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CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on March 18, 2022, Hollie Rodriguez filed a petition for name change in the Court of Common Pleas of Adams County, Pennsylvania, requesting a decree to change the name of the minor Mariyah Rain-Elizabeth McDannell to Mariyah Rain-Elizabeth Rodriguez. The court has affixed June 24, 2022, at 10:00 am in courtroom #4, located on the third floor of the Adams County Courthouse, 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 petition should not be granted.

4/8

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following account with statements of proposed distribution filed therewith have been filed in the Office of Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County-Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on 04/22/2022 at 8:30 a.m.

KIME—Orphans' Court Action Number OC-129-2000. First and Final Account of PNC BANK, NATIONAL

ASSOCIATION, PETITIONER. Estate of ALICE K. KIME, late of Adams County, Pennsylvania.

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Clerk of Courts

4/8 & 4/15



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COMMONWEALTH OF PENNSYLVANIA VS.
TERRY W. LOGUE

1. A police officer must have either reasonable suspicion or probable cause to perform a traffic stop of a motor vehicle. [W]hen considering whether reasonable suspicion or probable cause is required constitutionally to make a vehicle stop, the nature of the violation has to be considered.

2. In this matter, Trooper Howell required probable cause to stop Defendant's vehicle because the traffic stop did not serve an investigatory purpose. Officer Howell testified that the Camry had illegal window tint; he did not state that the tint required additional investigation.

3. Here, Trooper Howell did not have the requisite probable cause under *Prizzia* to stop Defendant's vehicle because it was possible for Trooper Howell to see inside the Camry despite the presence of window tint. *Prizzia* dictates that probable cause to stop a vehicle for illegal window tint exists only if "the tint on the vehicle's windows is so dark that it prohibits the officer from seeing inside the car."

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CP-01-CR-1300-2021, COMMONWEALTH
OF PENNSYLVANIA VS. TERRY W. LOGUE

Kyle M. Reuter, Esquire, Attorney for Commonwealth

Justin J. Baran, Esquire, Attorney for Defendant

Wagner, J., March 3, 2022

OPINION ON DEFENDANT'S OMNIBUS
PRETRIAL MOTION

Presently before this Court is Defendant Terry W. Logue's Omnibus Pre-Trial Motion to Suppress, filed January 14, 2022. A hearing was held on February 15, 2022. The issue before the Court is whether Trooper Logan Howell had probable cause to stop Defendant's vehicle for illegal window tint. For the reasons set forth herein, Defendant's Motion to Suppress is granted.

FINDINGS OF FACT

1. Trooper Logan Howell ("Trooper Howell") has been employed with the Pennsylvania State Police for two and a half years. Trooper Howell received 27 weeks of training at the Pennsylvania State Police Academy, which included instruction concerning window tint in motor vehicles. Trooper Howell's duties as a Pennsylvania State Police Trooper include routine patrol.
2. Trooper Howell has experience relating to violations of the Vehicle Code and has performed 30 or more traffic stops for

window tint violations during his career as a Pennsylvania State Police Trooper.

3. On May 27, 2021, at approximately 5:13 p.m., Trooper Howell was on routine patrol in an unmarked police vehicle in the vicinity of York Road and Swift Run Road in Mount Pleasant Township, Adams County, Pennsylvania. Trooper Howell's vehicle was stationary near Swift Run Road and was facing York Road.
4. At this time, Trooper Howell observed a tan Toyota Camry heading eastbound on York Road with what appeared to be illegal tint on its driver's side windows. The Camry's driver's side windows were facing Trooper Howell as the Camry passed his location. The window tint obstructed Trooper Howell's view from outside the Camry to inside the Camry.
5. As a result of his observations, Trooper Howell began to follow the Camry. Trooper Howell followed the Camry for approximately one to one and a half miles before he pulled directly behind it. Part of Trooper Howell's pursuit of the Camry was captured on an MVR video.
6. After Trooper Howell pulled directly behind the Camry, he ran its registration and initiated a traffic stop because of the apparent window tint violation.
7. Trooper Howell made contact with the driver of the Camry, whom he identified as Defendant Terry W. Logue ("Defendant"). The MVR video shows that Trooper Howell explained to Defendant that the Camry's windows were illegally tinted.
8. Trooper Howell subsequently arrested Defendant on suspicion of DUI.
9. The MVR video shows that oncoming traffic and roadside objects were visible through the rear and front windshield. A silhouette of Defendant's head, the Camry's seats and rearview mirror were visible through the Camry's rear windshield. However, the tint on the Camry's rear windshield made it more difficult to see inside the Camry.

CONCLUSION OF LAW

1. Trooper Howell did not have probable cause to stop Defendant's vehicle.

LEGAL STANDARD

In a suppression hearing, the Commonwealth has the burden to establish, by a preponderance of the evidence, the admissibility of those items the accused seeks to preclude. *Commonwealth v. Ruey*, 892 A.2d 802, 807 (Pa. 2006). Moreover, “it is the sole province of the suppression court to weigh the credibility of the witnesses. Further, the suppression court judge is entitled to believe all, part or none of the evidence presented.” *Commonwealth v. Benton*, 655 A.2d 1030, 1032 (Pa. Super. 1995) (internal citations omitted).

A police officer must have either reasonable suspicion or probable cause to perform a traffic stop of a motor vehicle. *Commonwealth v. Salter*, 121 A.3d 987, 993 (Pa. Super. 2015). As the Superior Court of Pennsylvania has explained,

when considering whether reasonable suspicion or probable cause is required constitutionally to make a vehicle stop, the nature of the violation has to be considered. If it is not necessary to stop the vehicle to establish that a violation of the Vehicle Code has occurred, an officer must possess probable cause to stop the vehicle. Where a violation is suspected, but a stop is necessary to further investigate whether a violation has occurred, an officer need only possess reasonable suspicion to make the stop.

Id. Thus,

[a] vehicle stop based solely on offenses not ‘investigatable’ cannot be justified by a mere reasonable suspicion, because the purposes of a *Terry* stop do not exist—maintaining the status quo while investigating is inapplicable where there is nothing further to investigate. An officer must have probable cause to make a constitutional vehicle stop for such offenses.

Commonwealth v. Landis, 89 A.3d 694, 703 (Pa. Super. 2014) (footnote omitted).

Reasonable suspicion exists if the police officer reasonably believes “that the individual is engaging in criminal conduct.” *Commonwealth v. Ulman*, 902 A.2d 514, 518 (Pa. Super. 2006). However, probable cause requires a greater quantum of suspicion: “Probable cause exists where the facts and circumstances within the

knowledge of the officer are based on reasonably trustworthy information and are sufficient to warrant a man of reasonable caution in the belief that the suspect ‘has committed or is committing a crime.’” ***Commonwealth v. Joseph***, 34 A.3d 855, 863 (Pa. Super. 2011) (quoting ***Commonwealth v. Thompson***, 985 A.2d 928, 931 (Pa. 2009)). When a non-investigable vehicle offense has occurred, an officer must “articulate specific facts possessed by him at the time of the questioned stop, *which would provide probable cause to believe that the vehicle or the driver was in violation of some provision of the [Vehicle] Code.*” ***Commonwealth v. Feczko***, 10 A.3d 1285, 1291 (Pa. Super. 2010) (emphasis in original). Probable cause is evaluated based on the totality of the circumstances. ***Id.***

DISCUSSION

The facts of this case and the applicable law require the Court to grant Defendant’s motion. Trooper Howell did not have probable cause to conduct a traffic stop of Defendant’s vehicle even though his view into its interior was obstructed by window tint. The reasons for this determination are elaborated herein.

Under Section 4524(e)(1) of the Vehicle Code, “[n]o person shall drive any motor vehicle with any sun screening device or other material which does not permit a person to see or view the inside of the vehicle through the windshield, side wing or side window of the vehicle.” 75 Pa.C.S. § 4524(e)(1). The quantum of suspicion necessary for a police officer to stop a vehicle for a suspected “window-tint violation under section 4524(e)(1)” varies according to the nature of the officer’s observation of the window tint. ***Commonwealth v. Prizzia***, 260 A.3d 263, 269 n.2 (Pa. Super. 2021). If the “window-tint violation was immediately apparent to the officer, and no further investigatory purpose was served by the traffic stop,” the traffic stop must be supported by probable cause. ***Id.*** By contrast, “if the specific facts of the case demonstrate that an investigatory purpose was served by the stop,” reasonable suspicion may be the applicable standard. ***Id.***

“[T]o possess probable cause that a vehicle is in violation of section 4524(e)(1), an officer must only observe that the tint on the vehicle’s windows is so dark that it *prohibits the officer from seeing inside the car.*” ***Id.*** at 270 (emphasis added); see also ***Commonwealth v. Harris***, 176 A.3d 1009, 1019–20 (Pa. Super. 2017); ***Commonwealth***

v. *Scales*, No. 283 MDA 2021, 2021 WL 5027403, at *4 (Pa. Super. Oct. 29, 2021). Although Section 4524(e)(2) provides exceptions to the rule established by Section 4524(e)(1), “an officer who observes a window-tint violation under section 4524(e)(1) has no burden to confirm that an (e)(2) exception does *not* apply before he or she has probable cause to stop the vehicle.” *Prizzia*, 260 A.3d at 270 (emphasis in original).

In this matter, Trooper Howell required probable cause to stop Defendant’s vehicle because the traffic stop did not serve an investigatory purpose. Officer Howell testified that the Camry had illegal window tint; he did not state that the tint required additional investigation. Trooper Howell’s remarks to Defendant during the traffic stop, which were recorded on the MVR video, also indicate the traffic stop did not serve an investigatory purpose: before the DUI investigation began, Trooper Howell informed Defendant that the Camry had illegal window tint. Because Trooper Howell did not conduct further investigation of the Camry’s window tint, Trooper Howell required probable cause to stop Defendant’s vehicle.

Here, Trooper Howell did not have the requisite probable cause under *Prizzia* to stop Defendant’s vehicle because it was possible for Trooper Howell to see inside the Camry despite the presence of window tint. *Prizzia* dictates that probable cause to stop a vehicle for illegal window tint exists only if “the tint on the vehicle’s windows is so dark that it prohibits the officer from seeing inside the car.” 260 A.3d at 270. Here, Trooper Howell testified that the tint on the Camry’s windows “obstructed” his view into the vehicle but also acknowledged that he could see the silhouette of Defendant’s head despite the window tint. This Court’s review of the MVR video confirms Trooper Howell’s testimony that the Camry’s window tint “obstructed” but did not prohibit an observer’s view into the Camry’s interior. Moreover, although the MVR video primarily depicts the view through the Camry’s rear windshield and front windshield, the Commonwealth presented no testimony that the tint on the rear and front windshields was less severe than the tint on the side windows first observed by Trooper Howell. Thus, on the evidence presented at the suppression hearing, the Court cannot conclude the Commonwealth has met its burden to show Trooper Howell had probable cause to stop Defendant’s vehicle.

Therefore, for the reasons set forth above, the attached Order granting Defendant's Omnibus Pre-Trial Motion to Suppress is entered.

ORDER OF COURT

AND NOW, this 3rd day of March, 2022, for the reasons set forth in the attached Opinion, Defendant's Motion to Suppress is hereby granted.

ESTATE 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. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF FERN C. BODMER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Edward Bodmer, 6210 Jefferson Boulevard, Frederick, MD 21703; Thomas L. Bodmer, 17125 Hughes Road, Poolesville, MD 20837

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF PAMELA JEAN CAMPBELL, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Shawn H. Campbell and Darrin J. Campbell, c/o Clinton Barkdoll, Esq., Kulla, Barkdoll & Stewart, P.C., 9 E. Main Street, Waynesboro, PA 17268

Attorney: Clinton Barkdoll, Esq., Kulla, Barkdoll & Stewart, P.C., 9 E. Main Street, Waynesboro, PA 17268

ESTATE OF PAMELA Y. DIVANNA a/k/a PAMELA YVONNE DIVANNA, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Summer Hart, 205 Ottawa Place, Loudon, TN 37774

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF HENRY ROBERT QUATMANN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Susan D. Robart a/k/a Susan Q. Robart, c/o Amy S. Loper, Esq., The Family Law Practice of Leslie S. Arzt, LLC, 2002 South Queen Street, York, PA 17403

Attorney: Amy S. Loper, Esq., The Family Law Practice of Leslie S. Arzt, LLC, 2002 South Queen Street, York, PA 17403

ESTATE OF JANET L. STAMBAUGH, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: Karen L. McDaniel, Jerry L. Stambaugh, and Wendiline K. Miller, c/o Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

ESTATE OF SHARON E. TOMS a/k/a SHARON E. COVER TOMS, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Shelton D. Cover, 6 Stedtle Avenue, Littlestown, PA 17340

Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF WILMER EUGENE VANDEGRIFF a/k/a WILMER E. VANDEGRIFF, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Kevin Eugene Vandegriff, P.O. Box 1273, Willow, AK 99688

Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF CALENA A. WILDASIN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Co-Executors: Jane S. Hull, 176 Baugher Drive, Hanover, PA 17331; Steven E. Wildasin, 286 Ridge Line Court, Orange Park, FL 32065

Attorney: Matthew L. Guthrie, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF CLIFFORD L. BAIR, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Victoria M. Aumen-Bair, 555 Mt. Misery Road, New Oxford, PA 17350

Attorney: Arthur J. Becker, Jr., Esq., Becker Law Group, P.C., 529 Carlisle Street, Hanover, PA 17331

ESTATE OF ROXANNE E. BORNTRAGER, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executrix: Eugenia Lyons, 19490 State Line Road, Edwardsburg, MI 49112

Attorney: Robert E. Campbell, Esq., Salzmans Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MERLE L. HANKEY, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Lauren R. H. Campbell, c/o Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

ESTATE OF ROSE MARIE HITCHCOCK, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Rebecca A. Grim, c/o Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF JOAN D. KRAMER, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Jeffrey A. Stern, c/o Timothy Bupp, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

Attorney: Timothy Bupp, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

ESTATE OF SHERRY MASSER a/k/a SHERRY ANN MASSER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Amanda Keylon, c/o Todd A. King, Esq., Salzmans Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

Attorney: Todd A. King, Esq., Salzmans Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION CONTINUED**ESTATE OF MARY W. QUINN, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Irene Q. Powell, 212 Springs Avenue, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, Inc. Law Office, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF STEVEN D. SHAFFER a/k/a STEVEN DAVID SHAFFER, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Administrator: Nathan Shaffer, c/o Patrick J. Schaeffer, Esq., and Laura E. Bayer, Esq., Trinity Law, 1681 Kenneth Road, Building 2, York, PA 17408

Attorney: Patrick J. Schaeffer, Esq., and Laura E. Bayer, Esq., Trinity Law, 1681 Kenneth Road, Building 2, York, PA 17408

ESTATE OF JOYCE S. SNYDER, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Carolyn Starry-Chucknow, c/o Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SHIRLEY ANN STALEY, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Lori A. Staley, 9 Orchard Drive, Dillsburg, PA 17019

Attorney: Robert L. McQuaide, Esq., Barley Snyder, LLP, 123 Baltimore Street, Suite 101, Gettysburg, PA 17325

ESTATE OF BARBARA T. WASHBURN, a/k/a BARBARA TURNER WASHBURN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Thompson T. Washburn, c/o John D. Miller, Jr., Esq., MPL Law Firm, LLP, 96 South George Street, Suite 520, York, PA 17401

Attorney: John D. Miller, Jr., Esq., MPL Law Firm, LLP, 96 South George Street, Suite 520, York, PA 17401

THIRD PUBLICATION**ESTATE OF ESTHER R. BAKER, DEC'D**

Late of the Borough of East Berlin, Adams County, Pennsylvania

Co-Executors: Eric S. Baker and Michael L. Baker, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

ESTATE OF JEAN L. BOLEN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executrices: Tammy Arnold, 9 Kraft Lane, Lot 13, Thomasville, PA 17364, Connie Laughman, 110 Kohler Miller Road, New Oxford, PA 17350

Attorney: Robert E. Campbell, Esq., Salzmann Hughes, PC., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EVA M. JACKSON, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: William R. Jackson, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

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ESTATE OF ROBERT B. KITTREDGE a/k/a ROBERT BRUCE KITTREDGE, SR., DEC'D

Late of Reading Township, Adams County, Pennsylvania

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ESTATE OF BRIAN G. PHILLIPS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

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Attorney: Arthur J. Becker, Jr., Esq., Becker Law Group, P.C., 529 Carlisle Street, Hanover, PA 17331

ESTATE OF DORIS E. REDDING, DEC'D

Late of Union Township, Adams County, Pennsylvania

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Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF BETTY L. REESE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Dinah M. Reese, c/o Amy S. Loper, Esq., The Family Law Practice of Leslie S. Arzt, LLC, 2002 South Queen Street, York, PA 17403

Attorney: Amy S. Loper, Esq., The Family Law Practice of Leslie S. Arzt, LLC, 2002 South Queen Street, York, PA 17403

ESTATE OF SHIRLEY L. RIDER, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Michael L. Furlow, 1175 Fish & Game Road, East Berlin, PA 17316

Attorney: Thomas R. Nell, Esq., 130 W. King Street, Box 1019, East Berlin, PA 17316

ESTATE OF MARLIN M. SHORB a/k/a MARLIN MAURICE SHORB, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Personal Representatives: Joanne Lingg and Steven J. Lingg, 195 Cunningham Road, Gettysburg, PA 17325

Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF HELEN E. SKAPURA, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Robert Skapura, 6400 Galway Drive, Hanover, PA 17331

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF GLORIA J. SMITH, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Christopher W. Smith and Amy B. Riley, c/o Jennifer M. Stetter, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

Attorney: Jennifer M. Stetter, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

ESTATE OF PATRICK E. TOPPER, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executrix: Donna J. Groft, c/o Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331