

Adams County **Legal Journal**

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the purpose of obtaining a Certificate of Incorporation for a business corporation organized under the Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is: MARING, INC.

This notice is given pursuant to Section 1307 of the Business Corporation Law of 1988.

Vicky Ann Trimmer, Esq.
Persun & Heim, P.C.
Attorneys at Law
1700 Bent Creek Boulevard
Suite 160
Mechanicsburg, PA 17050

1/13

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CASE NO. 11-S-1236

IN RE: PNC BANK, NATIONAL
ASSOCIATION, Plaintiff

v.

ROBERT E. FRITTS, Defendant

COMPLAINT IN MORTGAGE
FORECLOSURE

You have been named as Defendants in a civil action instituted by PNC Bank, National Association, against you in this Court. This action has been instituted to foreclose on a Mortgage dated May 9, 2008, and recorded in the Recorder's Office of Adams County at Instrument 000002647067, Book No. 5208, Page No. 40 on May 15, 2008.

You are hereby notified to plead to the above-referenced Complaint within twenty (20) days from the date of publication of this Notice or a judgment will be entered against you.

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 NOTICE 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.

Lawyer Referral Service
County Referral Service
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
(717) 337-9846

Louis P. Vitti, Esq.
Vitti and Vitti and Associates, P.C.
Attorney for Plaintiff
215 Fourth Avenue
Pittsburgh, PA 15222
(412) 281-1725

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DISSOLUTION NOTICE

NOTICE OF WINDING UP
PROCEEDINGS OF BAIR'S
FLOWER BASKET, INC.,
A PENNSYLVANIA CORPORATION

TO ALL MUNICIPAL ENTITIES AND
CREDITORS OF BAIR'S FLOWER
BASKET, INC.:

This is a notice that Bair's Flower Basket, Inc., a Pennsylvania corporation, with its registered office at 15 Rice Avenue, Biglerville, PA 17307, is dissolving and winding up its business.

Dated December 26, 2011.

Margaret Jean Bair
Secretary, Bair's Flower Basket, Inc.

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity(ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately December 19, 2011, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of TOUCH POINT REFLEXOLOGY COMPANY, with its principal place of business at 74 E. Water Street, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business is Debra S. Keller, residing at 74 E. Water Street, Gettysburg, PA 17325. The character or nature of the business is Reflexology.

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SEASE ET AL VS. JOHNSON ET AL

1. Where a motion for summary judgment has been supported with depositions, answers to interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in its pleadings. Rather, the non-moving party must by affidavit or in some other way provided for within the Rules of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists.

2. Under Pennsylvania law, when an account is held as joint tenants with the right of survivorship, an executed signature card establishes prima facie evidence of intent to make an inter vivos gift from the party funding the account to the other joint tenant.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 10-S-1943, DORIS SEASE, BY HER AGENT, NANCY LEATHERMAN VS. SANDRA JOHNSON AND PATRICK SEASE.

Wendy Weikal-Beauchat, Esq., for Plaintiff

Henry O. Heiser, III, Esq., for Defendant

Campbell, J., August 3, 2011

OPINION

Before this Court is Defendants', Sandra Johnson and Patrick Sease, Motion for Summary Judgment filed May 4, 2011. Defendants seek summary judgment on both Plaintiff's claims for an accounting and replevin.

BACKGROUND

On October 27, 2010, Plaintiff initiated this cause of action by writ of summons. On December 21, 2010, Plaintiff filed her Complaint wherein she alleged that on or about September 22, 2005, Doris Sease created a financial Power of Attorney naming Defendant Sandra Johnson, her daughter, as agent. In January 2006, Ms. Sease sold her residence and the proceeds from the sale were used to purchase four (4) certificates of deposit ("CDs") in the amount of \$25,000.00 each. The remaining \$57,000.00 was deposited into a money market account. The four CDs and the money market account were held as joint accounts with the right of survivorship by Ms. Sease and Defendant Patrick Sease, her grandson. Plaintiff also alleges that during the period of January 25, 2006 through December 2, 2009, withdrawals and purchases of approximately \$60,000.00 were made from Plaintiff's accounts by Sandra Johnson and Patrick Sease. Plaintiff also alleges that Sandra Johnson, during the course of her agency, transferred title to Ms. Sease's car to herself, without

Ms. Sease's permission. Additionally, Plaintiff alleges that money was withdrawn and the CDs were liquidated, and that Patrick Sease transferred \$97,000.00 into two (2) FDIC insured money market accounts. By a Power of Attorney dated May 11, 2010, Nancy Leatherman was appointed as agent of Doris Sease. Based on these facts, Count I of Plaintiff's Complaint demands an accounting and Count II seeks replevin of funds.

On January 6, 2011, Defendants filed their Answer and New Matter wherein they denied making any withdrawals or purchases from Ms. Sease's account. Plaintiff filed her Answer to Defendants' New Matter on January 21, 2011.

On May 4, 2011, Defendants filed their Motion for Summary Judgment, and on May 26, 2011, Plaintiff filed her response to Defendants' Motion for Summary Judgment. On June 13, 2011, Defendants filed their Brief in Support of their Motion for Summary Judgment, and on July 1, 2011, Plaintiff filed her Brief in Opposition to Defendants' Motion for Summary Judgment. Oral argument occurred on July 26, 2011.

DISCUSSION

Under the Pennsylvania Rules of Civil Procedure, a court may enter summary judgment when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. **Pa. R. Civ. P. 1035.2**; *Strine v. Commonwealth*, 894 A.2d 733, 737 (Pa. 2006). Summary judgment is only appropriate where the pleadings, depositions, answers to interrogatories, omissions and affidavits, and other materials demonstrate that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Roche v. Ugly Duckling Car Sales, Inc.*, 879 A.2d 785, 789 (Pa. Super. 2005) (quotations and citations omitted). The burden of demonstrating the lack of any genuine issue of material fact falls upon the moving party, and, in ruling on the motion, the court must consider the record in the light most favorable to the non-moving party. *Id.* However, where a motion for summary judgment has been supported with depositions, answers to interrogatories, or affidavits, the non-moving party may not rest on the mere allegations or denials in its pleadings. *Accu-Weather, Inc. v. Prospect Commc'ns Inc.*, 644 A.2d 1251, 1254 (Pa. Super. 1994). Rather, the non-moving party must by affidavit or in some other way provided for within the Rules

of Civil Procedure, set forth specific facts showing that a genuine issue of material fact exists. *Id.* Summary judgment is only appropriate in those cases which are free and clear from doubt. *McCannaughey v. Bldg. Components, Inc.*, 637 A.2d 1331, 1333 (Pa. 1994).

Defendants seek summary judgment on Plaintiff's accounting claim in which Plaintiff asks for Defendant, Sandra Johnson, to provide an accounting of the transfers made during her tenure as Ms. Sease's agent under the 2005 Power of Attorney. However, documentation provided by Defendants indicates that all of the checks withdrawing funds from Plaintiff's accounts are signed by Plaintiff, Doris Sease. None of the checks are signed by Patrick Sease or Sandra Johnson. None of the checks are payable to Sandra Johnson.¹ Additionally, Defendants, in their Answer to Plaintiff's Complaint, denied making any withdrawals or purchases for their benefit or Plaintiff's benefit. **Defs.' Answer and New Matter, ¶¶ 12, 13.** In Defendants' Answer, Ms. Johnson also admitted to transferring title to Ms. Sease's car to Ms. Johnson, but clarified that it was transferred pursuant to the request of Ms. Sease due to Ms. Sease's loss of her driving privilege. *Id.* at ¶ 14. All of these averments were accompanied by the signed verification of Defendant, Sandra Johnson. Based on these verified averments, Ms. Johnson has provided all the necessary information regarding the transfer of the car and has verified that she has not made any purchases or withdrawals. Accordingly, further accounting is unnecessary as there is nothing to account for.² Therefore, Defendants' Motion for Summary Judgment is granted as to Plaintiff's accounting claim.

Defendants also seek summary judgment on Plaintiff's replevin claim. In her brief, Plaintiff failed to address Defendant's Motion for Summary Judgment as it relates to the replevin claim. Therefore, Plaintiff is deemed to not oppose summary judgment on her replevin claim.

Even if this issue is not deemed to have been waived, Plaintiff would still not prevail. Under Pennsylvania law, when an account is held as joint tenants with the right of survivorship, an executed signature card establishes prima facie evidence of intent to make an

¹ Three (3) of the checks are made payable to Patrick Sease but are signed by Doris Sease.

² Plaintiff has not taken any depositions or engaged in any further discovery of Defendants, despite the opportunity to do so. Plaintiff points to no evidence to contradict Defendants' verified averments.

inter vivos gift from the party funding the account to the other joint tenant. *In re Scott Estate*, 316 A.2d 883, 885 (Pa. 1974); *In re Dzierski Estate*, 296 A.2d 716, 718 (Pa. 1972). Stated another way, an executed signature card indicating a joint tenancy with right of survivorship is strong prima facie evidence of intent to make the account an inter vivos gift. *In re Watson Estate*, 434 A.2d 805, 807 (Pa. Super. 1981).

Instantly, all of the accounts at issue were held as joint tenants with the right of survivorship by Ms. Sease and Patrick Sease, as evidenced by the signature of both individuals. Accordingly, under Pennsylvania law, the signature of Ms. Sease, as the party funding the account, establishes her intent to make an inter vivos gift to Patrick Sease, the other joint tenant. There has been no evidence to the contrary introduced by Plaintiff. Defendant's Motion for Summary Judgment as to Plaintiff's replevin claim is granted.

For all the reasons stated herein, Defendants' Motion for Summary Judgment is granted. Accordingly, the attached Order is entered.

ORDER

AND NOW, this 3rd day of August 2011, Defendants', Sandra Johnson and Patrick Sease, Motion for Summary Judgment is granted. The Adams County Prothonotary is directed to enter judgment in favor of Defendants, Sandra Johnson and Patrick Sease, and against Plaintiff, Doris Sease, by her agent, Nancy Leatherman.

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 HELEN B. BRIGGS, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Susan C. Briggs Smith, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF BETTY J. CREZNIC, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Janel Creznic Fox, 719 Skyview Drive, York, PA 17406-3271

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ALFRED J. GRUNDY a/k/a ALFRED JOHN GRUNDY, DEC'D

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

Executrix: Susan Altobelli, 1176 Big Mount Road, Dover, PA 17315

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF LUCILLE G. KNOX, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Sally Raymond, 5819 Hanna Road, Eldersburg, MD 21784

ESTATE OF LORETTA A. LIVELSBERGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Loretta Ann Livelsberger, John H. Livelsberger, and Eugene W. Livelsberger, c/o Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

ESTATE OF ARTHUR WEANER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Richard Weaner, 1480 Old Harrisburg Road, Gettysburg, PA 17325

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

THIRD PUBLICATION**ESTATE OF PATRICK J. CANAVAN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Kandie J. Canavan, c/o James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 2011-SU-516

SUSQUEHANNA BANK, successor to
COMMUNITY BANKS, Plaintiff

v.

DENNIS WARD, Defendant

NOTICE OF INTENTION TO ENTER
DEFAULT JUDGMENT

TO: Dennis Ward

DATE OF NOTICE: JANUARY 4, 2012

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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.

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Adams County Bar Association
111 Baltimore Street
Gettysburg, PA 17325
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Respectfully Submitted:
KAGEN, MACDONALD & FRANCE, P.C.
/s/ Douglas P. France
Douglas P. France, Esq.
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2675 Eastern Blvd.
York, PA 17402-2905
Phone: (717) 757-4565

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 2011-SU-516

SUSQUEHANNA BANK, successor to
COMMUNITY BANKS, Plaintiff

v.

DENNIS WARD, Defendant

AVISO IMPORTANTE

A. DENNIS WARD

FECHA DEL AVISO: JANUARY 4, 2012

USTED ESTA EN REBELDIA PORQUE HA FALLADO DE TOMAR LA ACCIÓN REQUERIDA EN ESTE CASO. A MENOS QUE USTED TOME ACCIÓN DENTRO DE LOS PROXIMOS DIEZ (10) DÍAS DE LA FECHA DE ESTE AVISO, SE PUEDE UN FALLO EN CONTRA SUYA SIN LLEVARSE A CABO UNA VISTA Y USTED PUEDE PERDER SU PROPIEDAD Y OTROS DERECHOS IMPORTANTES. USTED DEBE LLEVAR ESTE DOCUMENTO INMEDIATAMENTE A SU ABOGADO. SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGAR UNO, VAYA O LLAME LA OFICINA ABAJO INDICADA PARA QUE LE INFORMEN DONDE PUEDE CONSEGUIR AYUDA LEGAL.

Adams County Bar Association
111 Baltimore Street
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