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County
Bar
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Chester County Law Reporter

(USPS 102-900)

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[59 Ches. Co. Rep. **Friends of Pennsylvania Leadership Charter School v. Chester County Board of Assessment Appeals**

Friends of Pennsylvania Leadership Charter School v. Chester County Board of Assessment Appeals

Real estate tax refund – Scope of appeal – Judgment on pleadings – Charter school law – Tax exemption - Retroactivity

1. A verified refund request must be made in writing, and such writing is a statutory condition precedent to the issuance of any refund.
2. In the event that the political subdivision refuses to issue a refund, an aggrieved taxpayer has the right to bring suit for the recovery of such taxes.
3. A party on appeal may not expand the scope of its appeal to encompass additional issues not first presented to the Board of Assessment Appeals for determination.
4. Where an appeal is from a denial of a tax refund and not from a tax assessment appeal, the scope of such appeal is limited to those issues raised in the verified claim for real estate tax refund only.
5. A motion for judgment on the pleadings is in the nature of a demurrer. Such a motion may only be granted in cases where no material facts are at issue and the law is so clear that a trial would be a fruitless exercise.
6. A court will not reach the issue of constitutionality if it can decide a case on other, non-constitutional grounds. While it is the duty of the courts to uphold the Constitution, it is likewise their duty not to declare an act unconstitutional unless it is imperatively necessary to do so.
7. Pursuant to Section 1928 of the Statutory Construction Act of 1972, provisions imposing taxes and retroactive provisions must be strictly construed.
8. The legislature contemplated two classes of entities entitled to prospective tax relief under 24 P.S. § 17-1722-A(e)(1): (a) property directly owned by a charter school, cyber charter school or an associated nonprofit foundation; or (b) property leased to charter school, cyber charter school or an associated nonprofit foundation at or below fair market value.
9. In contrast, 24 P.S. § 17-1722-A(e)(3) is more restrictive in providing retrospective tax relief. The legislature clearly references only the first class of entities in subsection 24 P.S. § 17-1722-A(e)(1) that directly own property who are entitled to tax relief, because only property owners can file an appeal from a tax assessment.
10. Neither the federal constitution nor the state constitution invalidates a non-penal statute merely because it is retroactive, unless such legislation impairs contractual or other vested rights.
11. Retrospective laws may be supported when they do not disturb any vested right, but only vary remedies, cure defects in proceedings otherwise fair, and do not vary existing obligations contrary to their situation when entered into and when prosecuted.
12. Pursuant to 210 Pa. Code §67.55 (Internal Operating Procedures of the Commonwealth Court §414), unreported memorandum opinions by a three-

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Chester County Board of Assessment Appeals**

judge panel may be cited as persuasive authority.

13. The retroactive tax exemption of 24 P.S. § 17-1722-A(e)(3) violates Article I, §11 of the Pennsylvania Constitution (providing for a remedy by due course of law) because the legislation impairs a vested right. It also violates the separation of powers doctrine, which holds the legislature may not exercise any power specifically entrusted to the judiciary by interfering with judgments or decrees previously rendered.
14. Plaintiff charter school filed an appeal seeking a real estate tax refund of county taxes paid for years 2008, 2009 and 2010. Defendant West Chester Area School District filed a motion for judgment on the pleadings, in which defendant, Chester County Board of Assessment Appeals joined. Upon consideration of the motion, the Court Held, that judgment on the pleadings was granted in part to the defendants West Chester Area School District and Chester County Board of Assessment Appeals. Further, the Court Held, that the remaining issues were dismissed without prejudice as matters not properly before the Court.

P.McK.

C.C.P. Chester County, Civil Action – Law, No. 2011-09348-AB; Friends of Pennsylvania Leadership Charter School v. Chester County Board of Assessment Appeals.

Andrew G. Lehr for the Friends of Pennsylvania Leadership Charter School

Jeffery R. Sommer for Chester County Board of Assessment Appeals

Anthony T. Verwey for West Chester Area School District

Tunnell, J., March 30, 2012:-

Friends of Pennsylvania Leadership Charter School v. Chester County Board of Assessment Appeals

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FRIENDS OF PENNSYLVANIA IN THE COURT OF COMMON PLEAS
LEADERSHIP CHARTER SCHOOL, CHESTER COUNTY, PENNSYLVANIA

Plaintiff,
v.

NO. 2011-09348-AB

CIVIL ACTION – LAW

CHESTER COUNTY BOARD OF
ASSESSMENT APPEALS,

Defendant.

Andrew G. Lehr, Esquire, for the Plaintiff

Jeffery R. Sommer, Esquire, for Defendant Chester County Board of Assessment Appeals

Anthony T. Verwey, Esquire, for Defendant West Chester Area School District

ORDER

AND NOW, this 30th day of March, 2012, upon consideration of Defendant West Chester Area School District's Motion for Judgment on the Pleadings¹, joined by Defendant Chester County Board of Assessment Appeals, and opposed by Plaintiff Friends of Pennsylvania Leadership Charter School, it is hereby

ORDERED AND DECREED, that Judgment on the Pleadings is **GRANTED** in part to the Defendants West Chester Area School District and Chester County Board of Assessment Appeals; accordingly Plaintiff Friends of Pennsylvania Leadership Charter School is not entitled to a refund of the taxes collected on behalf of the County of Chester for years 2008, 2009 and 2010, and it is further;²

ORDERED AND DECREED, that the remaining issues are **DISMISSED** without prejudice as matters not properly before this Court.³

BY THE COURT:

/s/ Mark L. Tunnell, J.

¹As a threshold matter, the parties seem to misapprehend the scope of the subject matter that is properly before this Court. This is not an appeal of the March 28, 2011 application

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for exemption of real estate taxes, which was granted on May 5, 2011. This is an appeal from a separate June 16, 2011, verified claim for real estate tax refund, which was denied on July 27, 2011.

A verified refund request must be made in writing, and such a writing is a statutory condition precedent to the issuance of any refund. 72 P.S. 5566b(a). In the event that the political subdivision refuses to issue a refund, an aggrieved taxpayer has the right to bring suit for the recovery of such taxes. 72 P.S. 5566c. Contrary to the petition filed by the Plaintiff/Appellant, this matter is not before the Court pursuant to 53 Pa.C.S. §8854(a) or 42 Pa.C.S. §5571(b) but rather pursuant to 72 P.S. 5566c.

The June 16, 2011 verified claim for real estate tax refund, cited in the pleadings, requested only a refund of county real estate taxes paid on the subject property for 2008, 2009 and 2010 tax years, in the amount of \$23,928.17. The verified claim did not request a refund of school taxes paid in years 2008 and 2009 in the amount of \$75,192.51, nor a determination of the obligation to pay school taxes for the year 2010 in the amount of \$37,942.41, nor a determination of the obligation to pay county taxes assess for the year 2011 in the amount of \$8,193.99.

It appears to this Court that Plaintiff Friends of Pennsylvania Leadership Charter School expanded the scope of its appeal to encompass additional issues not first presented to the Chester County Board of Assessment Appeals for determination. Since this is an appeal from a denial of a tax refund and not from a tax assessment appeal, the scope of this appeal is limited to those issues raised in the verified claim for real estate tax refund. As such, the Court declines to rule upon issues it believes are not properly before it.

²This matter comes before the Court on a motion for judgment on the pleadings under Pa.R.Civ.P. 1034, filed by the Defendant West Chester Area School District and joined by the Defendant Chester County Board of Assessment Appeals. A motion for judgment on the pleadings is in the nature of a demurrer. Such a motion may only be granted in cases where no material facts are at issue and the law is so clear that a trial would be a fruitless exercise. *E-Z Parks, Inc. v. Philadelphia Parking Authority*, 110 Pa.Cmwlth. 629, 532 A.2d 1272 (1987), *petition for allowance of appeal denied*, 519 Pa. 656, 546 A.2d 60 (1988). No material facts are at issue and the matter is ripe for disposition.

Plaintiff pleads the following relevant facts which are accepted as true for purposes of this motion. Friends of Pennsylvania Leadership Charter School is a Pennsylvania domestic nonprofit corporation that is affiliated with the Pennsylvania Leadership Charter School, a public cyber charter school. (¶1) Friends of Pennsylvania Leadership Charter School is the owner of a tax parcel No. 53-04-0156.0000. (¶4) The property is leased to and used exclusively by the Pennsylvania Leadership Charter School. (¶4) The Chester County Board of Assessment Appeals granted the appeal for exemption on the property commencing with the 2011 school tax year. (¶8) On June 16, 2011, Friends of Pennsylvania Leadership Charter School filed a Verified Claim for Real Estate Tax Refund with the Chester County Treasurer seeking a refund of taxes paid. (¶9) On July 27, 2011,

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notice was sent to the Friends of Pennsylvania Leadership Charter School advising them that the refund request was denied. (¶10) Friends of Pennsylvania Leadership Charter School timely filed an appeal of the denial of the refund request on August 25, 2011.

The single question of law presented in the motion is the interpretation and application of the statutory language of 24 P.S. § 17-1722-A(e). On November 17, 2010, the General Assembly amended section 20 of the Charter School Law (Act 104), 24 P.S. § 17-1722-A, by adding among other things the following provisions:

(e)(1) Notwithstanding the provisions of section 204 of the act of May 22, 1933 (P.L. 853, No. 155), known as The General County Assessment Law, all school property, real and personal, owned by any charter school, cyber charter school or an associated nonprofit foundation, or owned by a nonprofit corporation or nonprofit foundation and leased to a charter school, cyber charter school or associated nonprofit foundation at or below fair market value, that is occupied and used by any charter school or cyber charter school for public school, recreation or any other purposes provided for by this act, shall be made exempt from every kind of State, county, city, borough, township or other real estate tax, including payments in lieu of taxes established through agreement with the Commonwealth or any local taxing authority, as well as from all costs or expenses for paving, curbing, sidewalks, sewers or other municipal improvements, Provided, That any charter school or cyber charter school or owner of property leased to a charter school or cyber charter school may make a municipal improvement in a street on which its school property abuts or may contribute a sum toward the cost of the improvement.

* * * *

(e)(3) This subsection shall apply retroactively to all charter schools, cyber charter schools and associated nonprofit foundations that filed an appeal from an assessment, as provided in Article V of The General County Assessment Law, prior to the effective date of this subsection.

The Defendants argue that the retroactive tax exemption provision of 24 P.S. § 17-1722-A(e)(3) is unconstitutional because it violates the separation of powers doctrine and the uniformity of taxation clause. A court will not reach the issue of constitutionality if it can decide a case on other, non-constitutional grounds. While it is the duty of the courts to uphold the Constitution, it is likewise their duty not to declare an act unconstitutional unless it is imperatively necessary to do so. *Kelley v. Earle*, 325 Pa. 337, 345 A. 140, 144 (1937).

Pursuant to Section 1928 of the Statutory Construction Act of 1972, “provisions

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imposing taxes” and “retroactive provisions” must be strictly construed. 1 Pa.C.S. §1928(b)(2)-(3); *Lehigh Valley Cooperative Farmers v. Bureau of Employment Security*, 498 Pa. 521, 525, 447 A.2d 948, 952 (1982)(“A required rule of statutory construction provides that a statute exempting persons or property from taxation must be strictly construed.”)

Act 104 provides for two kinds of tax relief, prospective and retrospective. Subsection (e)(1) provides prospective tax relief, and in relevant part states, “all school property, real and personal, owned by any charter school, cyber charter school or an associated nonprofit foundation, or owned by a nonprofit corporation or nonprofit foundation and leased to a charter school, cyber charter school or associated nonprofit foundation at or below fair market value.” 24 P.S. § 17-1722-A(e)(1). Clearly, the legislature contemplated two classes of entities entitled to tax relief in subsection (e)(1): (1) property directly owned by a charter school, cyber charter school or an associated nonprofit foundation; or (2) property leased to charter school, cyber charter school or an associated nonprofit foundation at or below fair market value.

In contrast, subsection (e)(3) is more restrictive in providing retrospective tax relief. In relevant part it states: “[t]his subsection shall apply retroactively to all charter schools, cyber charter schools and associated nonprofit foundations that filed an appeal from an assessment.” The legislature is clearly referencing only the first class of entities in subsection (e)(1) that directly own property who are entitled to tax relief, because only property owners can file an appeal from a tax assessment.

Regardless, the plain language of subsection (e)(1) includes the specific terms “nonprofit corporation” and “associated nonprofit foundation;” however, the plain language of subsection (e)(3) omits the specific term “nonprofit corporation.” Furthermore, it is clear from the plain language of subsection (e)(1) that “nonprofit corporation” and “associated nonprofit foundation” are not terms that are used interchangeably but refer to different entities. Since the statute must be strictly construed, the inclusion of the nomenclature “nonprofit corporation” in subsection (e)(1) and its omission from subsection (e)(3) is an intentional act by the Legislature.

Based on the foregoing, Friends of Pennsylvania Leadership Charter School, which is conceded to be a nonprofit corporation, does not qualify for the retroactive provision of 24 P.S. § 17-1722-A(e)(3); therefore, it is not entitled to a refund of County of Chester taxes paid for tax years 2008, 2009 and 2010. Accordingly, judgment on the pleadings is granted.

Were the Court to reach the constitutional question of 24 P.S. § 17-1722-A(e)(3), it would have found it unconstitutional.

Neither the federal constitution nor the state constitution invalidate a non-penal statute merely because it is retroactive, unless such legislation impairs contractual or other vested rights. *Barasch v. Pennsylvania Public Utility Commission*, 516 Pa. 142, 167, 532 A.2d 325, 337, aff’d., 488 U.S. 299, 109 S.Ct. 609, 102 L.Ed.2d 646 (1989). Retrospective laws may be supported when they do not disturb any vested right, but only vary remedies, cure defects in proceedings otherwise fair, and do not vary existing obligations contrary to their situation when entered into and when prosecuted. *Smith v. Fenner*, 399 Pa. 633, 161

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A.2d 150 (1960).

Pursuant to 210 Pa. Code §67.55 (Internal Operating Procedures of the Commonwealth Court §414), unreported memorandum opinions by a three-judge panel may be cited as persuasive authority. This Court finds that the question of constitutionality is identical to that in *In Re: Appeal of Collegium Charter School*, 23 A.3d 1132 (Table) (Pa.Cmwlt., July 26, 2011, No. 2354 CD 2010), and the legal analysis contained therein persuasive. The Commonwealth Court reasoned that the retroactive tax exemption of 24 P.S. § 17-1722-A(e)(3) violated Article I, §11 of the Pennsylvania Constitution (providing for a remedy by due course of law) because the legislation impaired a vested right. It also violates the separation of powers doctrine, which holds the legislature may not exercise any power specifically entrusted to the judiciary by interfering with judgments or decrees previously rendered. *Commonwealth v. Sutley*, 474 Pa. 256, 378 A.2d 780 (1977).

In prior litigation, *In Re: Appeal of Friends of Pennsylvania Leadership Charter School*, Chester County Docket No.: 2007-12078, the Appellant argued that this same parcel of land was exempt from taxation because the Appellant qualified as a purely public charity and therefore was exempt from local real estate taxes. After conducting a bench trial, this Court (J. Shenkin) found that the Appellant did not qualify as a purely public charity and therefore was not exempt from local real estate taxes (Order dated March 29, 2009). This Court's opinion was affirmed in an unpublished three-judge panel opinion issued by the Commonwealth Court. *In Re: Appeal of Friends of Pennsylvania Leadership Charter School v. County of Chester Board of Assessment Appeals*, 987 A.2d 231 (Table) (Pa.Cmwlt., January 7, 2010, 808 CD 2009).

Accordingly, the statutory language of 24 P.S. § 17-1722-A(e)(3) is therefore unconstitutional because it impairs a vested right and interferes with a judgment obtained through litigation.

³The remaining issues raised on appeal are dismissed without prejudice because they were not first presented to the Chester County Board of Assessment Appeals for determination. Since this is an appeal from a denial of a tax refund and not from a tax assessment appeal, the scope of this appeal is limited to those issues raised in the verified claim for real estate tax refund. As such, the Court declines to rule upon issues it believes are not properly before it.

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CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for JEK ASSOCIATES INC., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State for SPA FUNCTIONALS, INC., a business corporation organized under the Pennsylvania Business Corporation Law of 1988. FOX ROTHSCHILD LLP, Solicitors
747 Constitution Drive, Ste. 100
P.O. Box 673
Exton, PA 19341-0673

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau, to form a corporation under the name Stateside Manufacturing, Inc., under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. UNRUH, TUNER, BURKE & FREES, Solicitors
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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on April 30, 2012 for Mel Express Inc., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

The purpose or purposes for which it was organized are: Any and all lawful business activities.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania effective January 1, 2011, for the purpose of incorporating Michaela M. McCormick, D.M.D., P.C., pursuant to the Business Corporation Law of 1988.

MCGILL AND HASSAN, P.A., Solicitors
8816 Red Oak Blvd.
Ste. 220
Charlotte, NC 28217

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on April 19, 2012 for Oxford Robotics Ltd., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

The purpose or purposes for which it was organized are: To advance the education and involvement of our community's youth in the areas of Science, Technology, Engineering and Mathematics (STEM) through the facilitation of competition in the field of robotics and general engineering as organized under the FIRST organization.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on April 3, 2012 for TROTWOOD'S EDEN, LLC, in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

The purpose or purposes for which it was organized are: The business purpose of Trotwood's Eden, LLC is Horse Boarding/Stabling.

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

ALARCON, Suzanne M., late of East Fallowfield Township. J. Edgar Alarcon, 305 Mortonville Road, East Fallowfield, PA 19320, Executor. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

BLOSSER, James A., late of West Grove. Leon E. Blosser, care of ANITA M. D'AMICO, Esquire, 128 E. State Street, P.O. Box 618, Kennett Square, PA 19348, Executor. ANITA M. D'AMICO, Esquire, Rigler & D'Amico, LLC, 128 E. State Street, P.O. Box 618, Kennett Square, PA 19348, atty.

DIPIANO, Pierina, late of Tredyffrin. Lawrence G. DiPiano, 345 Avon Ave., Collegeville, PA 19426 and Mary A. Hitner, 114 School Lane, Downingtown, PA 19335, Executors.

DORKOSKIE, Victoria V., late of East Vincent Township. Frank Dorkoskie, 3207 Schuylkill Road, Spring City, PA 19475, Executor.

DUNLAP, Charles I, late of West Caln Township. Carolyn M. Robinson, care of LISA COMBER HALL, Esquire, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, Executrix. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, atty.

GANDY-CURTIS, Loretta M., a/k/a Loretta G. Curtis, late of Thornbury. Adam J. P. Curtis, 1099 Knobb Hill Drive, West Chester, PA 19380, Administrator. MICHAEL R. BRADLEY, Esquire, Brooks, Bradley & Kenney, 21 West Second Street, Media, PA 19063, atty.

HOWELL, Denny L., a/k/a Denny Howell, late of East Fallowfield Township. Denise Dodds, care of SCOTT H. KERR, Esquire, 118 West Market Street, Suite 300, West Chester, PA 19382-2928, Executor. SCOTT H. KERR, Esquire, Buckley, Brion, McGuire, Morris & Sommer LLP, 118 West Market Street, Suite 300, West Chester, PA 19382-2928, atty.

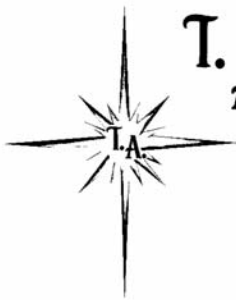
KLUEPFEL, Anthony C., a/k/a Anthony Charles Kluepfel, late of Tredyffrin Township. Carol A. Krause, 1625 Russell Road, Paoli, PA 19301 and Barbara J. Foster-Daley, 135 Deerfield Road, Broomall, PA 19008, Executors. MICHAEL B. MURRAY, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

KOSCHESKI, Brian E., a/k/a Brian Eugene Koscheski, late of East Vincent Township. George E. Napier, 305 Foxtail Lane, Spring City, PA 19475, Administrator.

KRAFT, Martin J., late of East Pikeland Township. Judy L. Cress, 1230 N. Front St., Reading, PA 19601 and Mary Moore, 239 Washington St., Phoenixville, PA 19460, Executrices. BRIAN MC DEVITT, Esquire, Fox, Differ, Callahan, Sheridan & Mc Devitt, Three Penn Court, 325 Swede Street, Norristown, PA 19401, atty.

LUTZ, Regina P., late of Caln Township. Catherine R. Gold, care of MICHAEL C. MC BRATNIE, Esquire, 747 Constitution Drive, Suite 100, Exton, PA 19341, Executrix. MICHAEL C. MC BRATNIE, Esquire, 747 Constitution Drive, Suite 100, Exton, PA 19341, atty.

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PENNYPACKER, Joanna, late of Malvern. **ANDREW H. DOHAN**, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355-3049 and Barbara Worcester, 244 Brattle St., #22, Cambridge, MA 02138, Executors. **ANDREW H. DOHAN**, Esquire, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355-3049, atty.

ROOT, Veronica C., late of West Bradford Township. Donna R. Monper, care of **ROBERT S. SUPPLEE**, Esquire, 329 South High Street, West Chester, PA 19382-3336, Executrix. **ROBERT S. SUPPLEE**, Esquire, Robert S. Supplee, P.C., 329 South High Street, West Chester, PA 19382-3336, atty.

SEYLER, Betty H., a/k/a Betty Seyler, Betty Stewart Hunter, Betty Hunter Seyler, late of West Brandywine Township. Michael J. Dedda, 2200 Flowing Springs Road, Chester Springs, PA 19425, Executor. **ROBERT B. RENO**, Esquire, Reno & Associates, PC, 758 Barry Drive, Springfield, PA 19064, atty.

VITALE, Lois E., late of Phoenixville. Norman A. Varney, care of **DAVID M. FREES**, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. **DAVID M. FREES**, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

WEIKEL, Frank Elton, late of Coatesville. Janet W. DiBartolomeo, 1358 Glenside Road, Downingtown, PA 19335, Executrix. **ROBERT A. CROWLEY**, Esquire, 3201-B Millcreek Road, Wilmington, DE 19808, atty.

WORTH, Sarah E., a/k/a Sarah Worth, late of Kennett Township. Mildren C. Worth, 854 Brinton's Bridge Road, West Chester, PA 19382, Executrix. **TIMOTHY B. BARNARD**, Esquire, 218 West Front Street, P.O. Box 289, Media, PA 19063, atty.

2nd Publication

BEER, Martin M., late of Kennett Township. Janet B. Garrett, care of **NEIL W. HEAD**, Esquire, 218 West Miner Street, West Chester, PA 19382-2925, Executor. **NEIL W. HEAD**, Esquire, Klein, Head & Head, LLP, 218 West Miner Street, West Chester, PA 19382-2925, atty.

BUELL, Deborah Anne, late of Tredyffrin Township. Frank Buell and Nancy Buell, 185 Davis Ave., Apt. 3, Brookline, MA 02445, Executors.

COHEN, Shirley, a/k/a Shirley Glantz Cohen, late of Phoenixville. Rhonda Galvin, P.O. Box 25, Malvern, PA 19355, Executrix.

FAWLEY, Robert T., a/k/a Robert Thomas Fawley, late of Avondale Borough. Donna M. Fawley, care of **JOHN T. DOOLEY**, Esquire, 1800 Pennbrook Parkway, Suite 200, Lansdale, PA 19446, Administratrix. **JOHN T. DOOLEY**, Esquire, Dischell, Bartle & Dooley, PC, 1800 Pennbrook Parkway, Suite 200, Lansdale, PA 19446, atty.

FREDERICKSON, Lynn Jordon, late of West Chester. Jill B. Jordon, care of **JAMES J. RUGGIERO, JR.**, Esquire, Paoli Corporate Center, 16 Industrial Boulevard - Suite 211, Paoli, PA 19301, Executrix. **JAMES J. RUGGIERO, JR.**, Esquire, Ruggiero Law Offices LLC, Paoli Corporate Center, 16 Industrial Boulevard - Suite 211, Paoli, PA 19301, atty.

GARFINKEL, Laura, late of Borough of Exton. Dr. Marc E. Garfinkel, 6540 Lilac Street, Pittsburgh, PA 15217, Executor. **ELIZABETH J. POGGI**, Esquire, Buchanan Ingersoll Rooney, P.C., One Oxford Centre, 20th Floor, 301 Grant Street, Pittsburgh, PA 15219, atty.

GATCHEL, Margaret W., a/k/a Peg, late of Coatesville. Deborah K. Warner, 2058 Strasburg Road, Coatesville, PA 19320, Executrix.

HUERTAS, Muriel J., late of Caln Township. Cynthia D. Kruse, 30 Pennswick Drive, Downingtown, PA 19335, Executrix.

MORGAN, Joan L., late of Downingtown. William D. Morgan, 63 Chestnut Road, Suite 9, Paoli, PA 19301, Executor.

OBENDORFER, Raymond Jr., late of Uwchlan Township. Marcelle L. Obendorfer, care of JEFFREY A. KROBERGER, Esquire, 807 Bethlehem Pike, Erdenheim, PA 19038, Executrix. JEFFREY A. KROBERGER, Esquire, McLafferty & Kroberger, P.C., 807 Bethlehem Pike, Erdenheim, PA 19038, atty.

PARKE, David Maxwell, a/k/a David M. Parke, late of Kennett Township. Ann D. McCool, 9708 Bella Drive, Daphne, AL 36526, Executrix. WILLIAM J. GALLAGHER, Esquire, Mac Elree Harvey, Ltd, 211 E. State Street, Kennett Square, PA 19348, atty.

PESTA, Michael, late of Phoenixville Borough. Christine A. Pesta, 343 Hall Street, Phoenixville, PA 19460, Executrix. RICHARD D. LINDERMAN, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

REYNOLDS, Margaret Felicite, late of Easttown. Cornelius B. Kennedy, 500 Crestwood Drive, #2403, Charlottesville, VA 22903, Executor. LINDA M. ANDERSON, Esquire, 206 Old State Road, Media, PA 19063, atty.

ROCK, Alice K., late of North Coventry Township. Diane Rock, 1456 South Hanover Street, Pottstown, PA 19465 and Sherry Rock, 1456 South Hanover Street, Pottstown, PA 19465, Executors. JEFFREY C. KARVER, Esquire, Boyd and Karver, 7 East Philadelphia Avenue, Boyertown, PA 19512, atty.

SMITH, Lorraine, a/k/a Lorraine L. Smith, late of East Brandywine Township. Robin Smith Marlowe, 7 Hessian Court, Downingtown, PA 19335, Executor. DANIEL R. FALLON, Esquire, 1100 Bondsville Road, Downingtown, PA 19335, atty.

STEIN, Robert F., late of Glenmoore. Gerald Stein, care of KEVIN J. RYAN, Esquire, 220 W. Gay Street, West Chester, PA 19380-2917, Executor. KEVIN J. RYAN, Esquire, Ryan, Morton & Imms LLC, 220 W. Gay Street, West Chester, PA 19380-2917, atty.

SULLIVAN, Mary C., late of East Coventry Township. Sue Ann Leister, care of GERALD J. MULLANEY, SR., Esquire, 598 Main Street, P.O. Box 24, Red Hill, PA 18076-0024, Executrix. GERALD J. MULLANEY, SR., Esquire, Mullaney Law Offices, 598 Main Street, P.O. Box 24, Red Hill, PA 18076-0024, atty.

WEINGARTNER, Edward, Jr., late of Chester County. Drema ODell, Box 205, Edgemont, PA 19028, Executrix. MACRIDES AND ASSOCIATES, 755 N. Monroe Street, Media, PA 19063, atty.

WILLIAMS, Frances M., late of West Goshen Township. Theresa L. Williams-Bell, 125 S. Concord Road, West Chester, PA 19382, Executrix. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

ATTORNEY DISCIPLINARY / ETHICS MATTERS

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YANIGA, Paul M., late of Pennsbury Township. Kenneth J. Kirkeby, care of **MICHAEL F. X. GILLIN**, Esquire, 230 North Monroe Street, P.O. Box 2037, Media, PA 19063, Executor. **MICHAEL F. X. GILLIN**, Esquire, Michael F. X. Gillin & Associates, P.C., 230 North Monroe Street, P.O. Box 2037, Media, PA 19063, atty.

3rd Publication

BRICKUS, Richard C., late of Valley Township. Torrey Hines, 1212 Olive Street, Coatesville, PA 19320, Executrix. **FRANK W. HAYES**, Esquire, Hayes & Romero, 31 South High Street, West chester, PA 19382, atty.

CAMPBELL, Kathryn G., late of Penn Township. R. Bruce Gerding, care of **DAVID L. MYERS**, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. **DAVID L. MYERS**, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

CLANTON, Janis Lester, late of West Grove Borough. Ray Lance Clanton and Gary Lester Clanton, care of **WILLIAM J. GALLAGHER**, Esquire, 211 E. State Street, Kennett Square, PA 19348, Executors. **WILLIAM J. GALLAGHER**, Esquire, MacElree Harvey, Ltd., 211 E. State Street, Kennett Square, PA 19348, atty.

CLOUD, Gemma D., late of Kennett Square Township. Frances G. Hopkins Jones, care of **PAUL J. RUBINO**, Esquire, 50 Darby Road, Paoli, PA 19301, Executrix. **PAUL J. RUBINO**, Esquire, Rubino & Hoey, 50 Darby Road, Paoli, PA 19301, atty.

COE, Jerome T., late of Penn Township. Wendy Coe Lott, care of **DENISE M. ANTONELLI**, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. **DENISE M. ANTONELLI**, Esquire, MacElree Harvey, Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

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DESIMONE, Lawrence L., late of Newlin Township. Neil M. Carlin, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

DOHAN, Evelene H., late of East Goshen Township. Andrew H. Dohan and Julia D. Corelli, care of ANDREW H. DOHAN, Esquire, 460 E. King Road, Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, LTD, 460 E. King Road, Malvern, PA 19355-3049, atty.

EWING, Jacqueline M., late of Willistown Township. William C. Ewing, care of ALBERT P. MASSEY, JR., Esquire, 460 E. King Road, Malvern, PA 19355-3049, Executor. ALBERT P. MASSEY, JR., Esquire, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355-3049, atty.

FAUST, Elizabeth L., late of Warwick Township. Terry L. Faust, 2651 Harmonyville Road, Elverson, PA 19520, Executor. CHAD D. LUBAS, Esquire, Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610, atty.

FAY, Yvette A., a/k/a Yvette Dole Fay, late of Tredyffrin Township. Elvir A. Fay, care of J. STODDARD HAYES, JR., Esquire, 17 E. Gay Street, Suite 100, West Chester, PA 19381-0562, Executor. J. STODDARD HAYES, JR., Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, West Chester, PA 19381-0562, atty.

GIORGIANI, Alexander, late of Borough of West Chester. Clare Ann Badner, care of STEPHEN OLSEN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. STEPHEN OLSEN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

GOLDEN, Louise D., late of North Coventry Township. Geoffrey C. Golden, 1236 South Hanover Street, Pottstown, PA 19465, Executor. RICHARD D. LINDERMAN, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

HOAGLAND, Maggie D., late of Kennett Square Township. Wilmington Trust Company, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

HUNDT, George S., Sr., late of Willistown Township. George S. Hundt, Jr. and Mary H. McLoughlin, care of ANDREW H. DOHAN, Esquire, 460 E. King Road, Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355-3049, atty.

JENKINS, William T., late of Malvern Borough. Richard Williams, 1223 Denbigh Lane, Radnor, PA 19087 and Albert P. Massey, Jr., 460 E. King Road, Malvern, PA 19355, Executors. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355, atty.

KELLER, Martin L., Jr., late of Phoenixville. Deborah L. Johnson, 208 Arcadia Drive, Rantoul, IL 61866, Executrix.

MARZIANI, Nicholas A., Sr., a/k/a Nicholas Arthur Marziani, Sr., late of Malvern Borough. Elisa M. Ellenberger, care of EDWIN S. HEINS, JR., Esquire, 919 Conestoga Road, Bldg. 2, Suite 309, Rosemont, PA 19010, Executrix. EDWIN S. HEINS, JR., Esquire, 919 Conestoga Road, Bldg. 2, Suite 309, Rosemont, PA 19010, atty.

MAZZULO, Michael A., late of East Marlborough Township. Russel Mazzulo, care of DAVID L. MYERS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DAVID L. MYERS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

MCVEY, Mary E., late of Oxford Borough. Peggy A. Russell, care of R. SAMUEL MCMICHAEL, Esquire, P.O. Box 296, Oxford, PA 19363, Executrix. R. SAMUEL MCMICHAEL, Esquire, P.O. Box 296, Oxford, PA 19363, atty.

MORGAN, Edith M., a/k/a Edith M. Glise, late of West Chester Borough. Marianne M. O'Neill, 311 E. Marshall Street, West Chester, PA 19380, Executrix.

NEEDLES, Alison L., late of Oxford Borough. Drew F. Hoff, care of KELLY R. KOSCIL, Esquire, 2335 Darby Road, Havertown, PA 19083, Administrator. KELLY R. KOSCIL, Esquire, Law Office of Eric Ring, JD, LLM, 2335 Darby Road, Havertown, PA 19083, atty.

NOGI, Ann F., late of Devon. ELIZABETH SCHNEIDER ROTHENBERG, 102 Sturbridge Road, Clark Summit, PA 18411, Administratrix. ELIZABETH SCHNEIDER ROTHENBERG, Esquire, 102 Sturbridge Road, Clark Summit, PA 18411, atty.

PRIOR, Anna, late of East Coventry Township. Melody A. Raymond, 1495 Strafford Court, Pottstown, PA 19465, Administrator. DAVID A. MEGAY, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

SCOTT, Elizabeth G., late of West Chester Borough. Mary E. Litishin, care of JOSEPH E. PALMA, Esquire, 213 W. Miner Street, West Chester, PA 19382, Executrix. JOSEPH E. PALMA, Esquire, 213 W. Miner Street, West Chester, PA 19382, atty.

STUART, Effie L., late of West Pikeland Township. Kelly E. Faggioli, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

TRACEY, Emma M., a/k/a Emma M. Scott Tracey, late of East Fallowfield Township. Daniel G. Tracey, Sr., 835 Doe Run Road, East Fallowfield, PA 19320 and Esther T. Weintraub, 425 Shelmire Road, Downingtown, PA 19335, Executors. WILLIAM T. KEEN, Esquire, Keen, Keen & Good, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

WEBSTER, Jack J.M., late of Downingtown. Christine W. O'Malley, 1130 N. Manor Road, Honey Brook, PA 19344, Executrix.

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FICTITIOUS NAME

NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of

Little Learners and You, with its principal place of business at 112 Somers Drive, Downingtown, PA 19335.

The application has been (or will be) filed on: March 26, 2012.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Jennifer Deluzio, 112 Somers Drive, Downingtown, PA 19335.

NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State for the purpose of forming a nonprofit Corporation under The Pennsylvania Nonprofit Corporation Law of 1988, as amended. The name of the corporation is Mid Atlantic Rugby Conference.

The purpose or purposes for which it was organized are as follows: It has been organized to promote and foster quality rugby at the collegiate level and to educate the public and players in the game of rugby as played under the laws of The International Rugby Board as well as charitable, religious and educational purposes, including, for such purposes, the making of distributions to organization that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code.

MARGARET W. DRISCOLL, Solicitor
CGA Law Firm
135 North George Street
York, PA 17401

CHARLES T. DeTULLIO

**Attorney at Law
134 North Church St.
West Chester, PA 19380
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NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Nonprofit Corporation of Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177, by the following nonprofit corporation:

The name of the corporation is Barnstone Art for Kids.

The purpose for which it has been organized are: The corporation is incorporated under the Nonprofit Corporation Law of 1988 for educational and other charitable purposes to support "at risk" children.

The corporation is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501 (c) (3) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code.

The Articles were filed on March 21, 2012 and are effective upon filing.

LESS SMITH, Solicitor
515 West Linden Street, 1st Floor
Allentown, PA 18101

CLASSIFIED ADS SECTION**MEETING SPACE?**

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SAMPLE AD

Classified Ads for the Chester County Law Reporter ONLY \$.16 per space/character

1st Publication**NOTICE**

SARA L. SCHMID, Late of Newlin Township died April 7, 2012 leaving both an Estate and a Revocable Living Trust. LETTERS TESTAMENTARY on the estate of the aboved named decedent have been granted to Edward G. Schmid, II. The Trustee of the Revocable Living Trust is Edward G. Schmid, II.

All persons having claims or demands against the Estate or Trust of the said decedent are requested to make known the same, and all persons indebted to the decedent to make payment without delay to: Edward G. Schmid, II, Executor, c/o Wayne C. Buckwalter, Esq., Cohen Seglias Pallas Greenhall & Furman, PC, 30 South 17th Street, 19th Floor, Philadelphia, PA 19103.

2nd Publication**ATTORNEY**

The Court of Common Pleas of Chester County is advertising for an attorney in the Pre-Trial area. This attorney would primarily be reviewing pretrial motions, petitions and preliminary objections for the Common Pleas Court Judges. Educational requirements - J.D. or LLB degree. License to practice law in Pennsylvania. Admission to the Bar of the Courts of the Commonwealth of Pennsylvania. One year of job-related experience preferred. Proficient in the Pennsylvania Rules of Civil Procedures, Chester County Rules of Civil Procedures, and Pennsylvania Rules of Civil Procedure for District Justices. General knowledge of every area of civil litigation. Please submit a writing sample with resume to rwebb@chesco.org EEO

**IN THE COURT OF COMMON PLEAS OF
CHESTER COUNTY, PA
CIVIL ACTION/LAW – ACTION TO QUIET TITLE
NO. 2011-02677-RC**

RALPH J. VALENTEEN, SR. AND
TINA M. VALENTEEN, Plaintiffs
v.
PUBLIC FINANCIAL SERVICES, Defendant

TO: PUBLIC FINANCIAL SERVICES, Defendant

DATE: MAY 17, 2012

NOTICE

NOTICE is hereby given that a Motion for Continuance has been filed on May 1, 2012, requesting that the trial scheduled from April 30, 2012, through May 11, 2012, before the Honorable William P. Mahon, be continued to a date to be set by the Court.

NOTICE is also hereby given that a Motion for Judgment in Action to Quiet Title Pursuant to Pa. R.C.P. 1066 was filed April 30, 2012, requesting an Order be entered to quiet title in this action, declaring that the Mortgage held by Defendant on property known as 1093 Lane Avenue, Phoenixville, Chester County, Pennsylvania, be satisfied of record and directing the Recorder of Deeds of Chester County, Pennsylvania mark the said Mortgage recorded on November 17, 1986, in Record Book 521, Page 279&c., “Satisfied of Record”; and further, that Defendant has no right, title or interest in the Property.

LAUREN P. McKENNA, ESQUIRE
Attorney ID No. 59145
FOX ROTHSCHILD LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103
(215) 299-2000

**NOTICE OF ACTION IN MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

THE BANK OF NEW YORK MELLON TRUST
COMPANY, NATIONAL ASSOCIATION FKA
THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK N.A. AS TRUSTEE FOR RAMP 2003RPI.
Vs.

COURT OF COMMON PLEAS

CIVIL DIVISION

CHESTER COUNTY

NO. 11-12880

UNKNOWN HEIRS, SUCCESSORS, ASSIGNS,
AND ALL PERSONS, FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST FROM
OR UNDER EDGAR K. ROSS, IV, DECEASED
et al.

NOTICE

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EDGAR K. ROSS, IV, DECEASED:

You are hereby notified that on 11/28/2011, Plaintiff, THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK N.A. AS TRUSTEE FOR RAMP 2003RPI., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of CHESTER County Pennsylvania, docketed to No. 11-12880. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 15 NORTH STREET, POMEROY, PA 19367 whereupon your property would be sold by the Sheriff of CHESTER County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication 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.

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LAWYER REFERRAL SERVICE
CHESTER COUNTY BAR ASSOCIATION
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WEST CHESTER, PA 19380
(610) 429-1500

3rd Publication**DOWNINGTOWN AREA SCHOOL DISTRICT
CHESTER COUNTY, PENNSYLVANIA****PUBLIC NOTICE**

NOTICE IS GIVEN that a hearing shall be conducted on the Petition of the Board of School Directors of the Downingtown Area School District to Sell Unnecessary Lands and Buildings by Private Sale ("the Petition") on Monday, June 11, 2012, in Courtroom # 2 of the Chester County Justice Center, 201 W. Market Street, West Chester, PA at 9:30 a.m. The purpose of the hearing is to address Downingtown Area School District's ("the School District") Petition for approval to sell by private sale, under the terms set forth below and contained in the Petition, the School District's former warehouse located at 126 Wallace Avenue, Downingtown Borough, Chester County, Pennsylvania, also known as tax parcel numbers 11-4-2.1B and 11-4-2.1C, deed reference Book 4690 page 1732 ("the Property").

The Property contains 1.04 +/- acres and is improved with a two story administrative office building of approximately 17,379 square feet ("the Building"). The Building is improved with an asphalt paved parking area, concrete curbing, and concrete sidewalks. The Building is primarily office space (with some warehouse space), restrooms, offices, a break-room, reception area, and meeting rooms. The Property is located in the Borough of Downingtown, Chester County, Pennsylvania and is located within the C-3 Zoning District.

The Property is being sold pursuant to an Agreement of Sale to Brandywine Grace Church ("the Purchaser") with an address of 1104 Winchester Trail, Downingtown, PA 19335. The Purchaser has offered \$1.350 Million for the Property and has offered to pay all real estate transfer tax. The School District has agreed to pay a broker's fee in the amount of 3% of the purchase price. The School District seeks Court approval at the hearing on the date and time set forth above to sell the Property to Purchaser by private sale pursuant to the Pennsylvania School Code of 1949, 24 P.S. §7-707(3) under these terms and conditions and as further set forth in the Agreement of Sale.

At the hearing, the School District shall offer evidence in support of its Petition. The hearing shall be open to the public. Any interested persons may appear and participate at the hearing and may offer evidence in support of or in opposition to the School District's Petition. The Petition and the Agreement of Sale may be reviewed upon request during regular business hours at the Administrative Offices of the School District, 540 Trestle Place Downingtown, PA 19335, c/o Richard A. Fazio, (610) 269-8460. For more information, please contact:

Guy A. Donatelli, Esquire
Lamb McErlane PC
24 East Market Street
West Chester, PA 19381
Direct Dial: (610) 701-4419
Facsimile: (610) 692-0877
Email: gdonatelli@chescolaw.com

Guy A. Donatelli, Solicitor Downingtown Area School District

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May & June 2012 CLE Opportunities
@ Chester County Bar Association

DATE	CLE SESSIONS	TIME	CREDIT HOURS
May 3rd	PBI: Piercing the Corporate Veil (g)	12 PM – 3:15 PM	3 SUB
May 7th	PBI: Valuing the Small Business in Divorce: Practice Pointers & Pitfalls (g)	8:30 AM – 12:45 PM	3 SUB & 1 ETH
May 9th	PBI: 16th Annual Institute (g)	9 AM – 4:15 PM	5 SUB & 1 ETH
May 10th	PBI: The Challenges of Representing a Client w Diminished Capacity (g)	12 PM – 4:15 PM	3 SUB & 1 ETH
May 11th	PBI: Electronic Discovery (g)	9 AM – 4:30 PM	6.5 SUB
May 16th	PBI: Gas Leases & Estate Planning (g)	9 AM – 1:15 PM	4 SUB
May 18th	PBI: Workers' Comp Practice & Procedure (g)	8:30 AM – 12:45 PM	4 SUB
May 22nd	PBA: Attorney Malpractice Seminar (live presenters)	9 AM – 10:30 AM	1.5 ETH
May 23rd	PBI: 10th Annual Nonprofit Institute (g)	9 AM – 5 PM	5 SUB & 1 ETH
May 24th	PBI: Divided We Fall—How Will the Presidential Election Impact Law, Policy & Politics? (g)	12 PM – 2 PM	2 SUB
June 6th	PBI: Changing Law Firms: Ethical Guidance for PA Law Firms & Attorneys (v)	9 AM – 12:30 PM	3 ETH
June 12th	PBI: Fiduciary Duties of Officers & Directors (g)	12:30 PM – 3:45 PM	3 SUB
June 14th	PBI: Art, Entertainment & Literary Presentation (g)	8:30 AM – 4:15 PM	5 SUB & 1 ETH
June 19th	PBI: Trying a Case in State Court (g)	9 AM – 4:15 PM	6 SUB
June 25th	PBI: The Technology You Need to Start a Law Practice (g)	9 AM – 4:15 PM	6 SUB
June 26th	PBI: Representing Residential Landlords & Tenants (g)	9 AM – 4:15 PM	6 SUB
June 27th	PBI: General Practitioners' Update (g)	8:30 AM – 4:30 PM	5 SUB & 1 ETH

To view the calendar online go to: http://www.chescobar.org/cle/cle_opportunities_at_ccba.html

(v) = video
 (g) = live groupcast
 *** = all CCBA Members welcome to attend



Chester County Law Reporter

The Official Legal Publication for Chester County

Chester County Law Reporter - Legal Advertising Rates effective January 1, 2011

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Additional Proof of Publication	\$10.00

**A standard form is available for advertising. Contact the Office of the Law Reporter (610)692-1889 or download from our website www.chescobar.org*

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The *Chester County Law Reporter* is published weekly, 52 issues per year. The rates listed below represent an ad run for 13 consecutive issues. Ad copy must be submitted "camera ready" or submitted via e-mail as a TIFF or JPEG file. For more information, contact **Stephanie Gibbs at 610-692-1889, or by e-mail: sgibbs@chescobar.org**

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