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v.

LESTER E. AND FAIRY C. MYERS TRUST

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 29, 2025.

The name of the corporation is **JFR Legacy Builders, Inc.**

The corporation has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Timothy J. Shultis, Esquire
Salzmann Hughes, P.C.
1147 Eichelberger Street, Suite F
Hanover, PA 17331

2/21

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TRI CORNER REALTY, LLC d/b/a STATEWIDE REAL
ESTATE BROKERAGE, LLC v. LESTER E. AND FAIRY C.
MYERS TRUST

1. According to the Complaint, Tri Corner Realty seeks to recover a brokerage fee pursuant to the terms of a listing contract which identifies the broker as Crown Commercial RE/Country Home Real Estate and the seller as the Myers Trust.
2. Tri Corner Realty's argument that they are an accessory in interest and therefore a "mere continuation" of the broker identified in the contract is unpersuasive.
3. Essentially, the change to the listing contract cited by Tri Corner Realty purports to be: (1) a document executed with a broker who is distinct from the broker in the original listing agreement; (2) identifies the date of the original listing agreement to be one different than the date of the listing agreement which is the object of the suit was executed; and (3) appears to modify a contract which was expired at the time the modification occurred.
4. Although it is unlikely that Tri Corner Realty is able to correct the clear deficiencies in the Complaint by amendment, out of an abundance of caution, the opportunity will be provided.

Bradley J. Leber, Esquire and Thomas H. Lang, Esquire, Attorneys
for Plaintiff
Todd A. King, Esquire, Attorney for Defendant
George, Sr. J., Feb. 12, 2025

OPINION

Before the Court for disposition is the Preliminary Objection of Defendant, Lester E. and Fairy C. Myers Trust ("Myers Trust"), demurring to a Complaint filed by Tri Corner Realty, LLC d/b/a Statewide Real Estate Brokerage, LLC ("Tri Corner Realty") which seeks recovery of a broker's fee under a breach of contract theory. For the reasons set forth below, the Preliminary Objection is sustained.

According to the Complaint¹, Tri Corner Realty seeks to recover a brokerage fee pursuant to the terms of a listing contract which identifies the broker as Crown Commercial RE / Country Home Real Estate and the seller as the Myers Trust related to the sale of commercial property located on Carlisle Pike in Adams County, Pennsylvania. The listing contract contains an obvious typographical error as it indicates the starting date of the contract to be March 1, 2021, however, it was not executed by all parties until February 24, 2022. The listing contract also identifies the ending date as February 28, 2023. The Complaint further alleges that the Myers Trust entered into an agreement of sale with NOBPA, LLC on May 27, 2022 for purchase of the subject property, however, attached to the Complaint is an agreement of sale between the Myers Trust and NOBPA, LLC carrying the execution date of July 19, 2021. The Complaint further alleges that on May 24, 2023, the Myers Trust executed a “change to listing contract” which identifies the broker as Tri-Corner Real Estate and purported to extend the listing contract to May 23, 2024. Curiously, the date of the listing contract which purportedly is being extended is listed as May 24, 2023. The Complaint fails to identify whether the alleged agreement of sale with NOBPA, LLC ever resulted in the transfer of the subject property.

Myers Trust demurs to the Complaint by noting that the listing contract relied upon by Tri Corner Realty to support its breach of contract action identifies a broker other than Tri Corner Realty as the alleged aggrieved party under the contract. Tri Corner Realty counters by pointing to language in the Complaint which alleges:

Mark Gibson was the owner and broker of record for Crown Commercial RE / Country Home Real Estate, and the Vice President and broker of record for Tri-Corner Realty, LLC d/b/a Statewide Real Estate Brokerage, LLC. The broker contract was not transferred to another brokerage, or otherwise joined with another brokerage,

¹ When considering preliminary objections in the nature of a demurrer, all material facts set forth in the challenged pleading are admitted as true, as well as all inferences reasonably deducible therefrom. *Godlove v. Humes*, 303 A.3d 477, 481 (Pa. Super. 2023).

as Mark Gibson at all times was the broker of record for this transaction.

Plaintiff's Complaint, ¶12. Tri Corner Realty further notes that the May 24, 2023 addendum identified Tri Corner Realty as the broker.

In order to maintain a successful cause of action for breach of contract, a plaintiff must generally demonstrate: (1) the existence of a contract between the plaintiff and defendant including its essential terms; (2) a breach of the contract; and (3) resultant damages. *Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 635 Pa. 427, 445, 137 A.3d 1247, 1258 (Pa. 2016). Moreover, “[i]t is fundamental contract law that one cannot be liable for a breach of contract unless one is a party to that contract.” *Electron Energy Corp. v. Short*, 597 A.2d 175, 177 (Pa. Super. 1991). As the contract at issue is between a nonparty and the Myers Trust, the demurrer will be granted.

Tri Corner Realty's argument that they are an accessory in interest and therefore a “mere continuation” of the broker identified in the contract is unpersuasive. The contract at issue clearly identifies Crown Commercial RE / Country Home Real Estate as the broker in the subject listing agreement. Although Mark Gibson is identified in the listing contract as a licensee, he is not identified as a party in the current action. Rather, this cause of action has been brought by a separate limited liability corporation: a distinct legal entity. Although the Complaint alleges Mr. Gibson to be a vice president in Tri Corner Realty, this does not change the legal reality that Tri Corner Realty is the real party in interest as it relates to corporate rights and liabilities. 15 Pa. C.S.A. § 8819. Unfortunately, Tri Corner Realty is not a party to the contract upon which they seek to enforce the liability of Myers Trust.

Tri Corner Realty seeks to rely upon the addendum executed on May 24, 2023 which identifies “Tri-Corner Real Estate” as the broker. This allegation adds more confusion and contradiction to the Complaint ultimately leaving the reader unable to identify exactly what Tri Corner Realty is pursuing. For instance, the addendum to the listing contract references a listing contract dated May 24, 2023 yet the original listing contract with Crown

Commercial appears to have been executed on February 24, 2022. By its very terms, the original listing agreement expired February 28, 2023: a period of approximately 90 days before the change to the listing contract occurred. Essentially, the change to the listing contract cited by Tri Corner Realty purports to be: (1) a document executed with a broker who is distinct and separate from the broker in the original listing agreement; (2) identifies the date of the original listing agreement to be one different than the date the listing agreement which is the subject of the suit was executed; and (3) appears to modify a contract which was expired at the time the modification occurred. Under these circumstances, not only is the party bringing suit a non-party under the contract, they are also seeking to enforce a contract which lacks any specificity in its terms.

Although it is unlikely that Tri Corner Realty is able to correct the clear deficiencies in the Complaint by amendment, out of an abundance of caution, the opportunity will be provided.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 12th day of February, 2025, it is hereby Ordered that the Preliminary objection filed by Defendant, Lester E. and Fairy C. Myers Trust, is sustained. The Complaint in this matter is stricken. Plaintiff is granted twenty (20) days to file an Amended Complaint. Failure to do so will result, upon praecipe, in the permanent dismissal of this action.

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale online auction conducted by Bid4Assets, 8757 Georgia Ave., Suite 520, Silver Spring, MD 20910, on March 21st, 2025, at 10:00 a.m.

No. 23-SU-662
Federal Home Loan Mortgage Corporation, et al.

vs.

June A Cash

Property Address: 7 Blue Gill Trail, Fairfield, PA 17320
 UPI/Tax Parcel Number:
 43-003-0018

Owner of Property Situate in Carroll Valley Borough, Adams County, Pennsylvania
 Improvements Thereon:

Residential Dwelling

Judgment Amount: \$85,299.46
 Attorneys For Plaintiff:
 Samantha Gable, Esq.

No. 24-SU-914
Freedom Mortgage Corporation

vs.

Kimberly A. Egerton

Property Address: 67 Hemlock Drive, Hanover, PA 17331
 UPI/Tax Parcel Number:
 08021-0059--000

Owner of Property Situate in the Township of Conewago, Adams County, Pennsylvania
 Improvements Thereon:

Residential Dwelling

Judgment Amount: \$164,162.45
 Attorney for Plaintiff:
 Orlans, P.C.

No. 24-SU-618**Members 1st Federal Credit Union**

vs.

Brittany L. Miller, Unknown Heirs, Successors, Assigns and all Persons, Firms or Associations Claiming Right, Title or Interest from or under Richard C. Miller, Deceased

Property Address: 22 Northern Pike Trail, Fairfield, PA 17320

UPI/Tax Parcel Number:

43003-0063---000

Owners of Property Situate in the Borough of Carroll Valley, Adams County, Pennsylvania

Improvements Thereon:

Residential Dwelling

Judgment Amount: \$27,421.70

Attorney for Plaintiff:

James K. Jones, Esquire
 Mette, Evans & Woodside

No. 24-SU-530**CSMC 2018 RPL9 Trust, et al.**

vs.

Parvinder Kaur Notay, as Surviving Heir of Sahib Singh Notay f/k/a Surinder Singh, Deceased, Unknown Heirs of Sahib Singh Notay f/k/a Surinder Sung, Deceased

Property Address 2865 Chambersburg Road, Biglerville, PA 17307

UPI/Tax Parcel Number:

12011-0047-000

Owners of Property Situate in Franklin Township, Adams County, Pennsylvania Improvements Thereon:

Residential Dwelling

Judgment Amount: \$177,171.69

Attorney for Plaintiff:

Hladik, Onorato & Federman, LLP
 298 Wissahickon Avenue
 North Wales, PA 19454

No. 23-SU-1022**Members 1st Federal Credit Union**

vs.

Caleb Allen Mummert

Property Address: 3363 Baltimore Pike, Littlestown, PA 17340

UPI/Tax Parcel Numbers:

30HI6-0013---000 and

30HI6-0013A---000

Owner of Property Situate in Mount Joy Township, Adams County, Pennsylvania
 Improvements Thereon:

Residential Dwelling

Judgment Amount: \$102,529.25

Attorney for Plaintiff:

James K. Jones, Esquire
 Mette, Evans & Woodside

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
 Sheriff of Adams County

2/21, 2/28, 3/7

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale online auction conducted by Bid4Assets, 8757 Georgia Ave., Suite 520, Silver Spring, MD 20910, on March 21st, 2025, at 10:00 a.m.

No. 24-SU-493**Lakeview Loan Servicing, LLC****vs.****Joseph Alexander Smith, Jr. & Kellie Lynn Smith**

Property Address: 1 Trudy Trail, Fairfield, PA 17320

UPI/Tax Parcel Number:

43032-0028-000

Owners of Property Situate in Carroll Valley Borough, Adams County, Pennsylvania

Improvements Thereon:

Residential Property

Judgment Amount: \$75,537.29

Attorney for Plaintiff:

Cierra Mendez, Esquire

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

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133 Gaither Drive, Suite F

Mt. Laurel, NJ 08054

No. 24-SU-1198**Lakeview Loan Servicing, LLC, c/o Flagstar Bank, N.A.****vs.****Jodi L. Whitmore a/k/a Jodi Lynn Whitmore; Kenneth Whitmore**

Property Address: 691 Ledger Drive, Hanover, PA 17331

UPI/Tax Parcel Number:

04L12-0184---000

Owners of Property Situate in Berwick Township, Adams County, Pennsylvania Improvements Thereon:

Residential Dwelling

Judgment Amount: \$313,643.42

Attorney for Plaintiff:

Hladik, Onorato & Federman, LLP

298 Wissahickon Avenue

North Wales, PA 19454

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
Sheriff of Adams County

2/21, 2/28, 3/7

ESTATE/TRUST NOTICES

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

FIRST PUBLICATION

ESTATE OF CINDY L. BRACKBILL, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
Administrator: Bart L. Shughart, c/o Bogar & Hipp Law Offices, LLC, One West Main Street, Shiremanstown, PA 17011
Attorney: James D. Bogar, Esq., Bogar & Hipp Law Offices, LLC, One West Main Street, Shiremanstown, PA 17011

ESTATE OF STARLA RENEE GROVE, DEC'D

Late of Union Township, Adams County, Pennsylvania
Executor: Wendell Grove, 17 Fieldcrest Drive, Littlestown, PA 17340
Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

ESTATE OF WILLIAM T. IZER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania
Personal Representatives: James F. Izer, 1044 Iron Springs Road, Fairfield, PA 17320; Anita J. Izer a/k/a Anita J. Hostetter, 2300 Mount Hope Road, Fairfield, PA 17320
Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF DAVID R. JOHN, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania
Executor: Charles H. John, Jr., 14913 Kamputa Drive, Centreville, VA 20120

ESTATE OF PATRICIA ANN KEBIL, DEC'D

Late of McSherrystown Borough, Adams County, Pennsylvania
Administratrix: Sharon Kebil-Whisler, c/o Salzmann Hughes, P.C., 1147 Eichelberger Street, Suite F, Hanover, PA 17331
Attorney: Ann C. Shultis, Esq., Salzmann Hughes, P.C., 1147 Eichelberger Street, Suite F, Hanover, PA 17331

ESTATE OF HELEN ORSI, DEC'D

Late of Oxford Township, Adams County, New Oxford, Pennsylvania
Executrix: Alisa Mihal, 14 Buttonwood Place, Upper Saddle River, NJ 07458
Attorney: John A. Wolfe, Esq., Wolfe, Rice, & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF CHRISTOPHER M. PHILLIPS a/k/a CHRISTOPHER MARTIN PHILLIPS, DEC'D

Late of Reading Township, Adams County, Pennsylvania
Co-executors: Jason G. Phillips & Anthony L. Phillips, c/o Salzmann Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325
Attorney: Todd A. King, Esq., Salzmann Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF TODD D. PRICHARD, DEC'D

Late of Carroll Valley Borough, Fairfield, Adams County, Pennsylvania
Executrix: Tracy Surguy, 345 N. Governors Ave., Dover, DE 19904
Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

ESTATE OF MARY FLORENCE SMITH a/k/a MARY F. SMITH, DEC'D

Late of Germany Township, Adams County, Pennsylvania
Administratrix: Linda A. Smith, 2226 Harney Road, Littlestown, PA 17340
Attorney: David K. James III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF TROY ALLAN WOOD, DEC'D

Late of Menallen Township, Adams County, PA
Administratrix: Danielle M. Wood, 2630 Shippensburg Road, Lot M, Biglerville, PA 17307
Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

ESTATE OF FRANCIS R. YANTIS a/k/a FRANCIS ROBERT YANTIS a/k/a ROBERT YANTIS, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania
Executrix: Christina M. Leatherman, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331
Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF ANITA M. BELL, DEC'D

Late of Fairfield, Carroll Valley Borough, Adams County, Pennsylvania
Executor: Kevin M. Bell, 17590 Cherryfield Road, Drayden, MD 20630
Attorney: John A. Wolfe, Esq., Wolfe, Rice, & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF DONALD L. MITCHELL JR., DEC'D

Late of Reading Township, Adams County, Pennsylvania
Executor: Donald R. Mitchell, 9 Weiss Avenue, Flourtown, PA 19031

ESTATE OF MARLIESE MONIKA NEIDERER a/k/a MARLIESE M. NEIDERER, DEC'D

Late of McSherrystown Borough, Adams County, Pennsylvania
Executrix: Marliese M. Neiderer, a/k/a Marliese Schultz, 1147 Eichelberger Street, Suite F, Hanover, PA 17331
Attorney: Ann C. Shultis, Esq., Salzmann Hughes, P.C., 1147 Eichelberger Street, Suite F, Hanover, PA 17331

(SECOND PUBLICATION CONTINUED)

ESTATE OF URSULA WILENIEC, DEC'D
Late of Carroll Valley Borough, Adams
County, Pennsylvania
Executrix: Kristina Bower, 160 Sour
Mash Trail, Fairfield, PA 17320
Attorney: John J. Murphy III, Esq.,
Patrono & Murphy, LLC, 28 West
Middle Street, Gettysburg, PA 17325

ESTATE OF ANDRA T. SLAYBAUGH,
DEC'D
Late of Oxford Township, Adams County,
Pennsylvania
Personal Representative: Casey
Slaybaugh, 23 Kelly Road, New
Oxford, PA 17350
Attorney: G. Steven McKonly, Esq., 119
Baltimore Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF DOROTHY M. BOSAK,
DEC'D

Late of the Borough of Bendersville,
Adams County, Pennsylvania
Executor: Joseph L. Bosak, Jr., 25 Ditzler
Avenue, P.O. Box 602, Biglerville, PA
17307
Attorney: Harold A. Eastman, Jr., Barley
Snyder, LLP, 123 Baltimore Street,
Suite 101, Gettysburg, PA 17325

ESTATE OF KALMAN V. ILLYEFALVI,
DEC'D

Late of Oxford Township, Adams County,
Pennsylvania
Co-executors: Stephen Arpad Iillyefalvi &
Gizelle Arlene Knoch, 3164 Sykesville
Road, Westminster, MD 21157

TRUST OF JOHN A. LEETI, DEC'D

Late of Straban Township, Adams
County, Pennsylvania
Trustee: John A. Leetti Trust, c/o ACNB
Bank, P.O. Box 4566, Gettysburg, PA
17325
Attorney: Adam D. Boyer, Esq., Barley
Snyder, LLP, 123 Baltimore St., Suite
101, Gettysburg, PA 17325

ESTATE OF JOAN RUTH MOWERY,
DEC'D

Late of Littlestown Borough, Adams
County, Pennsylvania
Executrix: Michelle Dearstine, 725
97th Avenue, Naples, FL 34108

ESTATE OF MARY H. SANDERS, DEC'D

Late of Hamiltonban Township, Adams
County, Pennsylvania
Executor: David H. Krebs, Jr., 4274 14th
Street NE, Naples, FL 34120
Attorney: David K. James III, Esq., 234
Baltimore Street, Gettysburg, PA
17325