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LANCASTER BAR ASSOCIATION

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LANCASTER BAR ASSOCIATION

2021

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**LANCASTER BAR ASSOCIATION
CALENDAR OF EVENTS**

October Events

October 12, 2021

**Pennsylvania Superior Court Judges
CLE and Reception**
LBA Headquarters

October 15, 2021

Memorial Services
Lancaster County Courthouse --
Courtroom A
10:00 am - David Keller
11:00 am - John 'Jack' Sofilka
1:00 pm - Jonathan Hofstetter
2:00 pm - Kirk Wolgemuth

October 21, 2021

Annual Member Dinner
Excelsior

November Events

November 4, 2021

Bridge the Gap
LBA Headquarters

November 13, 2021

Wills for Heroes Event
Public Safety Training Center

November 19, 2021

The Extraordinary Give

December Events

December 9, 2021

LBA Holiday Party
LBA Headquarters

LANCASTER BAR ASSOCIATION
CONTINUING LEGAL EDUCATION CALENDAR

September 21, 2021

Stormwater Summit 2021

Time: 8:30 a.m. - 12:00 p.m.

Location: Live Webcast via Zoom

3 Substantive Credits

Speakers: Len Bradley, Kara Kalupson, Alyson Gibson, and Charles Haws, Esquire

Description:

Stormwater for Land Development: Understanding the Regulations, Municipal Obligations, and Upcoming Changes

Join Len Bradley, PE (RGS Associates) and Charles Haws, esq (Barley Snyder) for a discussion on stormwater management aspects of land development. This presentation will cover the basic stormwater regulations, NPDES permitting requirements, operation, and maintenance obligations for land development projects for developers and real estate professionals. Municipal stormwater obligations and how they can partner with developers to promote public-private-partnership will also be explored. Lastly, recent court decisions will be presented along with an update on the Pennsylvania State Water Plan.

How Are Municipalities Complying with Pollutant Reduction Plan Requirements?

Municipalities are an important part of the collaborative effort for clean water happening across Lancaster County. They are using a variety of unique strategies to implement stormwater projects identified in approved Pollutant Reduction Plans. This presentation will showcase success stories of municipal projects that are completed, under construction, and being planned to comply with and/or exceed the 2018-2023 MS4 permit requirements.

Partnerships

Being a good neighbor can result in beneficial partnerships you never expected. But that can be a sticky process because collaboration doesn't mean the same thing as

cooperation, and they don't mean the same thing as coordination. Moving through each stage will help us learn to do more than coexist with our neighbors. Because our shared boundaries like creeks are determined by mother nature more often than political reasons. Join us to learn ways municipalities are using partnerships to achieve a common goal of clean and clear water, an idea that brings us together across boundaries.

September 27, 2021

When Agreement is the Goal, Words are the Stepping Stones

Time: 12:00 p.m. - 1:00 p.m.

Location: LBA Headquarters

1 Substantive Credit

FREE for LBA members

Speaker: Sherrie LeuVay, President and Director of Mediation at The Mediation Group of Lancaster County

Description: What is mediation? Why do we mediate? What is the process of mediation? In this CLE we will discuss these questions as well as the role of a professional mediator, the importance of communication, and how a mediator and an attorney can work together to resolve a dispute.

October 7, 2021

How the New National Labor Relations Board May Affect Business Client

Time: 12:00 p.m. - 1:00 p.m.

Location: LBA Headquarters

1 Substantive Credit

Speaker: Joshua Schwartz, Esquire

Description: It's an exciting time in labor relations. With the new administration comes a nearly complete reversal in labor policy, with challenges likely in store to standard business policies and an increased push for unionization. This session will review several recent and likely impending changes that will affect employers under the newly constituted National Labor Relations Board and provide some best practices on how to advise businesses

in this new environment.

October 12, 2021

The Ten Commandments for Appellate Brief Writing and Oral Arguments

Time: 3:00 p.m. - 4:00 p.m.

Location: LBA Headquarters

Speakers: Judge Mary Jane Bowes, Judge Judith Ference Olson, and Judge Megan McCarthy King

1 Substantive Credit

Description: Hear from three Superior Court judges as to the “do’s” and “don’ts” for appellate briefs and oral arguments. Learn what judges like and don’t like in reviewing briefs and hearing arguments and get sound, practical advice as to how to present the best possible appeal on behalf of your clients.

**LANCASTER BAR ASSOCIATION
LBA UPDATES**

AVAILABLE ATTORNEY POSITIONS –

Associate Attorney - Harmon & Davies, P.C., a Lancaster, PA based firm with a national management-side employment law practice is seeking an associate with two to five years of experience. Excellent writing skills and litigation experience required. Competitive salary and benefits. Please submit resume and writing sample to Kimberly Overbaugh at koverbaugh@h-dlaw.com.

Attorney - Established law firm is seeking attorney with experience in estate planning, elder law, estate administration, tax planning, real estate and business law. This is an excellent opportunity for a person who is driven and self-motivated to succeed. Candidates with quick problem-solving capabilities and affable personality are most likely to flourish in this position.

Applicants must have an established client base; have knowledge of federal and Pennsylvania tax laws; be highly motivated; and a strong interest to participate in the growth and management of the firm. Please send resume with cover letter and references to Jay Clark, jayclark@jamesclarklaw.net, Managing Attorney.

IN THE COURT OF COMMON PLEAS
LANCASTER COUNTY, PENNSYLVANIA
C R I M I N A L

No. 4045 - 2003

COMMONWEALTH OF PENNSYLVANIA
v.
DAMIEN CLAGON

BY: ASHWORTH, P.J.

MARCH 5, 2021

OPINION

On November 5, 2020,¹ Damien Clagon (“Clagon”) filed a *pro se* “Petition to Revisit Per Unfounded Offense and Unlawful Confinement” (“Petition”), which the Court deems to be Clagon’s fifteenth petition in the nature of a request for post conviction collateral relief pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546.² After an initial review of the matters of record relating to Clagon’s claims, the Court found the petition was not timely filed pursuant to 42 Pa. C.S.A. § 9545 and Clagon failed to prove any of the exceptions set forth in § 9545(b)(1)(i)-(iii) to the timeliness requirement. Accordingly, on November 24, 2020, the Court filed a Notice, pursuant to Pa. R.Crim.P. 907(1), of its intent to dismiss the *pro se* Petition without the appointment of counsel³ and without a hearing.⁴ The Court allowed Clagon twenty days from the date of the Notice to file an amended petition in response to the Notice. Clagon filed a timely response on December 3, 2020,⁵ titled “In Response to This Honorable Courts Notice [11.24.20] Pursuant to Pa. R.Crim.P. 907” (“Response”). This matter is now ripe for disposition.

I. Background

¹The pleading is deemed filed on the date of mailing, November 5, 2020, rather than the date of docketing, November 9, 2020, pursuant to the “prisoner mailbox rule.” *Commonwealth v. Crawford*, 17 A.3d 1279, 1281 (Pa. Super. 2011) (“Under the prisoner mailbox rule, we deem a pro se document filed on the date it is placed in the hands of prison authorities for mailing.”).

²This petition must be treated as yet another PCRA petition. The PCRA is the sole means of obtaining collateral relief. See 42 Pa. C.S.A. § 9542. Pennsylvania courts have consistently held that, so long as it falls within the ambit of the PCRA, any petition filed after the judgment of sentence is final is to be treated as a PCRA petition. See *Commonwealth v. Jackson*, 30 A.3d 516, 521 (Pa. Super. 2011) (stating that the Superior Court has “repeatedly held that any petition filed after the judgment of sentence becomes final will be treated as a PCRA petition”) (citation and ellipses omitted); see also *Commonwealth v. Pagan*, 864 A.2d 1231, 1233 (Pa. Super. 2004) (stating that “[u]nder the plain words of the [PCRA], if the underlying substantive claim is one that could potentially be remedied under the PCRA, that claim is exclusive to the PCRA”) (emphasis in original). That Clagon has attempted to frame his most recent pleading as a “Petition to Revisit Per Unfounded Offense and Unlawful Confinement” does not change the applicability of the PCRA. See *Commonwealth v. Kutnyak*, 781 A.2d 1259, 1261 (Pa. Super. 2001) (holding that, regardless of what a defendant titles his petition, “the PCRA is the exclusive vehicle for obtaining post-conviction collateral relief.”). Accordingly, this pro se petition must be treated as Clagon’s fifteenth serial PCRA petition.

³A criminal defendant does not have a constitutional right to counsel in a state collateral proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Commonwealth v. Beasley*, 544 Pa. 554, 564, 678 A.2d 773, 778 (1996). He has a statutory right under the 1995 amendments to the PCRA to the appointment of counsel for his first PCRA petition where he can satisfy the judge that he is unable to afford or otherwise procure counsel. Pa. R.Crim.P. 904(C). See also *Commonwealth v. Williams*, 573 Pa. 613, 629, 828 A.2d 981, 990 (2003). This right to counsel does not extend to subsequent PCRA petitions. Counsel is to be appointed on a second or subsequent petition only where the unrepresented defendant satisfies the judge that he is unable to afford or otherwise procure counsel and an evidentiary hearing is required as provided by Rule 908. Pa. R.Crim.P. 904(D). Counsel has not been appointed for this fifteenth PCRA as no evidentiary hearing is required.

⁴Under Rule 907 of the Pennsylvania Rules of Criminal Procedure, a PCRA court may dispose of post conviction collateral relief petitions without a hearing if it is satisfied after reviewing the materials submitted that no genuine issues of material fact exist and that the petitioner is not entitled to post conviction relief.

⁵Time stamped and docketed by the Court on December 11, 2020.

The procedural and factual background of this murder case has been set forth repeatedly and at length in this Court's previous opinions,⁶ and will therefore only be summarized briefly here for the sake of clarity. On November 9, 2004, Clagon was convicted by a jury of first degree murder and firearms not to be carried without a license⁷ in connection with the March 28, 2003, shooting death of Joseph Meikle in the City of Lancaster. On January 7, 2005, Clagon was sentenced to life in prison. The Superior Court affirmed the judgment of sentence. *Commonwealth v. Clagon*, 890 A.2d 1094 (Pa. Super. Nov. 29, 2005) (unpublished memorandum). Clagon did not appeal to the Pennsylvania Supreme Court.

On January 3, 2006, Clagon sought an appeal nunc pro tunc under the PCRA. On January 4, 2006, Clagon's appellate rights were reinstated nunc pro tunc and he filed a petition for allowance of appeal in the Pennsylvania Supreme Court. This request was denied on June 28, 2006. *Commonwealth v. Clagon*, 588 Pa. 747, 902 A.2d 1239 (table). Clagon did not petition for writ of certiorari in the United States Supreme Court.

On November 21, 2006, Clagon filed his first PCRA petition. Court-appointed counsel filed an amended petition on April 26, 2007. Clagon's amended petition was denied on July 17, 2007. On April 16, 2008, the Superior Court affirmed the denial of Clagon's first PCRA petition. *Commonwealth v. Clagon*, 953 A.2d 825 (Pa. Super. Apr. 16, 2008) (unpublished memorandum). Clagon's request for allowance of appeal to the Pennsylvania Supreme Court was denied on December 5, 2008. *Commonwealth v. Clagon*, 600 Pa. 727, 963 A.2d 467 (2008) (table). Clagon's petition for re-hearing was dismissed as untimely by the Supreme Court on January 2, 2009. Clagon did not seek a writ of certiorari from the United States Supreme Court.

After failing to find relief in the Pennsylvania courts, Clagon filed a federal petition for writ of habeas corpus in the United States District Court for the Eastern District of Pennsylvania on January 21, 2009. On August 13, 2009, the District Court dismissed the petition, in part, as procedurally defective, and denied the petition, in part, for failure to state a meritorious claim. *Clagon v. DiGuglielmo*, 2009 WL 2496433 (E.D.Pa. Aug. 14, 2009). Clagon's appeal to the United States Court of Appeals for the Third Circuit was denied on November 16, 2009. A subsequent petition for re-hearing was denied on December 21, 2009. Clagon did not file for writ of certiorari with the Supreme Court of the United States.

On December 10, 2010, Clagon filed a pro se "State Writ of Habeas Corpus." This Court found that petition was properly characterized as a petition for post conviction collateral relief, and dismissed it as untimely filed. That dismissal was affirmed by the Superior Court on April 11, 2012. *Commonwealth v. Clagon*, 48 A.3d 474 (Pa. Super. April 11, 2012) (unpublished memorandum). No petition for allowance of appeal was filed with the Supreme Court of Pennsylvania.

⁶ See Trial Court Opinions of: April 19, 2005, July 17, 2007, December 22, 2010, and October 23, 2012.
⁷ 18 Pa.C.S.A. § 2501(a) and 18 Pa.C.S.A. § 6106, respectively.

Over the ensuing years, Clagon has filed multiple pro se pleadings which this Court has determined to be petitions in the nature of requests for post collateral relief. They have all been dismissed as untimely. The last such petition was filed on February 3, 2017. Because the petition was untimely and Petitioner failed to plead and prove any of the exceptions to the timeliness requirement, the Court dismissed the petition by Order dated March 2, 2017. Clagon filed a notice of appeal to the Superior Court from that decision, however he failed to file a timely appellate brief and the Superior Court dismissed the appeal on August 5, 2017. *Commonwealth v. Clagon* (No. 631 MDA 2017).

With the filing of this latest Petition and Response, Clagon has launched his fifteenth attempt at obtaining post conviction collateral relief. On November 24, 2020, after a review of the matters of record relating to Clagon's stated claims, the Court issued a Notice, pursuant to Pa. R.Crim.P. 907(1), of its intent to dismiss Clagon's Petition because it was untimely pursuant to 42 Pa.C.S.A. § 9545(b) and although Clagon claimed to have found new evidence, he failed to produce it with the Petition and thus failed to prove any exception to the timeliness requirements.⁸ Clagon was given twenty days from the date of the Notice to file an amended petition in which he either produced the claimed new evidence and/or otherwise responded to the Rule 907 Notice. Clagon filed a timely response on December 3, 2020,⁹ to which he attached what appears to be the printout of an email from trial witness Trevar Bailey ("Bailey"), dated September 6, 2020.

II. Discussion

Under the PCRA, all petitions, including a second or subsequent petition, must be filed within one year of the date that the petitioner's judgment became final, unless one of three statutory exceptions applies. 42 Pa.C.S.A. § 9545(b)(1); *Commonwealth v. Chester*, 586 Pa. 468, 471, 895 A.2d 520, 522 (2006); *Commonwealth v. Johnson*, 803 A.2d 1291, 1294 (Pa. Super. 2002). For purposes of the PCRA, a judgment becomes final at the conclusion of direct review. 42 Pa. C.S.A. § 9545(b)(3). A petition must comply with the PCRA's time restrictions, which are jurisdictional in nature, and go to a court's right or competency to adjudicate a controversy. *Commonwealth v. Fahy*, 558 Pa. 313, 328-29, 737 A.2d 214, 222 (1999). These timeliness requirements are mandatory, strict and absolute, and a trial court does not have jurisdiction to hear a PCRA petition if the petition was untimely filed. *Id.*; *Commonwealth v. Rienzi*, 573 Pa. 503, 506, 827 A.2d 369, 371 (2003).

This Court sentenced Clagon on January 7, 2005. Following direct review in the Superior Court, our Supreme Court denied allowance of appeal on June 28, 2006. Therefore, Clagon's judgment of sentence became final on September 26, 2006, upon expiration of the time to file a petition for writ of certiorari with the United States Supreme Court. See

⁸ Clagon claimed in his Petition to have "after-discovered" evidence in the form of an electronic communication, yet he failed to produce with the Petition a copy of the alleged communication or to detail any specifics about it, such as the identity of the sender of the communication, the identity of the person to whom it was sent, or any other specifics regarding the content of the alleged communication. Nor did Clagon explain how the alleged communication could be construed as newly discovered evidence previously unavailable to him when he filed his multitude of past PCRA petitions.

⁹ Time stamped and docketed by the Clerk of Courts on December 11, 2020.

U.S.Sup.Ct.R. 13 (allowing 90 days to file petition for writ of certiorari with Supreme Court). Clagon filed the instant Petition on November 5, 2020, some fourteen years after his sentence became final. Thus, the Petition is untimely on its face and the Court lacks jurisdiction to rule on the merits unless the petition alleges and Clagon is able to prove at least one of the statutory exceptions:

(i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;

(ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or

(iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa. C.S.A. § 9545(b)(1).

The first issue Clagon raises, captioned “FACTS IN RECORD IN PROOF OF UNFOUNDED OFFENSE OF MURDER,” is essentially an effort to relitigate the sufficiency of the evidence for the first degree murder conviction. He offers no explanation for why the Court would have jurisdiction to consider this untimely claim and the Court’s independent review of the record reveals nothing that would justify invoking any of the three enumerated statutory exceptions to the timeliness requirements for this claim. Clagon’s sufficiency claim is barred not only by its untimeliness, but also by the fact he has previously litigated this issue to no effect at trial, on appeal, and in post collateral relief proceedings before both this Court and the Superior Court.¹⁰ Clagon has offered nothing new that would provide a basis for this Court to exercise jurisdiction to hear this untimely claim.¹¹

The second issue Clagon raises in the Petition is captioned “AFTER DISCOVERED TIMELINESS EXCEPTION.” Here, Clagon alleges he is in possession of “new” evidence purportedly showing that trial witness

¹⁰ A petitioner seeking relief pursuant to the PCRA is eligible only if he pleads and proves, by a preponderance of the evidence, that he has not previously litigated the issues he raises. 42 Pa. C.S.A. § 9543(a)(2)-(4). A petitioner has previously litigated an issue if (1) the highest appellate court in which a petitioner could have had review as a matter of right has ruled on the merits of the issue, *Commonwealth v. Spatz*, 47 A.3d 63, 76 (2012), or (2) the issue has been raised and decided in a proceeding collaterally attacking the conviction or sentence. 42 Pa. C.S.A. § 9544(a); *Commonwealth v. Phillips*, 31 A.3d 317, 320 (Pa. Super. 2011). In this case, Petitioner litigated the issue of his conviction through the Superior Court and then again through collateral proceedings in this Court and the Superior Court as well.

¹¹ To the extent that Clagon claims the newly offered email printout would render the Commonwealth’s evidence of first degree murder insufficient, the Court will address this matter with Clagon’s second claim, *infra*.

Bailey offered perjured testimony at Clagon's 2004 trial.¹² Specifically, Clagon alleges the following:

On 9.8.20, via the Department of Corrections electronic mail (e-mail); GTL Communications system, Petitioner was informed that the Commonwealth; prosecution knowingly used false testimony to convict Petitioner, whereas its witness, jailhouse informant TREVAR BAILEY, testified insidiously, admittedly stating he ^{offered} false testimony [intentionally disinforming the jury and subverting the truth determining process of the instant case] in efforts to curry favor from the COMMONWEALTH with pending criminal charges.

Petition at I¹³ (parentheticals and punctuation in the original). Clagon further claimed to have new evidence of Bailey's "disclosed truth" on his personal email device, but did not attach a copy of any documents to the initial Petition. In his Response to the Court, however, Clagon attached an exhibit purporting to be a printout of the referenced email, which states as follows:

what's up Dee? If you don't know who this is this is Lex, AKA Trevar Bailey. I'm sending you this email because there is something that I need to say to you. I don't know if it'll mean anything to you but I need to say it because its been bothering g [sic] me for years. I'm [sorry] I lied at your trial. I made false statements about what I knew and what you told me. You never told me you committed a crime, actually you told me several times while we were cellies that you didn't kill dude and that that crack head dude was lying on you to get out of his charges for robbing them stores! I tried to use your situation to get out of my situation. I wasn't coached by anybody and that's why my story was not accurate. Once again if this will mean anything to you but that's why I'm reaching out to you. If you need my help somehow please let me know and I'm willing to help any way I can. And just for the record I'm not being threatened nor have I been offered anything for saying this! I was wrong and I lied and I just want to do the right thing. Let me know . . .

See Attachment to Response, December 3, 2020. Clagon alleges this

¹² Clagon was at one time prior to his trial housed with Bailey in prison; Bailey testified against Clagon at the trial, offering incriminating statements Clagon made to him regarding the murder.

¹³ In his Petition, Clagon utilizes cardinal numbers for pages relating to the first issue, but Roman numerals for pages relating to the second issue.

email constitutes “new evidence” of Bailey’s perjury that entitles Clagon “to relief from culpability for an offense of murder, and/or entitled to appointed counsel and a hearing to determine such, to determine the wrongful conviction for said unfounded offense of murder; falsely presented offense of murder.” Response at 8 (unpaginated).

The Court notes that in seven of his prior PCRA petitions, Clagon has raised and the Court has denied or dismissed Clagon’s claims that Bailey’s testimony was perjured, that the Commonwealth knowingly offered the perjured testimony, and that the jury would not have found Clagon guilty of first degree murder absent Bailey’s perjured testimony.¹⁴ Having thoroughly reviewed and considered the instant Petition, the Response, and the printout of the email, the Court concludes that even with the addition of this email, Clagon still cannot meet his burden of proof as required for the “newly discovered fact” exception to the time bar set forth in section 545(b)(1)(ii).

To be entitled to relief under the PCRA on the basis of “newly discovered” evidence, the petitioner must plead and prove by a preponderance of the evidence “[t]he unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.” 42 Pa. C.S.A. § 9543(a)(2)(vi). The focus of this exception “is on the newly discovered facts, not on a newly discovered or newly willing source for previously known facts.” *Commonwealth v. Marshall*, 596 Pa. 587, 596, 947 A.2d 714, 720 (2008). Credibility determinations regarding alleged after-discovered evidence are “best left to the trial court.” *Commonwealth v. Perrin*, 59 A.3d 663, 669 (Pa. Super. 2013) (Wecht, J. concurring).

Our Supreme Court has addressed a factual scenario similar to that before us now, where a petitioner in post-collateral proceedings offered recantation testimony in the form of an affidavit in an effort at winning a new trial. In the case of *Commonwealth v. Small*, 647 Pa. 423, 189 A.3d 961 (2018), the Supreme Court thoroughly explains the need for caution when reviewing recantation testimony in post collateral proceedings. Discussing an affidavit of recantation, the Supreme Court highlights

the limitations inherent in recantation testimony, which has been characterized as extremely unreliable . . . In fact, we have remarked that there is no less reliable form of proof, especially where it involves an admission of perjury. For that reason, we have emphasized that, when addressing an after-discovered evidence claim

¹⁴ See Clagon’s prior PCRA petitions filed May 2014, March 2015, September 2015, February 2016, May 2016, and February 27, 2017. Previously, Clagon based his claim solely on his own belief that Bailey’s testimony was inconsistent with the other trial evidence. As the claim did not present new evidence, it did not come within the purview of any of the three timeliness exceptions in § 9545(b)(1)(i-iii), and the Court routinely dismissed it as untimely. Nonetheless, in prior rulings, the Court has briefly addressed the merits and determined consistently that even assuming, arguendo, that Bailey did perjure himself and that the Commonwealth did knowingly present this false and misleading testimony, such did not impact the verdict, as Bailey’s credibility was challenged extensively during cross-examination. Furthermore, the Commonwealth presented substantial additional physical and circumstantial evidence of Clagon’s guilt independent of Bailey’s testimony such that even disregarding Bailey’s testimony entirely, the jury could have found Clagon guilty of first degree murder beyond a reasonable doubt. See Trial Court Opinion of April 19, 2005.

premiered on recantation testimony, the PCRA court must, in the first instance, assess the credibility and significance of the recantation in light of the evidence as a whole. Unless the [PCRA] court is satisfied that the recantation is true, it should deny a new trial.

Id. at 977 (internal quotations and citations omitted)(emphasis added) (overruling trial court's grant of new trial based on recantation affidavit).

The new evidence Clagon presents in the form of an unauthenticated email is inherently not credible and therefore problematic. The proffered email is not a sworn affidavit.¹⁵ In fact, Clagon makes no assertion that Bailey himself would be available and willing to subject himself to the criminal charge of perjury by testifying to this recantation under oath.¹⁶ As such, the printout of the email itself is the extent of Clagon's "new" evidence and the email itself lacks any indicia of credibility. No email addresses appear on the printout, making it impossible to know whether Bailey himself actually sent the email and to whom it was sent. Damien Clagon's name is never mentioned in the body of the email. Clagon offers nothing other than his own assertions that the email was actually written by Bailey and that the recantation is, in fact, authentic. In our electronic age, this evidence could have been fabricated by anyone and made to appear to have come from Bailey. The Court finds it highly unlikely that Bailey, who admitted on cross-examination at trial to testifying in hopes of receiving favorable treatment from the Commonwealth on his own pending criminal charges,¹⁷ would at this late date subject himself to a charge of perjury on Clagon's behalf.

Even assuming *arguendo* the Court could find credibility in this email, the jury's knowledge of its content would not have changed the outcome of the verdict. Clagon does not claim innocence based on this recantation;¹⁸ rather, he states that "[p]er clarification, Petitioner does not argue his proven guilt for criminal homicide in the instant case, only that the homicide as presented in the instant trial fails to reflect an offense of murder." Response at 6 (unpaginated). As he admittedly is *not* claiming innocence, most of the email's content is therefore irrelevant. The only arguably relevant statements would be: "I'm s[or]ry I

¹⁵ Although the printed email does have a notary's seal at the bottom, Clagon provides no explanation for why this notarization appears and whose handwriting or signature seems to have been placed at the bottom. It would be pure conjecture for the Court to assign any meaning to this signature and notarization.

¹⁶ Although the email states "I'm willing to help any way I can," nowhere does the sender offer to testify under oath. A significant difference exists between a willingness to write an email with a recantation and a willingness to expose oneself to criminal prosecution by admitting under oath that one has previously lied under oath.

¹⁷ For example, see Notes of Transcript ("N.T.") for the trial, where Clagon's attorney cross examined Bailey regarding his pending criminal charges: "Do you hope to get help with charges in exchange for your testimony?" Bailey responded: "I was hoping that it would be taken into consideration." (N.T., Trial at 337.) This testimony establishes that in 2004 Clagon knew (1) Bailey had criminal charges pending against him at the time of his testimony against Clagon, and (2) Bailey and the Commonwealth had no agreement regarding those pending charges in exchange for his testimony, but that Bailey hoped for some consideration.

¹⁸ It should be noted that in the initial Petition, Clagon does assert at one point that "by refusing entertainment of the instant PETITION TO REVISIT, and/or allotted relief, this honorable court would thereby require an individual who is actually innocent of that he was actually tried for remain unjustly imprisoned." Petition at 11 (capitalization and punctuation original). The Court interprets this assertion in conjunction with Clagon's subsequently filed Response, where he states, "[p]er clarification, Petitioner does not argue his proven guilt for criminal homicide in the instant case, only that the homicide as presented in the instant trial fails to reflect an offense of murder." Response at 6 (unpaginated). Read together, the clauses indicate that Clagon's first assertion refers to an assertion of actual innocence of the charge of first degree murder as opposed to some lesser degree of homicide and not to actual innocence of criminal homicide.

lied at your trial. I made false statements about what I knew and what you told me” and “I tried to use your situation to get out of my situation.” Bailey’s self-serving motivation for testifying was made known to the jury through Bailey’s testimony on cross-examination at trial. Thus, the only real “new” facts contained in the email would be Bailey’s admission that he lied. Clagon simply cannot show that such evidence, even if known and believed, would have resulted in a verdict other than first degree murder. The recantation, if believed, would at best practically serve to remove Bailey as a Commonwealth witness such that the jury would have heard none of his testimony. The Court has examined the entire record on numerous prior occasions over the years and consistently found that even *without* any testimony from Bailey whatsoever, the Commonwealth presented substantial additional evidence, both physical and circumstantial, of Clagon’s guilt to prove beyond a reasonable doubt that Clagon is guilty of first degree murder.¹⁹ The Superior Court has affirmed this finding,²⁰ and this Court finds now that the inherently unreliable email evidence, utterly devoid of any semblance of credibility, does nothing to change the Court’s opinion in this regard.

III. Conclusion

For the reasons set forth above, the Court finds that Clagon’s *pro se* “Petition to Revisit Per Unfounded Offense and Unlawful Confinement” qualifies as a PCRA petition, that said Petition is untimely on its face, and that Petitioner Damien Clagon has failed to prove that his Petition meets the requirements of the statutory exceptions to the PCRA’s jurisdictional time-bar. This Court, therefore, lacks jurisdiction to consider Petitioner’s substantive claims.

Accordingly, I enter the following:

¹⁹ See this Court’s Opinion and Order of July 17, 2007.

²⁰ Commonwealth v. Clagon, 953 A.2d 825 (Pa. Super. April 16, 2008)(unpublished memorandum)(affirming trial court’s Opinion of July 17, 2007); Commonwealth v. Clagon, 600 Pa. 727, 963 A.2d 467 (2008) (table)(denying petition for permission to appeal).

ORDER

AND NOW, this 5th day of March, 2021, upon consideration of Damien Clagon's pro se petition for post conviction collateral relief, it is hereby ORDERED that said petition is DENIED as untimely.

Pursuant to Pa. R.Crim.P. 907(4), this Court advises Petitioner that he has the right to appeal from this Order. Petitioner shall have 30 days from the date of this final Order to appeal to the Superior Court of Pennsylvania. Failure to appeal within 30 days will result in the loss of appellate rights.

BY THE COURT:
DAVID L. ASHWORTH
PRESIDENT JUDGE

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

Adamire, Martha B., dec'd.

Late of Mount Joy Borough.
Executrix: Linda L. Snyder,
1331 Clearview Ave., Lancaster,
PA 17601.
Attorney: None.

Bitler, Ralph D. a/k/a Ralph D. Bitler, Jr., dec'd.

Late of West Earl Township.
Executor: Sara I. Delp and David W. Bitler c/o Kling and Deibler, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Linda Kling, Esquire; Kling and Deibler, LLP.

Bresch, Joseph T. a/k/a Joseph Thomas Bresch, dec'd.

Late of Lancaster City.
Executor: Dawn Bresch c/o Nikolaus and Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.

Attorney: Barbara Reist Dillon.

Camaroto, Beverly C., dec'd.

Late of East Hempfield Township.
Executrix: Angela M. Gray, 731 Webster Hill Road, Lititz, PA 17543.
Attorney: Frank W. Hayes, Esquire; Hayes & Romero; 31 South High Street, West Chester, PA 19382.

Carver, Charles C. a/k/a Charles C. Carver, Jr., dec'd.

Late of Manheim Township.
Executrix: Michele S. Carver, 100 Northside Court, Apt. 114, Lititz, PA 17543.
Attorney: R. Joseph Landy, Esquire; Landy & Rossettie, PLLC, Attorneys at Law; 228 Desmond Street, P.O. Box 206, Sayre, PA 18840-0206.

Coley, Cynthia A. a/k/a Cynthia Ann Coley, dec'd.

Late of East Hempfield Township.
Executor: Suzanne M. Coley c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.
Attorney: Young and Young.

Demmy, Paul, dec'd.

Late of Washington Boro.
Administrator: Chris Demmy, 131 North 2nd Street, Bainbridge, PA 17502.
Attorney: None.

Dorwart, Edward Charles a/k/a Edward C. Dorwart, dec'd.

Late of Manheim Township.
Executor: Pamela A. Albright

and Todd E. Dorwart c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Jeffrey P. Ouellet, Esquire.

Garrett, Sherrye D., dec'd.

Late of E. Petersburg Borough.
Executor: Brendan R. Garrett c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.
Attorney: Young and Young.

Hambleton, Rebecca M., dec'd.

Late of East Drumore Township.
Executrix: Kimberly A. Rankin c/o Paterson Law LLC, 2600 Willow Street Pike N, PMB 155, Willow Street, PA 17584.
Attorney: Kim Carter Paterson.

Herr, Jean E., dec'd.

Late of Manheim Township.
Administrator C.T.A.: Terra L. Cook c/o Steven R. Blair, Attorney at Law, 650 Delp Road, Lancaster, PA 17601.
Attorney: Steven R. Blair.

Hoch, Marjorie H., dec'd.

Late of West Lampeter.
Executor: Stanley L. Hopperstead c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.
Attorney: Matthew A. Grosh.

Hoffer, Nancy L., dec'd.

Late of Eden Township.
Executor: Douglas M. Hoffer c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.
Attorney: Jeffrey S. Shank, Esquire.

Kappen, Sylvia A., dec'd.

Late of Leola.
Administrator: A. M. Devlin, 2036 Roosevelt Blvd., Hatfield, PA 19440.
Attorney: None.

Kissinger, Jean F., dec'd.

Late of the Township of Conoy.
Executrix: Vicki L. Flowers c/o Nikolaus and Hohenadel, LLP, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022.
Attorney: Kevin D. Dolan, Esquire.

Klump, Alice F., dec'd.

Late of East Hempfield Township.
Executor: Eugene P. Klump c/o Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.
Attorney: Michael L. Mixell; Barley Snyder LLP.

McNeill, Allen H. a/k/a Allen Harold McNeill, dec'd.

Late of Ephrata Borough.
Executrix: Pauli A. McNeill c/o E. Richard Young, Jr., Esq., 1248 W. Main Street, Ephrata, PA 17522.
Attorney: E. Richard Young, Jr., Esquire.

Mikus, Leon J., dec'd.

Late of Denver Borough.
Executor: Thomas L. Mikus c/o Maureen L. Anderson, Esq., 605 Farm Ln., Doylestown, PA 18901.
Attorney: Maureen L. Anderson, Esquire; Maureen L. Anderson Elder Law; 605 Farm Ln.,

Doylestown, PA 18901.

Miles, Richard A., dec'd.

Late of the Township of Manheim.

Personal Representative: Michael R. Miles, Executor, c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606. Attorneys: Gibbel Kraybill & Hess LLP.

Moudry, Michael F., dec'd.

Late of Ephrata Borough.

Co-Executors: Michele A. Heffner and Edward M. Moudry c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

Patton, Richard Parke, dec'd.

Late of Earl Township.

Administrators: Ronald K. Patton and Lori A. Steinger c/o Paterson Law LLC, 2600 Willow Street Pike N, PMB 155, Willow Street, PA 17584.

Attorney: Kim Carter Paterson.

Raymond, Barbara A., dec'd.

Late of 150 Marlton Lane, Quarryville, PA 17566.

Executor: Richard P. Nuffort, Esquire, c/o Zimmerman, Pfannebecker & Nuffort, LLP, 22 South Duke Street, Lancaster, PA 17602.

Attorneys: Zimmerman, Pfannebecker & Nuffort, LLP.

Rottmund, William G., dec'd.

Late of the City of Lancaster.

Executrix: Traci R. Ducceschi c/o Michael C. Giordano, Esq., 221 W. Main Street, Mechanics-

burg, PA 17055.

Attorney: Michael C. Giordano, Attorney & Counselor at Law.

Schmick, Helen I., dec'd.

Late of 600 Freemason Drive, Elizabethtown, PA 17022.

Executor: Thomas M. Schmick, 362 Meadowview Drive, Montoursville, PA 17754.

Attorney: None.

Sheaffer, P. David a/k/a Paul David Sheaffer, dec'd.

Late of East Lampeter Township.

Executor: Linda S. Sheaffer c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Simmons, Beverly J., dec'd.

Late of Brecknock Township.

Executrix: Deborah A. Doorey c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

Stein, Carl G. a/k/a Car; G. Stein, Jr., dec'd.

Late of the Township of West Donegal.

Executors: J. Eric Stein and Thomas A. Stein c/o Nikolaus and Hohenadel, LLP, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Matthew S. Bleacher, Esquire.

Wiggins, Mary a/k/a Mary Josephine Wiggins, dec'd.

Late of Providence Township.

Executrix: Linda Roland, 4865

Homeville Road, Cochranville,
PA 19330.

Attorney: None.

SECOND PUBLICATION

Arndt, Robert C., dec'd.

Late of the Borough of Elizabethtown.

Executors: Steffan P. Arndt and Renate H. Arndt, 13914 Mattie Haines Road, Mount Airy, MD 21771.

Attorney: None.

Braightmeyer, Lorraine M., dec'd.

Late of East Drumore Township.

Executor: Gary L. Braightmeyer c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17601.

Attorney: Lindsay M. Schoeneberger.

Brown, Sarah L., dec'd.

Late of Manheim Township.

Sarah L. Brown Revocable Living Trust dated June 22, 1994, as Amended November 10, 1999 and August 2, 2003.

Trustee: Fulton Bank a/k/a Fulton Financial Advisors, 1 Penn Square, Lancaster, PA 17602.

Attorney: Alspach and Ryder LLC.

Byers, J. Milton a/k/a Jesse Milton Byers, dec'd.

Late of Lancaster.

Co-Executrices: Sue A. Kreider and Carol B. Summers c/o Randall K. Miller, Esq., 659 E. Willow Street, Elizabethtown, PA 17022.

Attorney: Randall K. Miller.

Calder, William H., Jr., dec'd.

Late of Manheim Township.

Executrix: Elizabeth A. Calder c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: James W. Appel, Esquire.

Diemer, Helma M., dec'd.

Late of Manheim Township.

Executor: John P. Diemer c/o Law Office of Shawn Pierson, 105 East Oregon Rd., Lititz, PA 17543.

Attorney: Shawn M. Pierson, Esquire.

Dommel, Sherry E., dec'd.

Late of the Township of Lancaster.

Administrator: Christopher E. Hardy, 70 Church Street, Owego, New York 13827.

Attorney: Zachary D. Morahan, Esquire; Coughlin & Gerhart, LLP; 21-23 Public Avenue, Montrose, PA 18801.

Dougherty, Jerry H. a/k/a Jerry Henry Dougherty a/k/a Jerry Dougherty, dec'd.

Late of Elizabethtown Borough.

Executrix: Ashley Lynn Dougherty c/o VanOrmer & Stephenson, P.C., 344 South Market Street, Suite 101, Elizabethtown, PA 17022.

Attorney: Daniel A. Stephenson, Esquire.

Doutrich, Betty J., dec'd.

Late of Paradise Township.

Administrator: Andrew L. Garver c/o Kling and Deibler, LLP,

131 W. Main Street, New Holland, PA 17557.

Attorney: Patrick A. Deibler, Esquire; Kling and Deibler, LLP.

Edmond, Anna Mae, dec'd.

Late of Columbia Borough.

Executors: Samuel F. Edmond and Tammy E. Edmond c/o 327 Locust Street, Columbia, PA 17512.

Attorney: John F. Markel, Esquire; Nikolaus & Hohenadel, LLP; 327 Locust Street, Columbia, PA 17512.

Engwall, Richard L., dec'd.

Late of West Lampeter Township.

Executrix: Kristin E. Boettner c/o Randy R. Moyer, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.

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Haldeman, Frank M., dec'd.

Late of Rapho Township.

Executors: Richard E. Haldeman and Melvin T. Haldeman c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

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Heiland, Kathryn M., dec'd.

Late of West Hempfield Township.

Co-Executrices: Jean M. Canter, Patricia A. Heiland-Baxter, and Deborah A. Felsinger c/o Vance E. Antonacci, Esquire, McNeas Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorney: McNeas Wallace &

Nurick LLC.

Heitzmann, Wilhelmina L., dec'd.

Late of West Lampeter Township.

Executrix: Donna L. Doutrich c/o Robert F. Musser, Esquire, 408 West Chestnut Street, Lancaster, PA 17603.

Attorney: Clymer Musser & Sarno, PC.

Hontz, Hedwig, dec'd.

Late of Manheim Borough.

Executor: Erica J. Hoffman c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

Humphreville, Rosemary M., dec'd.

Late of Manor Township.

Personal Representatives: Jacqueline Krause and Sharon Marsh, Co-Executors, c/o John S. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorneys: May, Herr & Grosh, LLP.

Hoover, John D., dec'd.

Late of East Donegal Township.

Executor: Timothy L. Hoover c/o JSDC Law Offices, 11 E. Chocolate Avenue, Suite 300, Hershey, PA 17033.

Attorney: Jacqueline A. Kelly, Esquire; JSDC Law Offices, 11 E. Chocolate Avenue, Suite 300, Hershey, PA 17033.

Horein, Timothy D., dec'd.

Late of Upper Leacock Township.

Executrix: Kelly M. Horein c/o

H. Charles Benner, Attorney,
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17540.

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Jackson, Sarah W., dec'd.

Late of the Township of East
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Executrix: Diane B. Hastings
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PA 17603.

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Jarrett, William T., dec'd.

Late of the Township of West
Lampeter.

Executrix: Debra J. Clark c/o
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17603.

Attorney: James R. Clark.

Keba, Jerry F., dec'd.

Late of Strasburg.

Administratrix: Donna Keba,
112 S. Decatur St., Strasburg,
PA 17579.

Attorney: None.

Kiger, Gerald M., dec'd.

Late of West Lampeter Town-
ship.

Executrix: Susan D. Kiger c/o
Appel Yost & Zee LLP, 33 North
Duke Street, Lancaster, PA
17602.

Attorney: Jeffrey P. Ouellet, Es-
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Kochersperger, Margaret W.,
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Lamb, John C., dec'd.

Late of West Lampeter Town-
ship.

Executor: Philip Dongre c/o
James N. Clymer, Esquire, 408
West Chestnut Street, Lancast-
er, PA 17603.

Attorney: Clymer Musser & Sar-
no, PC.

Lapp, Lena S., dec'd.

Late of Manheim Township.

Administrator: Rhonda M. Lapp
c/o Aevitas Law, PLLC, 1755 Or-
egon Pike, Suite 201, Lancaster,
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Attorneys: Neil R. Vestermark,
Esquire; Aevitas Law, PLLC.

**Melasecca, Lorraine a/k/a Lor-
raine Carole Melasecca a/k/a
Lorraine C. Melasecca,** dec'd.

Late of East Lampeter Township.

Executor: Anthony J. Rescigno,
Jr., 118 Beacon Street, Coates-
ville, PA 19320.

Attorney: None.

Messner, Edith I., dec'd.

Late of East Hempfield Town-
ship.

Personal Representative: Karen
and Alvin Hollinger, Executors,
c/o John S. May, Esquire, 49
North Duke Street, Lancaster,
PA 17602.

Attorney: May, Herr & Grosh,
LLP.

Miller, Barbara A., dec'd.

Late of the City of Lancaster.

Executor: Gary L. Miller c/o

James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

Neidigh, David M., dec'd.

Late of Elizabethtown.

Personal Representative: Donna N. Hershey, Executor, c/o J. Elvin Kraybill, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill Hess LLP.

Peters, Orpha E., dec'd.

Late of Penn Township.

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Attorneys: Gibbel Kraybill & Hess LLP.

Raugh, Judith A., dec'd.

Late of Lancaster Township.

Executrix: Suzanne G. Raugh c/o Anthony P. Schimaneck, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.

Attorney: Morgan, Hallgren, Crosswell & Kane, P.C.

Rowland, Nancy A., dec'd.

Late of Martic Township.

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Attorney: Jeffrey S. Shank, Esquire.

Schmid, Patricia W., dec'd.

Late of Ephrata Township.

Executor: Lisa Ketterer c/o 327 Locust Street, Columbia, PA

17512.

Attorney: Michael S. Grab, Esquire; Nikolaus & Hohenadel, LLP; 327 Locust Street, Columbia, PA 17512.

Sensenig, Titus L., dec'd.

Late of Earl Township.

Executor: Erma J. Weaver c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.

Attorney: Nevin D. Beiler, Esquire.

Slavik, Charles J., dec'd.

Late of Lititz Borough.

Personal Representative: Melissa Doliner, Executrix, c/o Thomas S. Gish, Sr., Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorney: Gibbel Kraybill & Hess LLP.

Smith, Betty F. a/k/a Elizabeth F. Smith a/k/a Betty Fuller Smith, dec'd.

Late of New Holland Township.

Executor: Donald J. Hollinger c/o Kling and Deibler, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Linda Kling, Esquire; Kling and Deibler, LLP.

Stackhouse, Vivian M., dec'd.

Late of West Lampeter Township.

Executor: Barbara C. McCarrell c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601.

Attorneys: Neil R. Vestermark, Esquire; Aevitas Law, PLLC.

Stewart, Harvey L. a/k/a Harvey Lee Stewart, dec'd.

Late of Warwick Township.
Executrix: Patricia A. Stewart
c/o Jeffrey Gonick, 1398 Oregon
Road, Leola, PA 17540.
Attorney: Jeffrey Gonick.

Stoltzfus, Annelore S. a/k/a Annelore Stoltzfus, dec'd.

Late of Manheim Township.
Executor: Michael Wilhelm
Stoltzfus c/o Nicholas T. Gard,
Esquire, 121 E. Main Street,
New Holland, PA 17557.
Attorney: Smoker Gard Associ-
ates, LLP.

Summers, James R., Sr. a/k/a Jim Summers, dec'd.

Late of Manheim Township.
Executors: James R. Summers,
Jr. and Teresa M. Summers c/o
Charles F. Blumenstock, Jr.,
255 Butler Ave., Suite 102, Lan-
caster, PA 17601.
Attorney: Blumenstock Legal
Advisors PC.

Walton, Allene T., dec'd.

Late of West Lampeter Town-
ship.
Co-Executors: Marlee W. Quann
and Darcy Walton c/o Appel
Yost & Zee LLP, 33 North Duke
Street, Lancaster, PA 17602.
Attorney: James W. Appel.

Ward, Donna L., dec'd.

Late of Elizabethtown Borough.
Executor: Edward D. Ward c/o
George H. Eager, Esquire, 1347
Fruitville Pike, Lancaster, PA
17601.
Attorney: Eager, Stengel, Quinn,
Sofilka & Babic.

Williams, Donald A., dec'd.

Late of Warwick Township.
Executrix: Kimberly Williams
Layton c/o Stock and Leader,
221 West Philadelphia Street,
Suite 600, York, PA 17401-
2991.
Attorney: Jody Anderson
Leighty, Esquire; Stock and
Leader.

Wolf, Tracey A., dec'd.

Late of Denver Borough.
Executrix: Starlena M. Wolf c/o
George W. Porter, Esquire, 909
East Chocolate Avenue, Her-
shey, PA 17033.
Attorney: George W. Porter.

Zeiset, Anna S., dec'd.

Late of East Earl Township.
Executor: Harold M. Zeiset c/o
Kling and Deibler, LLP, 131 W.
Main Street, New Holland, PA
17557.
Attorney: Linda Kling, Esquire;
Kling and Deibler, LLP.

THIRD PUBLICATION

Adams, Christina M., dec'd.

Late of Rapho Township.
Administratrix: Leanna R. Cres-
po, 3068 Aster Lane, Lititz, PA
17543.
Attorney: Kathleen B. Murren,
Esquire; Skarlatos Zonarich
LLC; 320 Market Street, Ste.
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Anderson, Rusty Lee, dec'd.

Late of East Lampeter Township.
Administratrix: Brandy S. Gore
c/o Blakinger Thomas, PC, 28
Penn Square, P.O. Box 1889,

Lancaster, PA 17608-1889.
Attorneys: Blakinger Thomas,
PC.

**Best, Jane E. a/k/a Jane Evans
Best**, dec'd.

Late of West Lampeter Town-
ship.

Executrix: Nancy L. Bennett
c/o Appel, Yost & Zee, LLP, 33
North Duke Street, Lancaster,
PA 17602.

Attorney: Jeffrey P. Ouellet.

Bitting, Charles N., dec'd.

Late of West Cocalico Township.

Executrix: Christine Geary c/o
Lindsay M. Schoeneberger, Rus-
sell, Krafft & Gruber, LLP, 108
West Main Street, Ephrata, PA
17522.

Attorney: Lindsay M. Schoene-
berger.

Davenport, Peter D., dec'd.

Late of Lancaster County.

Co-Executors: Scott D. Dav-
enport, Cynthia L. Borger and
Sandra D. Simpson c/o Ryan M.
Bornstein, Esq., Harvey Ballard
& Bornstein, LLC, 800 Lancast-
er Avenue, Suite T-2, Berwyn,
PA 19312.

Attorney: Ryan M. Bornstein,
Esquire.

**Davis, Kay a/k/a Kay L. Davis
a/k/a Kay Louise Davis**, dec'd.

Late of Leacock Township.

Executor: Edward C. Davis c/o
Michael E. Markovitz, Esq.,
4145 Apalogen Rd., Phila., PA
19129.

Attorney: Michael E. Markovitz,
Esquire.

**Eberly, Salinda L. a/k/a Salinda
Lee Eberly**, dec'd.

Late of the Borough of Ephrata.

Personal Representative: Russell
W. Eberly c/o Gibble Law Offic-
es, P.C., 126 East Main Street,
Lititz, PA 17543.

Attorney: Stephen R. Gibble.

Eckman, Yolanda Joan, dec'd.

Late of East Hempfield Town-
ship.

Personal Representative: Ciny-
dy J. Peters c/o John S. May,
Esquire, 49 North Duke Street,
Lancaster, PA 17602.

Attorney: May, Herr & Grosh,
LLP.

Emel, Joshua Andrew, dec'd.

Late of Manor Township.

Administratrix: Christine Fran-
cis Emel c/o Appel, Yost & Zee,
LLP, 33 North Duke Street, Lan-
caster, PA 17602.

Attorney: Jeffrey P. Ouellet, Es-
quire.

England, Barbara E., dec'd.

Late of the Township of Penn.

Executor: Annette G. West c/o
Gibble Law Offices, P.C., 126
East Main Street, Lititz, PA
17543.

Attorney: Stephen R. Gibble.

**Fryburg, Frank C. a/k/a Frank
Crumback Fryburg**, dec'd.

Late of Manheim Township.

Executrix: Susan Patricia Scott
c/o Appel, Yost & Zee, LLP, 33
N. Duke Street, Lancaster, PA
17602.

Attorney: Michael J. Rostolsky,
Esquire.

Funk, Kenneth E. a/k/a Kenneth E. Funk-Bonsall a/k/a Kenneth E. Bonsall, dec'd.

Late of Manor Township.
Executor: Mark Shailer c/o Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.
Attorney: Barbara Reist Dillon.

Hafer, Charles H. a/k/a Charles Heister Hafer, dec'd.

Late of West Donegal Township.
Executrix: Deborah McGrath c/o Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, PA 18503.
Attorney: Thomas J. Jones, Esquire.

Hannum, Mary C., dec'd.

Late of Manheim Township.
Executrices: Barbara C. Metz and Marjorie H. Carroll c/o Stephen D. Potts, Esq., Ste. 106, 200 Eagle Rd., Wayne, PA 19087-3115.
Attorney: Stephen D. Potts, Esquire; Herr, Potts & Potts, LLC; Strafford Office Bldg. #2, Ste. 106, 200 Eagle Rd., Wayne, PA 19087-3115.

Herr, Deborah E., dec'd.

Late of East Lampeter Township.
Executor: P. Mark Lefever, 2168 Colleens Way, Lancaster, PA 17601.
Attorney: None.

Hess, Beatrice H. a/k/a Beatrice Hornberger Hess, dec'd.

Late of Martic Township.
Executor: Marlene K. Hess and Daniel R. Hess c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite

201, Lancaster, PA 17601.
Attorneys: Neil R. Vestermark, Esquire; Aevitas Law, PLLC.

Leonard, Ramona V., dec'd.

Late of Christiana Boro.
Executor: Steven T. Leonard, 106 Hollow Woods Drive, Pequea, PA 17565.
Attorney: None.

Lied, William G. a/k/a William Giegley Lied, dec'd.

Late of West Cocalico Township.
Executor: Michael T. Grubb c/o Appel, Yost & Zee, LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: James K. Noel, IV, Esquire.

Meck, Frederick Harry, dec'd.

Late of New Holland Borough.
Administrator: Judith A. Meck c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17601.
Attorney: Aaron K. Zeamer.

Mellinger, Joanne D., dec'd.

Late of Strasburg Township.
Executor: Allen Mellinger c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.
Attorney: Bradley A. Zuke.

Mowrer, Richard G., dec'd.

Late of West Hempfield Township.
Executor: David A. Mowrer c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.
Attorney: Mountz & Kreiser.

Obetz, Doris G., dec'd.

Late of Lititz Borough.
Executrix: Diane L. Adams c/o John O. Stover, Jr., Esquire, 537 Chestnut Street, Emmaus, PA 18049.
Attorney: John O. Stover, Jr., Esquire.

Peachey, Priscilla M., dec'd.

Late of Columbia Borough.
Executrix: Martha J. Zell c/o Ann L. Martin, Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill & Hess LLP.

Prichett, Dwight D., dec'd.

Late of West Earl Township.
Co-Executors: Victoria E. Maiocco and Mark J. Maiocco, 8314 Musket Ridge Lane, Fredericksburg, VA 22407.
Attorney: None.

Reed, Edna P. a/k/a Edna Pauline Reed, dec'd.

Late of New Holland Borough.
Executrix: Tina E. Reed c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.
Attorneys: Smoker Gard Associates LLP.

Robertson, Craig J.D. a/k/a Craig James Dawson Robertson, dec'd.

Late of Eden Township.
Executrix: Alisa M. Robertson c/o Andrew S. Rusniak, Esquire, McNees Wallace & Nurick, LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.
Attorney: McNees Wallace & Nurick LLC.

Rudy, Marianne T. a/k/a Marianne Theresa Rudy, dec'd.

Late of Ephrata Township.
Executor: George J. Rudy c/o Vance E. Antonacci, Esq., 570 Lausch Ln., Ste. 200, Lancaster, PA 17601.
Attorney: Vance E. Antonacci; McNees Wallace & Nurick, LLC, 570 Lausch Ln., Ste. 200, Lancaster, PA 17601.

Sample, Betty J. dec'd.

Late of Quarryville Borough.
Administrator: Derrin M. Sample c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17602.
Attorney: Lindsay M. Schoeneberger.

Scarinci, Roland J., dec'd.

Late of Earl Township.
Executor: Emily A. Scarinci c/o Kling and Deibler, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Patrick A. Deibler, Esquire; Kling and Deibler, LLP.

Schultz, Beverly S. a/k/a Beverly Sieg Schultz, dec'd.

Late of West Lampeter Township.
Executor: William R. Schultz c/o Lancaster Law Group, LLC, 8 N. Queen Street, 8th Fl., Lancaster, PA 17603.
Attorney: Julia M. Parrish.

Shenk, Michael G., dec'd.

Late of Elizabeth Township.
Executrix: Kathy A. Zimmerman c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Hol-

land, PA 17557.

Attorney: Smoker Gard Associates LLP.

Tribit, Elizabeth Ellen, dec'd.

Late of Manor Township.

Administratrix: Ida Katherine Tribit c/o Appel, Yost & Zee, LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet.

Watson, Stephen D., dec'd.

Late of Marietta Borough.

Executors: Ramona Matta and Barbara Sherman c/o 327 Locust Street, Columbia, PA 17512.

Attorney: John F. Markel, Esquire; Nikolaus & Hohenadel, LLP; 327 Locust Street, Columbia, PA 17512.

Wolf, Raymond E., dec'd.

Late of East Hempfield Township.

Executor: Paula Y. Wolf c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Bradley A. Zuke.

Young, Robin M. a/k/a Robin Marie Young, dec'd.

Late of West Hempfield Township.

Executrix: Mary J. Owens c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.

Attorney: Mountz & Kreiser.

ARTICLES OF DISSOLUTION

NOTICE IS HEREBY GIVEN THAT the Board of Directors of:

Choice Books Pennsylvania, Inc. a Pennsylvania nonprofit corporation, with an address at 121 S. Main Street, Manheim, PA 17545, has approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 5975 of the Pennsylvania Nonprofit Corporation Law.

GIBBEL KRAYBILL & HESS LLP
Attorneys

S-10

ARTICLES OF INCORPORATION

Notice is hereby given that:

Trans Minors Rights has incorporated as a 501(C)(3) non-profit in the state of Pennsylvania.

S-10

CHANGE OF NAME NOTICES

Notice is hereby given that Yirdrin Manuela Bautista Feliz and Mayer Rojas Dominguez have a filed a petition in the Court of Common Pleas of Lancaster County, docketed at CI-21-05562, requesting the court to change the name of their minor child, M.R.B. A hearing has been scheduled for November 9, 2021 at 2:30pm in Courtroom 4 of the Lancaster County Courthouse, 50 N. Duke Street, Lancaster Pennsylvania, at which time anyone having any objection to the petition may be heard.

Robert Bacher, Esquire
Attorney for Petitioners

S-10

A hearing will be held on Sep-

tember 13, 2021 at 2:00p.m. in Courtroom #4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA regarding the request of Tracy L. Floyd to change her child's name from Gavin Lee Walker, Jr. to Lee Eugene Floyd.

Any person with objections may attend and show cause why the request should not be granted.

S-10

FICTITIOUS NAME NOTICES

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on August 30, 2021, pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988. DAS Companies, Inc., will be trading as/doing business as:

12 Volt Solutions
& Distribution Co.

Anthony Scicchitano, VP & General Counsel

DAS Companies, Inc.
724 Lawn Road, Palmyra PA 17078

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Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on July 23rd, 2021 for:

Rock-it Global

at 1002 Lititz Pike #238, Lititz, PA 17543. The name and address of each individual interested in the business is Paul Martins at 1920 Nelson Avenue, Redondo Beach,

CA 90278. This was filed in accordance with 54 Pa.C.S. 311.

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SUITS ENTERED

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorneys.

August 25, 2021
to August 30, 2021

TURNER, RHAMIN; Cavalry SPV I, LLC; 05771; Apothaker
SIERRA SR., VICENTE; Cavalry SPV I, LLC; 05772; Apothaker
BRIDGES, ADAM; Cavalry SPV I, LLC; 05773l Apothaker
KOLOTYUK, VERA G.; Cavalry SPV I, LLC; 05774; Apothaker
PAL, ASHIS B.; Cavalry SPV I, LLC; 05775; Apothaker
SANTOS SR., ALBERTO; Cavalry SPV I, LLC; 05776; Apothaker
ORT, MARLET E.; Cavalry SPV I, LLC; 05778; Apothaker
WESTON, RODGER A.; Cavalry SPV I, LLC; 05779; Apothaker
SANTA, ANGEL, SANTANA, SASHA; David Wolfe; 05786
ALIZADA, MOHAMMAD N., ERIE INSURANCE EXCHANGE; Madison Flatt; 05792 ; Hurd
HARTMAN, ASHLEY; Roy Zimmerman; 05806

AMERICAN GENERAL LIFE INSURANCE COMPANY; J.G. Wentworth Originations, LLC; 05818; Maro

WOODS, DAVID R.; Melissa A. Artz; 05819

SHIELDS, KATHRYN; Discover Bank; 05823; Dougherty

MALDONADO, LUIS; Portfolio Recovery Associates, LLC; 05825; Titus

SUSQUEHANNA VALLEY WOMENS HEALTH CARE, PC,

YINGLING, BRYAN L., KRESPAN, CHARLES, DRS MAY GRANT ASSOCIATES, DRS MAY GRANT INVESTMENT, LLC, MAY-GRANT OBSTETRICS AND GYNECOLOGY, JACKSON, DORINA; Holly C. Wilrigs; 05862; Wigrizor

BELLACK, CYNTHIA; Portfolio Recovery Associates, LLC; 05889; Titus

PALM, HILDA; Portfolio Recovery Associates, LLC; 05891; Titus

MONTALVO, FELIX; Synchrony Bank; 05840

ROLDAN DIAZ, ALBERTO; PCA Acquisitions V, LLC; 05863; Apothaker

LANCASTER COUNTY TAX CLAIM BUREAU; TOA Lititz, L.P.; 05878; Nuffort

WERNER, SAMUEL H.; James Betta; 05884; Wagner

LEFFLER ENERGY, RICHLAND PARTNERS, LLC; Pennsylvania National Mutual Casualty Insurance Company; 05888; Brenner

POPKIN, MICHAEL; Bank of America, N.A.; 05895; Weinberg

BRENNEMAN, JAY R.; Discover Bank; 05897; Dougherty

BEAVER, AMANDA M.; Discover Bank; 05902; Dougherty

GREINER, TRACI; Discover Bank; 05905; Dougherty

WORNER, NICOLE A.; Discover Bank; 05907; Dougherty

SULIVERAS, ANTHONY; Discover Bank; 05918; Dougherty

MARSHALL, TAYVION; Citadel Federal Credit Union; 05922; Dougherty

FETTEROLF, ROBERT F.; Deanna M. Zynn; 05923; Del Casale

WEAVER, EVA ANNA; U.S. Bank National Association; 05934; Nolan

COMMONWEALTH OF PENNSYLVANIA; Crystal Lynn Wasche; 05890

NELSON, RUTH E, WORKMAN, PATRICK J.; Alicia Sweigart; 05913; O'Neil

BEIGEL, CHRIS J.; UHG I, LLC; 05938; Tsarouhis

LONIE, KARI; Conestoga Valley School District; 05942; Leininger

GOLDBACH, SARAH; Fetch Home Management, LLC; 05949

DOE I, JOHN, DOE II, JOHN, HCR MANOR CARE PROPERTIES, LLC, HEALTHCARE SERVICES GROUP, INC.; Andrea Kenne; 05957; Cohen

LANCASTER GENERAL HOSPITAL, TOBER, AARON, LG HEALTH PHYSICIANS HOSPITALISTS; Yolanda Strickler; 05975; Justice

HORST, ELTON; First National Bank of Omaha; 05976; Raker

SCHEUERMAN, TOM P.; Bank of America, N.A.; 05978L Palaia

SHEARER JR., WILLIAM H.; David Patrick Dowd; 05981; Shook

YOST, RYAN C.; Citadel Federal Credit Union; 05987; Dougherty

LOGAN, KEVIN L.; First National Bank of Omaha; 05990; Raker

VANG, DAWN; Westlake Services, LLC; 05993; Ratchford

DEMASCOLO, GREGORY M.; Suburban Lancaster Sewer Authority; 06004; Mincarelli

BENSINGER, JUSTIN L.; Suburban Lancaster Sewer Authority; 06009; Mincarelli

ANDERSON, APRIL N.; Rock Creek Capital, LLC; 06010; Sanginiti

WALTER, BRANDON K., PARKE, CHRISTINA L.; Suburban Lancaster Sewer Authority; 06014; Mincarelli

WELSH, FAITH A., WELSH, ROBIN A.; Suburban Lancaster Sewer Authority; 06015; Mincarelli

WANKHEDE, HARSHAL T.; Cavalry SPV I, LLC; 06021; Claffey

ZULETA, CAROLINA; Cavalry SPV I, LLC; 06026; Claffey

NOTICE



**SHERIFF SALE OF VALUABLE
REAL ESTATE**

**Wednesday, September 29, 2021
10:00 a.m. Prevailing Time**

Pursuant to writs of Execution directed to me by the Court of Common Pleas of Lancaster County, Pa., I will expose the following Real Estate to public sale at 10:00 a.m. on the above date in the Lancaster County Courthouse, Courtroom A, 50 North Duke Street, in the City of Lancaster, PA.

**AUDIO AND VIDEO DEVICES
ARE PROHIBITED IN
COURT FACILITIES**

Beginning January 1, 2017, the taking or recording of pictures, photographs, videos, or audio recordings; and the use or possession of audio or video broadcast or recording equipment, or any other device capable of capturing or transmitting sound or images (including, without limitation, cameras and cell phones); in a courtroom, hearing room, or their respective environs during the progress of or in connection with any action, whether or not court is actually in session, is prohibited in compliance with L.C.R. Crim.P. No. 112.

CONDITIONS OF SALE

The Sheriff's Office reserves the right to accept or to reject any one or more bids, and to sell the properties in any order or combination, as determined by the Sheriff's Office. The sale of any property may, at the discretion of the Sheriff's Office, be stayed or continued in whole or in part.

If any irregularities, defects, or failures to comply with these Conditions of Sale occur during the sale, properties may be placed back up for sale at any time prior to the conclusion of the sale.

All properties are sold "AS IS", with NO expressed or implied warranties or guarantees whatsoever. In other words, the Sheriff's Office does not guarantee or warrant, in any way, the real estate upon which you are bidding. The Sheriff's Office is merely following the requests of the plaintiffs and selling whatever interests the defendants may have in the properties. It is up to you or your attorney to determine what those interests are, before you buy. The defendants might not own the properties at all, other persons may own the properties, or there might be mortgages or other liens against the properties that you may have to pay before you obtain clear title to a property. All of these factors are for you alone to determine. The Sheriff's Office will not make these determinations for you. Once you make a bid, which is accepted as the highest bid, you have bought whatever interests the defendants have, if any, in that property and you must pay that sum of money to the Sheriff's Office regardless of what you later find out about the title. You must know what you are bidding on before you bid and NOT

after. All sales are FINAL after the property has been struck off to you as the highest bidder, and no adjustments will be made thereafter.

Payment for properties must be in the form of lawful money of the United States, a certified or cashier's check from a bank, or a Lancaster County attorney's check. The Sheriff's Office will NOT accept any other form of payment.

In order to expedite the sale, the Sheriff's Office encourages, but does not require, plaintiffs to announce an "upset" price, which is the least amount the plaintiff will accept for a property. Any bidding above the plaintiff's opening costs bid for such property will begin at that stated upset price. Subsequent bids shall be in no less than \$1000 increments. Plaintiffs may withdraw a property from sale any time before the property is struck off as sold to the highest bidder.

Immediately upon a property being struck off to the highest bidder, the buyer must state the buyer's name (unless buying the property on behalf of the plaintiff for costs only) and come forward to settle with the clerks. The buyer must present a legal picture identification acceptable to the Sheriff's Office, such as a driver's license, and immediately pay 20% of their bid as a down payment to the Sheriff's Office. The buyer must subsequently pay the balance of their bid within 30 days after the sale date.

Each buyer shall file a properly completed and signed Pennsylvania Realty Transfer Tax Statement of Value in duplicate with the Sheriff's Office within 15 days after the sale date. All applicable

realty transfer taxes will be fully paid from the sale proceeds by the Sheriff's Office. If the proceeds are insufficient to pay all the sale costs, realty transfer taxes, and priority liens, then the buyer shall pay the balance of such amounts to the Sheriff's Office within 30 days after the sale date.

If no petition has been filed to set aside a property sale, the Sheriff will execute and record a deed 20 days or more after filing a proposed Schedule of Distribution with the Prothonotary's Office, conveying all the real estate rights, title, & interests of the defendants in the property. Distribution of the sale proceeds will be made per the proposed Schedule of Distribution 11 or more days after the filing of such Schedule, provided no exceptions are filed regarding the proposed distribution.

The Sheriff's Office may hold agents responsible for their winning bids if their principal fails to comply with these Conditions of Sale, unless the agent has a notarized agency agreement and presents same to the Sheriff's Office prior to the beginning of the sale.

If a buyer breaches or otherwise fails to comply with these Conditions of Sale, the buyer shall forfeit their down payment to the Sheriff's Office in its entirety as liquidated damages, and the buyer also shall be liable to the Sheriff's Office for all costs, expenses, losses, and damages (including, without limitation, attorney fees) suffered or incurred by the Sheriff's Office (1) to resell the property or (2) above and beyond such down payment amount, or both of the foregoing.

The Sheriff's Office reserves the

right to alter or modify these conditions of sale during or before each sale, or on a case by case basis. The Sheriff's Office decision shall be final regarding all sale issues and disputes.

CHRISTOPHER LEPLER,

Sheriff of Lancaster County

MICHAEL D HESS, ESQUIRE,

Solicitor

No. CI-20-06641

US BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE FOR TOWD POINT MORTGAGE TRUST ASSET-BACKED SECURITIES, SERIES 2015-2

vs

ANY AND ALL KNOWN AND UNKNOWN HEIRS, EXECUTORS, ADMINISTRATORS AND DEVISEES OF THE ESTATE OF CYNTHIA L. REESE A/K/A CYNTHIA REESE; DECEASED, TIMOTHY C. REESE II SOLELY IN HIS CAPACITY AS HEIR TO THE ESTATE OF CYNTHIA L. REESE A/K/A CYNTHIA REESE; DECEASED, II, WILLIAM JOHN-V. REESE SOLELY IN HIS CAPACITY AS HEIR TO THE ESTATE OF CYNTHIA L. REESE A/K/A CYNTHIA REESE; DECEASED

PROPERTY ADDRESS: 1241 Elm Avenue, Lancaster, PA 17603

UPI/TAX PARCEL NUMBER: 340-73510-0-0000

JUDGMENT: \$83,504.84

REPUTED OWNERS: Any and All Known and Unknown Heirs, Executors, Administrators and Devisees of the Estate of Cynthia L. Reese a/k/a Cynthia Reese; deceased and Timothy C. Reese II solely in his capacity as heir to the Estate of Cynthia L. Reese a/k/a Cynthia Reese; deceased and William John-V. Reese solely in his capacity as heir to the Estate of Cynthia L. Reese a/k/a

Cynthia Reese; deceased
DEED BK.: 7058 Page 0596
MUNICIPALITY: Township of Lancaster
AREA: N/A
IMPROVEMENTS: Residential Real Estate

No. CI-20-00756

CITIMORTGAGE INC

vs

TIMOTHY P. BECK, AMI KLUGH

PROPERTY ADDRESS: 6340 LEMON STREET, EAST PETERSBURG, PA 17520

UPI / TAX PARCEL NUMBER: 220-95311-0-0000

JUDGMENT: \$143,855.23

REPUTED OWNERS: Timothy P. Beck and Ami Klugh

INSTR. NO.: 5785793

MUNICIPALITY: Borough of East Petersburg

AREA: N/A

No. CI-20-08407

FIRST GUARANTY MORTGAGE CORPORATION

vs

COLIN PATRICK BRADLEY

PROPERTY ADDRESS: 1698 WABANK RD, LANCASTER, PA 17603

UPI/TAX PARCEL NUMBER: 340-45937-0-0000

JUDGMENT: \$141,120.01

REPUTED OWNERS: Colin Patrick Bradley

INSTR. NO.: #6370105

MUNICIPALITY: Township of Lancaster

AREA: 0.3700

IMPROVEMENTS: Single Family Residential

No. CI-18-09614

U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY

AS TRUSTEE FOR THE RMTF TRUST, SERIES 2019-C

vs
DAVID BROWNE, PHYLLIS BROWNE

PROPERTY ADDRESS: 42 SADDLER DRIVE, CHRISTIANA, PA 17509

UPI / TAX PARCEL NUMBER: 550-98263-0-0000

JUDGMENT: \$176,855.11.

REPUTED OWNERS: David Browne and Phyllis Browne

DEED BK. and PAGE or INSTR. NO.: Document ID# 5514975

MUNICIPALITY: Township of Sadsbury

AREA: ALL THAT CERTAIN lot or piece of ground, situate in the Township of Sadsbury, Lancaster County, Pennsylvania, bounded and described according to a revised Final Plan of Williams Run Section IV, made by Huth Engineers, Inc., dated 03/29/1984 and recorded in Lancaster County as Plan No. J137 page 145, as follows, to wit:

IMPROVEMENTS: Residential Dwelling

No. CI-20-00211

WELLS FARGO BANK, N.A.

vs
GERALD ALLEN CRAIG, JR. A/K/A GERALD A. CRAIG

PROPERTY ADDRESS: 1283 STAMAN LANE, COLUMBIA, PA 17512

UPI/TAX PARCEL NUMBER: 110-88614-0-0000

JUDGMENT: 84,366.82

REPUTED OWNERS: GERALD ALLEN CRAIG, JR. A/K/A GERALD A. CRAIG

INSTR. NO.: 6030612

MUNICIPALITY: COLUMBIA

AREA: 0.14 ACRES

No. CI-19-04378

ELIZON MASTER PARTICIPATION TRUST I, U.S. BANK TRUST NATIONAL ASSOCIATION, AS OWNER TRUSTEE

vs
ROBERT JACKSON CREASY
PROPERTY ADDRESS: 356 SCHOOLHOUSE RD, NEW PROVIDENCE, PA 17566

UPI/TAX PARCEL NUMBER: 520-46965-0-0000

JUDGMENT: \$101,889.01

REPUTED OWNERS: ROBERT JACKSON CREASY

DEED BK./PG.: U94/202

MUNICIPALITY: PROVIDENCE TWP

AREA: 1087.00 Sq.Ft.

IMPROVEMENTS: A RESIDENTIAL DWELLING

No. CI-20-05976

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R7

vs
WILLIAM HELMS A/K/A WILLIAM H. HELMS, HAZEL M. HELMS

PROPERTY ADDRESS: 540 WOODWARD STREET, LANCASTER, PA 17602

UPI/TAX PARCEL NUMBER: 337-23255-0-0000

JUDGMENT: \$176,604.06

REPUTED OWNERS: William Helms a/k/a William H. Helms and Hazel M. Helms

DEED BK.: W94 Page 407

MUNICIPALITY: City of Lancaster

AREA: N/A

IMPROVEMENTS: Residential

Real Estate

No. CI-16-07931

**NATIONSTAR MORTGAGE LLC
D/B/A CHAMPION MORTGAGE
COMPANY**

vs

LOIS HOSTETTER, IN HER CAPACITY AS HEIR OF DONALD L. HOSTETTER A/K/A DONALD HOSTETTER A/K/A DONALD LEE HOSTETTER, MARY CALDER, IN HER CAPACITY AS HEIR OF DONALD L. HOSTETTER A/K/A DONALD HOSTETTER A/K/A DONALD LEE HOSTETTER, DECEASED, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRM, OR INTEREST FROM OR UNDER DONALD L. HOSTETTER A/K/A DONALD HOSTETTER A/K/A DONALD LEE HOSTETTER

PROPERTY ADDRESS: 318 E. ORANGE STREET, LANCASTER, PA 17602

UPI/TAX PARCEL NUMBER: 332-79920-0-0000

JUDGMENT: \$140,344.19

REPUTED OWNERS: Donald L. Hostetter a/k/a Donald Hostetter LOIS L. HOSTETTER, in her capacity as Heir of Donald L. Hostetter A/K/A Donald Hostetter A/K/A Donald Lee Hostetter, Deceased, Mary Calder, In Her Capacity As Heir Of Donald L. Hostetter A/K/A Donald Hostetter A/K/A Donald Lee Hostetter, Deceased, Unknown Heirs, Successors, Assigns, And All Persons, Firms, Or Associations Claiming Right, Title Or Interest From Or Under Donald L. Hostetter A/K/A Donald Hostetter Aka Donald Lee Hostetter, Deceased

DEED BK. and PAGE: Book S65 Page 487

MUNICIPALITY: City of Lancaster

AREA: n/a

IMPROVEMENTS: Residential

No. CI-21-00418

LOANCARE, LLC

vs

ANN E. MYERS

PROPERTY ADDRESS: 857 CHRISTINE LANE, LANCASTER, PA 17601

UPI/TAX PARCEL NUMBER: 290-96546-0-0000

JUDGMENT: \$152,078.92

REPUTED OWNERS: Ann E. Myers and Terry L. Myers

INSTR. NO.: 5360912

MUNICIPALITY: East Hempfield Township

AREA: 1,275 sq ft

IMPROVEMENTS: Residential Dwelling

No. CI-19-08550

WILMINGTON SAVINGS FUND SOCIETY, FSB NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS CERTIFICATE TRUSTEE OF BOSCO CREDIT II TRUST SERIES 2010-1 C/O FRANKLIN MANAGEMENT CORPORATION

vs

IVAN A PEREZ, CRYSTAL SHANK, STACY LYNN PACKARD N/K/A STACY LYNN PEREZ

PROPERTY ADDRESS: 841 HEREFORD RD, ELIZABETHTOWN, PA 17022

UPI/TAX PARCEL NUMBER: 460-07722-0-0000

JUDGMENT: 118,369.12

REPUTED OWNERS: Ivan A. Perez, Crystal Shank, Stacy Lynn Packard n/k/a Stacy Lynn Perez
DEED BK.: 5419

MUNICIPALITY: Township of Mount Joy

AREA: N/A

IMPROVEMENTS: Single Family Dwelling

No. CI-20-01896

WELLS FARGO BANK, N.A.

vs

ROBERT REHRER, JR.

PROPERTY ADDRESS: 315 W. BROAD ST, NEW HOLLAND, PA 17557

UPI/TAX PARCEL NUMBER: 480-92524-0-0000

JUDGMENT: \$208,744.79

REPUTED OWNERS: ROBERT REHRER, JR.

DEED INSTRUMENT NO.: 6081521

MUNICIPALITY: NEW HOLLAND BORO

IMPROVEMENTS: RESIDENTIAL DWELLING

No. CI-20-04764

MIDWEST BUSINESS CAPITAL, A DIVISION OF UNITED MIDWEST SAVINGS BANK, NOW KNOWN AS, UNITED MIDWEST SAVINGS BANK, A NATIONAL ASSOCIATION TO THE USE OF OLD BLUE ROCK ROAD, LLC

vs

SCHEID MANAGEMENT SERVICES, LLC, ANDREW THOMAS SCHEID

PROPERTY ADDRESS: 320 Blue Rock Rd, Millersville, PA 17551

UPI / TAX PARCEL NUMBER: 410-09308-0-0000

JUDGMENT: \$449,709.48

REPUTED OWNERS: Andrew T. Scheid

INSTR. NO.: 5928624

MUNICIPALITY: Manor Township

AREA: N/A
IMPROVEMENTS: Commercial building

No. CI-20-05931

MIDWEST BUSINESS CAPITAL,

A DIVISION OF UNITED MIDWEST SAVINGS BANK, NOW KNOWN AS, UNITED MIDWEST SAVINGS BANK, A NATIONAL ASSOCIATION TO THE USE OF OLD BLUE ROCK ROAD, LLC

vs

SCHEID REAL ESTATE HOLDINGS, LLC

PROPERTY ADDRESS: 121 and 131 South Prince Street, Lancaster, PA 17603

UPI/TAX PARCEL NUMBER: 334-58567-0-0000/334-61811-0-0000

JUDGMENT: \$995,488.34

REPUTED OWNERS: Scheid Real Estate Holdings, LLC

INSTR. NO.: 5977699

MUNICIPALITY: City of Lancaster

AREA: N/A

IMPROVEMENTS: 121 South Prince Street: three-story brick building and other improvements
131 South Prince Street: three-story brick dwelling and a two-car garage

No. CI-18-08821

WILMAC HEALTHCARE, INC., D/B/A LANCASHIRE HALL, BROCKIE PHARMATECH

vs

MARSHALL H. STEHMAN, MARI-ANNE STEHMAN

PROPERTY ADDRESS: 46 DELP RD, LANCASTER, PA 17601

UPI/TAX PARCEL NUMBER: 390-00664-0-0000

JUDGMENT: 18-08821

REPUTED OWNERS: MARSHALL H. STEHMAN

DEED BK.: 2712, PAGE 668

MUNICIPALITY: MANHIEM TOWNSHIP

AREA: 1,600 sqft, 0.35 Acres

IMPROVEMENTS: Two and a half story house and detached ce-

ment block garage

No. CI-20-01111

LONGBRIDGE FINANCIAL LLC

vs

**HERBERT B. WATSON, JR.
KNOWN SURVIVING HEIR OF
HERBERT B. WATSON, SR.,
FAITH M. HECKARD, KNOWN
SURVIVING HEIR OF HERBERT
B. WATSON SR, HOPE M. COLE
AKA HOPE M. COLE-OTIENO,
KNOWN SURVIVING HEIR OF
HERBERT B. WATSON SR., UN-
KNOWN SURVIVING HEIRS OF
HERBERT B. WATSON SR.**

PROPERTY ADDRESS: 9 RUS-
SET LANE, MILLERSVILLE, PA
17551

UPI/TAX PARCEL NUMBER:
410-20300-0-0000

JUDGMENT: \$134,696.75

REPUTED OWNERS: Herbert B.
Watson Sr. and Henrietta M.
Watson

DEED BK.: 2699, Page: 115

MUNICIPALITY: Manor Town-
ship

AREA: N/A

IMPROVEMENTS: Residential
Dwelling

No. CI-15-04392

**WILMINGTON SAVINGS FUND
SOCIETY, FSB AS OWNER
TRUSTEE OF THE RESIDEN-
TIAL CREDIT
OPPORTUNITIES TRUST V-B**

vs

**JENNIFER N WILSON, THEO-
DORE R WILSON, JR**

PROPERTY ADDRESS: 1261
FREMONT STREET, LANCAST-
ER, PA 17603

UPI/TAX PARCEL NUMBER:
338-49985-0-0000

JUDGMENT: \$121,659.67

REPUTED OWNERS: Theodore R.
Wilson Jr. and Jennifer N. Wil-
son

INSTR. NO.: 5648407

MUNICIPALITY: Lancaster City

AREA: 0.00

IMPROVEMENTS: Residential
Dwelling

SHERIFF'S SALES

Real Estate Executions

January 27, 2021

March 31, 2021

May 26, 2021

July 28, 2021

September 29, 2021

November 24, 2021

January 26, 2022

March 30, 2022

Last Day for Filing

September 16, 2020

November 18, 2020

January 20, 2021

March 17, 2021

May 19, 2021

July 21, 2021

September 15, 2021

November 17, 2021

Mediation and ADR Solutions

provided by **The Honorable Thomas I. Vanaskie (Ret.)**



- 24 years on the Federal bench (Third Circuit Court of Appeals and Middle District of Pennsylvania)
- Unmatched credentials and experience makes him uniquely qualified to assist parties resolve disputes with guidance that is informed, impartial, fair and objective
- Available to resolve disputes in business and commercial, class action and mass tort, employment, ERISA, insurance, antitrust, securities, intellectual property, civil rights and personal injury cases
- Serves as a Special Master in complex litigation and is highly experienced in the area of e-discovery and privilege review

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