODY, Genevieve M., late of West Chester. Mary M. Knapp, care of MARY WADE MYERS, Esquire, 18 W. Market Street, West Chester, PA 19382, Executrix. MARY WADE MYERS, Esquire, 18 W. Market Street, West Chester, PA 19382, atty.

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CLAY, Mabel Florence, a/k/a Florence P. Clay a/k/a M. Florence Clay, late of East Coventry Township. Ruth P. Crater, 1211 Temple Road, Pottstown, PA 19465, Administratrix. KATHLEEN M. MARTIN, Esquire, O'Donnell, WEISS & MATTEI, P.C., 41 East High Street, Potttown, PA 19464-5426, atty.

COLLINS, Janina, late of East Goshen Township. Neil E. Collins, 1421 Bramble Lane, West Chester, PA 19380, Executor. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

ENGLEHART, Jessie, late of Honey Brook Township. Lee Englehart, 240 Dogwood Drive, P.O. Box 190, Honey Brook, PA 19344, Executor. DONALD E. HAVENS, Esquire, 625 8th Avenue, Folsom, PA 19033, atty.

FALLOWS, Helen R., late of West Whiteland Township. Helen V. Doyle, 1 Legend Lane, Chadds Ford, PA 19317, Executrix.

GODRA, Mae Elizabeth, late of Highland Township. Craig S. Peterson, care of ROBERT S. SUPPLEE, Esquire, 329 South High Street, West Chester, PA 19382-3336, Executor. ROBERT S. SUPPLEE, Esquire, Robert S. Supplee, P.C., 329 South High Street, West Chester, PA 19382-3336, atty.

HAWKINS, Lucille E., late of West Brandywine Township. Walter M. Hawkins, Jr., 7 Cedar Lane, Bedford, TX 76021, Executor. ALAN J. JARVIS, Esquire, Highlands Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

NOWAK, Adam Paul, Sr., late of East Coventry Township. Michele Nowak, 76 N. Savanna Drive, Pottstown, PA 19465, Administratrix. THOMAS L. HOFFMAN, Esquire, Wells, Hoffman, Holloway & Stauffer, LLP, 635 E. High Street, P.O. Box 657, Pottstown, PA 19464, atty.

PATTERSON, Albert D., late of Caln Township. Dean Allen Patterson, 3250 Hazelwood Avenue, Downingtown, PA 19335 and Nancy Jean Mason, 21 King Street, Downingtown, PA 19335, Executors. ALAN J. JARVIS, Esquire, Highlands Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

SFAMURRI, Margaret A., a/k/a Peggy A. Sfamurri, late of Tredyffrin Township. Margaret A. Sfamurri, 848 Longstreth Avenue, Jenkintown, PA 19046, Executrix. STEPHEN M. LONG, Esquire, Long & Ramsey, P.C., 558 West Uwchlan Avenue, Lionville, PA 19341, atty.

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SWEENEY, Eleanor B., a/k/a Eleanor Sweeney, late of East Goshen Township. Michael Sweeney, care of ADAM S. BERNICK, Esquire, 2047 Locust Street, Philadelphia, PA 19103, Executor. ADAM S. BERNICK, Esquire, 2047 Locust Street, Philadelphia, PA 19103, atty.

THOMASON, Robert C., a/k/a Robert C. Thomason, Sr. a/k/a Robert Charles Thomason, Sr., late of West Whiteland Township. Karen Thomason Simon, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executrix. JAY G. FISCHER, Esquire, Valocchi & Fischer, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

TURAN, Sarah L., a/k/a Sarah Louise Turan, late of East Goshen Township. Louise Turan George, care of KENNETH R. WERNER, Esquire, 203 West Miner Street, West Chester, PA 19382-2924, Executrix. KENNETH R. WERNER, Esquire, Werner & Wood, 203 West Miner Street, West Chester, PA 19382-2924, atty.

VAN VUUREN, Joan L., late of Phoenixville. Lora M. Venarchik and Heather Horrigan, care of MARY WADE MYERS, Esquire, 18 W. Market Street, West Chester, PA 19382, Executrices. MARY WADE MYERS, Esquire, 18 W. Market Street, West Chester, PA 19382, atty.

WALKER, Bozena O., a/k/a "B" Walker, late of Phoenixville. David E. Kind, 136 South Phoenix Drive, Phoenixville, PA 19460, Executor. ROBERT L. BRANT & ASSOCIATES, 572 West Main Street, Trappe, PA 19426, atty.

WHITE, Harold G., late of Borough of Parkesburg. Cynthia Frederick, 175 Brandamore Road, Honey Brook, PA 19344, Executrix. WILLIAM T. KEEN, Esquire, Keen, Keen & Good, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

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### **3rd Publication**

ABENDSCHEIN, Shirley E., late of Pennsbury Township. L. PETER TEMPLE, care of Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEM-PLE, Esquire, Larmore Scarlett LLP, P.O.Box 384, Kennett Square, PA 19348, atty.

BRYAN, Helen A., late of New London Township. Joyce A. Wilcox, care of DAVID L. MYERS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. DAVID L. MYERS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

BURKHARDT, George M., late of Pennsbury Township. Barbara B. Burkhardt, 1532 Fairville Road, Chadds Ford, PA 19317, Executrix. EUGENE STEGER, Esquire, Eugene Steger & Associates, P.C., 411 Old Baltimore Pike, Chadds Ford, PA 19317, atty.

DUNN, Ryan M., late of West Whiteland Township. Ronald Dunn and Andrew J. Donaghy, Esquire, care of ANDREW J. DONAGHY, Esquire, 17 West Third Street, P.O. Box 108, Media, PA 19063, Administrators. ANDREW J. DONAGHY, Esquire, 17 West Third Street, P.O. Box 108, Media, PA 19063, atty.

GUCKIN, Eileen W., a/k/a Eileen M. Guckin, late of Borough of Downingtown. Matthew Guckin, care of F. HARRY SPIESS, JR., Esquire, 130 West Lancaster Avenue, P.O. Box 191, Wayne, PA 19087-0191, Executor. F. HARRY SPIESS, JR., Esquire, Davis Bennett Spiess & Livingood LLC, 130 West Lancaster Avenue, P.O. Box 191, Wayne, PA, 19087-0191 atty.

HALL, David H., late of East Goshen Township. Janet Hall, 3400 West Chester Pike, #402-C, Newtown Square, PA 19073, Executrix. FRANCIS C. ORTNER, JR., Esquire, 4 Mystic Lane, Malvern, PA 19422, atty. HOWE, Gregory B., late of Spring City. Erica Howe, care of RICHARD BLASETTI, Esquire, 548 1/2 East Main Street, Suite A, Norristown, PA 19401, Administrator. RICHARD BLASET-TI, Esquire, 548 1/2 East Main Street, Suite A, Norristown, PA 19401, atty.

JASIENSKI, Alexander A., late of Downingtown. Eileen Schiappa, 102 Yellowwood Drive, Downingtown, PA 19335, Executrix. WILLIAM E. HOWELL, JR., Esquire, 110 East State Street, Suite 1, Kennett Square, PA 19348, atty.

KOPITSKY, Joseph E., Sr., late of Coatesville, Valley Township. Joseph E. Kopitsky, Jr., P.O. Box 26, Jackson, NH 03846, Executor. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices, LLC, 16 Industrial Blvd., Suite 211, Paoli, PA 19301, atty.

KUSNIEZ, Anna, a/k/a Ann Kusniez and Anne Kusniez, late of East Coventry Township. Joseph E. Kusniez, care of HELEN Z. STAUFFER, Esquire, 70 Hemlock Drive, Gilbertsville, PA 19525, Executor. HELEN Z. STAUFFER, Esquire, 70 Hemlock Drive, Gilbertsville, PA 19525, atty.

LEE, Daniel, M.D., late of West Bradford Township. Sharon Lee Sides-Hicks and Kenneth A. Lee M.D., care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

LOCKARD (nee Clayton), Mary Ann, late of Downingtown. Kerri Shortlidge, 1138 Simmontown Road, Gap, PA 17527 and Gina Miller, c/o 1138 Simmontown Road, Gap, PA 17527, Administrators. JANET J. SATTERTH-WAITE, Esquire, 110 Hopewell Road, Suite 200, Downingtown, PA 19335, atty.

OLIVIERI, Splendora M., late of Penn Township. Josephine O. Wroten, care of GRE-GORY J. WEINIG, Esquire, P.O. Box 2207, 1007 N. Orange Street, Wilmington, DE 19899, Executrix. GREGORY J. WEINIG, Esquire, Connolly Bove Lodge & Hutz LLP, P.O. Box 2207, 1007 N. Orange Street, Wilmington, DE 19899, atty.

PRICE, Mary E., late of Easttown Township. Joseph J. Price, Jr. and Michele Manning, care of JOSEPH PATRICK O'BRIEN, Esquire, 17 E. Front Street, P.O. Box 626, Media, PA 19063, Executors. JOSEPH PATRICK O'BRIEN, Esquire, Kassab Archbold & O'Brien, LLC, 17 E. Front Street, P.O. Box 626, Media, PA 19063, attv.

REESE, Norma J., late of Borough of Coatesville. Sharon E. Lemon and Edward A. Reese, Jr., care of STACEY WILLITS MC CONNELL, Esquire, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381, Executors. STACEY WILLITS MC CONNELL, Esquire, Lamb McErlane PC, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381, atty.

ROGERS, M. Elois, a/k/a Marie Elois Rogers, late of Pennsbury Township. Ann Rhind Sparrough, care of TIMOTHY B. BARNARD, Esquire, 218 West Front Street, P.O. Box 289, Media, PA 19063, Executrix. TIMOTHY B. BARNARD, Esquire, 218 West Front Street, P.O. Box 289, Media, PA 19063, atty.

SEVCIK, Rose Marie C., a/k/a Rose Marie C. Novak Sevcik, late of Easttown Township. Judith May, Thomas Sevcik and John Sevcik, care of F. HARRY SPIESS, JR., Esquire, 130 West Lancaster Avenue, P.O. Box 191, Wayne, PA 19087-0191, Executors. F. HARRY SPIESS, JR., Esquire, Davis Bennett Spiess & Livingoood LLC, 130 West Lancaster Avenue, P.O. Box 191, Wayne, PA 19087-0191, atty.

SPINA, Jennie, a/k/a Jennie G. Spina, late of Caln Township. Joseph Spina, Jr., care of EDWARD M. WATTERS, III, Esquire, 899 Cassatt Road, Berwyn, PA 19312-1183, Executor. EDWARD M. WATTERS, III, Esquire, Pepper Hamilton LLP, 899 Cassatt Road, Berwyn, PA 19312-1183, atty.

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### ANTHONY MORRIS, ESQUIRE

Attorney I.D. No. 25611

BUCKLEY, BRION, MCGUIRE, MORRIS & SOMMER, LLP
118 West Market Street, Suite 300

West Chester, PA 19382
610-436-4400

IN RE: RAYMOND P. WADDELL : IN THE COURT OF COMMON PLEAS

HIDEKO M. WADDELL

28 SPRUCE STREET, WESTWOOD

COATESVILLE, PA 19320 : CHESTER COUNTY, PENNSYLVANIA

Premises: NS SPRUCE ST : NO. 10-08546

LOT & DWG

Tax Parcel No: 38-5F-95

TO: RAYMOND P. WADDELL & HIDEKO M. WADDELL

### NOTICE OF PETITION FOR JUDICIAL TAX SALE

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### ANTHONY MORRIS, ESQUIRE

Attorney I.D. No. 25611

BUCKLEY, BRION, MCGUIRE, MORRIS & SOMMER, LLP

118 West Market Street, Suite 300

West Chester, PA 19382
610-436-4400

IN RE: BARBARA SEACE : IN THE COURT OF COMMON PLEAS

RUTH SEACE
23 HIGHLAND COURT

PARKESBURG, PA 19365 : CHESTER COUNTY, PENNSYLVANIA

Premises: SGL WD MBL HM : NO. 11-07590

LOT 23

Tax Parcel No: 4503\_0001400T

TO: BARBARA SEACE & RUTH SEACE

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### ANTHONY MORRIS, ESQUIRE

Attorney I.D. No. 25611

BUCKLEY, BRION, MCGUIRE, MORRIS & SOMMER, LLP

118 West Market Street, Suite 300

West Chester, PA 19382
610-436-4400

IN RE: JJ LAIRD, JR. : IN THE COURT OF COMMON PLEAS

ETTA M. LAIRD C/O R.T. RAINES

STE 242, 2458-C WESLEY CHAPEL ROAD

DECATUR, GA 30035 : CHESTER COUNTY, PENNSYLVANIA

Premises: ES GREEN ST : NO. 10-08800

LOT

Tax Parcel No: 8-3-27

### TO: J.J. LAIRD, JR., ETTA M. LAIRD, C/O R.T. RAINES

### **NOTICE OF PETITION FOR JUDICIAL TAX SALE**

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### ANTHONY MORRIS, ESQUIRE

Attorney I.D. No. 25611

BUCKLEY, BRION, MCGUIRE, MORRIS & SOMMER, LLP

118 West Market Street, Suite 300

West Chester, PA 19382
610-436-4400

IN RE: GWENDOLYN M. LEWIS : IN THE COURT OF COMMON PLEAS

740 OAK GLEN ROAD

HOWELL, NJ 07731 : CHESTER COUNTY, PENNSYLVANIA

Premises: SS BLACK HORSE HILL RD : NO. 10-08506

4.7 AC

Tax Parcel No: 16-2-61

TO: THE ESTATE OF MILTON ARONAUER, C/O JOSEPH NAUS & IRWIN ARONAUER

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YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service 15 West Gay Street West Chester, PA 19380 610-429-1500

### NOTICE

REVOCABLE LIVING TRUST AGREEMENT OF EDNA E. DUNN, dated October 9, 1991 as Amended and Restated April 23, 2007 and Further Amended.

EDNA E. DUNN, Deceased

Late of the Township of East Whiteland, Chester County, PA

All persons having claims or demands against the REVOCABLE LIVING TRUST AGREEMENT OF EDNA E. DUNN, dated October 9, 1991 as Amended and Restated April 23, 2007 and Further Amended, Edna E. Dunn, deceased, to make known the same and all persons indebted to the decedent to make payment without delay to VANGUARD NATIONAL TRUST COMPANY, Trustee, c/o JAMES F. MANNION, Esquire, 840 First Avenue, Suite 100, King of Prussia, PA 19406-1459,

Or to its Attorney:

JAMES F. MANNION Mannion Prior, LLP 840 First Avenue, Suite 100 King of Prussia, PA 19406-1459

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PS Form 3526, September 2007 (Page 2 of 3)



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### 2011 CONTINUING LEGAL EDUCATION SEMINARS at CCBA

DATE	CLE SESSIONS	TIME	CREDIT HOURS
August 2 <sup>nd</sup>	PBI: A Day on Real Estate (g)**	9 am - 4:10 pm	5 SUB & 1 ETHICS
August 4 <sup>th</sup>	PBI: 12 <sup>th</sup> Annual Estate & Elder Law Symposium (v)*	9 am - 4:30 pm	5 SUB & 1 ETHICS
August 5 <sup>th</sup>	<b>PBI:</b> Social Media in the Workplace: Facebook, Twitter, Foursquare & Other Web 2.0 Sites (g)**	8:30 am - 12:45 pm	3 SUB & 1 ETHICS
August 8th	<b>PBI:</b> Ethics Potpourri: Bob Dylan and the Art of Taking Legal Ethics Seriously (v)*	9 am - 10 am	1 ETHICS
August 8 <sup>th</sup>	<b>PBI:</b> Ethics Potpourri: Social Media for Lawyers: Darned If You Do, Darned If You Don't? (v)*	11 am - 12 pm	1 ETHICS
August 8 <sup>th</sup>	<b>PBI:</b> Ethics Potpourri: Law Firm Responsibilities and Recovery (v)*	1 pm – 2 pm	1 ETHICS
August 9 <sup>th</sup>	PBI: Pennsylvania Taxes – Update and Selected Topics (g)**	9 am - 1:15 pm	4 SUB
August 10 <sup>th</sup>	<b>PBI:</b> The Nine Principles of Litigation, And Perhaps of Life (g)**	8:30 am - 3:30 pm	5 SUB & 1 ETHICS
August 11 <sup>th</sup>	PBI: The Lifelong Impact of a Criminal Record (g)**	12 pm - 4:15 pm	4 SUB
August 12 <sup>th</sup>	<b>PBI:</b> Doing Good Deeds and Title WorkTitle, Conveyancing, and Ownership (v)*	9 am - 12:30 pm	3 SUB
August 15 <sup>th</sup>	<b>PBI:</b> A Practical Look at Using Social Media in Your Firm: Ethical Use of Facebook, Blogs and Twitter (v)*	9 am - 12:30 pm	2 SUB & 1 ETHICS
August 16 <sup>th</sup>	PBI: Lincoln on Professionalism (g)**	9 am - 12:15 pm	2 SUB & 1 ETHICS
August 17 <sup>th</sup>	<b>PBI:</b> Guaranty and Suretyship for Business Lawyers (Part of our Business Lawyer's "Refresher" Series (g)**	9 am - 12:15 pm	3 SUB
August 18 <sup>th</sup>	<b>PBI:</b> Understanding the Basics of Elder Law (v)*	9 am - 4:30 pm	5 SUB & 1 ETHICS
August 23 <sup>rd</sup>	<b>PBI:</b> Internet Legal Research (g)**	9 am - 12:15 pm	3 SUB
August 24 <sup>th</sup>	<b>PBI:</b> Real Estate Issues in Estates (g)**	8:30 am - 12:45 pm	4 SUB
August 25 <sup>th</sup>	<b>PBI:</b> Litigating the Failed Real Estate Deal (v)*	9 am - 12:30 pm	2 SUB & 1 ETHICS
August 29 <sup>th</sup>	<b>PBI:</b> Negotiation (g)**	8:30 am - 12:45 pm	4 SUB
August 30 <sup>th</sup>	<b>PBI:</b> Using Trusts and Insurance for Asset Protection (g)**	9 am - 12:15 pm	3 SUB
August 30 <sup>th</sup>	<b>PBI:</b> Primer on Mechanics' Liens and Bond Claims (g)**	12:30 pm - 2:30 pm	2 SUB
September 1 <sup>st</sup>	<b>PBI:</b> Winning Before Trial: 10 Keys to Winning Depositions $(v)^*$	9 am – 5 pm	5 SUB & 1 ETHICS
September 7 <sup>th</sup>	<b>PBI:</b> Adobe Acrobat X for Lawyers & Legal Professionals (g)**	9 am - 12:15 pm	3 SUB

 $\label{eq:condition} \begin{tabular}{ll} * (v) = video \\ **(g) = group \ cast \\ **** = all \ CCBA \ Members \ welcome \ to \ attend \ Section \ CLE's \\ \end{tabular}$ 

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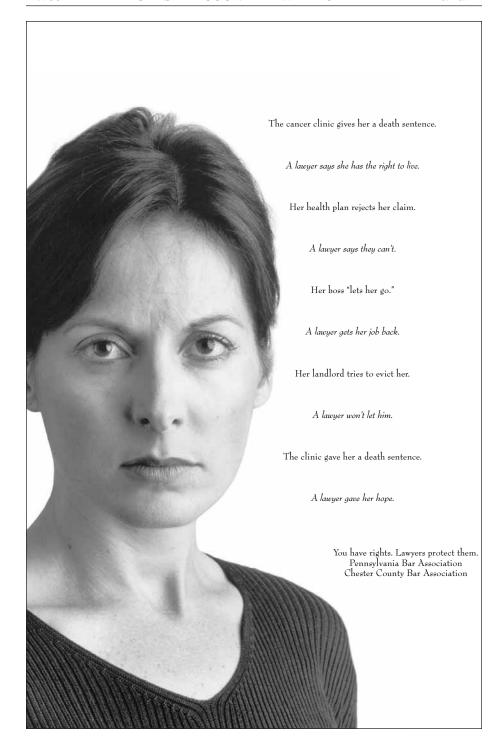
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