
Court of Common Pleas of Lancaster County
Civil Action - Law

Evans v. Crouse

Real Estate – Adverse Possession – Hostility

Plaintiff to quiet title action not required to openly challenge or disavow defendant's title to establish hostile possession where plaintiff never received permission for use and made unauthorized improvements to disputed property.

OPINION BY: BROWN, J., January 27, 2023. Charlene Evans v. Joseph L. Crouse. No. CI-20-07557.

OPINION

The matter before the court is one of adverse possession. Plaintiff Charlene Evans filed a complaint to quiet title, alleging she has acquired fee ownership of a certain disputed property by adverse possession. Defendant Joseph Crouse contests the claim, arguing that Mrs. Evans failed to establish the “hostility” required for adverse possession. Following a bench trial held on January 23, 2023, the court finds that Mrs. Evans’s use of the disputed property is hostile to Mr. Crouse’s property right and that fee ownership of the disputed property has passed to her by adverse possession.

I. BACKGROUND

Mrs. Evans owns a tract of land located at 538 South Queen Street, Columbia, Pennsylvania (“Evans Property”). She purchased the property with her husband in 1954 and built a single-family home, where she has lived ever since. Mr. Crouse is the record owner of a tract of land located at 530 South Queen Street, Columbia, Pennsylvania (“Crouse Property”), an unimproved lot adjacent to and north of the Evans Property. Mr. Crouse purchased the property via quitclaim deed in 2016 to expand the footprint of his business southward. The parties dispute the ownership of the 25’ wide, 206’ deep portion of the Crouse Property that abuts Mrs. Evans’s northern property line.

Sometime in the 1960s, Mrs. Evans began parking her car on the disputed property, a grassy field to the north side of her property line that was then being used as a farmer’s field. Mrs. Evans never asked for, and never received, permission from the farmer to park her vehicle on the field. In the 1970s, Mrs. Evans installed a stone driveway on the disputed property and began parking there regularly. In 1996, Mrs. Evans had the driveway paved. Pl. Ex. D. The driveway was resealed in 1997 and completely refurbished in 2005 but is in the same location as in the 1970s. Pl. Ex. E–F. The driveway is 14’ wide and 75’ long. Mrs. Evans still parks on the driveway.

Mrs. Evans testified that during the same period she also maintained the grass north of and behind her driveway, expanding her use to a strip of land of 25’ wide and 206’ deep. Mrs. Evans weeded, fertilized, and cut the grassy portion of the disputed property to a point where it is distinguishable from the remaining plot. Until Mr. Crouse took title

to the Crouse Property in 2016, nobody questioned Mrs. Evans's use of the driveway or the grassy area. Mrs. Evans has continued maintaining the lawn within the disputed property since 2016.

When Mr. Crouse purchased the Crouse Property in 2016, he noticed Mrs. Evans's driveway was on his side of the property line. Mr. Crouse had the Crouse Property surveyed in 2020 and learned the entire disputed property lay within the Crouse Property. Following the survey, the parties met to discuss the disputed property; Mrs. Evans offered to purchase the disputed property to increase the value of the Evans Property. Mr. Crouse declined because the disputed property amounted to one-third of the overall Crouse Property. Since 2016, Mr. Crouse has also maintained grassy area of the disputed property.

II. DISCUSSION

"The law in Pennsylvania has long been that to acquire title by adverse possession, that possession must be hostile, adverse, open, visible, notorious and continuous for a period of twenty-one years." *Burns v. Mitchell*, 381 A.2d 487, 489 (Pa. Super. 1977) (citations omitted). Because title by adverse possession is an extraordinary doctrine, the one claiming it must establish each element by with clear evidence. *Flannery v. Stump*, 786 A.2d 255, 258 (Pa. Super. 2001) (citations omitted).

To determine hostility, Pennsylvania courts look to facts of possession and whether the possessor intended to hold the land as her own. *Id.* at 260; *Burns*, 381 A.2d at 489. Hostility requires the possession of disputed land without permission of the true owner. *Lehmann v. Keller*, 684 A.2d 618, 620 (Pa. Super. 1996). Only if the possessor's initial use of the land was permissive—resulting from "some lease, license, indulgence, or special contract given by the owner"—must the possessor openly challenge and disavow the true owner's title to establish hostile possession. *Margolin v. Pa. Railroad Co.*, 168 A.2d 320, 322 (Pa. 1961); *Flannery*, 786 A.2d at 258–59 (possession not hostile where possessor began using land as tenant farmer on behalf of record owner); *see also Recreation Land Corp. v. Hartzfeld*, 947 A.2d 771, 775 (Pa. Super. 2011) (no exclusive possession where possessor never openly challenged language of subdivision plan permitting all neighborhood owners use of disputed land).

Mr. Crouse argues Mrs. Evans cannot prove her hostile possession of the disputed property because her use was permissive and she did not openly challenge or disavow the record owner's title through the years. The court heard no testimony nor saw exhibits to suggest any owner had extended to Mrs. Evans a lease, license, indulgence, or special contract to use the land. Testimony instead established that Mrs. Evans never received permission to use the disputed property from any record property owner. Mrs. Evans made unauthorized improvements to the disputed property by installing a driveway and transforming the surrounding field into a lawn that she continues to maintain as though part of the Evans Property. Therefore, Mrs. Evans cannot be required to openly challenge or disavow title to establish her hostile possession. Her use and maintenance of the disputed property shows Mrs. Evans hostilely possessed the disputed property without permission of the

true owner but with the intent to control the property as her own.

III. CONCLUSION

Mrs. Evans's use of the disputed property was hostile, open, and adverse to the true owner's interests, and has been continuous for more than thirty years. She has acquired title to the disputed property by adverse possession. The court also notes Mrs. Evans's offer to purchase the disputed property from Mr. Crouse does not act to defeat her title claim because she already owned the disputed property by operation of law when the offer was made. *Shaffer v. O'Toole*, 964 A.2d 400, 424 (Pa. Super. 2009).

An appropriate order follows.

BY THE COURT:

LEONARD G. BROWN, III, JUDGE

Evans v. Crouse

ORDER

AND NOW, this 27th day of January 2023, after a bench trial held on January 23, 2023, the court DECLARES that Mrs. Evans is the fee owner by adverse possession of that strip of land extending 25' wide from Mrs. Evans's northern property line and 206' deep from where the plot fronts South 14th Street, of which Mr. Crouse is the current record owner.¹

BY THE COURT:

LEONARD G. BROWN, III, JUDGE

¹ The 25' x 206' tract of land is a portion of the property located at 530 S. 14th Street, Columbia, PA 17512.

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

Bossert, Lee A., dec'd.

Late of the Borough of Lititz.
Executrix: Beth A Bossert c/o Kluxen, Newcomer & Dreisbach, Attorneys-at-Law, 2221 Dutch Gold Drive, Dutch Gold Business Center, Lancaster, PA 17601.
Attorney: Melvin E. Newcomer, Esquire.

Campbell, Diane K. a/k/a Diane K. Shirey, dec'd.

Late of Penn Township.
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Attorney: Holly S. Filius, Esquire.

Dancause, Donald A., dec'd.

Late of Columbia Borough.
Executor: Patricia Dancause

c/o 327 Locust Street, Columbia, PA 17512.

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

Dowie, Anna E., dec'd.

Late of Manheim Township.
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Attorney: Shawn M. Pierson, Esq.

Funk, Betty K., dec'd.

Late of Manheim Township.
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Ginter, Dorothy S., dec'd.

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Heath, Nancy J. a/k/a Nancy Jane Heath, dec'd.

Late of Manheim Township.
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Heidig-Hershey, Audrey a/k/a Audrey M. Howe a/k/a Audrey M. Heidig a/k/a Audrey H. Her-

shey, dec'd.

Late of Lancaster Township.
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Heisey, Paul R., dec'd.

Late of Ephrata Township.
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Holland, Samuel D., dec'd.

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Horning, Jewell W., Jr., dec'd.

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Huber, Elmer S., dec'd.

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Larson, Ingegerd T., dec'd.

Late of Manheim Township.
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**McKinney, Ruth M. a/k/a Ruth
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Late of Manheim Township.
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Mentzer, Roberta E., dec'd.

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Metz, Shirley Ann, dec'd.

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Moreau, Walter J., dec'd.

Late of West Lampeter Town-
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Parker, John Cortland III, dec'd.

Late of Manor Township.
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Sheaffer, Sylvia J., dec'd.

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Shoff, Jeffrey G., dec'd.

Late of Marietta Borough.

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Simpson, Alice, dec'd.

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Snader, Ray W., dec'd.

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Wishard, Nancy A., dec'd.

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SECOND PUBLICATION

Anderson, Patsy A., dec'd.

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Barr, Linn A., dec'd.

Late of Manheim Township.

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Bowman, Benjamin F., Jr. a/k/a Benjamin F. Bowman, dec'd.

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Custer, Barbara Ann Marlowe a/k/a Barbara A. Marlowe a/k/a Barbara Ann Marlowe a/k/a Barbara A. Custer, dec'd.

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Daniels, Eileen M., dec'd.

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Garland, Jerald L. a/k/a Jerald Leo Garland, dec'd.

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Glick, Lois H., dec'd.

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Hartz, Pauline E. a/k/a Pauline Esther Hartz, dec'd.

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Henery, Joel D., dec'd.

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Hildebrand, William J., dec'd.

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Hohenwarter, Florence M., dec'd.

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Horn, William F., dec'd.

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Joerres, Marc, dec'd.

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Jordan, William J., dec'd.

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Kauffman, Thelma J., dec'd.

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Koppenhaver, Virginia M., dec'd.

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Larson, Genevieve J., dec'd.

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Lippold, Braxton Owen Parker a/k/a Braxton Owen P. Lippold, dec'd.

Late of West Cocalico Township.
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Meyer, Joanne A., dec'd.
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Miller, Todd Sherman, dec'd.
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Walker, Elizabeth Ann, dec'd.
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Walp, Jane L., dec'd.
Late of Manheim Township.
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THIRD PUBLICATION

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West Chestnut Street, Lancaster,
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Davis, Mary Ellen, dec'd.
Late of the City of Lancaster.
Administrator: Christopher S. Da-
vis.
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er, Esquire, Steinbacher, Goodall
& Yurchak, 413 Washington Bou-
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**Dini, Bonita L. a/k/a Bonita
Louise Dini**, dec'd.
Late of West Hempfield Town-
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Duckett, Eileen L., dec'd.

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Duckett, Robert C., dec'd.

Late of West Donegal Township.
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Attorney: L. Peter Temple, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348.

Ensinger, Dolly L., dec'd.

Late of Ephrata Borough and Clay Township.
Attorney: Lindsay M. Schoeneberger, Esquire, Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17601.

Folkman, Pat L. a/k/a Patsy Lee Folkman a/k/a Patsy L. Folkman, dec'd.

Late of Lancaster City.
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Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Friedman, Barbara A., dec'd.

Late of Township of Manheim.
Executor: Randall C. Friedman c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill & Hess LLP.

Gilbert, Anette, dec'd.

Late of Pequea Township.
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Attorney: Lindsay Schoeneberger.

Golden, Valera B., dec'd.

Late of Mount Joy Borough, PA.
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Grabel, Diana L., dec'd.

Late of Ephrata Township.
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Horst, Blanche M., dec'd.

Late of Manheim Township.
Executors: Phyllis Horst Nofziger and Philip M. Horst c/o Dennis M. Hartranft, Jr., Esq., 151 E. Main St., Ephrata, PA 17522.
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Howarth, Jacalyn a/k/a Jacalyn Idella Howarth a/k/a Jacalyn I. Howarth, dec'd.

Late of East Hempfield Township, Lancaster County, PA.
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Hurst, David R. a/k/a David Russell Hurst, dec'd.

Late of East Earl Township.
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**Jacob, Andrew M. a/k/a Andrew
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Late of New Holland Borough,
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Attorney: Linda Kling, Esq., Kling,
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Koken, Helen S., dec'd.

Late of West Lampeter Township,
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Kruger, Marilyn Z., dec'd.

Late of 520 Chimney Rock Road,
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Attorney: None.

Lauver, John C., dec'd.

Late of East Donegal Township,
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PA 17512.
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Martin, Mervin Z., dec'd.

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Attorney: Linda Kling, Esq., Kling,
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**Messner, Charles R. a/k/a
Charles Russell Messner**, dec'd.

Late of Denver Borough.
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Mobley, Jeffrey A., dec'd.

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Myers, Donna M., dec'd.

Late of West Cocalico Township.
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Rannels, Anna Louise, dec'd.

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Anthony P. Schimanek, Esquire,
700 North Duke Street, P.O. Box
4686 Lancaster, PA 17604-4686.
Attorneys: Morgan, Hallgren,
Crosswell & Kane, P.C.

**Reichart, Miles a/k/a Miles B.
Reichart**, dec'd.

Late of the East Hempfield Town-
ship.
Executor/Administrator: Richard
Saunders c/o his attorney, Rick
Morton, Esq., 999 West Chester
Pike, Suite 201, West Chester, PA
19382.

Rossi, Faye E. a/k/a Faye Enck Rossi, dec'd.

Late of Warwick Township.
Executor: Daniel E. Rossi c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

Shivery, Paul a/k/a Paul R. Shivery, dec'd.

Late of the Boro of Christiana.
Executor: Steven P. Shivery c/o Paterson Law LLC, 2703 Willow Street Pike N., Willow Street, PA 17584.
Attorney: Kim Carter Paterson.

Snyder, Rosemary A., dec'd.

Late of Warwick Township.
Executor: Cynthia W. McGinnis c/o Law Office of Shawn Pierson, 105 East Oregon Rd., Lititz, PA 17543.

Attorney: Shawn M. Pierson.

Steffish, Janet B., dec'd.

Late of Lancaster City.
Executor: Paul Sheaffer c/o Anthony P. Schimaneck, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.

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

Tomlinson, Margot, dec'd.

Late of the City of Lancaster.
Executrix: Wendy C. Graham c/o Emily Watkins Marzock, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.

Attorneys: Barley Snyder LLP.

Ulmer, Amos H., dec'd.

Late of the County of Lancaster and Commonwealth of Pennsylvania.
Letters Testamentary were grant-

ed to Roger L. Ulmer, 1212 Schwanger Road, Mount Joy, PA 17552.

Attorneys: Reed Law, 4303 Derry St., Harrisburg, PA 17111.

White, Susan K., dec'd.

Late of Elizabethtown.
Executor: Stephen White, 702 Moxley Drive NE, Leesburg, VA 20176.

Attorney: None.

Wiley, Leon W., dec'd.

Late of West Lampeter Township.
Administrator: Jesse L. Wiley c/o Law Office of Gretchen M. Curran, LLC, 1337 Byerland Church Road, P.O. Box 465, Willow Street, PA 17584.

Attorney: Gretchen M. Curran.

Willard, Donald E., dec'd.

Late of Little Britain Township.
Executor: Daltyon R. Willard c/o Law Office of Gretchen M. Curran, LLC, 1337 Byerland Church Road, P.O. Box 465, Willow Street, PA 17584.

Attorney: Gretchen M. Curran.

Wisniewski, Richard W., dec'd.

Late of West Hempfield Twp.
Executor: Tammy L. Dunlap c/o 327 Locust Street, Columbia, PA 17512.

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

Workinger, Gary P., dec'd.

Late of Manheim Township.
Administrator: Timothy Workinger c/o Snoko Dubbs & Buhite Law, Inc., 204 St. Charles Way, Suite F, York, PA 17402.

Attorney: Amanda Snoko Dubbs.

ARTICLES OF DISSOLUTION

NOTICE IS HEREBY GIVEN that **Martin's Insurance Agency, Inc.** a Pennsylvania corporation with its registered office at 10 Colonial Avenue, Millersville, PA 17551, is now engaged in winding up and settling the affairs of said corporation. The corporation will be filing Articles of Dissolution with the Commonwealth of Pennsylvania at Harrisburg, PA, so that its corporate existence shall be ended by issuance of a Certificate of Dissolution by the Department of State under the provisions of the Business Corporation Law of 1988 (as amended).

McNEES WALLACE & NURICK
 LLC
 Attorneys at Law
 570 Lausch Lane, Suite 200
 Lancaster, PA 17601

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ARTICLES OF INCORPORATION

Waypoint Church has been incorporated under the provisions of Article B of the Nonprofit Corporation Law of 1988.

GIBBEL KRAYBILL & HESS LLP
 Attorneys

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CHANGE OF NAME NOTICE

IN THE COURT OF COMMON
 PLEAS

CIVIL ACTION - LAW

NO. CI-23-01585

NOTICE IS HEREBY GIVEN that the Petition of **JOSEPH ANTHONY SHEPPS** was filed in the above named Court, praying for a Decree to change his name to **JOSEPH ANTHONY VULTAGGIO**. The Court has fixed October 5,

2023, at 3:00 P.M. in Courtroom 4 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Matthew M. Setley, Esq.
 Bitler Law, P.C.
 3115 Main Street
 Birdsboro, PA 19508
 Tel. (610) 582-0389; Fax (610)
 582-0669

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NOTICES TO DEFEND

SANDLER & MARCHESINI, P.C.
 BY: PAUL N. SANDLER, ESQUIRE
 ATTORNEY I.D. NO. 15711
 TODD S. COHEN, ESQUIRE
 ATTORNEY I.D. NO. 90213
 1429 Walnut Street, Suite 1301
 Philadelphia, PA 19102
 (215) 568-9300

Attorney for Plaintiff

**COURT OF COMMON PLEAS
 LANCASTER COUNTY
 NO. CI-23-01886**

ALLSTATE INDEMNITY COMPANY
 a/s/o KARYN ROSENBERG

v.

D&M INNOVATIONS, LLC

This action arises from damages sustained to the Plaintiffs insured's property located at 525 Woodward Street, Lancaster, Pennsylvania which occurred on or about April 5, 2021, when the Defendant was performing demolition at the Plaintiffs insured's next door neighbor's property located at 523 Woodward Street, Lancaster, Pennsylvania.

NOTICE

If you wish to defend, you must enter a written appearance person-

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

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

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

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**IN THE COURT OF COMMON
PLEAS
CIVIL ACTION – LAW
No. CI-23-03100**

JOHN D. JENKINS & NANCY J.
JENKINS, Plaintiffs

v.

THE GRAMATAN INVESTORS
CORP. successor in interest to
THE GRAMATAN HOME
INVESTORS CORP., Defendants
TO: THE GRAMATAN INVESTORS
CORP.

You are hereby notified that John D. Jenkins & Nancy J. Jenkins, have filed a civil action against you for an action in quiet title.

NOTICE

If you wish to defend, you must

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE

Lancaster Co. Bar Assoc.
Lawyer Referral Service
28 E. Orange St.,
Lancaster, PA 17602
717-393-0737

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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 attorney.

**August 31, 2023
to September 6, 2023**

APEX STRUCTURES LLC; Fish-

er's Roofing LLC; 06196; Deibler
BLAKE, KRYSTAL M.; Luke N. Ulrich; 06154; Schimanek
BURKHOLDER, GREGORY J., BURKHOLDER, GREGORY; Goldman Sachs Bank USA; 06132; Loewy
COLON, LINETTE D. ; COLON CARTAGENA, JOSE LUIS; Jonestown Bank & Trust ; 06193; Bametzreider
COTTON, KAREN; Wilshire Hills Associates; 06085; Orgass
FINEST HOME BUYERS LLC; Signature Property Professional LLC; 06158; Sarno
HARPEL, DONALD M.; PPL Electric Utilities Corporation; 06098; Manley
LOWE CONSTRUCTION INC; H2 LLC; 06114; Kanfer
MCCART, RYAN J., BEDNARSKI, ALISEN M.; Nationstar Mortgage LLC; 06135; Wooters
MICHAELS, KYLE, DOE, JOHN; James Blanding; 06102; Schulman
MORTON, ANTHONY; Brian Walsh; 06144
SAINT CLAIR GROUP LLC; Rholan Paving LLC; 06172; Heisler

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