

York Legal Record

A Record of Cases Argued and Determined in the Various Courts of York County

Vol. 134

YORK, PA, WEDNESDAY, NOVEMBER 25, 2020

No. 35

CASES REPORTED

BP REAL ESTATE INVESTMENT GROUP, LP V. THOMAS JAMES EDWARD SOUL,
A/K/A THOMAS SOUL, A/K/A THOMAS J. E. SOUL
2020-SU-000121

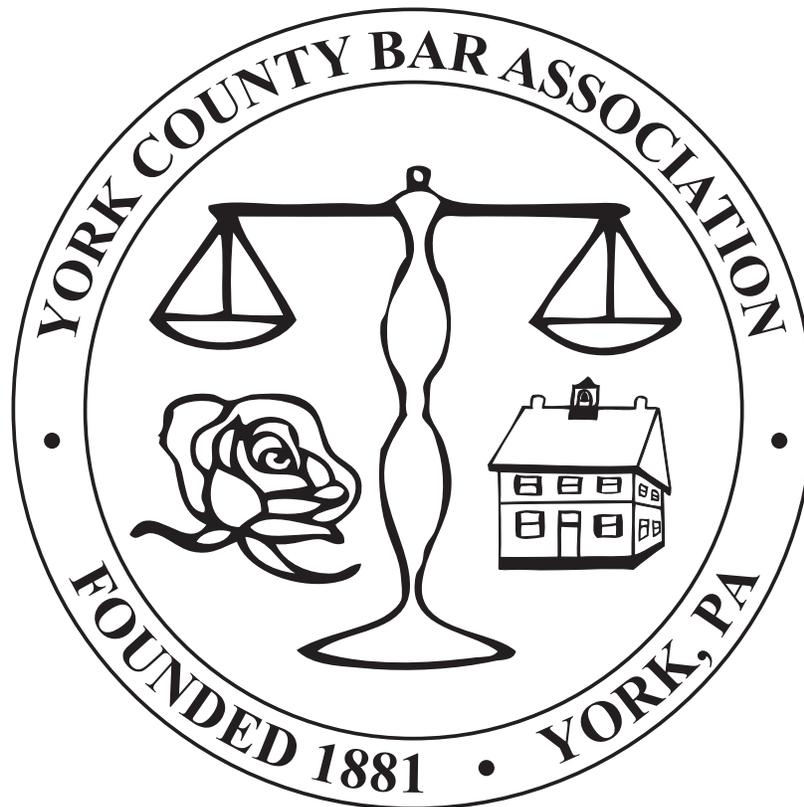
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DEP Finalizes New CAFO General Permit
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**BP REAL ESTATE INVESTMENT GROUP, LP v. THOMAS
JAMES EDWARD SOUL, a/k/a THOMAS SOUL,
a/k/a THOMAS J. E. SOUL
2020-SU-000121**

Summary Judgment – Action in Ejectment

1. BP Real Estate Investment Group, LP filed a Motion for Summary Judgment in response to Defendant's Answer to Complaint in Ejectment.
2. In his answer, Defendant either admits or provides a general denial of all averments.
3. In an ejectment action, a party must set forth the abstract of title upon which he relies in order to recover possession, unless superior title is shown by the adverse party.
4. In the instant matter, Plaintiff has provided documentary proof of their title to the property and their right to immediate possession.
5. Defendant's sole viable defense—that of superior title or right to the property at issue—is not raised in any substantial form. There is clearly no genuine issue of material fact in this case as it pertains to the claim for ejectment.
6. Plaintiff's Motion for Summary Judgment as to the claim for Ejectment was granted.

**IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA**

No. 2020-SU-000121

CIVIL ACTION

**BP REAL ESTATE INVESTMENT GROUP, LP
Plaintiff**

v.

**THOMAS JAMES EDWARD SOUL,
a/k/a THOMAS SOUL,
a/k/a THOMAS J. E. SOUL,
Defendant**

APPEARANCES: For Plaintiff: Kurt A. Blake, Esquire
For Defendant: Self-represented

OPINION

Presently before the Court is a Motion for Summary Judgment filed by BP Real Estate Investment Group, LP (hereinafter "Plaintiff") in response to Defendant's Answer to Complaint in Ejectment filed by Thomas James Edward Soul, a/k/a Thomas Soul or Thomas J.E. Soul (hereinafter "Defendant").

For the following reasons, Plaintiff's Motion is **GRANTED** as to the claim for ejectment.

BACKGROUND

This action involves property located at 92B Cemetery Avenue, Stewartstown, York County, Pennsylvania. A Complaint in Ejectment was filed by Plaintiff on January 14, 2020, seeking ejectment of Defendant from the premises and raising a claim of unjust enrichment. Plaintiff seeks to recover possession of premises purchased by Plaintiff at Sheriff's Sale as evidenced by a deed filed on September 16, 2019.

Defendant's Answer was filed on April 6, 2020. Plaintiff then filed a Motion for Partial Summary Judgment on April 27, 2020 together with a Brief in support solely on the issue of ejectment. Defendant has not filed a response. On June 8, 2020, a Praecipe to List for One-Judge Disposition was filed and the matter was assigned to the undersigned on June 9, 2020. The matter is now ripe for decision.

DISCUSSION

After the relevant pleadings are closed, but within such time as not to unreasonably delay the trial, any party may move for judgment on the pleadings. Pa.R.C.P. 1034(a). In considering motion for judgment on the pleadings, all properly pled averments of fact and every reasonable inference that the court can draw therefrom, must be taken as true, or as admitted, unless their falsity is apparent from the record. *Pocono Summit Realty, LLC v. Ahmad Amer, LLC*, 52 A.3d 261 (Pa.Super. 2012). Averments of fact which are material and relevant are accepted as true, even though denied, in considering a motion for judgment on the pleadings. *Id.*

In conducting its inquiry on a motion for judgment on the pleadings, a court should confine itself to the pleadings themselves and any documents or exhibits properly attached to them, and it may not consider inadmissible evidence. *Integrated Project Services v. HMS Interiors, Inc.*, 931 A.2d 724 (Pa.Super. 2007). A motion for judgment on the pleadings is similar to a demurrer in that it may be entered when there are no disputed issues of material fact and the moving party is entitled to judgment as a matter of law. *Miller v. Nelson*, 768 A.2d 858, 860 (Pa. Super. 2001) (citing *Citicorp North American, Inc. v. Thornton*, 707 A.2d 536, 538 (Pa. Super. 1998) (citations omitted)).¹

"[T]o support an action in ejectment, the evidence must be sufficient to identify the land in dispute and establish the plaintiff's right to possession thereof." *Hallman v. Turns*, 482 A.2d 1284, 1288 (Pa. Super. 1984). "The crux of an ejectment action, therefore, rests with the plaintiffs' ability to identify, by a preponderance of the evidence, the boundaries of a parcel of land to which they are out of possession but for which they maintain paramount title." *Doman v. Brogan*, 592 A.2d 104, 108 (Pa.Super. 1991)(citations omitted). Once the plaintiff establishes a prima facie case, the Defendant must offer proof of his title to defeat a plaintiff's ownership. *Id.* Pennsylvania Rule of Civil Procedure 1054(b) provides that in an ejectment action, a party must set forth the abstract of title upon which he relies in order to recover possession, unless superior title is shown by the adverse party.

In the instant matter, Plaintiff has provided documentary proof of their title to the property and their right to immediate possession. Attached to its Complaint is a Sheriff's Deed conveying located at 92B Cemetery Avenue, Stewartstown, York County, Pennsylvania to Plaintiff for the sum of \$54,781.00 paid together with a certification of recording from the York County Recorder of Deeds, which indicates the Sheriff's Deed was recorded on September 16, 2019. *Complaint, Exhibit A*. A purchaser of real estate at a Sheriff's sale acquires title to the property, and upon the Sheriff's Deed becoming acknowledged and recorded, the purchaser has a right to immediate possession. *Wells Fargo Bank, N.A. v. Long*, 934 A.2d 76 (Pa.Super. 2007).

In order to refute Plaintiff's right to possession, Defendants must show superior title or right to the property. Pa. R.C.P. 1054(b). However, Defendant's Answer consists of either admissions or general denials. Though Defendant denies that he has willfully remained in possession, he does not deny the allegation that he remains in the house. Instead, he alleges that his circumstances render him unable to obtain alternative housing. Plaintiff is the "record owner" of the property, the law is clear that a purchaser at Sheriff's sale becomes the record owner once the Sheriff's deed is recorded. *Id.* The Sheriff's Deed was recorded on September 16, 2019 and on that date Plaintiff did, in fact, become the record owner of the property.

Plaintiff only seeks partial judgment on pleadings for the ejectment claim, reserving the issue of unjust enrichment for trial. In response, Defendant either admits or provides a general denial of all averments. Defendant's sole viable defense—that of superior title or right to the property at issue—is not raised in any substantial form. There is clearly no genuine issue of material fact in this case as it pertains to the claim for ejectment.

CONCLUSION

Plaintiff has shown through its deed, recorded in York County, Pennsylvania, to be the owner of the property and to be entitled to exclusive and immediate possession of said property. Defendant has not provided evidence to the contrary. Plaintiff has met its burden to support partial judgment on pleadings as, viewing the record in a light most favorable to Defendant, there is no genuine issue of material fact regarding the complaint in ejectment.

For the foregoing reasons, the Court will **GRANT** partial judgment on pleadings as to the claim for ejectment. The issue of unjust enrichment will be remanded for further proceedings. The appropriate Order follows.

BY THE COURT:

DATE _____ ANDREA MARCECA STRONG, JUDGE

IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA

No. 2020-SU-000121

CIVIL ACTION

BP REAL ESTATE INVESTMENT GROUP, LP
Plaintiff

v.

THOMAS JAMES EDWARD SOUL,
a/k/a THOMAS SOUL,
a/k/a THOMAS J. E. SOUL,
Defendant

APPEARANCES: For Plaintiff: Kurt A. Blake, Esquire
For Defendant: Self-represented

**ORDER GRANTING MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS**

AND NOW, this _____ day of July, 2020, upon review of the Plaintiff's Motion for Partial Judgment on Pleadings and Brief filed in support, the Court hereby **GRANTS** partial judgment in favor of Plaintiff as to the issue of ejectment of the Defendant from the premises located at 92B Cemetery Avenue, Stewartstown, York County, Pennsylvania. Plaintiff is the record owner of the property and Defendant has failed to demonstrate that he has superior title as required by Pa. R.C.P. 1054(b). The remaining issue of unjust enrichment is remanded for further proceedings.

The Prothonotary shall serve copies of this Order on counsel of record and self-represented parties as required by law.

BY THE COURT:

ANDREA MARCECA STRONG, JUDGE

FOOTNOTES

¹ A "material fact" is one that directly affects the outcome of the case. *Fortney v. Callenberger*, 801 A.2d 594, 598 (Pa.Super. 2002).

DEP Finalizes New CAFO General Permit

By Martin Siegel, Barley Snyder Environment & Energy Industry Group

The Pennsylvania Department of Environmental Protection has announced the availability of its new General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12).

The PAG-12 General Permit is intended to provide coverage under the National Pollutant Discharge Elimination System to those operating Concentrated Animal Feeding Operations (CAFOs) where those operations meet the eligibility requirements of the PAG-12 permit, according to a recent DEP posting in the Pennsylvania Bulletin at 50 Pa.B. 6060, published on Saturday, October 31, 2020.

The amended PAG-12 permit includes changes intended to correct errors and reduce administrative burdens, including some that became effective in April 2018.

According to the DEP post, the changes include:

- Coverage expiration date. All coverage under the amended general permit expires on the same date. CAFOs are expected to submit a timely notice of intent (NOI) for continuation of coverage under a reissued general permit prior to expiration of their existing coverage. The DEP will provide information on what will be expected of CAFOs for future permit coverage at a later date.
- Annual report serving as NOI: CAFO annual reports are no longer considered notice of intent for continuation of coverage, but the completed reports still must be submitted in a timely fashion each year as of January 1, 2021.
- Removal of automatic expiration of coverage language: The amended general permit states that failure to submit the CAFO annual report and the annual NOI installment fee payment may result in enforcement action or revocation of coverage, and the DEP will determine the enforcement action. Previous language said without those timely submissions, coverage would be expired.
- Daily water line inspections: The permit now has specific requirements for daily water line inspections for certain operations that inadvertently hadn't been included previously. The previous permit only mentioned operations with a certain amount of cattle or cows, but now includes all large CAFO operations except ones with certain animals.

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FIRST PUBLICATION

- ESTATE OF CARON E. ALDINGER, DECEASED
Late of York Twp., York County, PA.
Executrix: Chyrel K. Aldinger, c/o Laucks & Laucks, PC, 105 West Broadway, Red Lion, PA 17356
Attorney: David M. Laucks, Esquire, LAUCKS & LAUCKS, PC, 105 West Broadway, Red Lion, PA 17356 11.25-3t
- ESTATE OF LOTTIE M. BERKHEIMER, DECEASED
Late of Spring Garden Twp., York County, PA.
Executrix: Joan E. Myers-Goodman a/k/a Joan E. Myers-Goodwin, c/o Larry C. Heim, Esquire, 100 E. Market Street, York, PA 17401
Attorney: Larry C. Heim, Esquire, Barley Snyder LLP, 100 E. Market Street, York, PA 17401 11.25-3t
- ESTATE OF DELORES M. BILLET, DECEASED
Late of Dover Twp., York County, PA.
Co-Executrices: Tina Marie Newcomer and Kim Louise McCoy, c/o Stock and Leader, 221 West Philadelphia Street, Suite 600, York, PA 17401
Attorney: MacGregor J. Brillhart, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite 600 York, PA 17401-2991 11.25-3t
- ESTATE OF WILLIAM H. BUPP, JR., DECEASED
Late of Seven Valleys Borough, York County, PA.
Administrator: Anthony Bupp, c/o Law Offices of Craig A. Diehl, 119A West Hanover Street, Spring Grove, PA 17362
Attorney: Craig A. Diehl, Esquire, CPA, Law Offices of Craig A. Diehl, 119A West Hanover Street, Spring Grove, PA 17362 11.25-3t
- ESTATE OF DAVID A. ECKERT, DECEASED
Late of York City, York County, PA.
Executrix: Ruth M. Hoover, c/o 2025 E. Market Street, York, PA 17402
Attorney: Richard H. Mylin, III, Esquire, 2025 E. Market Street, York, PA 17402 11.25-3t
- ESTATE OF JAMES E. EISENHOUR, SR., a/k/a JAMES E. EISENHOUR, DECEASED
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- ESTATE OF GLORIA H. FITZ, DECEASED
Late of York Twp., York County, PA.
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Attorney: Bruce C. Bankenstein, Esquire, 48 South Duke Street, York, PA 17401 11.25-3t
- ESTATE OF HILDA G. HERSHNER, a/k/a HILDA R. HERSHNER, DECEASED
Late of Shrewsbury Borough, York County, PA.
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Attorney: Ronald L. Hershner, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite 600, York, PA 17401-2991 11.25-3t
- ESTATE OF GERALD H. HESS, DECEASED
Late of City of York, York County, PA.
Administrator-Executrix: Tina M. Hess, c/o Amanda Snoko Dubbs, Esq., 294 Dew Drop Road, York, PA 17402
Attorney: Amanda Snoko Dubbs, Esquire, 294 Dew Drop Road, York, PA 17402 11.25-3t
- ESTATE OF KIRBY G. HOKE, DECEASED
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Attorney: Rachel Dodson Hamme, Esquire, The Hamme Law Firm, LLC, 1946 Carlisle Road, York, PA 17408 11.25-3t
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Attorney: David M. Laucks, Esquire, LAUCKS & LAUCKS, PC, 105 West Broadway, Red Lion, PA 17356 11.25-3t
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Attorney: Jennifer M. Stetter, Esquire, Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331 11.25-3t

ESTATE OF OPAL L. REDDING, DECEASED
Late of Hanover Borough, York County, PA.
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Lane, Taneytown, MD 21787
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Baltimore St., Gettysburg, PA 17325
11.25-3t

ESTATE OF MADELINE B. SCHMID,
DECEASED
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Administrator: Valerie J. Stokes, c/o Wm. D.
Schrack, III, Esquire, BENN LAW FIRM,
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BENN LAW FIRM, 124 West Harrisburg
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DECEASED
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and Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: Jody Anderson Leighty, Esquire,
STOCK AND LEADER, Susquehanna
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17401-2991 11.25-3t

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Pine Grove Commons, York, PA 17403
Attorney: Robert Clofine, Esquire, Elder
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Grove Commons, York, PA 17403
11.25-3t

ESTATE OF THELMA M. WITMER,
DECEASED
Late of York City, York County, PA.
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Riggs, c/o 340 Pine Grove Commons,
York, PA 17403
Attorney: Robert Clofine, Esquire, Elder
Law Firm of Robert Clofine, 340 Pine
Grove Commons, York, PA 17403
11.25-3t

ESTATE OF ELLIS R. WOLFE, DECEASED
Late of Warrington Twp., York County, PA.
Administrator CTA: Steven M. Morret, c/o
Wm. D. Schrack, III, Esquire, BENN
LAW FIRM, 124 West Harrisburg Street,
Dillsburg, PA 17019-1268
Attorney: Wm. D. Schrack, III, Esquire,
BENN LAW FIRM, 124 West Harrisburg
Street, Dillsburg, PA 17019-1268 11.25-3t

SECOND PUBLICATION

ESTATE OF ELLEN J. BATES a/k/a ELLEN
JANE BATES, DECEASED
Late of Peach Bottom Twp., York County, PA.
Co-Executrices: Brittany Lewis, Heather
Lewis & Shannon Lewis, 543 McDermott
Road, Fawn Grove, PA 17321
Attorney: Gilbert G. Malone, Esquire, 42
South Duke Street, York, PA 17401
11.19-3t

ESTATE OF HELEN R. DRAWBAUGH,
DECEASED
Late of Jackson Twp., York County, PA.
Co-Executors: Linda A. Hoover and Michael
L. Drawbaugh, c/o John W. Stitt, Esquire,
1434 W. Market St. York PA 17404
Attorney: John W. Stitt, Esquire, 1434 W.
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ESTATE OF PATRICIA A. FISHER, a/k/a
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Co-Executors: Scott A. Fisher and Ryan M.
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Attorney: John M. Garber, Esquire,
GARBER & GARBER LAW, 208 Hellam
Street, Wrightsville, PA 17368 11.19-3t

ESTATE OF JOANN F. GARNET, DECEASED
Late of Fairview Twp., York County, PA.
Executor: Joann Flear Garnet, Jr., c/o Kristen
Snyder, Esquire, Jackson Law Firm,
PLLC, 1215 Manor Drive, Suite 202,
Mechanicsburg, PA 17055
Attorney: Kristen Snyder, Esquire, Jackson
Law Firm, PLLC, 1215 Manor Drive,
Suite 202, Mechanicsburg, PA 17055
11.19-3t

ESTATE OF ALICIA S. HOFF a/k/a ALICIA
SUSAN HOFF, DECEASED
Late of Hanover Borough, York County, PA.
Co-Executors: Marla A. Reichart a/k/a Marla
A. Hoff, 166 Race Track Road, Hanover
PA 17331 and Wayne R. Hoff, 6074 West
Side Avenue, Spring Grove, PA 17362
Attorney: Matthew L. Guthrie, Esquire,
Barley Snyder LLP, 14 Center Square,
Hanover, PA 17331 11.19-3t

ESTATE OF LINDA L. JACOBY, DECEASED
Late of Windsor Twp., York County, PA.
Executor: Rohit Amin and Susmita R. Amin,
c/o Alex E. Snyder, Esquire, 100 E.
Market Street, York PA 17401
Attorney: Alex E. Snyder, Esquire, Barley
Snyder LLP, 100 E. Market Street, York
PA 17401 11.19-3t

ESTATE OF JEANIE M. KENNEY, DECEASED
Late of Windsor Twp., York County, PA.
Administrator: Chad R. Kenney, c/o 129 E.
Market St., York, PA 17401
Attorney: John C. Herrold, Esquire, Griest,
Himes, Herrold, Reynosa LLP 129 E.
Market St., York, PA 17401, 11.19-3t

ESTATE OF BARRY L. KOICUBA,
DECEASED
Late of Spring Garden Twp., York County, PA.
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Marshall & Smith, PC, 46 East
Philadelphia Street, York, PA 17401
Attorney: Jeffrey C. Marshall, Esquire,
Marshall & Smith, PC, 46 East
Philadelphia Street, York, PA 17401
11.19-3t

ESTATE OF GLORIA LICON-MILLER,
DECEASED
Late of Newberry Twp., York County, PA.
Executor: Christine Marie Fanelli, c/o Shaun
E. O'Toole, Esquire, 220 Pine Street,
Harrisburg, PA 17101
Attorney: Shaun E. O'Toole, Esquire, 220
Pine Street, Harrisburg, PA 17101 11.19-3t

ESTATE OF PAULA M. MAHAN,
DECEASED
Late of York Twp., York County, PA.
Executor: Sandra A. Diener, 2619 Southern
Hill Road, York, PA 17403
Attorney: Edward R. LeCates, Esquire, 7
East Market Street, First Floor, York, PA
17401 11.19-3t

ESTATE OF BETTY M. MCFADDEN,
DECEASED
Late of Peach Bottom Twp., York County, PA.
Executrix: Debra M. Beard, c/o Stock and
Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: Jody Anderson Leighty, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite 600, York, PA
17401-2991 11.19-3t

ESTATE OF BARRY LYNN MECKLEY a/k/a
BARRY L. MECKLEY, DECEASED
Late of Hanover Borough, York County, PA.
Administrator-Executor: Jill Renee Meckley,
120 S. Forney Avenue, Hanover, PA
17331 11.19-3t

ESTATE OF MARVIN MERNICK,
DECEASED
Late of Springettsbury Twp., York County, PA.
Executrix: Robin Ramsey, c/o Barley Snyder,
LLP, 14 Center Square, Hanover, PA
17331
Attorney: Jennifer M. Stetter, Esquire, Barley
Snyder, LLP, 14 Center Square, Hanover,
PA 17331 11.19-3t

ESTATE OF CHARLES F. MILLER,
DECEASED
Late of West Manchester Twp., York County, PA.
Administrator: Andrew J. Miller, c/o 129 E
Market St, York, PA 17401
Attorney: John C. Herrold, Esquire, Griest,
Himes, Herrold, Reynosa LLP, 129 E
Market St, York, PA 17401 11.19-3t

ESTATE OF JOHN J. MILKOVICH, III, a/k/a
JOHN JOSEPH MILKOVICH, DECEASED
Late of Penn Twp., York County, PA.
Executor: Sharon L. Neigh, c/o Strausbaugh
Law, PLLC, 1201 West Elm Avenue, Suite
#2, Hanover, PA 17331
Attorney: Scott J. Strausbaugh, Esquire,
Strausbaugh Law, PLLC, 1201 West Elm
Avenue, Suite #2, Hanover, PA 17331
11.19-3t

ESTATE OF BENJAMIN H. NOLL,
DECEASED
Late of N. Codorus Twp., York County, PA.
Co-Executrices: Barbara J. Brouger and
Evelyn R. Halteman, c/o Nevin D. Beiler,
Esq., 105 S. Hoover Ave., New Holland,
PA 17557
Attorney: Nevin D. Beiler, Esquire, Beiler
Legal Services, P.C., 105 S. Hoover Ave.,
New Holland, PA 17557 11.19-3t

ESTATE OF MARY LOU NOLL, DECEASED
Late of Dallastown Borough, York County, PA.
Administrator-Executor: Richard M. Noll,
2041 Craley Rd., #C, Windsor, PA 17366
11.19-3t

ESTATE OF DOLORES E. PALMER, a/k/a
ETHEL D. PALMER, DECEASED
Late of Shrewsbury Twp., York County, PA.
Executrix: Charlene R. Gilbert, c/o Stock
and Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: D. Reed Anderson, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite 600, York, PA
17401-2991 11.19-3t

ESTATE OF ROBERT G. RAUHAUSER a/k/a
ROBERT GENE RAUHAUSER, DECEASED
Late of Jackson Twp., York County, PA.
Administrator-Executor: Scott R. Rauhauser,
c/o Bellomo & Associates, LLC, 3198
East Market Street, York, PA 17402
Attorney: Bellomo & Associates, LLC, 3198
East Market Street, York, PA 17402
11.19-3t

ESTATE OF PATRICIA ANN RAY,
DECEASED
Late of Shrewsbury Twp., York County, PA.
Administrator-Executor: Diane M. Luthy,
13008 Gent Rd., Reisterstown, MD 21136
11.19-3t

ESTATE OF LEO E. RUTTER, DECEASED
Late of Manchester Twp., York County, PA.
Executor: Tim L. Rutter, c/o 135 North
George Street, York, PA 17401
Attorney: Timothy Bupp, Esquire, CGA Law
Firm, PC, 135 North George Street, York,
PA 17401 11.19-3t

ESTATE OF ROBERT L. STEIN, DECEASED
Late of Windsor Twp., York County, PA.
Administrator-Executor: Linda S. Gerber,
c/o Mpl Law Firm, LLP, 137 East
Philadelphia Street, York, PA 17401
Attorney: John D. Miller, Jr., Esquire, Mpl
Law Firm, LLP, 137 East Philadelphia
Street, York, PA 17401 11.19-3t

ESTATE OF MARGARET E. M. STETLER,
DECEASED
Late of Manchester Twp., York County, PA.
Co-Executors: Daryl R. Stetler and Diana
R.S. Meckley, c/o 129 E. Market St., York,
PA 17401
Attorney: John C. Herrold, Esquire, Griest,
Himes, Herrold, Reynosa LLP 129 E.
Market St., York, PA 17401, 11.19-3t

ESTATE OF NED L. THOMAN, DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Jody A. Nicholas, c/o 135 North
George Street, York, PA 17401
Attorney: Jeffrey L. Rehmyer II, Esquire,
CGA Law Firm, PC, 135 North George
Street, York, PA 17401 11.19-3t

ESTATE OF DEBRA L. WINEKA,
DECEASED
Late of Manchester Twp., York County, PA.
Co-Executors: Jeffrey A. Wineka and Jason
M. Wineka, c/o The Family Law Practice
of Leslie S. Arzt, LLC, 2002 South Queen
Street, York, PA 17403
Attorney: Amy S. Loper, Esquire, The
Family Law Practice of Leslie S. Arzt,
LLC, 2002 South Queen Street, York, PA
17403 11.19-3t

LIVING TRUST

Robert S. Adams, as Grantor and Trustee, under
the Robert S. Adams Living Trust dated March
21, 1995 (now Irrevocable), as restated by
the Restatement dated April 20, 2015. Notice
is hereby given that Kathleen R. Sholl is the
Successor Trustee of the above named Trust.
All persons indebted to Robert S. Adams a/k/a
Robert Swavely Adams are requested to make
payment and all those having claims against
Robert S. Adams a/k/a Robert Swavely Adams
are directed to present the same to: Kathleen
R. Sholl, Successor Trustee, c/o Daniel D. Hill,
Esquire, Bellomo & Associates, LLC, 3198 East
Market Street, York, PA 17402. 11.19-3t

FAMILY TRUST

Ann L. Clark, Trustee of the Mary Lightner
Family Trust dated September 11, 2018. Notice
is hereby given that Ann L. Clark is the Trustee
of the above named Trust. All persons indebted
to Mary Lightner are requested to make payment
and all those having claims against Mary Lightner
are directed to present the same to: Ann L. Clark,
Trustee c/o Daniel D. Hill, Esquire, Bellomo &
Associates, LLC, 3198 East Market Street, York,
PA 17402. 11.19-3t

FAMILY TRUST

Kathryn Sanders, Trustee of the Sanders Family
Trust dated January 9, 2018. Notice is hereby
given that Karen Swartz and Bonnie Slutzky are
the Successor Trustees of the above named Trust.
All persons indebted to Kathryn Sanders a/k/a
Kathryn Elizabeth Sanders are requested to make
payment and all those having claims against
Kathryn Sanders a/k/a Kathryn Elizabeth Sanders
are directed to present the same to: Karen Swartz
and Bonnie Slutzky, Trustees c/o Daniel D. Hill,
Esquire, Bellomo & Associates, LLC, 3198 East
Market Street, York, PA 17402. 11.19-3t

TRUST

Robert J. Stern, Trustee of the Stern House Trust
dated May 10, 2018. Notice is hereby given that
Robert J. Stern is the Trustee of the above named
Trust. All persons indebted to Betty B. Stern
are requested to make payment and all those
having claims against Betty B. Stern are directed
to present the same to: Robert J. Stern, Trustee
c/o Jeffrey R. Bellomo, Esquire, Bellomo &
Associates, LLC, 3198 East Market Street, York,
PA 17402. 11.19-3t

THIRD PUBLICATION

ESTATE OF RICHARD D. ARVIN, a/k/a
RICHARD DENNIS ARVIN, DECEASED
Late of Dover Twp., York County, PA.
Administratrix: Eva A. Arvin, c/o GARBER
& GARBER LAW, 40 South Duke Street,
York, PA 17401
Attorney: John M. Garber, Esquire,
GARBER & GARBER LAW, 40 South
Duke Street, York, PA 17401 11.12-3t

ESTATE OF JACOB A. BARNHART,
DECEASED
Late of York Twp., York County, PA.
Executrix: DeLoyce V. Barnhart, c/o Stock
and Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: Thomas M. Shorb, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite 600 York, PA
17401-2991 11.12-3t

ESTATE OF WILLIAM JACKSON
CARROLL, JR., DECEASED
Late of Codorus Twp., York County, PA.
Executrix: Ida Jean Carroll, c/o Law Offices
of Craig A. Diehl, 119A West Hanover
Street, Spring Grove, PA 17362
Attorney: Craig A. Diehl, Esquire, CPA,
Law Offices of Craig A. Diehl, 119A West
Hanover Street, Spring Grove, PA 17362
11.12-3t

ESTATE OF MARY ELLEN HAYWARD,
DECEASED
Late of Codorus Twp., York County, PA.
Executor: Thomas L. Berry, c/o P.O. Box
312, Stewartstown, PA 17363
Attorney: Laura S. Manifold, Esquire, P.O.
Box 312, Stewartstown, PA 17363 11.12-3t

ESTATE OF JOHN C. HOLLOWAY,
DECEASED
Late of York Twp., York County, PA.
Executrix: Nancy Mosella, c/o 340 Pine
Grove Commons, York, PA 17403
Attorney: Robert Clofine, Esquire, Elder Law
Firm of Robert Clofine, 340 Pine Grove
Commons, York, PA 17403
11.12-3t

ESTATE OF DORIS M. KEMP a/k/a DORIS A.
KEMP, DECEASED
Late of Shrewsbury Twp., York County, PA.
Executor: David W. Kemp, c/o 340 Pine
Grove Commons, York, PA 17403
Attorney: Robert Clofine, Esquire, Elder Law
Firm of Robert Clofine, 340 Pine Grove
Commons, York, PA 17403
11.12-3t

ESTATE OF ANNE ELIZABETH KISTLER,
a/k/a ANNE E. KISTLER, DECEASED
Late of York Twp., York County, PA.
Administrator: David B. Kistler, c/o Richard
R. Reilly, Esquire, 54 North Duke Street,
York, PA 17401-1210
Attorney: Richard R. Reilly, Esquire, 54 N.
Duke St., York, PA 17401 11.12-3t

ESTATE OF JAMES SILKMAN KNAPP,
DECEASED
Late of Penn Twp., York County, PA.
Executrix: June Elizabeth Springer, c/o
Elinor Albright Rebert, Esquire, 515
Carlisle Street, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esquire,
515 Carlisle Street, Hanover, PA 17331
11.12-3t

ESTATE OF NATALIE A. LEIPHART,
DECEASED
Late of Windsor Twp., York County, PA.
Executor: Alyssa J. Holtzinger, c/o Laucks
& Laucks, PC, 105 West Broadway, Red
Lion, PA 17356
Attorney: David M. Laucks, Esquire,
LAUCKS & LAUCKS, PC, 105 West
Broadway, Red Lion, PA 17356 11.12-3t

ESTATE OF ANNA A. NESS, DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Randall L. Ness, c/o Mark E.
Halbruner, Esquire, Halbruner, Hatch &
Guise, LLP, 2109 Market Street, Camp
Hill, PA 17011
Attorney: Mark E. Halbruner, Esquire,
Halbruner, Hatch & Guise, LLP, 2109
Market Street, Camp Hill, PA 17011
11.12-3t

ESTATE OF PAULINE A. RODSKI,
DECEASED
Late of Springettsbury Twp., York County, PA.
Executor: David A. Rodski, c/o 340 Pine
Grove Commons, York, PA 17403
Attorney: Robert Clofine, Esquire, Elder Law
Firm of Robert Clofine, 340 Pine Grove
Commons, York, PA 17403
11.12-3t

ESTATE OF LOIS P. SCHETKY, a/k/a
LOIS PEIRONNET SCHETKY, DECEASED
Late of Hallam Borough, York County, PA.
Executrix: Margaret P. Miller, c/o Stock and
Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: MacGregor J. Brillhart, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite 600 York, PA
17401-2991 11.12-3t

ESTATE OF KAREN ELIZABETH
SHILLIDAY, a/k/a KAREN E. SHILLIDAY,
KAREN SHILLIDAY and KAREN
CHAMBERLAIN, DECEASED
Late of Hellam Twp., York County, PA.
Administrator: Douglas Shilliday, 305
Moorewood Avenue, Avon Lake, Ohio
44012
Attorney: Terence J. Barna, Esquire,
BENNLAWFIRM, 103 East Market
Street, P.O. Box 5185, York, PA 17405-
5185 11.12-3t

ESTATE OF CLYDE R. SNYDER,
DECEASED
Late of Manchester Twp., York County, PA.
Co-Executors: Katie L. Lentz and Paul Allen
Lentz, c/o Stock and Leader, 221 West
Philadelphia Street, Suite 600, York, PA
17401
Attorney: MacGregor J. Brillhart, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite 600 York, PA
17401-2991 11.12-3t

ESTATE OF PAULETTE V. K. SNYDER,
DECEASED
Late of Conewago Twp., York County, PA.
Administratrix: Stefanie N. Snyder, c/o Stock
and Leader, 221 West Philadelphia Street,
Suite 600, York, PA 17401
Attorney: Kristen R. McGuire, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite 600 York, PA
17401-2991 11.12-3t

ESTATE OF CARROLL E. STREET,
DECEASED
Late of Hanover Borough, York County, PA.
Co-Executors: Thomas E. Street, Christine
M. Herring and Katie S. McMichael, c/o
Barley Snyder, LLP, 14 Center Square,
Hanover, PA 17331
Attorney: Jennifer M. Stetter, Esquire, Barley
Snyder, LLP, 14 Center Square, Hanover,
PA 17331 11.12-3t

CIVIL NOTICES

**ACTION IN MORTGAGE
FORECLOSURE**

IN THE COURT OF COMMON PLEAS
York COUNTY
CIVIL ACTION - LAW
ACTION OF MORTGAGE FORECLOSURE
Term No. 2020-SU-001667
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE
NEWREZ LLC DBA SHELLPOINT
MORTGAGE SERVICING
Plaintiff
vs.
The Unknown Heirs of MICHAEL E.
COLEMAN SR Deceased
Mortgagor and Real Owner
Defendant

The Unknown Heirs of MICHAEL E.
COLEMAN SR Deceased, MORTGAGOR
AND REAL OWNER, DEFENDANT whose
last known address is 482 Marion Road York,
PA 17406.

THIS FIRM IS A DEBT COLLECTOR AND
WE ARE ATTEMPTING TO COLLECT
A DEBT OWED TO OUR CLIENT. ANY
INFORMATION OBTAINED FROM YOU
WILL BE USED FOR THE PURPOSE OF
COLLECTING THE DEBT.

You are hereby notified that Plaintiff NEWREZ
LLC DBA SHELLPOINT MORTGAGE
SERVICING, has filed a Mortgage Foreclosure
Complaint endorsed with a notice to defend
against you in the Court of Common Pleas
of York County, Pennsylvania, docketed to
No. 2020-SU-001667 wherein Plaintiff seeks
to foreclose on the mortgage secured on your
property located, 482 Marion Road York, PA
17406 whereupon your property will be sold by
the Sheriff of York.

NOTICE

You have been sued in court. If you wish
to defend against the claims set forth in the
following pages, you must take action within
twenty (20) days after the Complaint and notice
are served, by entering a written appearance
personally or by attorney and filing in writing
with the court your defenses or objections to the
claims set forth against you. You are warned
that if you fail to do so the case may proceed
without you and a judgment may be entered
against you by the Court without further notice
for any money claim in the Complaint of for
any other claim or relief requested by the
Plaintiff. You may lose money or property or
other rights important to you.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW. THIS
OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A
LAWYER.

IF YOU CANNOT AFFORD TO HIRE A
LAWYER, THIS OFFICE MAY BE ABLE
TO PROVIDE YOU WITH INFORMATION

ABOUT AGENCIES THAT MAY OFFER
LEGAL SERVICES TO ELIGIBLE PERSONS
AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE OF THE
YORK COUNTY BAR ASSOCIATION
(ATTORNEY CONNECTIONS)
York County Bar Center
137 East Market Street
York, PA 17401
717-854-8755

Michael T. McKeever
Attorney for Plaintiff
KML Law Group, P.C., PC
Suite 5000, BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

11.25-1t Solicitor

ARTICLES OF INCORPORATION

Notice is hereby given that Articles of
Incorporation were filed with the Department
of State of the Commonwealth of Pennsylvania
at Harrisburg, Pennsylvania, on November 4,
2020, for a proposed nonprofit corporation to
be known as:

**MAYBERRY AT STEWARTSTOWN
HOMEOWNERS ASSOCIATION, INC.**
formed pursuant to the provisions of the
Nonprofit Corporation Law of 1988, 15 Pa.
C.S. Section 5306, et seq.

The proposed nonprofit corporation is
organized to be the Association of Unit
Owners organized pursuant to Section 5301
of the Uniform Planned Community Act, Act
of December 19, 1996, P.L. 1336, No. 180,
with respect to Mayberry at Stewartstown,
pursuant to the provisions of the Uniform
Planned Community Act. In furtherance of
its purposes, the corporation may exercise all
rights, privileges, powers and authority of a
corporation organized under the Nonprofit
Corporation Law of 1988, as amended, and of
an association of unit owners organized under
the Uniform Planned Community Act.

BARLEY SNYDER LLP
Attorneys

11.25-1t Solicitor

CHANGE OF NAME

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NOTICE is hereby given that on October 26, 2020, a petition for change of name was filed in the Court of Common Pleas, requesting a decree to change the name of: Courtney Faith Hamlin to: Carter Evan Faith Hamlin. The Court has fixed the day of December 1, 2020 at 10:15 a.m. in Courtroom #7002, at the York County Judicial Center, as the time and place for the hearing on said petition when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

11.25-1t Solicitor

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Act of Assembly dated December 16, 1982, Act 295, 54 Pa. C.S. Section 311, of the filing in the office of the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on November 3, 2020, of a fictitious name registration for the conduct of business under the assumed or fictitious name of **North & Grace Photography**, with its principal place of business at 65 Vida Lane, Dover, PA, 17315. The name and address of the person interested in said business is: Cortney Dippery, 65 Vida Lane, Dover, PA, 17315.

Steven J. Schiffinan, Esquire
SCHIFFMAN, SHERIDAN & BROWN, PC
Suite 201
2080 Linglestown Road
Harrisburg, PA 17110

11.25-1t Solicitor

NOTICE

WEST YORK AREA SCHOOL DISTRICT

COURT HEARING NOTICE OF PROPOSED PRIVATE SALE

The West York Area School District School Board is proposing to sell a tract of land containing approximately .4 acres, more or less, located at 2601 W. Market Street, West Manchester Township, York Pennsylvania (the "Property") to a private purchaser. The property is identified as Parcel I.D. # 510000501790000000 and is the real property and improvements thereon described in the deed recorded in the York County Recorder of Deeds Office, Book # 2082, Page # 4706 (the "Property"). Pennsylvania Public School Code, Section 707, requires that a court hearing be held prior to the sale of unused and unnecessary lands and buildings. A court hearing shall be held on December 22, 2020, commencing at 11:00 a.m., at the York County Judicial Center, 45 North George Street, York, Pennsylvania, in Courtroom #7002 on the 7th Floor. The public hearing shall be for the purpose of considering and receiving public comment on the proposed sale of the Property. Any resident of the West York Area School District may provide comment to the Court regarding the sale at this hearing.

11.19-3t Solicitor

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

File No. 2020-SU-2127

Petition for Name Change

In Re Change of Name of:

NATALIA ATIYYAH SANTIAGO

NOTICE

The Court has fixed the **29th of December, 2020 at 1:30 p.m.**, at the York County Judicial Center, 45 North George Street, York, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the request for name change contained in the said Petition should not be granted.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE

A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Jason A. Shirey, Esquire
PA 327028
119 East Market Street
York, PA 17401
(717) 843-8968
Attorney for Petitioner

Official Note
The office shall be that designated by the court under Rule 1018.1(c).

11.25-1t Solicitor

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

File No. 2020-SU-2128

Petition for Name Change

In Re Change of Name of:

TAHEERAH KELYNDA SANTIAGO

NOTICE

The Court has fixed the **29th of December, 2020 at 1:30 p.m.**, at the York County Judicial Center, 45 North George Street, York, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the request for name change contained in the said Petition should not be granted.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Jason A. Shirey, Esquire
PA 327028
119 East Market Street
York, PA 17401
(717) 843-8968

Attorney for Petitioner

Official Note

The office shall be that designated by the court under Rule 1018.1(c).

11.25-1t

Solicitor

parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

11.25-3t

Solicitor

**PUBLIC NOTICE TO
CHANLER LAMONT KINARD**

**In Re: Adoption of Chanler Lamont
Kinard, Jr., A Minor**

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Chanler Lamont Kinard, Jr. A Termination of Parental Rights Hearing has been scheduled for January 11, 2021, at 10:00 a.m., in Court Room No. 6005, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Chanler Lamont Kinard, Jr. (DOB: November 1, 2018), whose Father is Chanler Lamont Kinard and whose Mother is Alyssa Renee Walker. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

**ATTORNEY CONNECTION/
YCBA MODEST MEANS
137 East Market Street
York, Pennsylvania 17401
717-854-8755
<http://www.yorkbar.com/?page=YCBAFindEsq>**

If you cannot afford an attorney, an attorney may be appointed by the court at no cost to you if you qualify. Contact the following office for instructions and forms to complete and file.

**Clerk of the Orphans' Court
York County Judicial Center
45 North George Street
York, Pennsylvania 17401
717-771-9288
<http://yorkcountypa.gov/component/jdownloads/send/100-adopt-forms/824-packet-for-court-appted-counsel-and-financial-affidavit.html>**

Martin Miller, Esquire
Solicitor for York County Offices of
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive



CBY SYSTEMS, INC.

Resources for Success since 1927

CBY Systems Inc. (The Credit Bureau of York) has entered into an Affinity Program with the York County Bar Association. **The program will provide discounted rates on CBY's Debt Collection Services for any NEW referral from the Association.** CBY will then contribute a percentage of the money collected back to the YCBA.

Other benefits and features include:

- Discounted commission rates on new accounts regardless of their age
- Discounted commission rates on accounts that have been worked by other collection agencies (second placements)
- **Waive first year's annual fee and a reduced fee of \$35 per year thereafter (NOTE: Existing Clients of CBY can "Opt IN" to the reduced annual fee by emailing info@cby.com but are not eligible for discounted commission rates)**
- CBY does not use Automatic Dialing Systems so we are permitted by law to call more cell phone numbers than agencies who use Automatic Dialers
- CBY does not "score" your accounts to predetermine them as uncollectible, we work ALL of your accounts equally to collect more money for you
- All accounts are reported to the 3 national credit bureaus for up to 7 years
- CBY has dedicated "skip tracing" staff to relocate/cross reference your clients
- CBY is a member in good standing of the American Collectors Association
- These and other benefits enable CBY to consistently exceed the national average for successful collection percentages and returning money to clients

Questions or want to enroll? Contact CBY Systems, Inc., 33 S. Duke St., York, PA 17401 via email: info@cby.com or call 717-843-8685 OR 1-800-717-4229



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