



**Chester
County
Bar
Association**

Chester County Law Reporter

(USPS 102-900)

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Chester County Law Reporter

(USPS 102-900)

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K. Hovnanian at Sawmill, Inc., et al vs. Karo Construction, Inc., et al

Correct caption and case number – Possible defective – Pierce the corporate veil – Single enterprise theory

1. Defendants are warned that a failure to use the correct caption with the correct case number will result in filings being rejected. If the result of such rejection is that a document is not timely filed and the defendants or any of them are prejudiced thereby, such prejudice will not be correctable.
2. An allegation that work performed by a contractor might possibly be defective is not sufficient to maintain a cause of action against such contractor.
3. Where the court pierces the corporate veil, the owner, not a separate corporation, is liable because the corporation is not a *bona fide* independent entity. Under this theory, the corporation is sometimes referred to as the “alter ego” of the owner but “alter ego” is not a separate basis for liability but, rather, is a conclusion that the corporate existence should be disregard and requires a showing that that corporate owner wholly ignored the separate status of a corporation and so dominated and controlled its affairs that its separate existence was a mere sham.
4. The single enterprise theory of liability not only does not depend upon disregarding the corporate existence of a corporation but it also is a theory of liability entirely separate and apart from “piercing the corporate veil.”
5. The “enterprise entity” or “single entity theory” of liability applies when two or more corporations share common ownership and are, in reality, operating as a corporate combine. The “enterprise entity” or “single entity” theory have yet to be adopted in Pennsylvania.
6. In response to defendants’ preliminary objections, the Court *Held* they were sustained in part, portions of plaintiffs’ claims were stricken and, otherwise, the objections were overruled.

R.E.M.

C.C.P. Chester County, Civil Action, Nu. 11-06939; K. Hovnanian at Sawmill, Inc., et al vs. Karo Construction, Inc., et al

Frederick J. Stellato for plaintiffs

Walter S. Zimolong for defendants

Shenkin, J., February 13, 2012:-

[59 Ches. Co. Rep. K. Hovnanian at Sawmill, Inc., et al vs. Karo Construction, Inc., et al

K. HOVNANIAN AT SAWMILL, INC., : IN THE COURT OF COMMON PLEAS
et al., Plaintiffs : CHESTER COUNTY, PENNSYLVANIA

VS. : NUMBER 11-06939

KARO CONSTRUCTION, INC., et al., :
Defendants : CIVIL ACTION

Frederick J. Stellato, Esquire, Attorney for Plaintiffs
Walter S. Zimolong, Esquire, Attorney for Defendants

ORDER

AND NOW, this 13th day of February, 2012, upon consideration of defendants' preliminary objections to plaintiffs' second amended complaint¹ and plaintiffs' response thereto, it is hereby ORDERED that the preliminary objections are SUSTAINED in part and plaintiffs' claims against defendant United Group are hereby STRICKEN.² Otherwise, the preliminary objections are OVERRULED.³ Pursuant to Pa.R.C.P. No. 1028(d), remaining defendants shall have the right to plead over to plaintiffs' second amended complaint within twenty (20) days from the date of this order.

BY THE COURT:

/s/ Hon. Robert J. Shenkin

¹Although titled as preliminary objections to the second amended complaint, a substantial portion of the preliminary objections bears no relationship to the second amended complaint. In addition, **DEFENDANTS CONSISTENTLY REFUSE TO USE THE CORRECT CAPTION FOR THIS CASE.** This case is number 11-06939. Defendants, however, consistently and incorrectly identify their documents as being in case number 11-6939, a number which does not exist in the Chester County courts. That the documents do eventually reach the correct file is in no way attributable to defendants' actions but, rather, is a result of substantial additional — and what should be unnecessary — effort on the part of court personnel. **DEFENDANTS ARE WARNED THAT A FAILURE TO USE THE CORRECT CAPTION WITH THE CORRECT CASE NUMBER WILL RESULT IN FILINGS BEING REJECTED.** If the result of such rejection is that a document is not timely filed and the defendants or any of them are prejudiced thereby, such prejudice will not be correctable.

² Plaintiffs' second amended complaint alleges that defendant United Group "is a corporation organized and existing under the law of the State of New Jersey" and that each of the other defendants "is a corporation incorporated in the State of New Jersey." Although the

second amended complaint does allege that the defendants were “one in the same”, reading the complaint as a whole, we conclude that plaintiffs are not alleging that there is but one corporation acting under different names. Rather, the complaint alleges that there are three (3) separate corporations, each of which is a defendant, but that on the facts alleged, the three (3) corporations should be treated as a single entity for liability purposes. Indeed, plaintiffs’ brief relies exclusively upon argument that the corporations are alter egos of each other or should be treated as a single unit on the “enterprise theory.” We reject these arguments. (Parenthetically we note that the complaint does allege that United Group — and only United Group — performed repair work and that “possibly” the repair work was not performed in a good and workmanlike manner. However, no separate damages are alleged to be the result of the possibly defective repair work and, in any event, the allegation that work performed by a contractor might possibly be defective is not sufficient to maintain a cause of action against such contractor. Therefore the complaint does not plead sufficient facts to state a claim against United Group based solely upon defective repair work.)

Plaintiffs’ argument erroneously mixes together several different legal theories only one of which — single enterprise — could apply on the facts pled. Plaintiffs make reference to “piercing the corporate veil” and the “alter ego” theory of liability. Where the court pierces the corporate veil, the **owner**, not a separate corporation, is liable because the corporation is not a *bona fide* independent entity. Under this theory, the corporation is sometimes referred to as the “alter ego” of the owner but “alter ego” is not a separate basis for liability but, rather, is a conclusion that the corporate existence should be disregard and requires a showing that that corporate owner wholly ignored the separate status of a corporation and so dominated and controlled its affairs that its separate existence was a mere sham. The facts pled in this case do not make out a case for disregarding the corporate existence of any of the defendants and, in any event, the alleged owner of defendants is an individual who is not a party to this litigation. Disregarding the corporate existence of any of the defendants would not impose liability upon any of the other defendants. Plaintiffs’ other argument is that each of the defendants, but particularly United Group, is liable for the breach of contract by any of them because they operated as a single enterprise.

Incidentally, the single enterprise theory of liability not only does not depend upon disregarding the corporate existence of a corporation but it also is a theory of liability entirely separate and apart from “piercing the corporate veil.” The “enterprise entity” or “single entity theory” of liability applies when two or more corporations share common ownership and are, in reality, operating as a corporate combine. As recently as 2004, the Superior Court held that the “enterprise entity” or “single entity” theory “has yet to be adopted in Pennsylvania.” *Advanced Telephone Systems, Inc. v. Com-Net Professional Mobile Radio, LLC*, 846 A.2d 1264, 1278 (Pa.Super. 2004) citing *Miners, Inc. v. Alpine Equipment Corp.*, 722 A.2d 691 (Pa.Super. 1998). Plaintiffs argue that given the right circumstances, the theory might be adopted and that the theory has not been rejected. It is difficult to read *Miners, Inc.* in any way other than rejecting the enterprise entity or single entity theory of

liability. If this theory of liability is to be adopted in Pennsylvania, it is not for this court to do so. This case is **not** one of first impression in Pennsylvania and we are not free to disregard appellate authority.

³ Consistent with being unable to utilize the correct case number, defendants have objected to non-existent claims. Defendants demur to Counts II and IV of the second amended complaint on the basis that the economic loss doctrine bars “Defendants’ counterclaims based on negligence.” First of all the objecting parties are the defendants. Second, the second amended complaint has only two (2) counts, not four (4). Third, both counts of the second amended complaint are for breach of contract. Defendants’ next preliminary objection is also to the phantom counts based on negligence and the final preliminary objection is for failure to have attached the writing or writings upon which plaintiffs’ claims are based. We find that the attachments to the complaint are sufficient.

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**CLERK OF THE ORPHANS' COURT
DIVISION OF THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA**

NOTICE OF FILING ACCOUNTS

**ACCOUNTS LISTED FOR AUDIT ON
WEDNESDAY, APRIL 4, 2012**

Courtroom 16 at 9:00 A.M. PREVAILING TIME

THE HONORABLE KATHERINE B. L. PLATT

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

ESTATE OF RICHARD F. MCCLATCHY, DECEASED**1509-0146**

A/K/A RICHARD FRANCIS MCCLATCHY

A/K/A RICHARD F. MCCLATCHY SR

FIRST AND FINAL ACCOUNT

OF: DORIS ROBERTS, EXECUTOR

ATTORNEY(S):

JENNIFER HALL, ESQUIRE

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

CIVIL ACTION – LAW**NO. 12-02319**

NOTICE IS HEREBY GIVEN that the name change petition of Sina Seyedsadr was filed in the above-named court and will be heard on June 4, 2012, at 9:30 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: March 5, 2012

Name to be changed from: Sina Seyedsadr to: Sina Sader

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

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Limited Partnership pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa.C.S. Section 8913.

The name of the corporation is: Remline Corp and the Certificate of Authority was filed on: February 10, 2012.

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 corporation may be incorporated under the Pennsylvania Business Corporation Law, as amended.

TOM MOHR LAW OFFICE, P.C., Solicitors
301 W. Market Street
West Chester, PA 19382

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about February 14, 2012:

Epiphany Fusion Inc.
2075 Grantham Avenue
Berwyn, PA 19312

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

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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

ALMONTE, Roxanne M., late of Charlestown Township. Caonabo F. Almonte and Donald T. Ogle, Jr., care of JOHN P. MCGUIRE, Esquire, 552 Ridge Road, Telford, PA 18969-1442, Executors. JOHN P. MCGUIRE, Esquire, John P. McGuire, P.C., 552 Ridge Road, Telford, PA 18969-1442, atty.

BAIR, Erna L., late of West Chester. James H. Bair, 12810 Woodpecker Way, Nevada City, CA 95959, Executor. STUART A. CILO, Esquire, 29 West Third Street, P.O. Box 29, Lewistown, PA 17044, atty.

BEARD, David T., late of East Goshen Township. Sara Ann Beard, care of TERRANCE A. KLINE, Esquire, 200 E. State Street, Suite 306, P.O. Box A, Media, PA 19063, Executrix. TERRANCE A. KLINE, Esquire, Law Offices of Terrance A. Kline, 200 E. State Street, Suite 306, P.O. Box A, Media, PA 19063, atty.

BEHENNA, Marilyn B., a/k/a Lynn, late of West Chester. Susan Dermott, 887 Jefferson Way, West Chester, PA 19380 and Eric Behenna, 887 Jefferson Way, West Chester, PA 19380, Executors.

BYRNE, Megan E., late of West Goshen Township. Marianne D. Byrne, care of LOUIS N. TETI, Esquire, 17 West Miner Street, P.O. Box 660, West Cheser, PA 19381-0660, Administratrix. LOUIS N. TETI, Esquire, MacElree Harvey, 17 West Miner Street, P.O. Box 660, West Cheser, PA 19381-0660, atty.

CALVARESE, Mario D., late of New Garden Township. Monica Quann, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Administratrix. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

FENNIMORE, Arthur H., late of Tredyffrin Township. NANCY W. PINE, Esquire, 104 S. Church Street, West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Pine Law Offices, 104 S. Church Street, West Chester, PA 19382, atty.

FERARU, Muriel B., late of Kennett Township. Kenneth S. Feraru, care of DAVID L. MYERS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DAVID L. MYERS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HALL, Norman E., late of London Britain Township. Susan A. Hall and Charles M. Hall, care of DAVID L. MYERS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executors. DAVID L. MYERS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HEFFNER, David H., a/k/a David Hunter Heffner, late of South Coventry Township. Frances N. Heffner, 120 Rabbit Run, Spring City, PA 19475, Executrix. JOHN A. KOURY, JR., Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

KALBACH, Raymond Bentz, late of Chester Springs, PA. Michael Wylam, 136 N. Church Street, West Chester, PA 19380, Executor. TOM MOHR, Esquire, 301 W. Market Street, West Chester, PA 19382, atty.

KRASTEL, August A., late of West Caln Township. Thomas Roy Krastel, 246 Southwest 39th Street, Cape Coral, FL 33914, Executor. STEPHEN M. LONG, Esquire, Long & Ramsay, P.C., 558 West Uwchlan Avenue, Lionville, PA 19341, atty.

KRASTEL, William R., late of West Caln Township. Kathy Lemos, 119 Sugarman Road, Coatesville, PA 19320, Executrix. STEPHEN M. LONG, Esquire, Long & Ramsay, P.C., 558 West Uwchlan Avenue, Lionville, PA 19341, atty.

MACAULAY, Thomas B., late of Borough of Oxford. Thomas S. MacAulay and Marcia Lee, 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.

MELCHIOR, Nicholas C., Jr., late of Kennett Square. Dennis Melchior, care of ANITA M. D'AMICO, Esquire, 128 E. State Street, P.O. Box 618, Kennett Square, PA 19348, Executor. ANITA M. D'AMICO, Esquire, Rigler & D'Amico, LLC, 128 E. State Street, P.O. Box 618, Kennett Square, PA 19348, atty.

OVERSTREET, Evelyn M., late of Schuylkill Township. Elizabeth A. Fifer, 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.

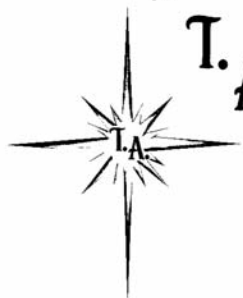
PIERCE, Joan E., late of East Fallowfield Township. Sandra Kreiss-Schmidt, 10 Vivian Drive, Coatesville, PA 19320, Executrix. KATHLEEN K. GOOD, Esquire, Keen, Keen & Good, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

POWERS, Dolores M., a/k/a Dolores Marie Powers, late of West Goshen Township. Michael Powers, care of JOHN A. GAGLIARDI, Esquire, 101 East Evans Street, Suite A, West Chester, PA 19380-2600, Executor. JOHN A. GAGLIARDI, Esquire, Wetzel Gagliardi & Fetter LLC, 101 East Evans Street, Walnut Building, Suite A, West Chester, PA 19380-2600, atty.

ROSS, Shirley F., late of West Chester. P. RICHARD KLEIN, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. P. RICHARD KLEIN, Esquire, Klein, Head & Head, 218 West Miner Street, West Chester, PA 19382, atty.

ROSSI, Rose D., late of Easttown Township. John J. Deady, care of J. STODDARD HAYES, JR., Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. J. STODDARD HAYES, JR., Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

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RUGGIERI, Joy J., late of New Garden Township. Lisa J. Vance, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, West Chester, PA 19348, Executrix. EDWARD M. FOLEY, Esquire, 213 E. State Street, West Chester, PA 19348, atty.

SLOANE, Adele G., late of West Whiteland Township. D. Keith Sloane, care of JOHN T. NICHOLSON, Esquire, P.O. Box 652, West Chester, PA 19381-0652, Executor. JOHN T. NICHOLSON, Esquire, Nicholson Law Center, P.O. Box 652, West Chester, PA 19381-0652, atty.

SMELTZER, Antoinette, a/k/a Toni Smeltzer, late of Berwyn/Eastown Twp. Karen M. Howes, P.O. Box 3551, Williamsport, PA 17701, Administratrix.

THOMPSON, Thomas D., late of Landenberg, Franklin Township. Joy R. Tingley, 531 Chesterville Road, Landenberg, PA 19350, Executrix. WILLIAM E. HOWELL, JR., Esquire, 110 E. State Street, Suite 19, Kennett Square, PA 19348, atty.

TRUETT, Susan R., late of East Bradford Township. DAWSON R. MUTH, 213 W. Miner Street, West Chester, PA 19382, Executor. DAWSON R. MUTH, Esquire, Goldberg, Meanix, Mc Callin & Muth, 213 W. Miner Street, West Chester, PA 19382, atty.

2nd Publication

ADDISON, Howard L., III, late of Pomeroy, Chester County, PA. Calperta J. Addison, 127 Sparkleberry Lane, Apt. 115, Columbia, SC 29229-1603, Administrator. JOHN W. CRAYNOCK, Esquire, 226 W. Market Street, West Chester, PA 19382, atty.

ALLGYER, John R., late of West Caln Township. Joseph S. Allgyer and Samuel L. Allgyer, care of NICHOLAS T. GARD, Esquire, 912 West Main Street, Suite 402, New Holland, PA 17557, Executors. NICHOLAS T. GARD, Esquire, 912 West Main Street, Suite 402, New Holland, PA 17557, atty.

ANDERSON, William D., Sr., a/k/a William D. Anderson, late of Pocopson Township. Bonita A. Musser, care of LOUIS N. TETI, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. LOUIS N. TETI, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

BURKE, Joseph M., late of West Chester. Patricia E. Hunter, 2510 Lindell Road, Wilmington, DE 19808, Executor. LEO J. BOYLE, Esquire, 5197 West Woodmill Drive, Suite 26, Wilmington, DE 19808, atty.

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CLEAVER, Frances S., late of Kennett Borough. Cynthia C. Vincent and Cathy C. Anderson, care of MURRAY S. ECKELL, Esquire, 344 W. Front Street, Media, PA 19063, Executrices. MURRAY S. ECKELL, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 344 W. Front Street, P.O. Box 319, Media, PA 19063, atty.

COPPERTHWAIT, William H., Jr., late of Thornbury Township. Nancy A. Copperthwaite, care of NANCY W. PINE, Esquire, 104 S. Church Street, West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Pine Law Offices, 104 S. Church Street, West Chester, PA 19382, atty.

CRUSE, Kenneth John, a/k/a Kenneth J. Cruse, late of Kennett Square Borough. Patricia Richards, care of MARY ANN PLANKINTON, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. MARY ANN PLANKINTON, Esquire, MacElree Harvey Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

FLAMER, Gladys J., late of City of Coatesville. Rachel McDougald, 226 Meadowlake Drive, Downingtown, PA 19335, Executrix. WILLIAM T. KEEN, Esquire, Keen, Keen & Good, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

FORREST, Paul Joseph, a/k/a Paul Forrest, late of Phoenixville. Carole Malloy, care of CAROLE HENDRICK, Esquire, 3927 Mill Road, Collegeville, PA 19426, Administrator. CAROLE HENDRICK, Esquire, 3927 Mill Road, Collegeville, PA 19426, atty.

GALLAGHER, James J., a/k/a JAMES JOSEPH GALLAGHER, late of Borough of Malvern. Kevin M. Gallagher, 1801 Ellison Creek Road, Lewisville, NC 27023, Executor. GERALD K. MCOSCAR, Esquire, 320 N. High Street, West Chester, PA 19380, atty.

GILMORE, Janet Irene, a/k/a J. Irene Gilmore, late of Chester Springs, West Pikeland Township. Bruce W. Gilmore, 1237 Street Road, Chester Springs, PA 19425, Executor.

HANSON, Richard L., late of West Brandywine Township. James W. Hanson, 5909 Tamar Drive, Unit 11, Columbia, MD 21045, Executor.

LEONE, Ernest, late of London Grove Township. Evelyn Corrado, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executrix. NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, atty.

MILLER, Mary A., late of West Brandywine Township. Mary Jayne Moreno and Elizabeth J. Martin, 301 Red Fox Lane, Lincoln University, PA 19352, Executors. ALAN J. JARVIS, Esquire, Highlands Corporate Center, 495 Boulevard, Suite 109, Coatesville, PA 19320, atty.

PETTIJOHN, William E., late of West Chester, East Goshen Township, Chester County. Virginia T. Pettijohn, care of DONALD A. MANCINI, Esquire, 250 W. Lancaster Avenue, Suite 160, Paoli, PA 19301, Executrix. DONALD A. MANCINI, Esquire, 250 W. Lancaster Avenue, Suite 160, Paoli, PA 19301, atty.

REOLI, Elizabeth S., late of Penn Township. Lisa M. Reoli, care of GEORGE G. HEINEY, II, Esquire, P.O. Box 80, Oxford, PA 19363, Executor. GEORGE G. HEINEY, II, Esquire, P.O. Box 80, Oxford, PA 19363, atty.

SCHROEDER, Miriam J., late of Pennsbury Township. The Pennsylvania Trust Company, Five Radnor Corporate Center, Suite 450, 100 Matsonford Road, Radnor, PA 19087, Executor. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood PC, 17 E. Gay Street, Suite 100, PO Box 562, West Chester, PA 19381-0562, atty.

SCHURR, Ida Doris Hipple, a/k/a Doris H. Schurr, Ida Doris Schurr, Ida D. Schurr, late of Spring City. William H. Schurr, 53 Longview Road, Linfield, PA 19468 and Mary Jane Harp, 700 Kerline Avenue, Pottstown, PA 19465, Executors. LAURALEE F. DAMBRINK, Esquire, 110 Ellis Woods Road, Pottstown, PA 19465, atty.

SMARTT, Marcia G., late of Chester County. Elizabeth J. Smartt, care of VALINDA G. LATOFF, Esquire, 800 Lancaster Avenue, Ste. T-2, Berwyn, PA 19312, Executrix. VALINDA G. LATOFF, Esquire, 800 Lancaster Avenue, Ste. T-2, Berwyn, PA 19312, atty.

SOUCEK, Ruth G., late of West Chester Borough. Bruce Alan Vessey, 916 Noble Drive, Downingtown, PA 19335, Executor.

STADDON, Ruth M., late of West Goshen Township. Elizabeth L. Clothier, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executrix. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

STORM, Lance R., a/k/a Lance Russell Storm, late of West Goshen Township. Carol A. Storm, 102 Cumberland Drive, East Fallowfield, PA 19320, Administrator.

STROUD, Mildred S., late of Caln Township. Carol Samuelson, 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.

THORNTON, Kathleen E., late of West Goshen Township. Edward D. Thornton, care of ROBERT S. SUPPLEE, Esquire, 329 South High Street, West Chester, PA 19382-3336, Executor. ROBERT S. SUPPLEE, Esquire, 329 South High Street, West Chester, PA 19382-3336, atty.

3rd Publication

BOWMAN, Paul C., late of Downingtown Borough. Jane B. Colburn, care of STACEY WILLITS MC CONNELL, Esquire, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381, Executrix. STACEY WILLITS MC CONNELL, Esquire, Lamb McErlane PC, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381, atty.

BROWN, James Walker, Jr., late of Kennett Borough. Betty L. Brown, 514 Center Street, Kennett Square, PA 19348, Executrix. WILLIAM J. GALLAGHER, Esquire, MacElree Harvey, Ltd, 211 E. State Street, Kennett Square, PA 19348, atty.

BUTLER, Mary Elizabeth, late of Willistown. Bridget M. Kaniewski and John F. Butler, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Administrator. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

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CAMPOS, Ernest E., Sr., a/k/a Ernie Campos, late of City of Coatesville. Karen M. Abdala, 3405 Edge Lane, Thorndale, PA 19375, Executrix. **NIKOLAOS I. TSOUROS**, Esquire, MacElree Harvey, Ltd., 17 W. Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

CAPRARA, Mildred, late of Tredyffrin Township. Joseph A. Caprara, 633 West Germantown Pike, Suite 103, Plymouth Meeting, PA 19462, Administrator. **JOSEPH A. CAPRARA**, Esquire, 633 West Germantown Pike, Suite 103, Plymouth Meeting, PA 19462, atty.

CLOUD, Joseph D., late of Kennett Square Borough. Louise C. Wallner, 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.

D'AGUI, Joseph F., Jr., late of Pennsbury Township. Pamela C. D'Agui, 34 Blue Stone Ct., Chadds Ford, PA 19317-9312, Executrix. **ALBERT P. MASSEY, JR.**, Esquire, Lentz, Cantor & Massey Ltd., 460 E. King Road, Malvern, PA 19355, atty.

GREGG, Margaret W., late of Penn Township. Sandra M. Ruffatt, care of **DONALD B. LYNN, JR.**, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. **DONALD B. LYNN, JR.**, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HENNESY, Joseph B., late of South Coventry Township. Donna M. Hennesy and Jeffrey Hennesy, care of **BARRY J. TOMLINSON**, Esquire, 414 Main Street, P.O. Box 14, East Greenville, PA 18041, Executors. **BARRY J. TOMLINSON**, Esquire, Tomlinson & Gerhart, 414 Main Street, P.O. Box 14, East Greenville, PA 18041, atty.

HUEBNER, Edith F., late of West Chester Borough. Robert Huebner, care of **WILLIAM B. COOPER, III**, Esquire, 747 Constitution Drive, Suite 100, P.O. Box 673, Exton, PA 19341-0673, Administrator. **WILLIAM B. COOPER, III**, Esquire, Fox Rothschild LLP, 747 Constitution Drive, Suite 100, P.O. Box 673, Exton, PA 19341-0673, atty.

CHARLES T. DeTULLIO

Attorney at Law
134 North Church St.
West Chester, PA 19380
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LAVIN, John B., Sr., late of West Chester Borough. Lillian Lavin, 1504 Ulster Way, West Chester, PA 19380, Executrix. **ALBERT P. MASSEY, JR.**, Esquire, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355, atty.

LIVERSIDGE, Jessica Ann, late of Chester County, PA and Cecil County, MD. Joseph C. Liversidge and Victoria A. Liversidge, care of **EUGENE STEGER**, Esquire, 411 Old Baltimore Pike, Chadds Ford, PA 19317, Executor. **EUGENE STEGER**, Esquire, Eugene Steger & Associates, P.C., 411 Old Baltimore Pike, Chadds Ford, PA 19317, atty.

MALCOLM, Thomas O., a/k/a Thomas Owen Malcolm, late of East Goshen Township. Harry D. Malcolm and Stuart A. Malcolm, care of **DENISE M. ANTONELLI**, Esquire, 17 W. Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executors. **DENISE M. ANTONELLI**, Esquire, MacElree Harvey, Ltd., 17 W. Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

OVERMAN, Edwin S., a/k/a Edwin Scott Overman, late of East Goshen Township. Clifford P. Haugen and Lowell S. Young, 720 Tannery Drive, Wayne, PA 19087, Executors. **NORA E. POMERANTZ**, Esquire, Duane Morris LLP, 30 S. 17th Street, Philadelphia, PA 19103-4196, atty.

ROLLINS, Leon R., Sr., late of Valley Township. Leon R. Rollins, Jr., 256 Northview Drive, Coatesville, PA 19320, Executor. **ALAN J. JARVIS**, Esquire, Highlands Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

RUCINSKI, Lois F., late of West Chester. Robert Taylor, Jr., 625 Shropshire Drive, West Chester, PA 19382, Executor.

SANDMANN, Lorna C., late of West Goshen Township. Nicholas C. Norris, 825 Rosary Lane, West Chester, PA 19382, Executor. **WILLIAM P. LINCKE**, Esquire, Beatty Lincke, 334 W. Front Street, Media, PA 19063, atty.

SMITH, Mary Jean P., late of Wayne. Douglas C. Smith, 343 McMull Drive, Wayne, PA 19087-2025, Executor.

WHITE, Roseanne M., late of Uwchlan Township. Roseanne M. Milligan and James White, Sr., care of **ALBERT M. SARDELLA**, Esquire, 1240 East Lincoln Highway, Coatesville, PA 19320, Executors. **ALBERT M. SARDELLA**, Esquire, 1240 East Lincoln Highway, Coatesville, PA 19320, 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

POWERSEED YOGA, with its principal place of business at 44 Oak Knoll Drive, Berwyn, PA 19312.

The application has been (or will be) filed on: March 2, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Sandra S. Curry and William J. Curry.

Sanibel Carpet Cleaning Services, LLC, with its principal place of business at 22 Dianna Drive, Phoenixville, PA 19460.

The application has been (or will be) filed on: March 7, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: John J. McKeon, 22 Dianna Drive, Phoenixville, PA 19460.

Pleasant View Welding, with its principal place of business at 665 Pleasant View Road, Honey Brook, PA.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Aaron E. King, 665 Pleasant View Road, Honey Brook, PA, pursuant to the provisions of the Business Corporation Law of 1988, Chapter 3, known as the "Fictitious Name Act." BLAKINGER, BYLER & THOMAS, P.C., Solicitors
28 Penn Square
Lancaster, PA 17603

Chester County Coating, with its principal place of business at 665 Pleasant View Road, Honey Brook, PA.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Aaron E. King, 665 Pleasant View Road, Honey Brook, PA, pursuant to the provisions of the Business Corporation Law of 1988, Chapter 3, known as the "Fictitious Name Act." BLAKINGER, BYLER & THOMAS, P.C., Solicitors
28 Penn Square
Lancaster, PA 17603

AYARPI GLOBAL, with its principal place of business at 73-9 Drexelbrook Drive, Drexel Hill, PA 19026.

The application has been (or will be) filed on: December 27, 2011.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Ayarpi Nazaretyan, 73-9 Drexelbrook Drive, Drexel Hill, PA 19026. This was filed in accordance with 54 PaC.S. 311.

The WC Press, with its principal place of business at 13 South Church Street, West Chester, PA 19382.

The application has been (or will be) filed on: February 16, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Mathers Productions, LLC., 13 S. Church Street, West Chester, PA 19382.
WILLIAM J. SHEHWEN III, Solicitor
Shehwen & Clark, P.C.
123 E. Gay Street
West Chester, PA 19380

The Social, with its principal place of business at 29-31 E. Gay Street, West Chester, PA 19380. The application has been (or will be) filed on: August 8, 2011.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Spence Café, Inc, 29-31 E. Gay Street, West Chester, PA 19380.
WILLIAM J. SHEHWEN III, Solicitor
Shehwen & Clark, P.C.
123 E. Gay Street
West Chester, PA 19380

NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been (are to 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.

The name of the corporation is CSA: Let's Face It, Inc.

Articles of Incorporation were filed February 22, 2012

The purpose or purposes for which it was organized are as follows: To provide an informational clearinghouse for aggregate information and resources on childhood sexual abuse ("CSA"), and to facilitate partnerships between CSA prevention organizations, communities, healthcare, business, and educational leaders and survivors.

1st Publication

NOTICE

TO: KIKI ENTERPRISES, INC. AND ANY OF ITS SHAREHOLDERS

TAKE NOTICE: On April 16, 2012 at 1:30 p.m., in Courtroom 15 of the Chester County Justice Center, 201 West Market Street West Chester, Pennsylvania, a hearing will be held before the Chester County Orphans Court on the petition of the Estate of Joseph J. Solomon, Deceased, for a decree confirming that the Estate of Joseph J. Solomon, Deceased, is the sole owner of all shares of common stock of Kiki Enterprises, Inc.
KEVIN HOLLERAN, ESQ.
Gawthrop Greenwood, PC
17 E. Gay Street, Suite 100
West Chester, PA 19380
(610) 696-8225

3. You may also be able to stop the sale through other legal proceedings. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY
AND YOU HAVE OTHER RIGHTS
EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C., Esquire at (215) 790-1010.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.
4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.
7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

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.

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NOTICE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIANOTICE

On February 27, 2012, pursuant to 28 U.S.C. §2071(e), the judges of the United States District Court, determining that there is an immediate need, approved a Resolution amending Local Rule of Civil Procedure 7.1 (c) *Motion Practice*, to comply with changes made to the Federal Rules of Civil Procedure relating to deadlines in seven-day multiples, and also amending Local Rule of Civil Procedure 7.4(b)(2), *Notices; Stipulations*, to comply with changes made to the Federal Rules of Civil Procedure relating to extensions of time to respond to a Complaint to read as follows:

Rule 7.1 Motion Practice

(a) Every motion shall be accompanied by a form of order which, if approved by the court, would grant the relief sought by the motion. Every response in opposition to a motion shall be accompanied by a form of order, which, if approved by the court, will deny or amend the relief sought by the motion.

(b) Every uncontested motion shall be accompanied by a certificate of counsel that such motion is uncontested.

(c) Every motion not certified as uncontested, or not governed by Local Civil Rule 26.1(g), shall be accompanied by a brief containing a concise statement of the legal contentions and authorities relied upon in support of the motion. ~~Unless the parties have agreed upon a different schedule and such agreement is approved under Local Civil Rule 7.4 and is set forth in the motion, or unless the Court directs otherwise, any party opposing the motion shall serve a brief in opposition, together with such answer or other response which may be appropriate, within fourteen (14) days after service of the motion and supporting brief, except that in the case of a motion under Fed. R. Civ. P. 12(b) or 56, the opposing party shall respond within twenty-one (21) days. In the absence of timely response, the motion may be granted as uncontested except that a summary judgment motion, to which there has been no timely response, will be governed by Fed. R. Civ. P. 56(e). The court may require or permit further briefs or submissions if the Court deems it appropriate, except that a movant has a right to file a reply under Fed. R. Civ. P. 56(e)(1)(C), though the Court in its discretion may alter the time for reply. Unless the Court directs otherwise, any party opposing the motion shall serve a brief in opposition together with such answer or other response that may be appropriate, within fourteen (14) days after service of the motion and supporting brief. In the absence of timely response, the motion may be granted as uncontested except as provided under Fed. R. Civ. P. 56. The Court may require or permit briefs or submissions if the Court deems them necessary.~~

Rule 7.4 Notices; Stipulations

(a) All notices by parties or counsel shall be in writing.

(b) Stipulations of Counsel

(1) Stipulations of counsel relating to the business of the court, except such stipulations at bar as are noted by the Clerk upon the minutes or by the court reporter's notes, shall be written and signed by counsel of record. Upon receipt of a stipulation, the Clerk shall stamp the date it is received and forward it to the Court for consideration.

~~(2) When the parties file with the Clerk a written stipulation for an extension of time to answer, plead or otherwise move, and no such prior extension has been granted (which shall affirmatively appear in the stipulation), the Clerk shall grant the stipulated extension for a period not exceeding thirty (30) days by endorsement upon the stipulation.~~

~~(3) Except as provided in paragraph (2) and except as permitted by Federal Rule of Civil Procedure 29, no stipulation between the parties relating to extension of time shall be effective until approved by the court.~~

(2) In accordance with Fed. R. Civ. P.6(b), no stipulation between the parties relating to extension of time shall be effective until approved by the Court.

As the above changes merely conform our Local Rules with the Federal Rules of Civil Procedure, an Order of the Court was entered on February 27, 2012, making these amendments effective on February 27, 2012, with a period to follow of forty-five days afforded for purposes of Notice to the Bar and Public and Solicitation of Comment, pursuant to 28 U.S.C. §2071(e).

Those wishing to obtain submit comments on these amendments may do so by submitting said comments to the attention of Michael E. Kunz, Clerk of Court, United States Courthouse, 601 Market St., Room 2609, Philadelphia, PA, 19106, or by fax at 215-597-6390 or 215-580-2167, before the close of business, Monday, April 16, 2012. Copies of the amended Local Rules may be obtained by submitting a request at the address listed above, or by obtaining them in person at the Clerk's Office, or at the court's Website, www.paed.uscourts.gov.

J. Curtis Joyner, Chief Judge

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2nd Publication**TRUST NOTICE**

Notice is hereby given of the administration of the Teresa M. Winkler Trust dated September 24, 2003. Settlor, late of Willistown Twp, Chester County, PA died January 13, 2012. All person having claims against the decedent are requested to make known the same, and all persons indebted to the decedent are required to make payment without delay to:

Carol Jurden, Trustee
c/o Brett B. Weinstein, Esquire
705 W. DeKalb Pike
King of Prussia, PA 19406

BRETT B. WEINSTEIN, Esquire
Weinstein Law Offices PC
705 West DeKalb Pike
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DATE	CLE SESSIONS	TIME	CREDIT HOURS
March 16th	<i>Chester County Bar Association's: Spring Bench Bar Conference</i>	ALL DAY	Up to 6 credits
March 19th	PBI: Residential Agreement of Sale (g)	12:30 PM- 3:45 PM	3 SUB
March 20th	PBI: Corporate Compliance & Ethics (v)	9 AM- 1:30 PM	3 SUB & 1 ETH
March 20th	PBI: Social Security Disability—The Basics (g)	9 AM- 1:15 PM	4 SUB
March 22nd	PBI: Trials—Tips, Tactics & Practical Tales (g)	8:30 AM- 3:30 PM	6 SUB
March 23rd	PBI: Vehicle Stops & Searches in PA (g)	9 AM- 12:15 PM	3 SUB
March 27th	PBI: Communication Skills for Lawyers/ Media (v)	9 AM- 4:30 PM	5 SUB & 1 ETH
March 28th	PBI: 25th Annual Civil Litigation Update (g)	9 AM- 4:30 PM	5 SUB & 1 ETH
April 3rd	PBI: Claims Made & Prof. Liability Insur. Coverage (v)	9 AM – 12:30 PM	2 SUB & 1 ETH
April 4th	PBI: Guardianship 101 (g)	8:30 AM – 12:50 PM	3 SUB & 1ETH
April 5th	PBI: What Every Estate Planning Attorney Needs to Know About Florida Law (g)	12:30 PM – 4:45 PM	4 SUB
April 9th	Bridge the Gap	12 PM – 4 PM	4 ETH
April 10th	PBI: Writing Better Complaints, Contracts, Discovery Requests, Laws & Regulations (2 Steven Stark) (g)	9 AM – 4:15 PM	6 SUB
April 11th	PBI: How to be a Lawyer 102 (v)	9 AM – 10 AM	1 ETH
April 11th	PBI: Judgment Collection Strategies (g)	1 PM – 4:15 PM	3 SUB
April 13th	PBI: Winning Numbers: Acctg & Finance for Lawyers (g)	8:30 AM – 3:30 PM	5 SUB & 1 ETH
April 17th	PBI: Restrictive Covenants, Trade Secrets & Computer Forensics. What Every Lawyer Should Know (v)	9 AM – 1:30 PM	4 SUB
April 17th	PBI: Sheriff Sales in Pennsylvania (g)	9 AM – 1:15 PM	3 SUB & 1 ETH
April 18th	PBI: Ideal Gas Law... (v)	9 AM – 4:30 PM	6 SUB
April 18th	PBI: Five County Criminal Practice (g)	12:15 PM – 4:15 PM	4 SUB
April 19th	PBI: Family Law Institute 2012 (g)	8:30 AM – 4:30 PM	6 SUB
April 20th	PBI: Land Use Institute (g)	8:30 AM – 4:30 PM	5 SUB & 1 ETH
April 23rd	PBI: Anatomy, Injuries & Surgeries (g)	8:25 AM – 3:45 PM	6 SUB

To view the calendar online go to: http://www.chescobar.org/cle/cle_opportunities_at_ccba.html

(v) = video
 (g) = live groupcast
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The Official Legal Publication for Chester County

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