

# CUMBERLAND LAW JOURNAL

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No. 14

Carlisle, PA, April 7, 2017

71-73

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COMMONWEALTH v. COLTON HARDY, CUMBERLAND CO., COMMON PLEAS,  
No. CP-21-CR-0696-2009 CRIMINAL.

Criminal Law—PCRA Petition Filed Five Years After Petitioner Pled **Nolo Contendere** to Criminal Homicide-Murder—Must File PCRA Petition Within One Year Judgment Is Final—42 Pa. C.S.A. §9545(b)(1)—Notice of Appeal Must Be Filed Within 30 Days of Imposition of Judgment of Sentence in Open Court—**Commonwealth v. Beasley**, 559 Pa. 604, 741 A.2d 1258 (1999)—Pa. R.A.P. 903(c)(3)—Exceptions to 30-Day Rule Not Applicable—**Commonwealth v. Brandon**, 51 A.3d 231 (Pa. Super. 2012)—Petition Dismissed As Untimely.

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## CUMBERLAND LAW JOURNAL (USPS 140-000)

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CUMBERLAND COUNTY BAR ASSOCIATION

Editor

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Cumberland Law Journal

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Containing reports of cases decided by the various Courts of Cumberland County and selected cases from other counties.

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The **Cumberland Law Journal** is the official legal publication of Cumberland County as designated by the Court of Common Pleas of the 9th Judicial District of Pennsylvania. The weekly publication by the Cumberland County Bar Association carries court opinions from the 9th Judicial District and certain public notices required by local and/or state statute, as well as news for the county's legal community.

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Effective 1/1/2016

**EARLY DEADLINE NOTICE FOR THE  
*CUMBERLAND LAW JOURNAL***

Offices will be closed for Good Friday, April 14th. Advertisements for the April 14th issue of the **Cumberland Law Journal** must be received NO LATER THAN 12:00 P.M. ON Friday, April 7th.

Notices may be faxed to the **Cumberland Law Journal** at (717) 249-2663 or e-mailed to: [debbie@cumberlandbar.com](mailto:debbie@cumberlandbar.com).  
Mar. 31; Apr. 7

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4. Programs are held in the Jury Assembly Room on the 3<sup>rd</sup> floor of the Cumberland County Courthouse.
5. Cost is: \$25 (No CLE credit); \$35 (members); \$45 (non-members). This includes lunch, CLE program and handouts. The Cumberland County Bar Association has a hardship policy. (For more information, please see the [Continuing Education](#) page of [www.CumberlandBar.com](http://www.CumberlandBar.com).)

**Cumberland County Bar Association ♦ 32 S Bedford Street, Carlisle, PA 17013-3302  
(717) 249-3166 ♦ [CCBA@CumberlandBar.com](mailto:CCBA@CumberlandBar.com) ♦ [www.CumberlandBar.com](http://www.CumberlandBar.com)**

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Apr. 7, 14

**COMMONWEALTH v. COLTON HARDY, CUMBERLAND CO., COMMON PLEAS, No. CP-21-CR-0696-2009 CRIMINAL.**

Criminal Law—PCRA Petition Filed Five Years After Petitioner Pled **Nolo Contendere** to Criminal Homicide-Murder—Must File PCRA Petition Within One Year Judgment Is Final—42 Pa. C.S.A. §9545(b)(1)—Notice of Appeal Must Be Filed Within 30 Days of Imposition of Judgment of Sentence in Open Court—**Commonwealth v. Beasley**, 559 Pa. 604, 741 A.2d 1258 (1999)—Pa. R.A.P. 903(c)(3)—Exceptions to 30-Day Rule Not Applicable—**Commonwealth v. Brandon**, 51 A.3d 231 (Pa. Super. 2012)—Petition Dismissed As Untimely.

1. Generally, a PCRA petition, including a second or subsequent petition, must be filed within one year from the date the judgment becomes final.

2. A judgment is deemed final for purposes of PCRA at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking review.

3. There are three narrow exceptions to the 30-day notice of appeal: (a) interference by government officials in the presentation of the claim; (b) newly discovered facts; and (c) an after-recognized constitutional right; however, if invoking one of the exceptions, the petitioner has the burden to plead in the petition and subsequently to prove that an exception applies.

4. Petitioner's claim that there is an after-recognized constitutional right applicable to his case thereby providing him with an exception to the 30-day rule is without merit in that Petitioner was not a minor at the time he committed the offense and he entered into a plea agreement whereby he gave up his right to a trial in exchange for a lesser sentence; therefore, the petition is patently untimely.

CHARLES J. VOLKERT, JR., ESQUIRE, ASSISTANT DISTRICT ATTORNEY, for Commonwealth.

MARLIN MARKLEY, ESQUIRE, for Defendant.

IN RE: PCRA PETITION

Before HESS, S.J.

OPINION

HESS, S.J., January 25, 2017:—

This PCRA petition was filed on October 20, 2016, nearly five years after Petitioner pled **nolo contendere** to Criminal Homicide-Murder. Petitioner asserts that a new constitutional right has been recognized which applies retroactively to his case.

Generally, a PCRA petition, including a second or subsequent petition, must be filed within one year from the date the judgment becomes final. 42 Pa. C.S.A. §9545(b)(1). **See Commonwealth v. Turner**, 73 A.3d 1283, 1285 (Pa. Super. 2013). A judgment is deemed final for purposes of the PCRA “at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court

of Pennsylvania, or at the expiration of time for seeking review.” 42 Pa. C.S.A. §9545(b)(3). A notice of appeal must be filed within 30 days of the imposition of the judgment of sentence in open court. Pa. R.A.P. 903(c)(3).

There are only three narrow exceptions to this time requirement: (1) interference by government officials in the presentation of the claim; (2) newly discovered facts; and (3) an after-recognized constitutional right. 42 Pa.C.S.A. § 9545(b)(1)(i-iii). When a petitioner alleges and proves that one of these exceptions is met, the petition will be considered timely. **See Commonwealth v. Gamboa-Taylor**, 562 Pa. 70, 753 A.2d 780, 783 (2000). A PCRA petition invoking one of these exceptions must ‘be filed within 60 days of the date the claims could have been presented.’ **Id.** (quoting 42 Pa.C.S.A. § 9545(b)(2)). The timeliness requirements of the PCRA are jurisdictional in nature and, accordingly, a PCRA court cannot hear untimely petitions. **Commonwealth v. Robinson**, 575 Pa. 500, 837 A.2d 1157, 1161 (2003).

**Commonwealth v. Brandon**, 51 A.3d 231, 233-34 (Pa. Super. 2012). **See also, Commonwealth v. Robinson**, 575 Pa. 500, 507-508, 837 A.2d 1157, 1161 (2003); **Commonwealth v. Smith**, 572 Pa. 572, 580, 818 A.2d 494, 498 (2003); **Commonwealth v. Cintora**, 69 A.3d 759, 762 (Pa. Super. 2013), **appeal denied**, 622 Pa. 764, 81 A.3d 75 (2013). When a petitioner seeks to invoke one of the Section 9545(b)(1)(i)-(iii) exceptions, the petitioner has the burden to plead in the petition and subsequently to prove that an exception applies. **Commonwealth v. Beasley**, 559 Pa. 604, 609, 741 A.2d 1258, 1261 (1999). **See Commonwealth v. Fowler**, 930 A.2d 586 (Pa. Super. 2007). Furthermore, any petition attempting to invoke an exception to the general timeliness requirement must be filed within 60 days of the date the claim could have been presented. 42 Pa. C.S. §9545(b)(2).

On December 2, 2011, Petitioner pled **nolo contendere** to Criminal Homicide-Murder of the First Degree as part of a plea agreement whereby the Commonwealth agreed to not seek the death penalty.<sup>1</sup> On this same day, Petitioner was sentenced to life in prison without the possibility of parole.<sup>2</sup> Petitioner did not appeal that order, and his judgment of sentence became final, for the purposes of the PCRA, on January 2, 2012.<sup>3</sup> The instant PCRA petition was filed on October 20,

<sup>1</sup> Order of Court filed December 2, 2011; Notes of Testimony, In Re: Transcript of Proceedings—PCRA Hearing, 7, January 12, 2017 (hereinafter “N.T. at \_\_\_”).

<sup>2</sup> Order of Court filed December 2, 2011.

<sup>3</sup> 1 Pa. C.S. §1908.

2016. It claims that the ruling in **Montgomery v. Louisiana**, 136 S. Ct. 718 (2016) (decided on January 25, 2016) held a new constitutional right was retroactive as envisioned by 42 Pa. C.S. §9545(b)(1)(iii).<sup>4</sup> The court in **Montgomery** held that the decision in **Miller v. Alabama**, that mandatory life sentences for juvenile offenders violate the Constitution, was to be given retroactive effect. **Montgomery**, supra at 736; **Miller v. Alabama**, 132 S. Ct. 2455 (2012). We agree with the Commonwealth that neither the **Miller** nor **Montgomery** decisions have a bearing on this case.<sup>5</sup> **Miller** and **Montgomery** address sentencing laws which require mandatory and automatic life sentences for juvenile offenders in certain cases. The Petitioner, however, was not a minor at the time he committed the offense. Moreover, he entered into a plea agreement whereby he gave up his right to a trial in exchange for a lesser sentence. In short, the Petitioner was not a juvenile at the time of his offense and conviction and was not sentenced pursuant to a mandatory sentencing statute. Accordingly, **Miller** and **Montgomery** do not apply to his petition, and it is patently untimely.

Further, assuming **arguendo** there is merit in Petitioner's claim that **Montgomery** applies to his situation, a PCRA petition invoking this decision must have been filed by March 25, 2016 in order to be considered timely under 42 Pa. C.S. §9545. The instant petition was filed on October 20, 2016, 209 days after March 25, 2016. Therefore, even if the subject matter of the referenced cases did satisfy the exception requirements of 42 Pa. C.S.A §9545(b)(1), the instant PCRA Petition is not timely in any event. Since we are without jurisdiction to hear the PCRA Petition, let alone to grant relief, we enter the following order:

ORDER

AND NOW, this 25th day of January, 2017, upon consideration of Petitioner's PCRA petition, filed on October 20, 2016, following a hearing, and it appearing that said PCRA petition is untimely, it is ORDERED that Petitioner's PCRA Petition is DISMISSED.

<sup>4</sup> (1) Any petition under this subchapter, including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves that:

...

(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. §9545(b)(1).

<sup>5</sup> Commonwealth's Answer to Defendant's PCRA Petition and Request for Dismissal without a Hearing, filed on December 27, 2016.

**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****Blaha, Keith John**, dec'd.

Late of Shippensburg Borough.  
 Administratrix: Donna J. Quante,  
 157 Home Run Circle, Gettysburg,  
 PA 17325.  
 Attorneys: Phillips & Phillips, 101  
 West Middle Street, Gettysburg,  
 PA 17325.

**Eames, Judith Ann a/k/a Judy Eames a/k/a Judith Anne Eames**, dec'd.

Late of the Borough of Mechanicsburg.  
 Administratrix: Carol Molovich  
 c/o Charles E. Shields, III, Esquire,  
 6 Clouser Rd., Mechanicsburg,  
 PA 17055.  
 Attorney: Charles E. Shields, III,  
 Esquire, 6 Clouser Rd., Mechanicsburg,  
 PA 17055.

**Engle, Connie R.**, dec'd.

Late of the Borough of New Cumberland.  
 Executors: Gregory R. Reed, 4303  
 Derry Street, Harrisburg, PA

17111 and Patrick M. Carney,  
 194 Rosehill Drive, New Cumberland,  
 PA 17070.  
 Attorney: None.

**Foust, Ronald L.**, dec'd.

Late of the Township of Hampden.  
 Executor: Ronald L. Foust, II,  
 5436 Laurie Lane, Enola, PA  
 17025.  
 Attorney: None.

**Henry, Bettie J.**, dec'd.

Late of the Borough of Carlisle.  
 Executrix: Susan H. Ostrowski  
 c/o Marcus A. McKnight, III, Esquire,  
 Irwin & McKnight, P.C., 60  
 West Pomfret Street, Carlisle, PA  
 17013.  
 Attorneys: Irwin & McKnight, P.C.

**Hess, Rupert F.**, dec'd.

Late of the Township of Hampden.  
 Personal Representatives: Gregory  
 R. Hess and Janice E. Muza.  
 Attorneys: Jessica F. Greene, Esquire,  
 Keystone Elder Law P.C.,  
 555 Gettysburg Pike, Suite C-100,  
 Mechanicsburg, PA 17055, (717)  
 697-3223.

**Kuznaik, Sylvia C.**, dec'd.

Late of Camp Hill Borough.  
 Executrix: Suzanne Jacquelyn  
 Logan.  
 Attorneys: Vicky Ann Trimmer,  
 Esquire, Daley Zucker Meilton &  
 Miner, LLC, 635 N. 12th Street,  
 Suite 101, Lemoyne, PA 17043.

**Nields, Howard Wesley**, dec'd.

Late of Monroe Township.  
 Administrator c.t.a.: Andrew W.  
 Nields, 60 Plymouth Drive,  
 Royersford, PA 19468.  
 Attorney: Michael C. Giordano,  
 Esquire, Attorney & Counselor at  
 Law, 221 W. Main Street, Mechanicsburg,  
 PA 17055.



**Quirk, Marie T. a/k/a Marie Virginia Quirk**, dec'd.

Late of Carlisle, Lower Frankford Township.

Executor: Michael E. Quirk c/o William A. Duncan, Esquire, Nine Irvine Row, Carlisle, PA 17013.  
Attorney: William A. Duncan, Esquire.

**Riordan, Florence**, dec'd.

Late of Lower Allen Township.  
Executrix: Florence Riordan Hess.  
Attorneys: Bangs Law Office, LLC, 429 South 18th Street, Camp Hill, PA 17011.

**Sipe, Francis G.**, dec'd.

Late of Carlisle Borough.  
Administrator: Robert G. Frey, 5 South Hanover Street, Carlisle, PA 17013.  
Attorneys: Frey and Tiley.

**Smith, Fern S.**, dec'd.

Late of Messiah Village, Mechanicsburg.  
Executor: Gary Smith c/o Robert A. Bull, Esquire, Law Offices of Bull & Bull, LLP, 106 Market St., Berwick, PA 18603.  
Attorneys: Robert A. Bull, Esquire, Law Offices of Bull & Bull, LLP, 106 Market St., Berwick, PA 18603.

**Sullivan, Richard R.**, dec'd.

Late of East Pennsboro Township.  
Executor: Mark E. Sullivan c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.  
Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

**Villott, William Paul**, dec'd.

Late of Mechanicsburg.

Executor: Michael E. Villott, 5733 Corte Libre, Pleasanton, CA 94566.

Attorney: None.

**Wilson, William Robert**, dec'd.

Late of Silver Spring Township, Mechanicsburg.  
Executors: William R. Wilson, Jr., 22 Lincoln St., Adams, MA 01220 and Douglas S. Wilson, 4565 Sandy Valley Rd., Mechanicsville, VA 23111.  
Trustee: William R. Wilson, Jr., 22 Lincoln St., Adams, MA 01220.  
Attorney: None.

**SECOND PUBLICATION****Beecher, Geraldine M.**, dec'd.

Late of Carlisle Borough.  
Executor: Dennis K. Beecher c/o Bradley L. Griffie, Esquire, Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.  
Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

**Bozman, William Ross**, dec'd.

Late of Camp Hill Borough.  
Executrix: Grace Ellen Siguenza.  
Attorneys: Susan H. Confair, Esquire, Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011, (717) 763-1383.

**Cullings, John N.**, dec'd.

Late of South Middleton Township.  
Executrix: Lisa C. Polk c/o Roger B. Irwin, Esquire, Salzmans Hughes PC, 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015.  
Attorneys: Salzmans Hughes, P.C.

**Delp, Arlene A.**, dec'd.

Late of North Middleton Township.  
Executor: Dennis G. Delp c/o Landis & Black, 36 South Hanover Street, Carlisle, PA 17013.

Attorney: Robert R. Black, Esquire.

**DeVanie, June M.,** dec'd.

Late of North Middleton Township.  
 Executor: Jeffrey M. DeVanie, 7 Stine Avenue, Carlisle, PA 17013.  
 Attorneys: Law Office of Keith O. Brenneman, P.C., 44 West Main Street, Mechanicsburg, PA 17055.

**Frantz, Beatrice R.,** dec'd.

Late of West Pennsboro Township, Newville.  
 Executor: Dennis G. Mummert.  
 Attorneys: David M. Watts, Jr., Esquire, McNeese Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, (717) 237-5344.

**Garn, Joanne M.,** dec'd.

Late of the Township of Hampden.  
 Personal Representative: Kathleen M. Huntzinger.  
 Attorneys: Jessica F. Greene, Esquire, Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055, (717) 697-3223.

**Graff, Jane J.,** dec'd.

Late of Upper Allen Township.  
 Executor: Andrew J. Graff.  
 Attorneys: Michael L. Bangs, Esquire, Bangs Law Office, LLC, 429 South 18th Street, Camp Hill, PA 17011.

**Herr, Robert M., Jr.,** dec'd.

Late of the Borough of Shiremans-town.  
 Co-Executrices: Patricia J. Kichman and Sharon A. Hane c/o Andrew C. Sheely, Esquire, 127 South Market Street, P.O. Box 95, Mechanicsburg, PA 17055.  
 Attorney: Andrew C. Sheely, Esquire, 127 South Market Street, P.O. Box 95, Mechanicsburg, PA 17055.

**Jones, Martha L.,** dec'd.

Late of Shippensburg Borough.  
 Executrix: Jeanne C. Jones c/o Thomas P. Gleason, Esquire, 49 West Orange Street, Suite 3, Shippensburg, PA 17257.  
 Attorney: Thomas P. Gleason, Esquire, 49 West Orange Street, Suite 3, Shippensburg, PA 17257, (717) 532-3270.

**Kinsler, Charles H., Jr.,** dec'd.

Late of Penn Township.  
 Administrator: Jason W. Kinsler c/o Nathan C. Wolf, Esquire, 10 West High Street, Carlisle, PA 17013.  
 Attorney: Nathan C. Wolf, Esquire, 10 West High Street, Carlisle, PA 17013, (717) 241-4436.

**Martin, William L.,** dec'd.

Late of the Township of North Middleton.  
 Executrix: Erika B. Martin c/o Mark A. Mateya, Esquire, Mateya Law Firm, P.C., 55 W. Church Avenue, Carlisle, PA 17013.  
 Attorneys: Mark A. Mateya, Esquire, Mateya Law Firm, P.C., 55 W. Church Avenue, Carlisle, PA 17013, (717) 241-6500.

**Oyster, Jean N.,** dec'd.

Late of Silver Spring Township.  
 Executrix: Sally A. Worm c/o George W. Porter, Esquire, 909 E. Chocolate Ave., Hershey, PA 17033.  
 Attorney: George W. Porter, Esquire, 909 E. Chocolate Ave., Hershey, PA 17033.

**Rescorla, John F.,** dec'd.

Late of Mechanicsburg.  
 Co-Executrices: Sherry N. DiPrima and Debra K. Desso.  
 Attorneys: Bruce J. Warshawsky, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110.

**Wagner, Ruth E.**, dec'd.

Late of the Township of South Middleton.

Co-Executors: Steven L. Wagner and Melinda K. Crawford c/o Bradley L. Griffie, Esquire, Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.

Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

**Warren, Ellen M. a/k/a Ellen Warren**, dec'd.

Late of the Borough of Lemoyne. Executor: William W. Warren, Jr., 508 Bridgeview Drive, Lemoyne, PA 17043.

Attorneys: Gerald J. Shekletski, Esquire, Stone LaFaver & Shekletski, P.O. Box E, New Cumberland, PA 17070.

**Winter, Joyce L.**, dec'd.

Late of Silver Spring Township. Executrix: Cynthia L. Hinson c/o Matthew A. McKnight, Esquire, Irwin & McKnight, P.C., 60 West Pomfret Street, Carlisle, PA 17013. Attorneys: Irwin & McKnight, P.C.

**THIRD PUBLICATION****Brumbach, Sofia E.**, dec'd.

Late of South Middleton Township.

Executor: Kenneth M. Brumbach, Jr. c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

**Class, John K., Jr.**, dec'd.

Late of Lower Allen Township. Executrix: Mrs. Barbara L. Kennedy.

Attorney: Gary L. Rothschild, Esquire, 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112.

**Gati, Auguste**, dec'd.

Late of Upper Allen Township. Co-Executrices: Joanne Williams a/k/a Josephine Ann Williams, 908 Thornton Drive, Mechanicsburg, PA 17055 and Susan G. Reyna, 135 Tuckahoe Road, Dillsburg, PA 17019.

Attorney: Jane M. Alexander, Esquire, 148 S. Baltimore Street, Dillsburg, PA 17019-1007.

**Gudalis, Victoria J.**, dec'd.

Late of Silver Spring Township. Administrator: Joseph C. Gudalis c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

**Henschke, William R.**, dec'd.

Late of the Borough of Mechanicsburg.

Executor: William H. Henschke, II c/o Bradley L. Griffie, Esquire, Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.

Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

**McAlister, Dolores J.**, dec'd.

Late of East Pennsboro Township. Executrix: Beth Ann McAlister c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

**Myers, Nancy D.**, dec'd.

Late of East Pennsboro Township,  
Summerdale.

Executor: Kerry A. Myers.

Attorneys: Andrew S. Rusniak,  
Esquire, McNees Wallace & Nurick  
LLC, 570 Lausch Lane, Suite 200,  
Lancaster, PA 17601, (717) 581-  
3704.

**Reed, Lee Elwood, Jr.**, dec'd.

Late of Lower Allen Township.

Administratrix: Connie Still.

Attorneys: Melanie Walz Scaringi,  
Esquire, Scaringi & Scaringi, P.C.,  
2000 Linglestown Road, Suite  
106, Harrisburg, PA 17110.

**Russell, James C.**, dec'd.

Late of Camp Hill.

Executor: David A. Russell c/o  
Mark W. Allshouse, Esquire,  
Christian Lawyer Solutions, LLC,  
4833 Spring Road, Shermans  
Dale, PA 17090.

Attorneys: Mark W. Allshouse,  
Esquire, Christian Lawyer Solu-  
tions, LLC, 4833 Spring Road,  
Shermans Dale, PA 17090, (717)  
582-4006.

**Snyder, Eugene H.**, dec'd.

Late of the Township of Monroe.

Executrix: Susan B. Myers.

Attorneys: Jessica F. Greene, Es-  
quire, Keystone Elder Law P.C.,  
555 Gettysburg Pike, Suite C-100,  
Mechanicsburg, PA 17055, (717)  
697-3223.

**NOTICE**

ABF Freight System, Inc., an Ar-  
kansas corporation with its principal  
office at 3801 Old Greenwood Road,  
Fort Smith, Arkansas 72903, hereby  
gives notice that it has registered to  
do business in the Commonwealth  
of Pennsylvania, under Chapter 4  
of the Pennsylvania Business Cor-  
poration Law of 1988, approved

December 21, 1988, P.L. 1444, No.  
177. The purpose for which the cor-  
poration was organized is to engage  
as a nationwide LTL motor carrier.  
The commercial registered address  
of ABF Freight System, Inc. in the  
Commonwealth of Pennsylvania is  
c/o Corporation Service Company,  
2595 Interstate Drive, Suite 103,  
Harrisburg, PA 17110.

Apr. 7

**NOTICE OF HEARING**

In Re: 1968 Chevrolet Chevelle SS  
(Vehicle Identification  
Number: 138378K204407)

To: Jon Scheidler and any lienholder,  
claimed owner, person of interest  
or heirs, assigns or descendants  
of the same

YOU ARE HEREBY NOTIFIED  
that a civil action was brought  
in the Court of Common Pleas of  
Cumberland County, at Docket No.  
2017-00354-Civil by Jennifer E. Hara  
for a declaration of ownership to and  
to quiet title to a 1968 Chevrolet  
Chevelle SS (Vehicle Identification  
Number: 138378K204407) in the  
name of Jennifer E. Hara. YOU HAVE  
BEEN SUED IN COURT. If you wish  
to defend against the claims of Jen-  
nifer E. Hara, you must, pursuant to  
the February 22, 2017 Order of the  
Honorable M. L. Ebert, Jr., Judge of  
the Court of Common Pleas of Cum-  
berland County, appear at a hearing  
to be held on Thursday, May 11, 2017  
at 9:00 a.m. in Courtroom Number  
2, Cumberland County Courthouse,  
One Courthouse Square, Carlisle,  
Pennsylvania. You are warned that  
if you fail to appear the case may  
proceed without you and a judgment  
may be entered against you by the  
court without further notice for the  
relief sought in the Petition or for any  
other claim or relief requested by Jen-  
nifer E. Hara. 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 or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Cumberland County  
Bar Association  
32 S. Bedford Street  
Carlisle, PA 17013  
(717) 249-3168

A copy of the Petition is available for review at the Prothonotary's Office located in the Cumberland County Courthouse. Proof of service must be filed with the Cumberland County Prothonotary prior to the above-scheduled hearing.

By the Court,  
/s/ M.L. Ebert, Jr.  
M.L. Ebert, Jr., J.

Apr. 7

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**NOTICE**

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NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Cumberland County, Pennsylvania, seeking to change the name of three minor children, as follows: from Khalid Abdikadir Noor to Khalid Omar Aden; from Rahma Abdikadir Noor to Rahma Omar Aden; and from Abdirahman Abdikadir Noor to Abdirahman Omar Aden. A hearing on the Petition will be held on April 26, 2017 at 11:00 a.m. in Courtroom No. 4 at the Cumberland County Courthouse, 1 North Courthouse Avenue, Carlisle, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

JAMES GRAY STRUPE, JR.,  
ESQUIRE  
Attorney for Petitioners  
112 Market Street  
Suite 429  
Harrisburg, PA 17101  
(717) 856-4648

Apr. 7

**NOTICE**

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ArcBest II, Inc., an Arkansas corporation with its principal office at 3801 Old Greenwood Road, Fort Smith, Arkansas 72903, hereby gives notice that it has registered to do business in the Commonwealth of Pennsylvania, under Chapter 4 of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177. The purpose which the corporation was organized is to engage in the transportation logistics business. The commercial registered address of ArcBest II, Inc. in the Commonwealth of Pennsylvania is c/o Corporation Service Company, 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110.

Apr. 7

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**CORPORATE NOTICE**

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NOTICE IS HEREBY GIVEN that Articles of Amendment to the Articles of Incorporation of Caffrey Auto Supply, Inc., a Pennsylvania business corporation, were filed with the Department of State of the Commonwealth of Pennsylvania on March 1, 2017, changing the name of the corporation to CAFFREY LIQUIDATING CORPORATION.

The shareholders and directors of Caffrey Liquidating Corporation have approved a proposal that the corporation voluntarily dissolve, and the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of the Pennsylvania Corporation Law of 1988, as amended.

BUTLER LAW FIRM  
1007 Mumma Road  
Suite 101  
Lemoyne, PA 17043

Apr. 7

**NOTICE**

In the Court of Common Pleas of  
Cumberland County, Pennsylvania  
Orphans' Court Division

NO. 97 ADOPTIONS 2016

IN RE: ADOPTION OF K. Johnson  
DOB: 3/7/09

TO: The Unknown Father; Male that  
had sexual relations with Joelle  
Johnson, on or around June of  
2008

A petition has been filed asking  
the Court to put an end to all rights  
you have to your child, K. J. The  
Court has set a hearing to consider  
ending your rights to your child. The  
hearing will be held in Courtroom  
3, 4th Floor, Cumberland County  
Courthouse, Carlisle, Pennsylvania,  
on April 21, 2017 at 3:00 P.M. If you  
do not appear at the hearing, the  
Court may decide that you are not  
interested in retaining your rights to  
your child and your failure to appear  
may affect the Court's decision on  
whether to end your rights to your  
child. You are warned that even if  
you fail to appear at the scheduled  
hearing, the hearing will go on with-  
out you and your rights to your child  
may be ended by the Court without  
your being present. You have a right  
to be represented at the hearing by  
a lawyer.

You should take this paper to your  
lawyer at once. If you do not have a  
lawyer, or cannot afford one, go to or  
telephone the office set forth below to  
find out where you can get legal help.

Cumberland County Bar Assoc.  
32 S. Bedford Street  
Carlisle, PA 17013  
(717) 249-3166  
LINDSAY D. BAIRD, ESQUIRE  
Solicitor  
Cumberland County  
Children & Youth Services

Apr. 7

**NOTICE**

In the Court of Common Pleas of  
Cumberland County, Pennsylvania  
Orphans' Court Division

NO. 29 ADOPTIONS 2017

IN RE: ADOPTION OF R.M.  
DOB: 10/10/2015

TO: Unknown Father, who may have  
had sexual relations with Kris-  
ten Martz nine months prior to  
10/10/2015

A petition has been filed asking  
the Court to put an end to all rights  
you have to your child, R.M. The  
Court has set a hearing to consider  
ending your rights to your child. The  
hearing will be held in Courtroom 3,  
Cumberland County Courthouse,  
Carlisle, Pennsylvania, on Friday,  
April 21, 2017, at 10:30 A.M. If you  
do not appear at the hearing, the  
Court may decide that you are not  
interested in retaining your rights to  
your child and your failure to appear  
may affect the Court's decision on  
whether to end your rights to your  
child. You are warned that even if  
you fail to appear at the scheduled  
hearing, the hearing will go on with-  
out you and your rights to your child  
may be ended by the Court without  
your being present. You have a right  
to be represented at the hearing by  
a lawyer.

You should take this paper to your  
lawyer at once. If you do not have a  
lawyer, or cannot afford one, go to or  
telephone the office set forth below to  
find out where you can get legal help:

Cumberland County Bar  
Association  
32 S. Bedford Street  
Carlisle, PA 17013  
(717) 249-3166  
LINDSAY D. BAIRD, ESQUIRE  
Solicitor  
Cumberland County  
Children & Youth Services

Apr. 7

**NOTICE**

In the Court of Common Pleas of  
Cumberland County, Pennsylvania  
Civil Action—Mortgage Foreclosure

No. 2017-00475-CIVIL TERM

SAMUEL GERACE, SR., AS  
TRUSTEE OF THE SAMUEL LEON  
GERACE, SR. REVOCABLE  
TRUST AND AS TRUSTEE OF  
THE MARY DOCIA PORTER  
REVOCABLE TRUST,

Plaintiff

v.

JEREMY S. HUNTER,  
Defendant

**NOTICE**

TO: Jeremy S. Hunter

You are notified that on or about January 28, 2017, Plaintiff, Samuel Gerace, Sr., as Trustee of the Samuel Leon Gerace, Sr. Revocable Trust and as Trustee of the Mary Docia Porter Revocable Trust, filed a Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Cumberland County, Pennsylvania, docketed to No. 2017-00475-Civil Term, wherein Plaintiff seeks to enforce its rights under its loan documents by foreclosing on the real property at 6983 Wertzville Road, Enola, Cumberland County, Pennsylvania 17025 and more accurately described as Lots 1, 2, and 5 of the Final Subdivision Plan prepared for Samuel L. Gerace and recorded on November 2, 1979 in the Office of the Recorder of Deeds in and for Cumberland County at Plan Book 36, Page 132.

Since your current whereabouts are unknown, the Court by Order dated March 29, 2017, ordered service of the legal action served upon you as provided by Pa. R.Civ.P. 430(b).

You are hereby notified to plead to the above referenced Complaint

on or before 20 DAYS from the date of this publication or Judgment will be entered against you.

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or 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 REDUCE FEE OR NO FEE:**

**IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD A LAWYER Contact:**

Cumberland County Lawyer  
Referral Service  
32 S. Bedford Street  
Carlisle, PA 17013  
(717) 249-3166  
SUSAN J. HARTMAN, ESQUIRE  
MARTSON LAW OFFICES  
10 East High Street  
Carlisle, PA 17013  
(717) 243-3341

Apr. 7

**PETITION FOR  
CHANGE OF NAME**

In the Court of Common Pleas of  
Cumberland County, Pennsylvania

Docket No.: 2017-02858 CIVIL

**NOTICE**

NOTICE IS HEREBY GIVEN that  
on March 17, 2017 the Petition of  
Elizabeth Antoinette Colomba was  
filed in the above named court,  
requesting a decree to change her  
name from Elizabeth Antoinette Co-

lomba to Surina Elizabeth Antoinette  
Colomba.

The Court has fixed Wednes-  
day, April 26, 2017 at 1:30 p.m. in  
Courtroom No. 6, 4th Floor, at the  
Cumberland County Courthouse, 1  
Courthouse Square, Carlisle, PA, as  
the time and place for the hearing  
on said Petition, when and where all  
persons interested may appear and  
show cause if any they have, why the  
prayer of the said Petition should not  
be granted.

Mar. 31; Apr. 7, 14



**LCL-PA**

Lawyers Concerned for Lawyers of Pennsylvania, Inc. has a free confidential helpline accessible 24 hours, 7 days a week, including holidays:

**1-888-999-1941**

Helpline services include assistance with:

- stress,
- anxiety,
- burnout,
- career or job dissatisfaction,
- marital or health problems,
- alcohol and drug use,
- gambling,
- depression, and
- other emotional or mental health problems.

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**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, April 10, 2017**