

Adams County Legal Journal

Vol. 58

July 22, 2016

No. 11, pp. 58-63

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on May 26 2016 for DAVIS CARETAKING located at 847 Long Lane Gettysburg, PA 17325. The name and address of each individual interested in the business is Paul Davis, 847 Long Lane Gettysburg, PA 17325. This was filed in accordance with 54 PaC.S. 311.

7/22

NOTICE

NOTICE IS HEREBY GIVEN that KELLEY L. NELSON, ESQUIRE, and COURTNEY E. HAIR, ESQUIRE intend to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 8th day of September, 2016, and that they intend to practice law as Assistant District Attorneys in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111 Baltimore Street, Room #6, Gettysburg, Pennsylvania.

7/15, 22 & 29

DORIS PAULINE MILLER V. JOSEPH DANIEL MILLER

1. A court may enter summary judgment when the pleadings, depositions, answers to interrogatories, omissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.

2. The Defendant also alleges that there is a factual issue of how much interest Plaintiff may charge and Defendant contends that Plaintiff is unable to charge the amount of interest alleged in paragraph 10 of Plaintiff's Second Amended Complaint in Mortgage Foreclosure because it is barred by the Doctrine of Laches.

3. The Doctrine of Laches must be pleaded in New Matter, which was done in this case. The Doctrine of Laches bars relief when the pleading indicates a lack of due diligence in failing to institute an action and such action results in prejudice to another from the lapse of time. The question of laches is factual and is determined by examining the circumstances of each case.

4. Based on Plaintiff's version of these events, Plaintiff could have brought an action in mortgage foreclosure at any point since June 1, 1986, and Defendants were obligated to make full payment on the debt on or about June 1, 1996. There does appear to be a genuine issue of material fact concerning whether the defense of laches is present in this case. Therefore, Plaintiff's Motion for Summary Judgment is denied.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL 2016-SU-248, DORIS PAULINE MILLER V.
JOSEPH DANIEL MILLER.

John C. Perry, Esq., Attorney for Plaintiff

Anthony Miley, Esq., Attorney for Defendant

Wagner, J., June 21, 2016

OPINION PURSUANT TO PA. R.A.P. 1925

The Defendant, Joseph Daniel Miller (hereinafter referred to as “Defendant”), appeals this Court’s entry of a Protection from Abuse Order entered as a result of the Petition of his estranged wife, Dorris Pauline Miller (hereinafter referred to as “Plaintiff”). Testimony developed at the PFA Hearing on March 23, 2016 revealed that the following events occurred.

The Defendant and the Plaintiff were married for thirty three (33) years, and the Plaintiff moved out of their residence on January 4, 2016. The Plaintiff has initiated a divorce action against the Defendant.

Since January 4, 2016, the Defendant left hundreds of unwanted messages on the Plaintiff’s cell phone. On one of the messages the Defendant advised Plaintiff if she didn’t come home “I love you, but I will make you pay.” In many of the messages the Defendant stated either directly or by innuendo that if the Plaintiff did not come home the Defendant was “going to do something.” The Defendant continued to contact the Plaintiff by telephone after she told him to stop. The Defendant also called from different telephone numbers after the Plaintiff blocked the Defendant’s telephone number. The telephone messages, combined with the Defendant’s other actions, caused the Plaintiff concern.

On January 20, 2016, the Defendant drove his truck to the Plaintiff’s work in Gettysburg and parked the truck outside of Plaintiff’s job site for ten to fifteen minutes. The Defendant had a hand gun in his vehicle. While the Defendant was at Plaintiff’s work, the Defendant called his son and said he was contemplating killing himself. That same day the Defendant went to his son’s residence and provided an unloaded revolver to his son. The Defendant did not have a valid license to carry a firearm on January 20, 2016. The Defendant advised he sat along the wall of the Plaintiff’s work, five feet from the Plaintiff, and read the Bible. Shortly after this, the Defendant left a voice mail on the Plaintiff’s cell phone and admitted being at her place of employment. Plaintiff subsequently learned the Defendant had a gun in his vehicle.

On January 21, 2016, the Defendant left a message on Plaintiff’s cell phone and stated “and you wonder why I put a gun to my head.” The Defendant also stated “you know why this is happening because of your mouth. I only put up with your mouth for freakin’ thirty six years.”

In February of 2016, the Defendant followed the Plaintiff while she was driving to her work, shortly after 6:00 a.m. The Defendant followed the Plaintiff into the parking lot. The Plaintiff called the Defendant and advised she was going to drive to the State Police Barracks and report the Defendant was following her and stalking her. At that point the Defendant drove away.

The Defendant also followed the Plaintiff to her church and left a message for the Plaintiff advising her he knows where she now goes to church because he watched her and other family members.

On March 5, 2016, the Plaintiff went to the marital home to retrieve some of her personal items, knowing the Defendant was not home. The Plaintiff parked her vehicle by the road so that her vehicle could not be blocked. While the Plaintiff was in the marital residence she observed a loaded shot gun sitting next to the front door. This was not standard practice to keep loaded firearms in the residence and there was never one at the front door during their twenty-nine (29) years of marriage. Plaintiff testified this scared her. While the Plaintiff was loading personal items in the back of her SUV, the Defendant arrived at the residence, approached the Plaintiff, grabbed the Plaintiff by the shoulders, spun her around and asked her what she was doing. The Plaintiff was scared, and she took both hands and pushed the Defendant. The Defendant lost his balance and fell down in the driveway. Plaintiff also lost her balance and fell down in the driveway. The Plaintiff jumped in her truck, locked the door, started the truck and drove off. As the Plaintiff was leaving the Defendant was yelling at Plaintiff.

The Plaintiff filed for a Protection from Abuse Order against the Defendant on March 10, 2016.

Based upon observation of the demeanor of the witnesses, this Court finds Plaintiff's testimony to be credible and Defendant's testimony to be less than entirely truthful. This Court also observed the Plaintiff's fear and concern regarding the Defendant during the course of the PFA proceeding.

LEGAL STANDARD

The Defendant attacks the sufficiency of the evidence to support a finding of abuse. §6102(a)(2) and (5) of the Protection from Abuse Act defines abuse as:

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(2) placing another in reasonable fear of imminent serious bodily injury.

(5) knowingly engaging in a course of conduct or repeatedly committing acts towards another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury

23 Pa. C.S.A. §6102(a)(2)(5).

The Protection from Abuse Act was written to enable courts to respond quickly and flexibly to both early signs and subsequent acts of abuse. *Commonwealth v. Snell*, 737 A.2d 1232 (Pa. Super. 1999). The primary goal of the Act is not to penalize past criminal conduct; rather, it is intended to provide advance prevention of physical and sexual abuse. *Snyder v. Snyder*, 629 A.2d 977 (Pa. Super. 1993). At the final protection from abuse hearing, the Plaintiff must prove the allegations of abuse by a preponderance of the evidence. 23 Pa. C.S. §6107(a).

In *Raker v. Raker*, 847 A.2d 720 (Pa. Super. 2004) the Pennsylvania Superior Court set forth the standard of review concerning insufficient evidence to support a finding of abuse as defined in the Protection from Abuse Act, as follows:

When a claim is presented on appeal that the evidence was not sufficient to support an order of protection from abuse, we review the evidence in the light most favorable to the petitioner and granting her the benefit of all reasonable inference, determine whether the evidence was sufficient to sustain the trial court's conclusion by a preponderance of the evidence. This Court defers to the credibility determinations of the trial court as to witnesses who appeared before it. (Citations omitted). We also note that the preponderance of evidence standard is defined as the greater weight of the evidence, i.e., to tip the scale slightly is the criteria or requirement for preponderance of the evidence. (Citations omitted).

Id. at 724.

DISCUSSION

The testimony and evidence indicate that between January 4, 2016 and March 10, 2016, the Defendant left hundreds of unwanted messages on the Plaintiff's cell phone. The Plaintiff advised the Defendant to stop contacting her, and the Plaintiff blocked all of the Defendant's telephone numbers. During one message the Defendant

advised the Plaintiff if she did not come home “I love you, but I will make you pay.” Many of the messages stated either directly or by innuendo that if the Plaintiff did not come home the Defendant was “going to do something.” The evidence also illustrated that on a minimum of three occasions between January 20, 2016 and March 10, 2016, the Defendant followed the Plaintiff, without proper authority and/or went to the Plaintiff’s work place.

On the January 20, 2016 incident, the Defendant illegally possessed a firearm in his vehicle and made threats of suicide to his son. The Plaintiff subsequently learned the Defendant had a gun in his vehicle when he visited her work place on January 20, 2016. On January 21, 2016, the Defendant left a message on Plaintiff’s cell phone and stated “and you wonder why I put a gun to my head.” Furthermore, there was the physical altercation on March 5, 2016 at the Plaintiff and Defendant’s marital residence. Initially, the Plaintiff observed a loaded shot gun sitting next to the front door, which was conduct that never happened during the 29 years of their marriage. Finally, there was a physical altercation which was initiated by the Defendant where he grabbed the Plaintiff and spun her around. The incident on March 5, 2016 precipitated the filing of the PFA Petition on March 10, 2016.

This evidence clearly establishes, by a preponderance of the evidence, that from the time period January 4, 2016 through March 10, 2016, the Defendant knowingly engaged in a course of conduct or repeatedly committed acts towards the Plaintiff, including following the Plaintiff, without proper authority, under circumstances which clearly placed the Plaintiff in reasonable fear of bodily injury. *See R.G. v. T.D.*, 672 A.2d 341 (Pa. Super. 1996).

This evidence also clearly establishes, by a preponderance of the evidence, that from the time period January 4, 2016 through March 10, 2016, the Defendant placed the Plaintiff in reasonable fear of imminent serious bodily injury. *See Fonner v. Fonner*, 731 A.2d 160 (Pa. Super. 1999); *McCance v. McCance*, 908 A.2d 905 (Pa. Super. 2006); and *Mescanti v. Mescanti*, 956 A.2d 1017 (Pa. Super. 2008).

This Court’s finding of abuse is based on the totality of all of the incidents which were previously outlined in this Court Opinion in addition to this Court’s observation of the demeanor of the witnesses as they testified. While the evidence did not illustrate any overt

threats of violence, the combination of all of the incidents clearly meets the standard of abuse by a preponderance of the evidence. Of utmost concern to this Court is the Defendant's possession of firearms, coupled with the Defendant's contemplation of suicide while possessing a firearm, and the continued actions by the Defendant in following the Plaintiff and leaving her numerous unwanted phone messages.

Defendant's deliberate actions, as outlined in this Opinion, warrant Plaintiff's "reasonable" fear of the Defendant.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary or administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION

ESTATE OF ROBERT L. GEIMAN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executor: Dorian L. Geiman, c/o Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

ESTATE OF JOSEPH P. HAMILTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: ACNB Bank, Attn: Christine R. Settle, Trust Department, P.O. Box 4566, Gettysburg, PA 17325

Attorney: TEETER, TEETER & TEETER, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF ETHEL MAE HIMMELREICH, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Charles Himmelreich, 2987 Somerset Pike, Johnstown, PA 15905

ESTATE OF DOROTHY A. TONER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Judy A. Toner, 371 Torway Rd., Gardners, PA 17324

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF G. ROBERT WEILAND, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Gary A. Weiland, 126 Heritage Drive, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

LEGAL NOTICE

Notice of the death of Wayne W. Brant, late of New Oxford, Adams County, Pennsylvania, Surviving Settlor of The Wayne W. Brant and Leah E. Brant Revocable Living Trust, dated 1/15/2002, is hereby given. All persons indebted to said Trust are requested to make prompt payment and those having claims to present the same, without delay to:

Trustees: Daniel L. Brant & Philip W. Brant

Care of:

Attorney: David A. Peckman, Peckman Chait LLP, 29 Mainland Road, Harleysville, PA 19438

SECOND PUBLICATION

ESTATE OF RICHARD L. ODGEN, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Michael L. Ogden, 840 Heidlersburg Road, Biglerville, PA 17307

Attorney: Todd A. King, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF RONALD STOUGH, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Norma Marie Wagner, P.O. Box 757, Hanover, Pennsylvania 17331

Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

ESTATE OF MYRON E. THOMPSON III, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrator: Gretchen M. Scroggin, 1906 N. East Oaks Drive, Fayetteville, AR 72703

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF WILLIAM M. ALLEMAN, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Personal Representative: M. Jane Alleman, 32 W. Hanover St., Gettysburg, PA 17325

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

ESTATE OF LESTER W. EMORY, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Personal Representative: Rose Ann Rupert, c/o Stephen D. Kulla, Esq., Kulla, Barkdoll & Stewart, P.C., 9 E. Main St., Waynesboro, PA 17268

Attorney: Stephen D. Kulla, Esq., Kulla, Barkdoll & Stewart, P.C., 9 E. Main St., Waynesboro, PA 17268

ESTATE OF SHIRLEY FRANCES GRANDIA a/k/a SHIRLEY F. GRANDIA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: William M. Grandia, II, c/o John D. Miller, Jr., Esq., MPL Law Firm, LLP, 137 East Philadelphia Street, York, PA 17401-2424

Attorney: John D. Miller, Jr., Esq., MPL Law Firm, LLP, 137 East Philadelphia Street, York, PA 17401-2424

ESTATE OF ROBERT N. HELM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Brian D. Brooks, c/o Nancy Mayer Hughes, Esq., Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602

Attorney: Nancy Mayer Hughes, Esq., Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602

ESTATE OF JOHN M. JACOBS, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Creta M. Jacobs, PO Box 596, Arendtsville, PA 17303

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

