



**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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Johnson v. Buchanan Ingersoll & Rooney, P.C.*Negligence – Legal malpractice – Implied attorney-client relationship*

1. No Pennsylvania case has found the existence of an implied attorney-client relationship. All reference to the test to determine if an attorney-client relationship has arisen by implication is merely *obiter dictum*.
2. Pennsylvania courts have adopted the following test to determine if an attorney-client relationship has arisen by implication: absent an express contract, an implied attorney/client relationship will be found if (a) the purported client sought advice or assistance from the attorney; (b) the advice sought was within the attorney's professional competence; (c) the attorney expressly or impliedly agreed to render such assistance; and (d) it is reasonable for the putative client to believe the attorney was representing him.
3. A subjective belief of the existence of an attorney-client relationship, even if sincerely held, is not reasonable to find an express or implied contract for the performance of legal services.
4. Generally, a client cannot be deemed contributorily negligent in a legal malpractice action. When that defense is not barred, the applicable law is contributory negligence, not comparative negligence, so that any causal negligence on the part of plaintiff would be a complete bar to recovery even if that defense is not pled.
5. Plaintiff filed a negligence action sounding in legal malpractice against defendant. Following a non-jury trial, the Court Held, that plaintiff failed to establish the existence of an attorney-client relationship with any attorney associated with defendant and, further, plaintiff failed to prove he suffered any damage as a result of the conduct of defendant even if defendant had a professional obligation to plaintiff. Accordingly, the Court found in favor of the defendant and against the plaintiff.

P.McK.

C.C.P. Chester County, Civil Action – Law, No. 2009-07537-CA; Terry J. Johnson v. Buchanan Ingersoll & Rooney, P.C.

Richard L. Caplan, for Plaintiff
Antoinette R. Stone, for Defendant
Shenkin, J., December 7, 2011:-

[59 Ches. Co. Rep. **Johnson v. Buchanan Ingersoll & Rooney, P.C.**

TERRY J. JOHNSON,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	CHESTER COUNTY, PENNSYLVANIA

VS.	:	NO. 09-07537
-----	---	--------------

BUCHANAN INGERSOLL	:	
& ROONEY, P.C., Defendant	:	CIVIL ACTION

Richard L. Caplan, Esquire, Attorney for Plaintiff
 Antoinette R. Stone, Esquire, Attorney for Defendant

DECISION

AND NOW, this 7th day of December, 2011, following trial of the above captioned matter by the undersigned, sitting without a jury, we hereby find in favor of the defendant, Buchanan Ingersoll & Rooney, P.C., and against the plaintiff, Terry J. Johnson, in no amount.¹

BY THE COURT:

/s/ Hon Robert J. Shenkin

¹Plaintiff's claim fails for two reasons. First, plaintiff has failed to establish the existence of an attorney-client relationship with Michael L. Hund or any other attorney associated with defendant and, second, plaintiff has failed to prove he suffered any damage as a result of the conduct of Hund even if Hund had a professional obligation to plaintiff.

Plaintiff concedes that "no express attorney-client relationship existed ... at any time material to this case." Plaintiff's post-trial memorandum of law at page 4. Plaintiff contends that an implied attorney-client relationship arose at the closing of the transaction between Versatile and Perfect Order.

As an aside, we note that plaintiff has not cited a single Pennsylvania case in which an implied attorney-client relationship has been found to exist and our own research has disclosed no such case. All reference to the test to determine if an attorney-client relationship has arisen by implication is merely *obiter dictum*. Plaintiff cites *Atkinson v. Haug*, 424 Pa. Super. 406, 622 A.2d 983 (1993) for the proposition that an implied attorney-client relationship can be established and, indeed, several subsequent Pennsylvania cases have

cited to that same case. For example, in *Del Borrello v. Del Borrello*, 62 Pa. D. & C.4th 417, 2001 WL 34352987 (Phila Co. 2001) Judge Herron states “Pennsylvania courts have adopted the following test to determine if an attorney-client relationship has arisen by implication: ‘Absent an express contract, an implied attorney/client relationship will be found if (1) the purported client sought advice or assistance from the attorney; (2) the advice sought was within the attorney’s professional competence; (3) the attorney expressly or impliedly agreed to render such assistance; and (4) it is reasonable for the putative client to believe the attorney was representing him.’” *Atkinson v. Haug*, 424 Pa. Super. 406, 411-12, 622 A.2d 983, 986 (1993) (citing *Sheinkopf v. Stone*, 927 F.2d 1259, 1264 (1st Cir. 1991)).” *Id* at 439. But in neither *Del Borrello* nor *Atkinson* nor *Sheinkopf* (applying Massachusetts law) was an implied attorney-client relationship found to exist. Similarly in *Villella v. Katzen*, 55 Pa. D. & C.4th 9, 2001 WL 1892469 (Clearfield Co. 2001) Judge Ammerman assumed the possibility of an implied attorney-client relationship, based on *Atkinson*, but found that no such relationship existed, “In the case at bar, there is no express or implied contract for the performance of legal services between defendant Marcus Katzen and plaintiff. **At best, plaintiff had a subjective belief that Marcus Katzen was his attorney. Such a belief, even if sincerely held, is not reasonable.**” *Id* at 19 (emphasis added for its particular pertinence to this case.) See also *First Republic Bank v. Brand*, 2001 WL 1112972 (Phila. Co. 2001). Plaintiff also cites *Cost v. Cost*, 450 Pa. Super. 685, 677 A.2d 1250 (1996), another case in which the possibility of an implied attorney-client relationship is assumed but found not to have existed (and which is also against the plaintiff’s contention in this case as it reiterates the need for the plaintiff to have sought legal assistance, for the defendant to have expressly or impliedly agreed to render **legal** assistance and for the plaintiff to have reasonably believed that he was being represented) and *Minnich v. Yost*, in which the court assumed, yet again in *dicta*, that the facts pled in a complaint were sufficient to establish a, perhaps, implied attorney-client relationship with the defendant and the plaintiff’s father — not the plaintiff — but **ruled** that even if such relationship existed, it did not give rise to a cause of action by the plaintiff-son for legal malpractice against the defendant and affirmed the judgment on the pleadings entered by the trial court in favor of defendant.

Even assuming that “absent an express contract, an implied attorney/client relationship will be found if 1) the purported client sought advice or assistance from the attorney; 2) the advice sought was within the attorney’s professional competence; 3) the attorney expressly or impliedly agreed to render such assistance; and 4) it is reasonable for the putative client to believe the attorney was representing him,” *Atkinson v. Haug*, *supra* at 411-4122, 622 A.2d at 986, we find that plaintiff did not prove the elements necessary to find the existence of such relationship. Defendant argues that plaintiff should be estopped from even attempting to prove the existence of an attorney-client relationship with Hund because of plaintiff’s prior sworn testimony to the contrary. Whether or not there is an

actual estoppel, the prior testimony and plaintiff's incredible explanation of the distinction between his prior positions and his position in this case lead us to conclude that plaintiff's testimony on this issue is not credible and, therefore, there is no proof that plaintiff ever had a belief, much less a reasonable belief, that Mr. Hund was acting as his attorney at the closing of the transaction between Versatile and Perfect Order. On the contrary, plaintiff knew that Hund was representing Perfect Order and had no reason to believe that Hund had undertaken any separate obligation to represent him personally. We do not find credible plaintiff's testimony to the contrary. For that reason alone, we must find against plaintiff.

Even if we were to find that an attorney-client relationship existed between Hund, for which defendant would be responsible, and plaintiff, we find the trail from Hund's conduct to plaintiff's damages too uncertain and speculative to support an award of damages. Parenthetically we note that the evidence presented on the amount of damages commingled legal fees which by plaintiff's theory represent his damages in this case with fees for services which even plaintiff cannot assert resulted from any negligence on the part of Hund and, further, the evidence as to the necessity of the services provided and the reasonableness of the fees for those services, given the amount at issue and other considerations and factors surrounding the services rendered, is insufficient for us to conclude that the amount claimed as damages in this case is fair and reasonable. In any event, in order to find that Hund's alleged negligence caused the damages which plaintiff seeks to recover in this case, we must find that had closing been suspended pending delivery of additional documents that those documents would have been delivered by Versatile and that if those documents had been delivered, there would never have been any litigation over them or over plaintiff's demands against Versatile. The latter assumption especially is too broad a gap for us to hurdle.

We also note that plaintiff's claim was brought in negligence and is based entirely upon a claim of legal malpractice. Although generally a client cannot be deemed contributorily negligent in a legal malpractice action, nevertheless, when that defense is not barred, the applicable law is contributory, not comparative, negligence so that any causal negligence on the part of plaintiff would be a complete bar to recovery even if that defense is not pled. Pa.R.C.P. No. 1030(b). Keeping in mind the dubious nature of any causal link between the actions of defendant and the damages plaintiff is claiming in this case, to the extent that plaintiff's theory of causation has any validity, it would appear that plaintiff's own actions, including his post-closing inattention to his own affairs, were negligent and were as much a cause of his damages as was any negligence on the part of defendant. See *Columbia Medical Group, Inc. v. Herring & Roll, P.C.*, 829 A.2d 1184 (Pa.Super. 2003); *Gorski v. Smith*, 812 A.2d 683 (Pa.Super. 2002).

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

NOTICE OF FILING OF ACCOUNTS

**ACCOUNTS LISTED FOR AUDIT ON
WEDNESDAY, FEBRUARY 1, 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 COREY J. SALAZAR, DECEASED	1511-1509
A/K/A COREY JAMES SALAZAR	
FIRST AND FINAL ACCOUNT	
OF: RICHARD A. SALAZAR, EXECUTOR	
ATTORNEY(S)	
CAROL RYAN LIVINGOOD, ESQUIRE	

ESTATE OF THOMAS W. CLEAVER, DECEASED	1510-0161
A/K/A THOMAS WARRINER CLEAVER	
A/K/A THOMAS CLEAVER	
FIRST INTERMEDIATE ACCOUNT FOR	
MARITAL DEDUCTION TRUST UNDER THE WILL	
OF: BAYARD H. GRAF, TRUSTEE	
ATTORNEY(S):	
BAYARD H. GRAF, ESQUIRE	

ESTATE OF ROBIN S. BURCH, DECEASED	1507-1534
A/K/A ROBIN BURCH	
FIRST AND FINAL ACCOUNT	
OF: MARGARET J. LYNCH, EXECUTOR	
CHARLES CLEMENT BURCH, EXECUTOR	
ROBERT L. BURCH, EXECUTOR	
ATTORNEY(S):	
MICHAEL F. ROGERS, ESQUIRE	

ESTATE OF JEAN M. LOEPER, DECEASED	1509-1013
FIRST AND FINAL ACCOUNT	
OF: NEIL W. HEAD, EXECUTOR	
ATTORNEY(S):	
MARY RUTH LASOTA, ESQUIRE	

ESTATE OF DENIS A. BOYLE, DECEASED**1510-0548**

A/K/A SCOTTY BOYLE

FIRST ACCOUNT

OF: DANIEL BOYLE, EXECUTOR

PAMELA BOYLE BEMER, EXECUTOR

ATTORNEY(S):

MICHAEL G. CULLEN, ESQUIRE

ESTATE OF MARY GRACE WIBLE, DECEASED**1510-0409**

FIRST AND FIANL ACCOUNT

OF: JANICE R. EARLEY, ADMINISTRATOR CTA

ATTORNEY(S):

CARL WILLIAM MANTZ, ESQUIRE

ESTATE OF WILLIAM E. CLAUSEN, DECEASED**1509-1879**

FIRST AND FINAL ACCOUNT

OF: CHARLES W. CLAUSEN, EXECUTOR

ATTORNEY(S):

KAREN M. STOCKMAL, ESQUIRE

CHARLES T. DeTULLEO**Attorney at Law****134 North Church St.****West Chester, PA 19380****610-436-5766**

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**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 11-13820**

NOTICE IS HEREBY GIVEN that the name change petition of Justin Edward Horehlah and Amy Lynn Horehlah was filed in the above-named court and will be heard on March 19, 2012, at 9:30 AM, in Courtroom 17 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: December 19, 2011

Name to be changed from: Justin Edward Horehlah and Amy Lynn Horehlah to: Justin John Edwards and Amy Lynn Edwards

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

SHANNON L. FOSTER, Attorney for Petitioner
226 W. Market Street
West Chester, PA 19382

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 2012-00062-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Reilly Halsted Pondolfino was filed in the above-named court and will be heard on April 9, 2012, at 9:30 AM, in Courtroom 16 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

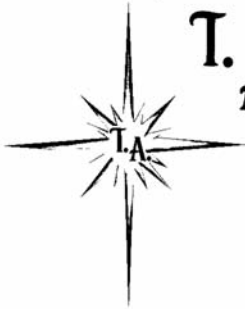
Date of filing the Petition: January 4, 2012

Name to be changed from: Reilly Halsted Pondolfino to: Reilly Barnes Halsted

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

KEVIN HOLLERAN, Attorney for Petitioner
Gawthrop Greenwood, P.C.
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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. The proposed corporation is AGT FITNESS MANAGEMENT, INC. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988. BINDER & WEISS, P.C., Solicitors
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Philadelphia, PA 19103

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, effective January 1, 2012, for TNT Holding Group Inc., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

The purpose or purposes for which it was organized are: Any and all lawful activity.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on November 9, 2011 for Ceya Systems LLC, in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

The purpose or purposes for which it was organized are: Provide technology consulting and software development services to medium size organizations.

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1st Publication

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CRAMP, Gloria Maddox, late of Wayne. Kim Corcoran, 710 Pugh Road, Wayne, PA 19087, Executrix.

DEMBOSKY, Dorothy, late of West Chester. Robert Dembosky, 20 Remington Way, West Grove, PA 19390, Executor.

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DIFILIPPO, Attilio, Jr., late of West Grove, PA. Michelle Johnson, P.O. Box 651, Kennett Square, PA 19348, Administrator.

DOWNING, William C., late of Lyndell, East Brandywine Township. Dale W. Downing and Diane Y. Dietrich, care of H. MICHAEL COHEN, Esquire, 144 West Market Street, West Chester, PA 19382, Administrators. H. MICHAEL COHEN, Esquire, Lachall, Cohen & Sagnor, 144 West Market Street, West Chester, PA 19382, atty.

DOWNS, Mary A., late of East Pikeland Township. Richard S. Downs, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

DUFFY, Joseph P., Sr., a/k/a Joseph P. Duffy, late of Willistown Township. Joseph P. Duffy, Jr., care of JOSEPH S. NESCIO, Esquire, 113 East Evans Street, Matlack Building, Suite D-2, West Chester, PA 19380, Executor. JOSEPH S. NESCIO, Esquire, 113 East Evans Street, Matlack Building, Suite D-2, West Chester, PA 19380, atty.

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IMES, Melvin E., late of East Vincent Township. Robert L. Imes, care of ROBERT M. SLUTSKY, Esquire, 1950 Butler Pike, PMB 260, Conshohocken, PA 19428, Administrator. ROBERT M. SLUTSKY, Esquire, Robert M. Slutsky Associates, 1950 Butler Pike, PMB 260, Conshohocken, PA 19428, atty.

KEENAN, Peggy Ann, late of Phoenixville. John Keenan, III, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

MARCH, Robert L., late of East Nantmeal Township. Walter L. March, 1149 Broadway Boulevard, Reading, PA 19602, Executor. SEAN J. O'BRIEN, Esquire, 520 Walnut Street, P.O. Box 8581, Reading, PA 19603-8581, atty.

MC GARRITY, Brian J., late of Tredyffrin Township. Mark D. Mc Garrity, care of EUGENE STEGER, Esquire, 411 Old Baltimore Pike, Chadds Ford, PA 19317, Administrator. EUGENE STEGER, Esquire, Eugene Steger & Associates, P.C., 411 Old Baltimore Pike, Chadds Ford, PA 19317, atty.

MITCHILL, Warren L., a/k/a Warren Latham Mitchill, late of West Whiteland Township. Susan M. McDermott, 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.

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MUMMA, Julia Ellen, late of Parkesburg, PA. Lorraine C. Stolzhus, 5810 Anchorage Ave., Madison, WI 53705, Executor.

PETKA, Bredt E., late of West Chester. Edward R. Petka, 1022 Longview Drive, West Chester, PA 19380 and Nancy M. Petka, 1022 Longview Drive, West Chester, PA 19380, Administrators.

POPP, Kurt A., late of East Whiteland Township. Melissa Shukis, 92 Mill Road, Wharton, NJ 07885, Executrix. BRETT B. WEINSTEIN, Esquire, 705 W. DeKalb Pike, King of Prussia, PA 19406, atty.

SAPNAGIS, Violet M., a/k/a Violet Sapnagis, late of Cain Township. Shirley A. Harvey, PO Box 162, Drexel Hill, PA 19026, Executrix. BRETT B. WEINSTEIN, Esquire, Weinstein Law Offices PC, 705 W. DeKalb Pike, King of Prussia, PA 19406, atty.

SCHRAMM, Florence J., late of Kennett Township. Richard E. Schramm, care of DENISE M. ANTONELLI, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executor. DENISE M. ANTONELLI, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

SMITHGALL, Melvin H., late of East Goshen Township. Johanna Rosen and Kristina McGuirk, care of RICHARD L. HUGHEY, Esquire, 117 N. Monroe Street, P.O. Box 87, Media, PA 19063, Executors. RICHARD L. HUGHEY, Esquire, 117 N. Monroe Street, P.O. Box 87, Media, PA 19063, atty.

SPANOS, Anne D., late of Malvern. Christine A. Spencer, care of JAMES J. RUGGIERO, JR., Esquire, 16 Industrial Blvd, Suite 211, Paoli, PA 19301, Executor. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices LLC, 16 Industrial Blvd, Suite 211, Paoli, PA 19301, atty.

SZITA, Mark, late of Uwchlan Township. Anne P. Szita, 2745 First Street, Unit 704, Fort Myers, FL 33916, Executrix. FRANCIS J. MURPHY, Esquire, Murphy and Murphy, 801 Old Lancaster Road, Bryn Mawr, PA 19010, atty.

THORBURN, Ethel Anne, late of East Goshen Township. Susan Sawyer, Peter Thornburn and Leslie Beuaregard, care of EDWARD M. WATTERS, III, Esquire, 899 Cassatt Road, Berwyn, PA 19312, Executors. EDWARD M. WATTERS, III, Esquire, Pepper Hamilton LLP, 899 Cassatt Road, Berwyn, PA 19312, atty.

WARNER, Peter J., late of Downingtown Borough. Kimberly W. Habel, care of JEFFREY R. ABBOTT, Esquire, 108 Chesley Drive, Media, PA 19063, Administratrix. JEFFREY R. ABBOTT, Esquire, Abbott, Lastowka & Overholt, LLP, 108 Chesley Drive, Media, PA 19063, atty.

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2nd Publication

CANNARD, Jane L., late of Caln Township. Thomas E. Cannard and Frances C. Cannard, care of DOUGLAS P. THOMAS, Esquire, 415 Wyoming Avenue, Scranton, PA 18503, Executors. DOUGLAS P. THOMAS, Esquire, 415 Wyoming Avenue, Scranton, PA 18503, atty.

GREENLEAF, Thomas R., late of East Nantmeal Township. John P. Greenleaf, 119 Cedar Lane, Ridgefield, CT 06877, Executor. LOUIS N. TETI, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

KECK, Lucy A., late of West Caln Township. Steve G. Keck, Sr., care of JANIS M. SMITH, Esquire, 428 West First Avenue, Suite C, Parkesburg, PA 19365, Executor. JANIS M. SMITH, Esquire, 428 West First Avenue, Suite C, Parkesburg, PA 19365, atty.

KILPATRICK, David, late of East Whiteland Township. H.A. Siravo Jr., 29 Hillbrook Circle, Malvern, PA 19355, Executor.

MADDEN, Thomas S., late of Willistown Township. Patrick J. Madden, care of EDWARD GERARD CONROY, Esquire, P.O. Box 885, West Chester, PA 19381-0885, Executor. EDWARD GERARD CONROY, Esquire, P.O. Box 885, West Chester, PA 19381-0885, atty.

MARRONE, Anthony J., late of East Brandywine Township. Teresa A. Marrone and Mary Paradise, care of DUKE SCHNEIDER, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrices. DUKE SCHNEIDER, Esquire, MacElree Harvey Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

MURRAY, Frank, late of Atglen Borough. DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

RAVIS, Ethel P., late of Phoenixville Borough. Richard B. Ravis, care of ALLAN B. GREENWOOD, Esquire, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, Executor. ALLAN B. GREENWOOD, Esquire, Siana, Bellwoar & McAndrew, LLP, 941 Pottstown Pike, Suite 200, Chester Springs, PA 19425, atty.

STRODE, Louise R., a/k/a Louise Ruth King Strode, late of Oxford. Judith S. Young, care of NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. NEIL E. LAND, Esquire, 213 E. State Street, Kennett Square, PA 19348, atty.

3rd Publication

ALDERFER, Shirley M., late of Borough of West Chester. Rebecca Alderfer and Karen A. Whelan, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executors. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

BATES, Robert G., late of Willistown Township. Linda J. Bates, care of JOSEPH E. LASTOWKA, JR., Esquire, The Madison Building, 108 Chesley Drive, Media, PA 19063, Executrix. JOSEPH E. LASTOWKA, JR., Esquire, Abbott Lastowka & Overholt LLP, The Madison Building, 108 Chesley Drive, Media, PA 19063, atty.

BOEHMLER, Hazel M., late of Honey Brook Township. Kathryn J. Boehmler and H. Diane Mitchell, care of KENNETH R. WERNER, Esquire, 203 West Miner Street, West Chester, PA 19382-2924, Executrices. KENNETH R. WERNER, Esquire, Werner & Wood, 203 West Miner Street, West Chester, PA 19382-2924, atty.

BRESSI, Ruth A., late of West Chester, East Goshen Township. Blaire A. Bressi, 611 Rexton Dr., West Chester, PA 19380, Executrix.

CENSURATO, Irma V., a/k/a Irma Victoria Censurato, Irma A. Censurato, late of Kennett Square. Cynthia M. Ciuffetelli and Francesca D. Censurato, care of EARL K. RIGLER, JR., Esquire, 128 E. State Street, P.O. Box 618, Kennett Square, PA 19348, Executrices. EARL K. RIGLER, JR., Esquire, Rigler & D'Amico, LLC, 128 E. State Street, P.O. Box 618, Kennett Square, PA 19348, atty.

EYRE, Nancy W., late of London Grove Township. Joan Knoll, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

KELLY, Joseph, late of West Brandywine Township. Anita Kelly, care of ADAM D. WILF, Esquire, 1635 Market Street, 19th Floor, Philadelphia, PA 19103, Administratrix. ADAM D. WILF, Esquire, Lundy Law, 1635 Market Street, 19th Floor, Philadelphia, PA 19103, atty.

MURRAY, Thomas J., Jr., late of Caln Township. Patricia A. Ferretti, 421 E. Lancaster Avenue, Apt. A-12, Wayne, PA 19087, Executrix. FRANCES J. CANNON, Esquire, McCreesh, McCreesh, McCreesh & Cannon, 7053 Terminal Square, Upper Darby, PA 19082, atty.

NESLEY, Charles J., Jr., late of North Coventry Township. Susan A. Nesley, 1522 Sheffield Lane, Pottstown, PA 19465, Administratrix. JOHN A. KOURY, JR., Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

SEED, Helene, late of West Brandywine Township. David L. Moore and Roman J. Koropey, care of ROMAN J. KOROPEY, Esquire, 14 South Bryn Mawr Avenue, Suite 210, Bryn Mawr, PA 19010, Executors. ROMAN J. KOROPEY, Esquire, Lamb McErlane PC, 14 South Bryn Mawr Avenue, Suite 210, Bryn Mawr, PA 19010, atty.

STRATFORD, Dorothy S., a/k/a Dorothy Sigman Stratford, late of Kennett Township. David G. Bullock, care of F. HARRY SPIESS, JR., Esquire, 130 West Lancaster Avenue, P.O. Box 191, Wayne, PA 19087-0191, Executor. F. HARRY SPIESS, JR., Esquire, Davis, Bennett, Spiess & Livingood LLC, 130 West Lancaster Avenue, P.O. Box 191, Wayne, PA 19087-0191, atty.

THIMM, Jane, late of West Chester. Curt W. Thimm and Jeffrey E. Thimm, care of P. RICHARD KLEIN, Esquire, 218 West Miner Street, West Chester, PA 19382, Executors. P. RICHARD KLEIN, Esquire, Klein, Head & Head, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

WOOD, Robert W., late of Kennett Township. Susan Wood, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, 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

Honey Brook Elementary Center Parent Teacher Organization (AKA - HBEC PTO), with its principal place of business at 1530 W Walnut Road, Honey Brook, PA 19344.

The application has been (or will be) filed on: June 24, 2011.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Kara Herbertz, 1530 W Walnut Road, Honey Brook, PA 19344.

Simply Yoga Studios LLC, 598 Wharton Blvd, Exton, PA 19341 dba Turks Head Yoga, with its principal place of business at 780 Miles Road, West Chester, PA 19380.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Debra Hess, 950 Greystone Drive, West Chester, PA 19380.

HIT Opportunities, with its principal place of business at 237 W Lancaster Avenue, Suite 205, Devon, PA 19333.

The application has been (or will be) filed on: November 14, 2011.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Kenneth Large, 237 W Lancaster Avenue, Suite 205, Devon, PA 19333.

NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a charter of a Nonprofit Corporation which was organized under the provisions of the Pennsylvania Nonprofit Corporation law of 1988. The name of the corporation is Honey Brook Elementary Center Parent Teacher Organization. Articles of Incorporation were filed June 7, 2011

The purpose or purposes for which it was organized are as follows: The purpose of this non-profit organization shall be to open the channels of communication and bring closer the relationship between the education center and the community in order to secure for every child the highest advantages in physical, mental and social education. Strengthen the relationship between parents and teachers so they may cooperate effectively in the training of the children. The organization shall work with the school to provided quality education for all children and youth, and shall seek to participate in the decision-making process establishing school policy, recognizing that the legal responsibility to make decisions has been delegated by the people to the boards of education.

Said organization is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such "Said organization is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code."

NOTICE

Notice is hereby given that the Year 2011 accounting information of the FIELDPOINT HOMEOWNERS ASSOCIATION, Randy Temple, President, a non-profit exempt organization, is available for inspection during regular business hours by any citizen at the Law Office of Ellen B. Sheehan, Esquire; 1197 Wilmington Pike; West Chester, PA 19382; (610) 399-3611.

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NOTICE IS HEREBY GIVEN that the Chester County Solid Waste Authority, having a registered office at 7224 28th Division Highway, Narvon, PA 17555, intends to file articles of amendment with the Secretary of the Commonwealth. The articles of amendment are to be filed under the provisions of the Municipality Authorities Act, 53 Pa.C.S. Ch.56. The nature and character of the proposed amendment is to modify the powers and purposes of the Authority. The articles of amendment will be filed with the Secretary of the Commonwealth on January 31, 2012.

VINCENT M. POMPO, Solicitor
Lamb McErlane PC
24 East Market Street
Box 565
West Chester, PA 19381

COMPLAINT FOR EJECTMENT

M&V Krishnan
PO Box 1044
Exton, PA 19341
Plaintiffs

Joye Mc Donald-Hamer, Esq.
1360 Shadow Oak
Malvern, PA 19355
Defendant

Plaintiffs purchased Defendant's above listed home at Sheriff Sale on 5-19-11. Defendant still lives there refusing to move out. Plaintiffs filed Complaint for Ejectment: Case 11-10052.

NOTICE

To defend, you must enter written appearance to court personally or by attorney and file defenses or objections in writing. Failing to do so, case may proceed without you and judgment entered to evict you.

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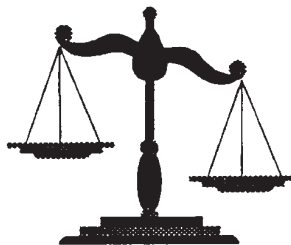
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