



# Chester County Law Reporter

(USPS 102-900)

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(USPS 102-900)

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**CHESTER COUNTY BAR ASSOCIATION**  
15 West Gay Street, 2nd Floor, West Chester, Pennsylvania 19380

[www.chescobar.org](http://www.chescobar.org)  
[lawreporter@chescobar.org](mailto:lawreporter@chescobar.org)

Telephone: 610/692-1889 Fax: 610/692-9546

**Richard Meanix, Editor**

*Assistant Editor*

Patrick M. McKenna, Esquire  
Richard Meanix, Chairperson-Publications Committee

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**In re: Gladys DeAngelo**

Orphans' court – Guardianship – Agreed stipulations – Power of attorney

1. A court presiding over guardianship proceedings is required to appoint as guardian the incapacitated person's guardian nominee under the incapacitated person's durable power of attorney, except for good cause, pursuant to 20 Pa.C.S. §5604(c)(2).
2. The Pennsylvania law on parties' agreements is long-settled: parties may bind themselves, even by a statement made in court, so long as their agreed stipulations do not affect the court's jurisdiction or due order of business. The court will hold a party bound to such stipulations.
3. Concessions made in agreed stipulations are judicial admissions, and accordingly may not later in the proceeding be contradicted by the party who made them.
4. The agent under a durable power of attorney should not be displaced absent a showing that he had acted inappropriately.
5. While a party is free to nominate, by a durable power of attorney, the guardian of her estate or person if an incapacity hearing were commenced, the law permits the court discretion to reject that person if there is good cause.
6. Pursuant to Pa.R.C.P. 234.2(b), there are three options for service of a subpoena. Rule 234.2(b)(i) details personal service upon the subpoenaed person; (b)(ii) relates to service by registered mail with return receipt requirements; and (b)(iii) concerns service by ordinary mail.
7. Appellant/son of the incapacitated person appealed the Court's Final Order appointing a permanent guardian and which denied the appellant's motion to revoke the appointment of an emergency temporary guardian as moot. Pursuant to Pa.R.A.P. 1925(a), the Court issued a Memorandum Opinion to further explain the reasoning for its Final Order.

P.McK.

C.C.P. Chester County, Orphans' Court Division, No. 1519-0438; In re: Gladys DeAngelo, an incapacitated person

Seamus Lavin for Chester County Department of Aging  
Nancy W. Pine for Ms. DeAngelo  
James C. DeAngelo, *pro se*  
Hall, J., January 29, 2020:-

[Editor's note: Appeal dismissed by Superior Court on July 24, 2020.]

IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: GLADYS DEANGELO, an incapacitated person  
1519-0438

**MEMORANDUM OPINION**

**Pursuant to Pa. R.A.P. 1925(a)**

**Procedural History**

This guardianship matter began on March 1, 2019, when Chester County Department of Aging (“Department”) filed two petitions regarding Gladys DeAngelo (“Ms. DeAngelo”). The first petition sought the appointment of a temporary emergency guardian (“Emergency Petition”) of Ms. DeAngelo. The second was a petition for an adjudication of incapacity and appointment of a permanent guardian (“Guardianship Petition”). Nancy W. Pine, Esquire (“Ms. Pine”) was appointed by the court on March 1, 2019 as legal counsel for Ms. DeAngelo. Immediately following the filing of the Emergency Petition, a conference was held by the court, in chambers, on March 1, 2019, with counsel for the Department and Ms. Pine regarding the Emergency Petition. At that time, both counsel stipulated to the appointment of the temporary emergency guardian,<sup>1</sup> and agreed to extend the temporary emergency guardianship until the hearing on the Guardianship Petition set for March 27, 2019.

On March 25, 2019, Appellant, James Christopher DeAngelo (“Mr. DeAngelo”), son of Ms. DeAngelo, filed a motion for continuance of the March 27, 2019 hearing. Mr. DeAngelo requested a 45-day continuance to permit him to prepare for the hearing, obtain counsel, and have Ms. DeAngelo examined by a neuropsychologist. The motion was granted on March 26, 2019, and the guardianship hearing was rescheduled for May 14, 2019. The order directed that the temporary emergency guardianship remain in place until the date of the rescheduled hearing.

On May 8, 2019, Clare L. Milliner, Esquire (“Ms. Milliner”) entered her appearance on behalf of Mr. DeAngelo. Concurrently, Ms. Milliner filed Mr. DeAngelo’s Answer with new matter to the Guardianship Petition. The Answer did not contest that Ms. DeAngelo lacked capacity, agreed that Ms. DeAngelo had the various physical and mental deficiencies alleged by the Department and advocated that Mr. DeAngelo serve as Ms. DeAngelo’s guardian.

<sup>1</sup> Guardian Services of Pennsylvania, a professional guardianship corporation, was appointed as the temporary emergency guardian.

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The first hearing on the Guardianship Petition was held on May 14, 2019. At the beginning of the May 14th hearing, all of the parties agreed that Ms. DeAngelo lacked capacity and limited the hearing to the question of who would serve as plenary guardian. The matter was not completed and the record remained open. Thereafter, on May 15, 2019, an order was issued extending the temporary emergency guardianship until the next hearing, July 1, 2019.

Immediately prior to the start of the July 1, 2019 hearing, the Department filed a brief in opposition to the appointment of Mr. DeAngelo as guardian of the estate and person of Ms. DeAngelo. On July 1st, Ms. Milliner filed a motion *in limine* to revoke the appointment of the temporary guardian (“Motion *in limine*”), as well as a brief in support thereto.

The matter was not completed during the July 1, 2019 hearing and the record remained open. On July 3, 2019, an order was issued which extended the emergency temporary guardian of the person and estate of Ms. DeAngelo until August 30, 2019, suspended Ms. DeAngelo’s November 16, 2018 power of attorney (“POA”) appointing Mr. DeAngelo her agent, declared null and void the deed Mr. DeAngelo recorded on May 9, 2019 which transferred Ms. DeAngelo’s home from her sole ownership to ownership by Ms. DeAngelo and Mr. DeAngelo as joint tenants with right of survivorship, directed Mr. DeAngelo to cooperate with the filing of a new deed returning the property back to Ms. DeAngelo, and required Mr. DeAngelo to provide account information for all of Ms. DeAngelo’s accounts. A preliminary decree dated July 15, 2019 was issued setting the next hearing for August 28, 2019.

On July 8, 2019, Ms. Milliner filed a petition to withdraw as counsel for Mr. DeAngelo. Thereafter, on July 11, 2019, Mr. DeAngelo filed *pro se* a motion for extension of time to comply with the order of July 3, 2019.

On July 16, 2019, an order was issued which denied the July 1, 2019 Motion *in limine* and granted the extension. Mr. DeAngelo entered his appearance as a self-represented party on July 22, 2019. On August 15, 2019, Mr. DeAngelo filed *pro se* a motion to revoke and declare null and void the appointment of emergency temporary guardian (“Motion to revoke”). An order was issued on August 16, 2019 granting Ms. Milliner’s petition to withdraw as counsel for Mr. DeAngelo.

On August 27, 2019 Mr. DeAngelo filed a motion to continue the August 28, 2019 hearing. The August 28, 2019 hearing was held, but Mr. DeAngelo’s motion was granted in part to permit him to testify during a September 30, 2019 hearing. By order dated August 28, 2019, the temporary emergency order was extended to September 30, 2019. The Department filed its response to Mr. DeAngelo’s August 15, 2019 Motion to revoke on September 13, 2019. Thereafter, Mr. DeAngelo filed his response to the Department’s July 1, 2019 brief opposing Mr. DeAngelo serving as guardian.

On September 24, 2019, Mr. DeAngelo filed a motion to continue the September 30, 2019 hearing. The motion was denied by order dated September 25, 2019. The hearing was held as scheduled on September 30, 2019. Following the hearing and the close of the record, an order dated September 30, 2019 was issued extending the temporary emergency guardianship until the forthcoming final order

was issued. However, on October 1, 2019 an order was filed which reopened the record as a result of the temporary emergency guardian informing the court and all parties that the guardian would not agree to serve as the permanent guardian of Ms. DeAngelo.<sup>2</sup> A hearing was set for October 30, 2019 to determine what other person/entity the Department and Ms. Pine would recommend to serve as permanent plenary guardian.

The hearing was held on October 30, 2019. On November 4, 2019 the final order appointing a guardian (“Final Order”) was issued appointing James Kurt Zimmerman (“Mr. Zimmerman”), grandson of Ms. DeAngelo,<sup>3</sup> and The Arc Alliance Guardianship Services/Robert L. Feliciani, Esquire, as permanent co-plenary guardians of the person. The Arc Alliance Guardianship Services/Robert L. Feliciani, Esquire, were also appointed as permanent guardian of the estate. The Final Order appointing the permanent guardian denied Mr. DeAngelo’s Motion to revoke as moot.

Mr. DeAngelo filed a petition and affidavit to proceed *in forma pauperis* (“IFP Petition”) on December 4, 2019. The IFP Petition was granted on December 5, 2019. This appeal was filed by Mr. DeAngelo on December 5, 2019. On that same date, an order was issued directing Mr. DeAngelo to file his 1925(b) concise statement (“concise statement”) within twenty-one (21) days. The concise statement was filed on December 26, 2019, alleging ten (10) separate errors of law or abuses of discretion committed by the court. The court’s Final Order is attached hereto and incorporated herein by reference to explain the reasons for the court’s decision. The court now writes pursuant to the mandate of Pa.R.A.P. 1925(a) to further explain those reasons.

### Findings of Fact<sup>4</sup>

#### *Events leading up to the 3/1/19 filing of the Emergency Petition and Guardianship Petition*

1. In May of 2018, the Department began to receive information that Ms. DeAngelo needed assistance living in her home. The original call to the Department was a concern over caregiver neglect. Ms. DeAngelo’s caregiver was Mr. DeAngelo. A caseworker from the Department visited with Ms. DeAngelo that month, spoke with her and investigated her circumstances. Ms. DeAngelo represented to the caseworker that even though her son, Mr. DeAngelo, lived with her, she was home alone during the day while he worked and was

<sup>2</sup> The statements of Mr. DeAngelo at the September 30, 2019 hearing indicating that he had investigated and identified the exact home, marital status and number of children of the assigned caregiver were cited as the reasons for the withdrawal.

<sup>3</sup> Mr. Zimmerman was the named as the successor agent under the POA.

<sup>4</sup> The facts described herein are those deemed material and credible by the court. Any facts described within the preceding Procedural History and the following Discussion sections are incorporated herein by reference.

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- lonely. At the time of this conversation, Ms. DeAngelo seemed confused. Ms. DeAngelo walked with a walker at the time and admitted that she had fallen on previous occasions. During this first meeting with Ms. DeAngelo, Ms. DeAngelo stated that Mr. DeAngelo had once grabbed her arm and she appeared to be afraid of him.
2. During this visit, the Department caseworker spoke with Mr. DeAngelo who agreed that in-home services would be appropriate for his mother and that the Department could assist in the implementation of such services. Because Ms. DeAngelo was the spouse of a veteran, the caseworker also informed him that Ms. DeAngelo could obtain Veterans Administration (“VA”) services if an application were made. She then explained the application process to him.
  3. In the ensuing months, however, Mr. DeAngelo failed to submit the necessary documents for the VA benefits and failed to take his mother to the doctor’s appointment scheduled to qualify her for those benefits. Mr. DeAngelo also refused to sign the estate recovery form required for medicaid benefits, even though the caseworker informed Mr. DeAngelo that it was necessary to supply that form and other documentation. She repeatedly explained that the estate recovery form is necessary to acquire medicaid benefits because it allows the state to seek reimbursement from the patient’s estate for the cost of the provided services. In response, Mr. DeAngelo continually indicated an unwillingness to approve the estate recovery form.
  4. Between May and November of 2018, the Department caseworker visited Ms. DeAngelo at her home five or more times. During that period the caseworker repeatedly spoke with Mr. DeAngelo regarding the need and process to acquire VA and medicaid benefits for Ms. DeAngelo. Mr. DeAngelo never completed the application requirements for these services.
  5. In 2018 and early 2019, Ms. DeAngelo was known to yell out to neighbors when she needed help or had fallen and Mr. DeAngelo was unavailable to her. During this period, Ms. DeAngelo appeared to be increasingly confused. By January and February of 2019, the police and an ambulance had been called to assist Ms. DeAngelo on multiple occasions.
  6. On January 14, 2009, Ashley Sorgi (“Ms. Sorgi”), a Department protective services care manager, met with Ms. DeAngelo as result of a second report alleging caregiver neglect by Mr. DeAngelo. Ms. Sorgi spoke with Ms. DeAngelo at the Chester County Hospital emergency room after Ms. DeAngelo had called 911. Ms. DeAngelo was confused and very upset. She told Ms. Sorgi that Mr. DeAngelo was mean and she did not understand why he did not want to take care of her. Ms. DeAngelo was agreeable to being

- admitted to the hospital and then to the Pembroke nursing facility (“Pembroke”).
7. Ms. Sorgi first met Mr. DeAngelo during a discharge planning meeting at Pembroke on February 7, 2019. At that time, a number of people involved in Ms. DeAngelo’s care were in attendance at the meeting. The attending medical and care providers arrived at a plan for there to be constant, around the clock, care in the home for Ms. DeAngelo. Everyone, including Mr. DeAngelo, seemed to be in agreement with that plan. Immediately, Pembroke arranged for three day a week part time care, for a few hours each day, through an organization called Brookdale. Meanwhile, Mr. DeAngelo was to arrange comprehensive care, with an organization known as Seniors Helping Seniors, to fully supplement Ms. DeAngelo’s care in the home.
  8. Ms. DeAngelo was discharged to her home under Mr. DeAngelo’s care on February 8, 2019. She remained in her home until February 23, 2019. During that period, however, Mr. DeAngelo refused to arrange care for his mother through Seniors Helping Seniors. Although a representative of that organization sought to arrange an assessment of Ms. DeAngelo to allow her to qualify for that program, Mr. DeAngelo again refused to execute the necessary estate recovery form, representing that he did not want to lose his home. The last time Mr. DeAngelo spoke with a representative of Seniors Helping Seniors, after he had again spoken with Ms. Sorgi about the need for its services, he cursed at the representative on the telephone and was extremely rude and profane.
  9. Within a little more than a week from her release from Pembroke, on February 17, 2019, the police were called to Ms. DeAngelo’s home when she was found standing in her driveway in her bathrobe, on a cold day, stating that Mr. DeAngelo was holding her hostage. Ms. DeAngelo was again alone at the time. When the police arrived, they found her scared, confused and stating that she was afraid of Mr. DeAngelo. The attending officers eventually contacted Ms. DeAngelo’s grandson, Mr. Zimmerman, and the Department. Mr. DeAngelo was not at home and could not be found. Ms. DeAngelo’s grandson represented that he would go to her residence to check on her and represented that she was suffering from dementia.
  10. On February 19, 2019, Mr. Sorgi visited Mr. DeAngelo and Ms. DeAngelo in their home. Ms. Sorgi attempted to explore why Mr. DeAngelo was so resistant to care provided to Ms. DeAngelo by Seniors Helping Seniors. She reminded him that the decision of the care plan meeting had been that there would be comprehensive care in place for Ms. DeAngelo within her home. Mr. DeAngelo

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- denied that Ms. DeAngelo needed any care other than the part time services provided by Brookdale.
11. Two days later, on February 21, 2019, the police were again called to Ms. DeAngelo's house. Ms. DeAngelo was again outside on her driveway in her bathrobe asking for help. She appeared scared and confused. She said she did not feel safe in her home. She again said her son was holding her against her will, and that she was alone. Mr. DeAngelo arrived at the house approximately twenty minutes later. He represented to the police that his mother had dementia, and that he had called a home care nurse for a 24-hour care evaluation.<sup>5</sup>
  12. A few days later, on February 23rd, police officers again found Ms. DeAngelo outside and alone. She was wearing only long pants and a shirt. The police had been called because she had been observed outside with her walker yelling "call 911". When the officers arrived she again appeared confused. Ms. DeAngelo was then transported to the Chester County Hospital for an emotional evaluation. When a Department caseworker arrived at the hospital, she found Ms. DeAngelo agitated and confused. Although several attempts were made to contact Mr. DeAngelo, he could not be located. Ms. DeAngelo was again admitted to the hospital over the weekend and was again transferred to Pembroke.
  13. Efforts to locate Mr. DeAngelo were largely unsuccessful during this period of time. Ms. Sorgi attempted to locate him in Ms. DeAngelo's home and made multiple telephone attempts.
  14. At the end of February 2019, Ms. Sorgi arranged with Dr. Kenneth R. Carroll ("Dr. Carroll") to conduct a psychological examination of Ms. DeAngelo and provide an opinion as to her capacity. Prior to Dr. Carroll's examination, Ms. Sorgi had discussed the examination directly with Ms. DeAngelo who gave her permission for it.<sup>6</sup>
  15. Dr. Carroll's report of the psychological examination ("Dr. Carroll's report"), attached to the Emergency Petition and Guardianship Petition as Exhibit A, stated that Ms. DeAngelo had moderate dementia and major depression. It further provided his opinion that she was in need of a guardian for both her person and estate.<sup>7</sup>
  16. When the Department opened its investigation as to Ms. DeAngelo's circumstances in 2018, and through Dr. Carroll's February 28,

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<sup>5</sup> No evidence was presented by Mr. DeAngelo that this evaluation was ever arranged or conducted.

<sup>6</sup> Ms. DeAngelo had not yet been adjudicated and at that time was presumed to have the capacity to give permission.

<sup>7</sup> Mr. DeAngelo has claimed that Ms. Sorgi intentionally requested the police to do a wellness check of Ms. DeAngelo's home on February 28, 2019 in order to ensure that Mr. DeAngelo was not near Pembroke when Dr. Carroll conducted his psychological examination. Ms. Sorgi credibly testified that she requested the wellness check because her inability to contact Mr. DeAngelo led her to believe that he may have been in distress at that time. Mr. DeAngelo's suggestion to the contrary is not accepted as fact by the court.

2019 psychological examination of her, Mr. DeAngelo was identified as the person responsible for Ms. DeAngelo's lack of adequate care and services.

*3/1/2019 Emergency Petition conference and emergency temporary guardian appointment*

17. Once Dr. Carroll's report was made known to the Department, the Department sought emergency relief from the court to ensure that Ms. DeAngelo's comprehensive services at Pembroke remained in place. Medicare had not been approved to cover continuing services there and she could soon have been removed from that facility by Mr. DeAngelo. Based upon the Department's knowledge of her circumstances during the past year, the Department was concerned that she would not be safe in her home.
18. In accordance with the court's protocol, the court appointed an attorney for Ms. DeAngelo, as an alleged incapacitated person, prior to scheduling its March 1, 2019 conference on the Emergency Petition. Consequently, on March 1, 2019, Ms. Pine was appointed to represent Ms. DeAngelo and appeared at that conference along with the Department's attorney, Seamus Lavin, Esquire ("Mr. Lavin") and a caseworker from the Department to provide information regarding Ms. DeAngelo's circumstances. Ms. Pine, as an attorney experienced in guardianship law and proceedings, ably represented Ms. DeAngelo during that conference and afterwards. On Ms. DeAngelo's behalf, she waived the need for a hearing and agreed that there was sufficient evidence for the emergency temporary guardian to be appointed until a hearing was held on the Guardianship Petition allegations.
19. Consequently, immediately following the March 1, 2019 conference, Guardian Services of Pennsylvania ("GSP") was appointed by the court to serve as Ms. DeAngelo's emergency temporary guardian. As credibly testified to by GSP's president, Carol Hershey ("Ms. Hershey"), GSP routinely serves as court appointed guardian for clients within Chester County and surrounding counties. Mr. DeAngelo was not an appropriate choice for emergency temporary guardian because he was alleged in the Emergency Petition to have neglected to provide adequate care for Ms. DeAngelo and she was alleged to have made claims that she was fearful of him.
20. All of the alleged facts contained in the Emergency Petition and Guardianship Petition when submitted to the court on March 1, 2019 were believed to be true by the Department and Ms. Sorgi,

- who signed the subject verifications on behalf of the Department.
21. Contrary to the arguments and testimony of Mr. DeAngelo, no credible evidence of fraud or crime was presented to the court regarding the Department's staff, including Ms. Sorgi, in their involvement with the Emergency Petition/Guardianship Petition, or their interactions with Ms. DeAngelo or Mr. DeAngelo. Similarly, there was no credible evidence of fraud or crime presented to the court pertaining to Dr. Carroll, Ms. Pine, Mr. Lavin, Ms. Hershey, anyone else from GSP, or anyone from Pembroke regarding their like involvement or interactions.

*The 5/14/2019 stipulation of incapacity*

22. At the beginning of the first hearing held on the Guardianship Petition, May 14, 2019, and while Mr. DeAngelo was seated at counsel table, the parties' attorneys, Ms. Milliner, Ms. Pine and Mr. Lavin, agreed on the record that the only issue before the court was the question of who would serve as Ms. DeAngelo's plenary guardian. It was agreed by all parties that Ms. DeAngelo lacked capacity and that a plenary guardian needed to be appointed for both her person and estate.<sup>8</sup> (May 14, 2019 N.T., pp. 4-6). Ms. DeAngelo also was present in the courtroom for this agreement. The agreement by Mr. DeAngelo, through his attorney, was consistent with the May 8, 2019 Answer that he filed to the Guardianship Petition. In that Answer, Mr. DeAngelo admitted that Ms. DeAngelo's diagnoses included dementia and major depression, the two diagnoses provided in Dr. Carroll's report. Mr. DeAngelo signed the verification to his Answer confirming the truth of that admission.
23. Later, after Mr. DeAngelo seemed unsatisfied with Dr. Carroll's psychological examination of Ms. DeAngelo, Ms. Milliner argued that the examination was not done "in the proper way" and that Ms. DeAngelo should have been examined by her own doctor. Ms. Milliner conceded, however, that the parties agreed to Ms. DeAngelo's lack of capacity, and she refrained from disputing that Ms. DeAngelo lacked capacity or needed a guardian. (July 1, 2019 N.T., pp. 131-132).
24. At the outset of the August 28, 2019 hearing, and after Mr. DeAngelo had continued to complain of Dr. Carroll's examination, Ms. Pine represented that she had met with Ms. DeAngelo and continued to agree that she did not have capacity. (August 20, 2019 N.T., p. 8).

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<sup>8</sup> The parties' agreement was limited to Ms. DeAngelo's lack of capacity. It was not an agreement to admit Dr. Carroll's report. As is common in guardianship proceedings, the agreement of incapacity negated the need for evidence on this issue.

25. There is no credible evidence to support Mr. DeAngelo's arguments that the May 14, 2019 agreement of the parties, as presented on the record through their attorneys, was a "deal" made without his knowledge in order for the Department and state of Pennsylvania, as well as GSP, Ms. Sorgi, Dr. Carroll, Ms. Pine, Mr. Lavin and Pembroke, to criminally acquire the money to be made from the sale of Ms. DeAngelo's house. As previously described, Mr. DeAngelo was present when the agreement was placed on the May 14, 2019 record and that agreement was fully consistent with his Answer.<sup>9</sup> Mr. DeAngelo is not found credible as to his allegations concerning this "deal". Ms. Pine and Mr. Lavin are found fully credible as to their refutations of it. (September 30, 2019 N.T., pp. 3-29, pp. 79-96).

***Good cause not to appoint Mr. DeAngelo as Ms. DeAngelo's guardian***<sup>10</sup>

26. As described in the preceding facts, Mr. DeAngelo has been a wholly inadequate caregiver for Ms. DeAngelo. He has left her alone for significant periods of time, despite obvious signs of dementia and repeated falls. Even after Ms. DeAngelo repeatedly wandered outside in winter weather, while ambulating with a walker and seeking help, Mr. DeAngelo refused to arrange comprehensive home care for her. Ms. DeAngelo herself has repeatedly expressed dissatisfaction with Mr. DeAngelo's involvement with her care, stating that he has left her alone, grabbed her, held her hostage and caused her to be afraid.
27. As described in footnote 3 of the Final Order, Mr. DeAngelo has been convicted on multiple occasions of simple assault and drug-related offenses. More significantly, he is a convicted murderer, who, according to the trial testimony, shot the victim in the head, chopped up the body and burned the remains. (Exhibit P-11).
28. Although Mr. DeAngelo conceded the above referenced criminal convictions, the extent of his criminal record is unknown to the court because he failed to submit the criminal record check required by Pa.O.C. Rule 14.2(c)(2).
29. Mr. DeAngelo's determined effort to preserve his mother's house for himself demonstrates that he is a person whose financial in-

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<sup>9</sup> That agreement is also fully consistent with the credible hearing evidence regarding Ms. DeAngelo's observed confusion on multiple occasions.

<sup>10</sup> 20 Pa.C.S. § 5604(c)(2) requires a court presiding over guardianship proceedings to appoint as guardian the incapacitated person's guardian nominee under the incapacitated person's durable power of attorney, except for "good cause." Mr. DeAngelo's is Ms. DeAngelo's nominee under her POA.

terests conflict with those of Ms. DeAngelo. Ms. DeAngelo would likely have been the beneficiary of comprehensive care services but for Mr. DeAngelo's refusal to execute the required estate recovery form, and comply with other application requirements. Mr. DeAngelo understood his execution of the estate recovery form would subject his mother's house to sale upon her death, with the sales proceeds used to reimburse Pennsylvania for the cost of services supplied to her. Notwithstanding overwhelming evidence that Ms. DeAngelo needed such services, Mr. DeAngelo sought to preserve the house for his own use and, as the sole beneficiary of his mother's estate, potentially for his own financial benefit.

30. Mr. DeAngelo's steadfast determination to retain the house for his own purposes is demonstrated by his transfer of it to himself as a joint tenant with right of survivorship during the guardianship proceedings. (Exhibit P-6). This transfer was not approved by the emergency temporary guardian, the court or Ms. DeAngelo's attorney. Mr. DeAngelo's own attorney, Ms. Milliner, conceded that at least the guardian's permission should have been obtained before this transfer. Had the transfer been permitted by the court to remain without revocation, Ms. DeAngelo would have been ineligible for medicaid benefits, creating the possibility that Ms. DeAngelo could have been forced to be discharged from Pembroke without care in place. Consequently, it was necessary for the court to issue an order requiring Mr. DeAngelo to deed the property back to Ms. DeAngelo.
31. Similarly, the court was also required to order Mr. DeAngelo to assist GSP in redirecting Ms. DeAngelo's monthly pension monies from Mr. DeAngelo to GSP for its use in paying for Ms. DeAngelo's services. Even as late as approximately six months after the court's March 1, 2019 emergency order, Mr. DeAngelo continued to keep his mother's pension monies.
32. When Mr. DeAngelo finally testified regarding his finances, it became apparent why he was so dependent on his mother's financial resources and determined not to use them for his mother's care. According to both his trial testimony and IFP Petition, Mr. DeAngelo's total income is less than \$900 per month. He is currently unemployed, has no pension of his own, and lives on a small monthly social security benefit and food stamps. According to his IFP Petition, all of his bills are in his mother's name. At the time of the September 30, 2019 hearing, the 2018 real estate taxes on his mother's home, totaling approximately \$3,500, remained partially unpaid.

33. Apart from the troubling commingling of his and his mother's finances, as described in the following findings of fact, Mr. DeAngelo demonstrated during the course of the guardianship proceedings a propensity to threaten and bully those who he opposed.
34. On June 26, 2019, Mr. DeAngelo sought to confront his neighbor, Joseph Grady, who had contacted the police to assist Ms. DeAngelo in February of 2019. First, however, he confronted another neighbor, Thomas Scola, calling to Mr. Scola over Mr. Scola's outside fence that he was looking for Mr. Grady. When Mr. Scola asked Mr. DeAngelo why he was looking for Mr. Grady, Mr. DeAngelo replied that it was "none of your fucking business". (August 28, 2019 N.T., p. 46). Mr. DeAngelo then told Mr. Scola that he would "kick your ass" when Mr. Scola continued to look at Mr. DeAngelo. Mr. Grady felt the need to contact the police, and did so, after Mr. Scola telephoned him regarding Mr. DeAngelo's angry outburst.
35. During the September 30, 2019 hearing, Mr. DeAngelo made a veiled threat against the GSP caregiver, testifying that he had discovered she had a husband, three young children, and lived in a particular home in Havertown, Pennsylvania. As a result of Mr. DeAngelo's acquisition of this personal information, Ms. Hershey informed the court that GSP could no longer be considered as permanent guardian for Ms. DeAngelo. Ms. Hershey wrote that although she, as president of GSP, had endured online, written or other threats/attacks against herself, and could usually ignore them, given Mr. DeAngelo's research regarding one of her staff, she could not ignore this one. (Court Exhibit 1A)
36. Toward the end of the hearings, Mr. DeAngelo began to issue threats of criminal prosecution against various participants in his mother's care and the guardianship proceedings. Among the first of his targets were his own attorney, Ms. Milliner, Ms. Sorgi and an employee of Pembroke, Anisia Petrango. He later included among those he accused of criminal conduct, Ms. Pine, Dr. Carroll, who Mr. DeAngelo described as a "hitman" for the Department, and Ms. Hershey. Mr. DeAngelo also leveled criminal allegations against Pembroke, GSP and Mr. Lavin. According to Mr. DeAngelo, they all were participating in a conspiracy "racket" in order to acquire money from the sale of his mother's house for the state. As indicated previously, no credible evidence was presented to the court in support of Mr. DeAngelo's allegations of criminal and fraudulent conduct.

**Discussion***Alleged Errors Nos. 1, 2 and 3*

“**1. Denial of Due Process of Law and Fundamental Fairness** guaranteed to Appellant, James C. DeAngelo by both the Pennsylvania State and United States Constitution, in addition to Well Settled Pennsylvania Case Law, where Judge John L. Hall failed to Notify and deliberately Exclude Appellant DeAngelo from the March 1, 2019 Hearing on the Petition of the Chester County Department of Aging Services for “**Adjudication of Incapacity and Appointment of Guardian**” for Appellant’s mother, Gladys E. DeAngelo. Where the fact was well known to all Parties present at the Hearing that Appellant James C. DeAngelo is the Son of Gladys E. DeAngelo in addition to being her Power of Attorney and Health Care Agent. And in doing so, **Denied** Appellant the opportunity to **Object** to the admission of Doctor Kenneth Carroll’s incomplete and illegally obtained Diagnosis of Incapacity of Gladys E. DeAngelo; **Denied** Appellant the opportunity to challenge the Authenticity of the Document and **Denied** Appellant the opportunity to establish that the Document declaring Gladys DeAngelo was obtained through the commission of at least seven (**7**) Felony Offenses committed by Department of Aging case worker, Ashley Sorgi and her friends Aniessa Petronglo and Judith Sherman who were administrative employees of the Pembroke Nursing Facility. In addition to a minimum of at least five (**5**) false and fabricated statements made by Ashley Sorgi in the Petition in violation of **18 Pa.C.S. Sec. 4904**. For which criminal charges have been filed.”

“**2. Abuse of Discretion** for allowing the Department of Aging Services to admit the Documented Diagnosis at the March 1, 2019 Hearing, allegedly prepared by Doctor Kenneth Carroll which mainly speculated that Mrs. Gladys DeAngelo was incapacitated. As on **February 27, 2019** Mrs. Gladys DeAngelo was sent from the Chester County Hospital to the Pembroke Nursing Facility by her primary Physician George Limpert for rehabilitation and aftercare to recover from a Urinary Tract Infection (U.T.I.) and a Stroke suffered on **February 23 and 24, 2019**. While in Chester County Hospital Doctor Limpert issued specific instructions to James C. DeAngelo, her Son and Health Care Agent, that because his Mother is recovering from a Life-Threatening Stroke, she **is not** to undergo any type of mental examination because the stress of such an Exam could very likely trigger a second stroke resulting in her death. Never the less, on **February 28, 2019**, upon the request of Ashley Sorgi, and completely behind the back of James C. DeAngelo, and without Informed Consent, in direct violation of Gladys DeAngelo’s Health Care Power of Attorney, in violation of Doctor Limpert’s Orders and without permission, **or any Order** from the attending Physician at Pembroke, Doctor Kataria; Doctor Kenneth Carroll allegedly walked into the Pembroke Nursing Facility, located Mrs. Gladys DeAngelo and forced a Psychological Examination on her. She refused to sign a consent form to be examined, called him a jerk, and testing was

quickly discontinued because of Mrs. Gladys DeAngelo's disorientation caused from the transfer from the Chester County Hospital to Pembroke, not even 24 hours beforehand. (please see report at page 2.) This alleged diagnosis was forced upon Gladys DeAngelo in direct violation of the **Pennsylvania Health Care Facilities Act**. Additionally it can only be alleged that Doctor Kenneth Carroll even conducted a diagnosis, because there is **no record** in Gladys DeAngelo's "**Health Care Chart**" that a mental examination was ever conducted by Kenneth Carroll. Judge John L. Hall **abused his Discretion** by allowing the Department of Aging to admit the Document into evidence for the Truth of the Matter **without the in Court Testimony** of Kenneth Carroll, and without the Document being authenticated. As such the alleged Diagnosis was not only obtained illegally but its admission into evidence constitutes **Hearsay**, is **Inadmissible**, and caused **Extreme Prejudice** Gladys DeAngelo."

### **“3. Abuse of Discretion for Failing to Apply the Rule of Law to the Facts of the Case.**

Where in Court Testimony from Department of Aging case worker, Ashley Sorgi undeniably demonstrated by confession under oath, that on **February 27, and 28, 2019**, she and her girlfriend from Pembroke Nursing Facility, Admissions Director, Aneissa Petronglo committed Felony Offenses in Violation of **Title 20 Pa. C.S.A. Sec. 5432(b)(1)**, "**Interference with a Health Care Directive**" in a despicable effort to conceal Mrs. Gladys DeAngelo's Medical Records from her Son and Health Care Agent, James C. DeAngelo and to conceal from her Son their plans to have Doctor Kenneth Carroll come to Pembroke on **2- 28-2019** and perform a Physiological Evaluation on his Mother, Gladys DeAngelo in an unlawful effort to have her declared incapacitated, so the Dept. of Aging could swindle Gladys DeAngelo's Power of Attorney and Health Care Agent Status away from her Son, James, and obtain complete control over Mrs. Gladys DeAngelo, her assets, her home and entire estate by obtaining Guardianship Status over Gladys DeAngelo.

#### **Title 20 Pa. C.S.A. Sec.5432 (b)(1)**

**Interference with Health Care Directive.** Provides in Pertinent Part;

**1. A Person commits a Felony of the Third Degree if that Person Willfully Conceals, Cancels, Alters, Defaces, or Obliterates an Advance Health Care Directive.**

The Pertinent "**Advanced Health Care Directives**" directed by Gladys E. DeAngelo to her Health Care Agent, (her son) James C. DeAngelo provide as follows:

**Paragraph 6:** To have Full Access to my Medical and Hospital Records and all Information regarding my Physical or Mental Health, including but not limited to, any Information and Documents covered by HIPAA.

**Paragraph 9:** In the event that I am ever hospitalized or under the care of a nursing facility, and in an effort to protect myself from being subjected to medical procedures in which I do not fully understand, I hereby direct and order any medical professional and/or staff of such facility, to consult with, and fully explain the medical procedure to my Health Care Agent, (my Son) James C. DeAngelo, and to obtain my Agent's "**Informed Consent**" prior to the medical procedure being administered. These procedures include, but are not limited to; Surgeries, CAT Scans, MRI's, X-rays, Chemotherapy, Physical or Mental Examinations, Psychological Evaluations, and/or Nauru Psychological Examinations intended to diagnosis a condition of Incompetency or Incapacitation.

**The Trial Judge's Failure to apply the Rule of Law to the above facts and dismiss the Temporary Guardianship as it is the product of felony offenses constitutes an Abuse of Discretion, and as such this case should have been dismissed."**

Alleged errors numbered 1 through 3 principally concern Dr. Carroll's psychological examination of Ms. DeAngelo, Dr. Carroll's report, and the March 1, 2019 conference held regarding the Emergency Petition. The facts found credible by the court do not include many of the alleged facts Mr. DeAngelo includes within these issues. Dr. Limpert, for example, did not testify and insufficient credible evidence was presented as to his statements and opinions, even if they were relevant. Similarly, Mr. DeAngelo's characterizations of Ms. Sorgi were not adopted by the court. Ms. Sorgi consulted with Ms. DeAngelo directly about Dr. Carroll's examination and received Ms. DeAngelo's approval. At the time of Ms. Sorgi's conversation with Ms. DeAngelo, Ms. DeAngelo was able to communicate, had not yet been adjudicated without capacity and was presumed to have capacity to approve of the examination. Furthermore, although Mr. DeAngelo had represented himself as Ms. DeAngelo's agent under her POA, only a few pages of the POA had been provided at that time to Ms. Sorgi (Exhibit P-7), and it was unclear to her that Mr. DeAngelo would have been Ms. DeAngelo's agent if she had lacked capacity.

Mr. DeAngelo further alleges that the court denied him due process because he was not notified of the March 1, 2019 conference on the Emergency Petition. The emergency circumstances averred in the Emergency Petition were that Ms. DeAngelo, an older adult, was in need of the immediate appointment of a guardian or she would suffer irreparable harm to her person or estate. Significantly, it was averred at the time of the conference that Ms. DeAngelo, on numerous occasions, had been left unsafe by Mr. DeAngelo and without adequate care or services. It was also averred that Ms. DeAngelo had expressed fear of Mr. DeAngelo. As such, it would have been wholly inappropriate for Mr. DeAngelo to represent Ms. DeAngelo during the March 1, 2019 conference as her POA agent. Instead, Ms. DeAngelo was represented at that conference by Ms. Pine, an attorney experienced in guardianship law and proceedings. A caseworker of the Department was also present at the conference to provide information regarding Ms. DeAngelo's circumstances. At the conclusion of the conference, Ms. Pine consented, on behalf

of Ms. DeAngelo, to waive an emergency hearing and to the appointment of the temporary emergency guardian, pending the conclusion of the Guardianship Petition hearings.<sup>11</sup>

Mr. DeAngelo is incorrect in his contention that on March 1, 2019, Dr. Carroll's report was admitted into evidence. No hearing was held that day and no evidence was admitted. Given the circumstances, and with the consent of Ms. DeAngelo's attorney, the court issued the emergency order and set a hearing date of March 27, 2019 on the Guardianship Petition. Mr. DeAngelo was properly served with notice of that hearing.<sup>12</sup>

Additionally, Mr. DeAngelo alleges that the court abused its discretion when it failed to dismiss the "case" because Ms. Sorgi interfered with Ms. DeAngelo's POA healthcare directive. The healthcare directive at issue states in relevant part:

In the event that I am ever hospitalized or under the care of a nursing facility, and in an effort to protect myself from being subjected to medical procedures in which I do not fully understand, I hereby direct and order any medical professional and/or staff of such facility, to consult with, and fully explain the medical procedure to my Health Care Agent, (my Son) James C. DeAngelo, and to obtain my Agent's "Informed Consent" prior to the medical procedure being administered. These procedures include... Mental Examinations, Psychological Examinations....

(Exhibit D-3, p.10). The directive only limits the actions of medical professionals and staff of a nursing facility. Neither the Department, nor Dr. Carroll, were bound by those restrictions. Furthermore, the parties stipulated that Dr. Carroll was unaware of the POA when he examined Ms. DeAngelo. Lastly, as stated, at the time of Dr. Carroll's examination of Ms. DeAngelo it was unclear whether there was a valid POA.

Mr. DeAngelo contends that there is a sinister motive behind the Department's actions. He claims the Department's only motive in this matter is to take Ms. DeAngelo's home for monetary gain for Pennsylvania. There is no credible evidence that the motives of the Department or Pembroke employees were other than to ensure the safety of Ms. DeAngelo. The credible testimony was that Ms. DeAngelo required full-time care and that Mr. DeAngelo was unwilling to provide or arrange for that care. The criminal motives and actions Mr. DeAngelo attributes to the Department, Pembroke, their employees and Dr. Carroll have no basis in the credible facts found by the court.

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<sup>11</sup> The Guardianship Petition to adjudicate Ms. DeAngelo incapacitated and to appoint a plenary guardian of the person and the estate was filed simultaneously with the Emergency Petition on March 1, 2019. The March 27, 2019 hearing date for the Guardianship Petition was set by stipulated agreement between Mr. Lavin and Ms. Pine.

<sup>12</sup> On March 25, 2019, Mr. DeAngelo requested a forty-five (45) day continuance of the hearing. The request was granted and the hearing was rescheduled to May 14, 2019.

*Alleged Error No. 4.***“4. The Trial Judge Abused his Discretion and Erred as a Matter of Law.**

Where the Trial Judge allowed the Attorneys Nancy Pine, Seamus Lavin and Clare Milliner (James DeAngelo’s Attorney at the time) to provide Expert Medical Testimony at the beginning of the Guardianship Hearings on May 14, 2019, where each attorney gave their own Expert Medical Testimony and Medical Opinions regarding Mrs. Gladys DeAngelo’s mental capacity or lack thereof, to prove to the Court that Mrs. Gladys DeAngelo was incapacitated. Where not one of the three Attorneys or James C. DeAngelo was qualified or medically trained to proffer their own professional Expert Medical Testimony or Medical Opinions on whether or not Mrs. Gladys DeAngelo is Incapacitated.

Where the Pennsylvania Superior Court has held that, “the opinions of a Medical Expert must be based on their own personal experience in the Medical field as well as academic studies and other Medical publications. The Expert should be able to break down the scientific, technical language and terminology so that someone without any Medical training can understand the key issues of a case”.

In order to be afforded “Expert” status, the Medical Expert Witness must be able to state opinions with “reasonable medical certainty”. They must be able to aid the Judge or Jury in reaching a more valid conclusion about the facts of the case than they would have without the expert’s testimony.

In the Present Case, the Honorable John L. Hall, Abused his Discretion and Erred as a Matter of Law by permitting all three attorneys, Nancy Pine, Seamus Lavin and Clare Milliner to proffer their own Medical Expert Testimony and Opinions that Mrs. Gladys DeAngelo is without capacity, and then the Court relied on those unqualified Medical Opinions through the remainder of the Hearings, including making Rulings based on their unqualified Medical Opinions.

And where none of the three Attorneys are Medically qualified to provide such Expert Testimony or Medical Opinions, this case should be Reversed and Remanded for further proceedings.”

In this alleged error Mr. DeAngelo contends that the court permitted counsel, including his own, to jointly “provide expert medical testimony” as to Ms. DeAngelo’s lack of capacity. Mr. DeAngelo mischaracterizes what actually occurred at the May 14, 2019 hearing. The attorneys at that time were not sworn as witnesses and did not testify. Rather, they did what is expected of attorneys at the beginning of a hearing – they stated the parties’ agreement as to the issue which was not in dispute and the issue which would be litigated. In this case, they stated that the parties agreed Ms. DeAngelo lacked capacity and that the issue to be litigated was the person(s) to be appointed guardian.

The Pennsylvania law on parties’ agreements is long-settled: parties may bind themselves, even by a statement made in court, so long as their agreed stipulations do not affect the court’s jurisdiction or due order of business. *Tyler v. King*, 496

A.2d 16, 21 (Pa.Super. 1985). The court will hold a party bound to such stipulations. Concessions made in agreed stipulations are judicial admissions, and accordingly may not later in the proceeding be contradicted by the party who made them. *Id.*

This binding, on the record, agreement was consistent with Mr. DeAngelo's previous admissions within his Answer to the Guardianship Petition. Although Mr. DeAngelo later claimed Dr. Carroll's diagnoses were "illegally" obtained and should never have been admitted into evidence, Mr. DeAngelo concurred with Dr. Carroll's opinion in his May 8, 2019 Answer. There, Mr. DeAngelo specifically admitted that Ms. DeAngelo would benefit from the appointment of a guardian of the person and of the estate, Answer, 5/8/2019, p. 2, no. 9, and that Ms. DeAngelo had all of the physical diagnoses listed within the Guardianship Petition, including dementia. Answer, 5/8/2019, p. 2, no. 10. Mr. DeAngelo also admitted that Ms. DeAngelo's mental condition was dementia and major depressive disorder. Answer, 5/8/2019, p. 2, no. 11. These conditions were consistent with Dr. Carroll's diagnoses. Mr. DeAngelo's admissions about Ms. DeAngelo's mental and physical conditions dispensed with the requirement of proof of those conditions at the hearings.

Thereafter, on May 14, 2019, consistent with his Answer, Mr. DeAngelo, through his attorney, agreed that his mother lacked capacity and that the only issue for the court was who should be her guardian. Rather than seek the admission of Dr. Carroll's report, or provide testimony themselves, as argued by Mr. DeAngelo, the attorneys merely placed the parties' agreement on the record:

MR. LAVIN [counsel for the Department]: In speaking with Miss Milliner – I said that correctly, right- I believe that she will advise the court that there was no – they're not—that her client, Mr. DeAngelo, is not contesting capacity, meaning she agrees that Miss DeAngelo is incapacitated legally.

MS. MILLINER [counsel for Mr. DeAngelo]: Your Honor, I agree that Miss DeAngelo could benefit from having a guardian. The only question here is who should be guardian.

THE COURT: Plenary guardian?

MS. MILLINER: Plenary guardian, yes.

THE COURT: All right. So then it's agreed by everyone that the issue is not – does not need litigation, and the litigation is over who would be the guardian?

MS. MILLINER: Correct.

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THE COURT: Do you agree with that as well, Ms. Pine?

MS. PINE [counsel for Ms. DeAngelo]: Yes, Your Honor, I do.

(May 14, 2019 N.T., p. 4). Mr. DeAngelo, sitting with counsel, did not challenge the agreement that Ms. DeAngelo lacked capacity. Ms. Pine on behalf of Ms. DeAngelo, and with Ms. DeAngelo sitting beside her, also agreed to Ms. DeAngelo's lack of capacity. Although Ms. Milliner later argued that Dr. Carroll's examination was not done "in the proper way," she did not contest the parties' agreement that Ms. DeAngelo lacked capacity, or that Ms. DeAngelo was in need of a guardian. (July 1, 2019 N.T., pp. 131-132). Mr. DeAngelo's judicial admissions and stipulated agreement bind him, and may not now be retracted. With the parties' agreement on the record, Dr. Carroll's report and his testimony were not required to be included among the hearing evidence. Also irrelevant were the circumstances of Dr. Carroll's examination. The only issue remaining before the court, as of May 14, 2019, was who the court should appoint as guardian.

#### *Alleged Error No. 5*

**“5. The Trial Judge Abused his Discretion by refusing to allow Doctor Kenneth Carroll to Testify and provide his own Expert Medical Testimony regarding his Diagnosis of Gladys DeAngelo’s capacity and the circumstances surrounding how that diagnosis came about. Additionally, by refusing to allow Doctor Kenneth Carroll to testify, the Document containing the Evaluation of Gladys DeAngelo, allegedly performed by Doctor Kenneth Carroll, and for which the Court relied upon on its decision making was not Authenticated, making the entire Document Hearsay and Inadmissible.**

It should be noted that Doctor Kenneth Carroll was subpoenaed to come to Court by Attorney Clare Milliner. He was present in the Courtroom and was anxious to testify. However the Trial Judge refused to allow Doctor Kenneth Carroll the opportunity to testify and/or present any Expert Medical Testimony.”

In this alleged error, Mr. DeAngelo argues the court abused its discretion when it refused to permit the testimony of Dr. Carroll at the July 1, 2019 hearing. This issue is also without merit. As described above, Mr. DeAngelo admitted Dr. Carroll's diagnosis and, as of May 14, 2019, had agreed Ms. DeAngelo lacked capacity. Thereafter, Dr. Carroll's testimony was no longer relevant. Ms. Milliner's suggestion that Dr. Carroll's examination was not done "in the proper way" did not make it relevant. Once Ms. DeAngelo's capacity was established, the circumstances of any previous psychological examination became moot. Thereafter, the only relevant issue was who should serve as guardian. Consequently, the court's preclusion of Dr. Carroll's testimony was not an abuse of discretion.

*Alleged Error Nos. 6 and 7***“6. The Trial Judge Abused his Discretion by Denying Attorney Clare Milliner’s July 1, 2019 “Motion in Limine to Revoke Appointment of Temporary Guardian”.**

In his July 16, 2019 Order, the Honorable John L. Hall denied Attorney Clare Milliner’s July 1, 2019 **“Motion in Limine to Revoke Appointment of Temporary Guardian”** and Brief in support thereof. In his Ruling the Judge relied upon the Unqualified Medical Expert Testimony of the three attorneys Nancy Pine, Seamus Lavin and Clare Milliner proffered at the May 14, 2019 Hearing, where all three attorneys gave their Expert Medical Opinions that Mrs. Gladys DeAngelo lacked capacity.

However the Trial Court’s Ruling is silent to the Major Issues contained in the Motion in Limine and offers no opinion at all as to the Illegality of the Diagnosis allegedly performed on Mrs. Gladys DeAngelo and the Illegal circumstances surrounding how that Diagnosis was allegedly obtained.”

**“7. The Trial Judge Abused his Discretion by Denying James C. DeAngelo’s Aug. 15, 2019 “Motion to Revoke and Declare Null and Void the Appointment of Emergency Temporary Guardian where Diagnosis of Gladys DeAngelo was Obtained Through the Commission of Felony Crimes and is Inadmissible”.**

Where on **August 15, 2019** Appellant, James C. DeAngelo having discharged Attorney Clare Milliner, and now proceeding Pro Se filed a Motion requesting this Honorable Court to Revoke and Declare Null and Void this Court’s March 1, 2019 Order, of Appointment of Emergency Temporary Guardian where Diagnosis of Gladys DeAngelo was Obtained Through the Commission of Felony Crimes and is Inadmissible”.

Where said Petition is the product of, and contains the proceeds of the commission of no less than seven (7) Felony Crimes, committed by Department of Aging case worker, Ashley Sorgi and the Administration of the Pembroke. Nursing Facility, who knowingly and intentionally, interfered with Mrs. Gladys DeAngelo’s “Advanced Health Care Directives” in violation of **Title 20 Pa.C.S.A. Sec. 5432 (b)(1)**. In addition to the submission of False and Fabricated Facts to this Honorable Court in Violation of **Title 18 Pa.C.S.A. Sec 4904**, designed to set in motion an unconscionable scheme calculated to interfere with the Judicial System’s ability to impartially adjudicate their Petition by improperly influencing the Honorable John L. Hall and unfairly hampering the presentation of the opposing party’s claim or defense, and amounting to an egregious **FRAUD** perpetrated upon this Honorable Court. Additionally it should be noted that the criminal offenses committed by Ashley Sorgi and the Pembroke Administration are also violations of Federal Law **Title 42 U.S. Code sec. 1320d-6, Wrongful Disclosure of Individually Identifiable Health Care Information and Title 18**

**U.S.Code sec. 371 Conspiracy to Unlawfully use Health Information.**

The Court scheduled a Hearing date of September 30, 2019 to take testimony and make a Ruling on the said Motion. In the Court's Final Order of **November 4, 2019** the Court denied the Motion declaring it as moot with **No Reasons cited for the Ruling. (Please see DeAngelo's Motion to Revoke and Declare Null and Void the Appointment of Emergency Temporary Guardian at Exhibit "E")**

These alleged errors concern Mr. DeAngelo's Motion *in limine* and his Motion to revoke. Both sought to revoke the appointment of the temporary emergency guardian, to order a "proper" psychological examination of Ms. DeAngelo, and to appoint a guardian in accordance with the advance healthcare directive contained within Ms. DeAngelo's POA – i.e., Mr. DeAngelo.

The Motion *in limine* was denied by order dated July 16, 2019. The footnote to the order stated,

The petition for emergency guardianship was not opposed [by] Gladys DeAngelo's ("Ms. DeAngelo") court appointed attorney, Nancy W. Pine, Esquire ("Ms. Pine") during the court's March 1, 2019 conference with counsel for the Chester County Department of Aging and Ms. Pine. Sufficient evidence was alleged, all of which was unopposed, for the court to issue the March 1, 2019 temporary emergency guardianship order following that conference. During the May 14, 2019 hearing, all parties, including Mr. DeAngelo, agreed that Ms. DeAngelo was without capacity and that the only issue to be litigated was who should be appointed guardian. Consequently there is no justification to revoke the March 1, 2019 temporary emergency guardianship order or require Ms. DeAngelo to undergo a second psychological evaluation. Mr. DeAngelo remains under consideration as guardian for Ms. DeAngelo. The court will make its decision regarding the appropriate guardian following the August 28, 2019 hearing.

This footnote concisely states the reasons for the denial. Ms. DeAngelo, through her attorney, agreed on March 1, 2019 to the emergency temporary guardian. The parties' May 14, 2019 agreement as to Ms. DeAngelo's lack of capacity made a second psychological evaluation unnecessary, and Mr. DeAngelo, at the time of the July 16th order, remained under consideration as a possible guardian.

The Motion *in limine* argued that the case of *In re Duran*, 769 A.2d 497 (Pa. Super. 2001) required that Mr. DeAngelo, as the named agent in Ms. DeAngelo's POA, be appointed guardian. However, the facts in this matter are distinguishable from the facts in *Duran*. In *Duran*, an emergency hearing was held in the absence of notice to the agent under a durable power of the attorney for medical care ("DPA"). That agent had already begun to assume his fiduciary duties and had prohibited a blood transfusion pursuant to the express wishes of the comatose principal. Following the emergency hearing, an emergency guardian was granted power to reverse the agent's transfusion prohibition. In the present case, there was

never a hearing held where Mr. DeAngelo did not receive notice or which he did not attend. The unopposed March 1, 2019 order simply appointed a temporary emergency guardian to maintain the status quo until a hearing was held. Additionally, and perhaps more significantly, the *Duran* opinion expressly states that the agent under the DPA should not have been displaced *absent a showing that he had acted inappropriately*. *Duran* at 506. Here, the Emergency Petition alleged exactly that about Mr. DeAngelo. By the end of the guardianship hearings, those allegations were proved, as were additional facts supporting good cause not to appoint Mr. DeAngelo as guardian.

Mr. DeAngelo's Motion to revoke repeated most of the Motion *in limine* assertions, but further alleged that the Emergency Petition contained fraudulent information. As stated above, there was no credible evidence of fraud or criminal conduct by the Department, Ms. Sorgi, Dr. Carroll or anyone else. The Motion to revoke was properly described as moot within the Final Order because (1) the temporary emergency guardian, by that order, was replaced by the permanent guardian, (2) Ms. DeAngelo's incapacity adjudication negated the need for a second psychological examination, and (3) the court had determined that good cause existed not to appoint Mr. DeAngelo as guardian.

#### *Alleged Error No. 8*

**“8. The Trial Judge Abused his Discretion by Revoking James C. DeAngelo's Power of Attorney and Health Care Power of Attorney at the October 30, 2019 Hearing.** A prompt and timely Objection was made by Appellant James C. DeAngelo. In the Court's November 4, 2019 Ruling, the trial Judge again Revoked James C. DeAngelo's Power of Attorney and Health Care Power of Attorney. In his November 4, 2019 Ruling, the Honorable John L. Hall gave absolutely no Reasons for his Ruling to Revoke Appellant's Power of Attorney and Health Care Power of Attorney.”

Ms. DeAngelo's POA and healthcare directive which appointed Mr. DeAngelo as her agent were properly revoked by the court. Mr. DeAngelo secretly deeded his mother's home to himself as joint tenant, potentially destroying his mother's opportunity to qualify for medicaid benefits. The deed had been prepared and filed by Mr. DeAngelo without notice to or permission from the temporary emergency guardian, in violation of 20 Pa. C.S. § 5604(c)(1). Neither Ms. Pine nor the court were provided notice or gave permission for this property transfer. Given these circumstances, and those pertaining to the good cause not to appoint Mr. DeAngelo as guardian, it was proper for the court to revoke the POA in its entirety. See 20 Pa. C.S. § 5454(d)(2).

*Alleged Error No. 9***“9. The Trial Judge Abused his Discretion by Failing to Admit into evidence a hand Written Letter from Maureen Sheller who is Gladys DeAngelo’s Head Nurse at Pembroke addressed to the Honorable John L. Hall.**

The Letter described in detail that there was No Order on file at Pembroke which gave Doctor Kenneth Carroll Permission to come in to the Facility and perform a Psychological Examination on Mrs. Gladys DeAngelo, in addition to explaining to the Judge the Proper Procedures necessary for an outside source to come into the Facility to perform a diagnosis on any patient who resides there.

The Trial Judge sustained the Department of Aging’s Objection to the Letter being admitted into evidence claiming that because the letter was not Authenticated it was Hearsay and Inadmissible. Additionally, the Trial Judge refused to even read the Letter even though it contained very vital information concerning the case.”

This error concerns a letter allegedly written by Maureen Sheller (“Ms. Sheller”) and submitted as evidence by Mr. DeAngelo at the October 30, 2019 hearing. Counsel for Ms. DeAngelo and the Department objected to the letter on hearsay grounds because Ms. Sheller was not in attendance. Mr. DeAngelo claimed to have subpoenaed Ms. Sheller to appear to testify. The court requested its tipstaff to wait in the public hallway outside of the courtroom and direct Ms. Sheller to come in if she arrived. (October 30, 2019 N.T., pp. 50-51). After the court asked Mr. DeAngelo what the letter written by Ms. Sheller purported to say, Mr. DeAngelo summarized the letter. (October 30, 2019 N.T., pp. 54-55). At 12:05 p.m., following a recess, the court inquired whether Ms. Sheller had appeared. She had not and the hearing concluded.<sup>13</sup> (October 30, 2019 N.T., p. 63-64). As the letter was hearsay, it was not admissible as evidence and could not be relied upon by the court. See Pa.R.E. 802.

Even if the letter had been introduced as evidence, the contents, which concerned Dr. Carroll’s appearance at Pembroke to conduct the psychological examination of Ms. DeAngelo, were irrelevant. The issue of whether Ms. DeAngelo had capacity had already been agreed to by the parties. The only question before the court was who would be appointed as plenary guardian. Consequently, if the court erred by prohibiting the letter’s admission, the error was harmless.

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<sup>13</sup> There is no evidence in the file to confirm that Mr. DeAngelo ever properly served a subpoena. A copy of the alleged subpoena was not presented to the Court or made part of the record. Pursuant to Pa.R.C.P. 234.2(b) there are three (3) options for service of a subpoena. Rule 234.2(b)(i) details personal service upon the subpoenaed person; (b)(ii) relates to service by registered mail with return receipt requirements; and (b)(iii) concerns service by ordinary mail. Mr. DeAngelo did not present or file the Pa.R.C.P. 234.6 verification of service which is part of every subpoena and specifies which form of service was used. If service was made by registered mail, then return receipt was neither offered nor entered for the record. If service was made by regular mail, Mr. DeAngelo failed to provide evidence of compliance with the requirements of Pa.R.C.P. 234.9. And finally, if service had been made by mail, there was no proof of compliance with Pa.R.C.P. 234.2(c), i.e., mailing of a check for attendance and round trip mileage.

*Alleged Error No. 10*

**“10. The Trial Judge Abused his Discretion by Failing to Appoint Appellant James C. DeAngelo Guardian of his Mother Gladys E. DeAngelo’s Estate and Person. In violation of her Power of Attorney, Pa. Statutes, and well settled Pa. Case Law.”**

While Ms. DeAngelo was free to nominate, by a durable power of attorney, the guardian of her estate or person if an incapacity hearing were commenced, the law permits the court discretion to reject that person if there is good cause. *See* 20 Pa. C.S. § 5604(c)(2). The record is replete with evidence supporting the court’s decision not to appoint Mr. DeAngelo as his mother’s guardian. Findings of fact numbers 25-35 amply describe “good cause” to refrain from that appointment. It would have been an abuse of discretion if the court had appointed him.

**Conclusion**

For the foregoing reasons, the court respectfully suggests that the November 4, 2019 Final Order be affirmed.

BY THE COURT:

1/29/20

Date

/s/ John L. Hall, P.J.

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NOTICES

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CLERK OF THE ORPHANS' COURT  
DIVISION OF THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA

**NOTICE OF FILING ACCOUNTS**  
**ACCOUNTS LISTED FOR AUDIT ON**  
**WEDNESDAY, NOVEMBER 4, 2020**  
**Courtroom 5 at 9:00 A.M. PREVAILING TIME**

**THE HONORABLE JOHN L. HALL**

Notice is hereby given to all parties interested, that accounts in the following matters have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Chester County, Pennsylvania for AUDIT, CONFIRMATION AND DISTRIBUTION at the above date, time and place. At that time and place interested parties, claimants and objectors to the same will be heard.

**ESTATE OF PAUL RICHARD KRAUSE, DECEASED** **1518-1032**  
FIRST AND FINAL ACCOUNT  
OF: DREW KRAUSE, ADMINISTRATOR  
ATTORNEY(S):  
DAMA A. LEWIS, ESQUIRE

---

**ESTATE OF RANDALL F. BISHOP, DECEASED** **1519-0687**  
FIRST AND FINAL ACCOUNT  
OF: JAMES SLAUGH, EXECUTOR  
GAVIN DUCKWORTH, EXECUTOR  
ATTORNEY(S):  
L. PETER TEMPLE, ESQUIRE

---

**CHANGE OF NAME NOTICE**  
**IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA**  
**CIVIL ACTION**  
**LAW NO. 2020-07069-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Michael W. Paulson on behalf of minor child Joseph Woodward Kell was filed in the above-named court and will be heard on Monday, November 2, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Tuesday, September 22, 2020

Name to be changed from: Joseph Woodward Kell to: Joseph Woodward Paulson  
Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS CHESTER COUNTY, PENNSYLVANIA**

**CIVIL ACTION**

**LAW NO. 2020-06947-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Miranda Similien on behalf of minor child Landon Christopher Hoke was filed in the above-named court and will be heard on Monday, October 26, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, September 18, 2020

Name to be changed from: Landon Christopher Hoke to: Landon Christopher Similien

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

Timothy J. Trott, Esq., Attorney for the Petitioner  
Carosella & Associates, PC  
882 S Matlack St, #101  
West Chester, PA 19382

**CORPORATION NOTICE**

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania for **Chiara of Assisi Corp.** in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

**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**

**ALLEN**, Donna M., late of Kennett Township.

Mary Jo Tucker, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Administratrix. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**ALSTON**, Willie Lenzie, a/k/a Willie L. Alston, late of Valley Township. Jalynn S. Richards, care of JOHN F. McKENNA, Esquire, 17 W. Miner St., West Chester, PA 19382, Administratrix. JOHN F. McKENNA, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

**AUER**, Charles William, late of West Chester. Claudia Silverang, 1650 Buckingham Drive, Malvern, PA 19355, Executrix. GEORGE F. NAGLE, Esquire, Nagle Law, LLC, 150 N. Radnor-Chester Road, Suite F200, Radnor, PA 19087, atty.

**BERTSCH**, Hortense Rita, late of Tredyffrin Township. David J Bertsch, 8 Sycamore Dr, Malvern, PA 19355 & William J Bertsch, 1025 Howard St, Port Townsend, WA 98368, Executors.

**BIEHL**, Florence R., late of East Coventry Township. Brooke Biehl, care of TOM MOHR, Esquire, 301 W. Market Street West Chester, PA 19382, Executor. TOM MOHR, Esquire, Tom Mohr Law Office, PC, 301 W. Market Street West Chester, PA 19382, atty.

**EBERT**, Anne M., a/k/a Anne Maureen Ebert, late of Phoenixville Borough. Kristen A. DuFault and Keith T. Traynor, care of RUSSELL J. RESSLER, Esquire, 30 Valley Stream Parkway, Malvern, PA 19355, Executors. RUSSELL J. RESSLER, Esquire, Stradley Ronon Stevens & Young, LLP, 30 Valley Stream Parkway, Malvern, PA 19355, atty.

**GUNNETT**, Cheryl L., late of Spring City Borough. Carol A. Gunnnett, care of CAROLYN MARCHESANI, Esquire, PO Box 444, Pottstown, PA 19464, Executor. CAROLYN MARCHESANI, Esquire, Wolf, Baldwin & Associates, P.C., PO Box 444, Pottstown, PA 19464, atty.

**HENRY**, Paul Ray, a/k/a Paul R. Henry, late of East Coventry Township. Thomas P. Henry, care of CARLA TRONGONE, Esquire, 333 N. Broad St., Lansdale, PA 19446, Executor. CARLA TRONGONE, Esquire, The Law Offices of Carla Trongone, 333 N. Broad St., Lansdale, PA 19446, atty.

**KELLY**, Dorothy Jane, late of West Goshen Township. Elizabeth Margaret Kelly, care of JENNIFER FELD, Esquire, 790 E. Market St., Ste. 250, West Chester, PA 19382, Executrix. JENNIFER FELD, Esquire, Colliton Elder Law Associates, 790 E. Market St., Ste. 250, West Chester, PA 19382, atty.

**KILPATRICK JR.**, Charles E., late of Avondale. everly Bove, 119 E. Sherry Lane, Avondale, PA 19311, Executrix. **WILLIAM E. HOWELL III**, Esquire, Law Office of WEH, 110 E. State St., Suite 1, Kennett Square, PA 19348, atty.

**LOONEY, JR.** Franklin S., late of Pocopson Township. Michael F. Looney, 110 Gibson Ave, Wilmington, DE 19803, Executor.

**MAYER**, Elizabeth M., late of Phoenixville Borough. Karen L. Merriman, 2661 Charlestown Road, Phoenixville, PA 19460, Executrix.

**McINTYRE**, Daniel R. Lee, a/k/a Daniel R. McIntyre, late of Uwchlan Township. Elizabeth L. McIntyre, care of JENNIFER FELD, Esquire, 790 E. Market St., Ste. 250, West Chester, PA 19382, Executrix. JENNIFER FELD, Esquire, Colliton Elder Law Associates, 790 E. Market St., Ste. 250, West Chester, PA 19382, atty.

**NEHER**, Mary Rose, late of Phoenixville Borough. Kathryn A. Shillenn, 1803 Mr. Peck's Place, Phoenixville, PA 19460, Executrix. ELIZABETH D. LUBKER, Esquire, Joseph A. Ryan & Associates, LLC, 390 Waterloo Blvd, Ste. 210, Exton, PA 19341, atty.

**NUSSBAUMER**, Joachim H., late of East Goshen Township. Jeanne Scribner, 51 South Diamond Shore Lane, Sequim, WA 98382, Administrator. COURTNEY A. WIGGINS, Esquire, Clarion Law, LLC, PO Box 3169, West Chester, PA 19381, atty.

**POWERS**, Mary P., late of West Caln Township. Amy Powers, Executor.

**RITCHIE**, Marguerite T., late of Phoenixville. Mary Beth Rudesyle, 359 Manor Circle, Harleysville, PA 19438, Executor. DONALD J. GIMPEL, Esquire, 27 Nutt Road, Phoenixville, PA 19460, atty.

**RYBERG**, Theresa Veronica, a/k/a Theresa V. Ryberg, late of Pottstown. Karen L. Ryberg, care of WILLIAM ADAIR BONNER, Esquire, 40 Blossom Hill Road, Glen Mills, PA 19342, Administrator. WILLIAM ADAIR BONNER, Esquire, William Adair Bonner Law Office, 40 Blossom Hill Road, Glen Mills, PA 19342, atty.

**SCHWARTZ**, Jeannine, late of Exton. Paul Veirs, care of ALBERT M. SARDELLA, Esquire, 1240 East Lincoln Highway, Coatesville, PA 19320-3544, Executor. ALBERT M. SARDELLA, Esquire, Law Offices Albert M. Sardella, 1240 East Lincoln Highway, Coatesville, PA 19320-3544, atty.

**SENSENICH**, John F., late of Tredyffrin Township. Shawn Lawn, care of JILL S. GARABEDIAN, Esquire, 61 Cassatt Ave., Berwyn, PA 19312,

Executrix. JILL S. GARABEDIAN, Esquire, Wade, Goldstein, Landau & Abruzzo, P.C., 61 Cassatt Ave., Berwyn, PA 19312, atty.

**TIGUE**, Joseph A., late of East Bradford Township. Beatrice Tigue Duffy, 903 Tigue Rd., West Chester, PA 19380, Executrix. MAUREEN A. OSTIEN, Esquire, Joseph A. Ryan & Associates, LLC, 390 Waterloo Blvd., Ste. 210, Exton, PA 19341, atty.

**VEGSO**, Emma M., late of Malvern Borough. David S. Vegso and Richard M. Vegso, care of RICHARD C. PARKER, Esquire, 175 Strafford Ave., Ste. 230, Wayne, PA 19087, Executors. RICHARD C. PARKER, Esquire, Miles & Parker, LLP, 175 Strafford Ave., Ste. 230, Wayne, PA 19087, atty.

**WATKINS**, Kathryn W., late of Oxford. Joseph L. Watkins, care of EDWARD M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. EDWARD M. FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

## 2nd Publication

**BURKE**, Robert E., late of East Goshen Township. Melissa L. Burke, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Administratrix. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

**COMBS**, Florence M., a/k/a Florence May Neff Combs, late of London Grove Township. Brian Combs, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executor. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**CONDON**, Mary M., late of Devon. Joseph P. Aquilante, 237 Valley Stream Lane, Chesterbrook, PA 19087, Executor.

**CORNISH**, Jane C., late of Tredyffrin Township. J. Earl Epstein, 1515 Market St., Ste. 1505, Philadelphia, PA 19102, Executor. J. EARL EPSTEIN, Esquire, Epstein, Shapiro & Epstein, P.C., 1515 Market St., Ste. 1505, Philadelphia, PA 19102, atty.

**LENGEL**, JR., Joseph F., late of Tredyffrin. Thomas Lengel, 1017 Rue Lane, West Chester, PA 19380 & Michael Lengel, 424 Devon Drive, Exton, PA 19341, Administrators. DONALD F. KOHLER, JR., Esquire, 27 South Darlington Street, West Chester, PA 19382, atty.

**LONG**, Jacob B., late of Honey Brook Township. Abigail Long, care of CHRISTOPHER M. BROWN, Esquire, 300 West State Street, Suite 300, Media,

PA 19063, Administratrix. CHRISTOPHER M. BROWN, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 West State Street, Suite 300, Media, PA 19063, atty.

**LUDWIG**, Thomas R., late of West Chester. Dawn I Jenkins, 1095 Birnam Place, West Chester, PA 19380 & Kurt M Ludwig, 220 W Seven Stars Road, Phoenixville, PA 19460, Executrix.

**LYNCH**, Sonja, late of East Coventry Township. Kenneth L. Lynch, 202 S. Main St., Spring City, PA 19475, Personal Representative.

**McGINLEY**, Anthony J., late of West Grove. Cheryl B. Brown, care of JEFFREY P. BRYMAN, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executrix. JEFFREY P. BRYMAN, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

**McGINNIS**, William W., late of West Brandywine Township. Susan E. Pedrick, 108 Cedar Knoll Road, Coatesville, PA 19320, Executor. ALAN J. JARVIS, Esquire, 101 Birch Drive, Downingtown, PA 19335, atty.

**MICHENER**, Bruce, late of Tredyffrin Township. Christopher Michener, care of ROBERT M. SLUTSKY, Esquire, 600 W. Germantown Pike #400, Plymouth Meeting, PA 19462, Administrator. ROBERT M. SLUTSKY, Esquire, Slutsky Elder Law, 600 W. Germantown Pike #400, Plymouth Meeting, PA 19462, atty.

**MILES**, James F., late of East Nantmeal Township. Chris Little Simcox, 680 Middletown Blvd., Langhorne, PA 19047 & William T. Keen, 3460 Lincoln Highway, Thorndale, PA 19372, Administrators Chris Little Simcox, Esq., 680 Middletown Blvd., #300, Langhorne, PA 19047 & William T. Keen, Esq., Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

**MOFFETT**, John Aubrey, late of East Goshen Township. Nina B. Moffett, 1300 Erin Drive, West Chester, PA 19380 & Jennifer E. Moffett, 302 Albans Court, Malvern, PA 19355, Executrix.

**O'DONNELL**, Lawrence M., late of West Pike-land Township. Susan F. O'Donnell, care of PATRICK C. O'DONNELL, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. PATRICK C. O'DONNELL, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

**O'SULLIVAN**, Kathleen, late of East Goshen Township. Patrick O'Sullivan, care of MARITA

MALLOY HUTCHINSON, Esquire, 1250 Fieldstone Dr., West Chester PA 19382, Executor. MARITA MALLOY HUTCHINSON, Esquire, Law Office of Marita Malloy Hutchinson, 1250 Fieldstone Dr., West Chester PA 19382, atty.

**OSINSKI**, Julian Leopold, late of Valleyforge. Sonia Schott, care of GARY P. LEWIS, Esquire, 372 N. Lewis Rd, POB 575, Royersford, PA 19468, Executrix. GARY P. LEWIS, Esquire, Lewis McIntosh +Teare, LLC, 372 N. Lewis Rd, POB 575, Royersford, PA 19468, atty.

**POLLOCK**, Julia Jane, late of East Caln Township. Stuart Pollock, 106 Somers Drive, Downingtown, PA 19335, Executor.

**REGN**, Brandon Scott, late of East Whiteland Township. Christine L. Regn, care of ALBERT P. MASSEY, JR., Esquire, 460 E. King Rd., Malvern, PA 19355, Administratrix. ALBERT P. MASSEY, JR., Esquire, Lentz, Cantor & Massey, LTD., 460 E. King Rd., Malvern, PA 19355, atty.

**SAVILLE**, Eleanor T., late of Phoenixville Borough. Theresa Ivanowicz and Bruce Saville, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, Co-Executors. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, atty.

**SITA**, Joseph F., a/k/a Joseph Frank Sita, late of West Brandywine Township. Joseph J. Sita, care of MICHAEL S. DINNEY, Esquire, 919 Conestoga Road, Ste 3-114, Bryn Mawr, PA 19010, Executor. MICHAEL S. DINNEY, Esquire, Shea Law Offices, 919 Conestoga Road, Ste 3-114, Bryn Mawr, PA 19010, atty.

**SPANGLER, JR.**, Robert L., late of Westtown Township. Leslie A. Barr, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**TAYLOR**, Lewis B., late of East Goshen Township. William L. Taylor, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executor. STACEY WILLITS McCONNELL, Esquire, Lamb McEr-lane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

**THIR**, Jonathan D., late of Wallace Township. Maureen Thir, 20 Kelden Court, Glenmoore, PA 19343, Executrix. MICHAEL G. DEEGAN, Esquire, Michael G. Deegan, P.C., 134 West King Street, atty.

**WATSKY**, Evan S., late of West Bradford Township. Steven C. Watsky, 17264 Northway Circle, Boca Raton, FL 33496, Administrator. **JUSTIN B. ANDERSON**, Esquire, Burns White LLC, 100 Four Falls, Suite 515, 1001 Conshohocken State Road, West Conshohocken, PA 19428, atty.

**YEDNOCK**, Theresa M., late of Phoenixville Borough. Jeanmarie Garman, care of **DOUGLAS L. KAUNE**, Esquire, 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, Executor. **DOUGLAS L. KAUNE**, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, atty.

### 3rd Publication

**ADAMOPOULOS**, Stella L., a/k/a Stella Latsios Adamopoulos, a/k/a Stella C. Adamopoulos, late of Kennett Township. Christos T. Adamopoulos, 209 Fulling Drive, Chadds Ford, PA 19317, Executor. **PETER S. GORDON**, Esquire, Gordon, Fournaris & Mammarella, P.A., 1925 Lovering Avenue, Wilmington, DE 19806, atty.

**BACCINO**, Janet K., late of Kennett Square Borough. Nicholas J. Baccino, care of **MARY ANN PLANKINTON**, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. **MARY ANN PLANKINTON**, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

**BENECKE**, Marsha Dee, late of Malvern. Joel E. Benecke, 94 Markel Road, Malvern, PA 19355, Executor.

**BERKEY**, Carl R., late of East Coventry Township. Jean A. Dempsey, 713 Meadow Wood Avenue, Pottstown, PA 19465, Administrator. **GARY P. LEWIS**, Esquire, Lewis, Mcintosh & Teare, LLC, 372 N. Lewis Road, P.O.Box 575, Royersford, PA 19468, atty.

**BUSH**, Merrill Reid, late of West Caln Township. Carolyn Houghton, 80 W. Baltimore Ave., C512, Carlsdowne, PA 19050, Administrator. **HARRIS J. RESNICK**, Esquire, Resnick Elder Law, 22 Old State Road, Media, PA 19063, atty.

**CLULOW**, Patricia Lee, late of Phoenixville. Tracy Long, 504 Tiffany Lane, Spring City, PA 19475, Executrix.

**CONAGHAN**, Janice E., late of Coatesville. Thomas B. Conaghan, III, care of **DOUGLAS L. KAUNE**, Esquire, 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, Executor. **DOUGLAS L. KAUNE**, Esquire, Unruh, Turner, Burke & Frees,

P.C., 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, atty.

**FARNESI**, Pia, late of East Goshen. Frank A Farnesi, 1710 Augustine Dr., Lady Lake, FL 32159, Executor.

**FEENEY**, Helen M., late of East Goshen Township. Mary Beth McGowan, care of **LISA COMBER HALL**, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Executrix. **LISA COMBER HALL**, Esquire, Hall Law Offices, PC, 27 S. Darlington Street, West Chester, PA 19382, atty.

**FINEGAN**, Dolores Hemphill, late of West Whiteland Township. Barbara F. LaNeve, care of **STACEY WILLITS MCCONNELL**, Esquire, P.O. Box 565, West Chester, PA 19381-0565, Executrix. **STACEY WILLITS MCCONNELL**, Esquire, Lamb McErlane, PC, P.O. Box 565, West Chester, PA 19381-0565, atty.

**GREER, JR.**, Robson L., a/k/a Robson L. Greer, late of Tredyffrin Township. Duncan H. Meldrum, 2375 Hilltop Road, Mertztown, PA 19539, Executor. **MARLA J. MELMAN**, Esquire, Scoblionko, Scoblionko, Muir & Melman, 1816 Woods Hollow Lane, Allentown, PA 18103, atty.

**HARPLE, SR.**, John L., late of Coatesville. John L. Harple, Jr., 173 Brickyard Circle, Ephrata, PA 17522 and Mark L. Harple, 371 Park Street, Honey Brook, PA 19344, Executors. **JAYNE A. GARVER**, Esquire, J. Garver Law PLLC, 6723 Allentown Blvd., Harrisburg, PA 17112, atty.

**HASTINGS**, David B., late of Easttown Township. David B. Hastings, Jr., care of **STEPHEN J. OLSEN**, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. **STEPHEN J. OLSEN**, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

**HELLIWELL**, Derek P., late of West Brandywine Township. Claire L. Roth, 3493 Conestoga Road Glenmoore, PA 19343, Executrix. **FRANK W. HAYES**, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

**HEWITT**, David L., late of Kennett Township. Kruskal Hewitt, care of **L. PETER TEMPLE**, Esquire, P. O. Box 384 Kennett Square, PA 19348, Executor. **L. PETER TEMPLE**, Esquire, Larmore Scarlett LLP, P. O. Box 384 Kennett Square, PA 19348, atty.

**JOHNSON**, James L., late of West Whiteland Township. Karen L. Hertzog, care of **LISA COMBER HALL**, Esquire, 27 S. Darlington Street, West

Chester, PA 19382, Executrix. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S. Darlington Street, West Chester, PA 19382, atty.

**JONES**, Anna B., late of East Goshen Township. William H. Jones, III, 21 Lochwood Lane, West Chester, PA 19380, Executor. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

**KIRKPATRICK**, Donald L., late of West Chester. Edward Fackenthal, 1945 Swedesford Road, Malvern, PA 19355, Executor. EDWARD FACKENTHAL, Esquire, Law Office of Edward Fackenthal, 1945 Swedesford Road, Malvern, PA 19355, atty.

**KREWATCH**, Mary Aileen R., late of Penn Township. Robert E. Krewatch, care of L. PETER TEMPLE, Esquire, P. O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348, atty.

**LITTLE**, Robert B., late of West Goshen Township. Seth R. Little, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, atty.

**McARDLE**, Louise J., late of Caln Township. Helen Stewart, care of DONALD B. LYNN, JR., Esquire, P. O. Box 384, Kennett Square, PA 19348, Executrix. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348, atty.

**MURRAY**, Joseph P., a/k/a Joseph P Murray III, late of Caln. Melissa L. Jackson, care of JENNIFER H WALKER, Esquire, 31 S. High Street, Suite 200, West Chester, PA 19382, Executrix. JENNIFER H WALKER, Esquire, Peak Legal Group, Ltd., 31 S. High Street, Suite 200, West Chester, PA 19382, atty.

**NEWSOM**, Carol Irene, late of Chadds Ford. Danielle Alexander, 655 Dilworthtown Rd., West Chester, PA 19382, Executor.

**SWEENEY**, Dolores Elizabeth, late of Phoenixville. Stephanie D Thomas, 108 Taylor Way, Collegeville, PA 19426, Administrator. MARIA D FEENEY, Esquire, 555A Schoolhouse Rd., Kennett Square, PA 19348, atty.

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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*

NOTICE IS MICROBY GIVEN that an application for registration of a fictitious name, **Leverage Central**, for the conduct of business in **Chester County**, Pennsylvania, with the principal place of business being at **210 South Mill Road, Suite 104, Kennett Square, PA 19348**, was approved by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on **September 14, 2020**, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The entity owning or interested in the said business is:

**DDTM Leverage Central, LLC**

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#### NONPROFIT CORPORATION NOTICE

MORGAN COMMONS COMMUNITY ASSOCIATION has been incorporated under the provisions of the Nonprofit Corporation Law of 1988, as amended, for the purposes as follows: to manage, maintain, care for, preserve and administer a planned unit community to be known as the Morgan Commons Planned Community located in South Coventry Township, Chester County, Pennsylvania.

CARL N. WEINER, Solicitor  
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN, P.C.  
375 Morris Road  
P.O. Box 1479  
Lansdale, PA 19446-0773

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#### NONPROFIT CORPORATION NOTICE

HAMAZKAYIN ARMENIAN EDUCATIONAL AND CULTURAL SOCIETY, INC., a Nonprofit Corporation, organized under the laws of the state of Massachusetts, has applied for registration in Pennsylvania under the provisions of Chapter 4 of the Associations Code. The address of its principal office under the laws of the jurisdiction of formation is 80 Bigelow Ave., #204, Watertown, MA 02472 and the address of its proposed registered office in this Commonwealth is 215 Shoreline Dr., Berwyn, PA 19312.

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**PUBLIC NOTICE****CHESTER COUNTY HEALTH AND  
EDUCATION FACILITIES AUTHORITY**

NOTICE IS HEREBY GIVEN that the CHESTER COUNTY HEALTH AND EDUCATION FACILITIES AUTHORITY will file Articles of Amendment to amend its Articles of Incorporation on or after October 26, 2020, with the Secretary of the Commonwealth of Pennsylvania under the provisions of the Municipality Authorities Act, 53 Pa.C.S. Ch. 56, §§ 5601 *et seq.*, as amended (the "Act"). The Authority has its registered office at 313 West Market Street, West Chester, Pennsylvania.

The amendment changes the powers of the Authority to include all the powers afforded to municipality authorities under the Act for such purposes including, without limitation, financing working capital for, and acquiring, holding, constructing, financing, improving, maintaining and operating, owning and leasing, either in the capacity of lessor or lessee, projects benefitting hospitals, health centers and eligible educational institutions as the Board of County Commissioners of Chester County may direct and/or approve. The amendment also changes the term of existence of the Authority to be for a period of 50 years from the approval of the Articles of Amendment by the Secretary of the Commonwealth of Pennsylvania.

Linda G. Trabucco, Chair  
*Chester County Health and  
Education Facilities Authority*

**3rd Publication of 3****ADVERTISEMENT OF EXISTENCE OF  
TRUST NOTICE**

Trust Estate of **LOUISE J. McARDLE**, deceased, late of Caln Township, Chester County, Pennsylvania. All persons having claims or demands against the Trust Estate of **LOUISE J. McARDLE** are requested to make known the same and all persons indebted to the said decedent are requested to make payment without delay to:

Helen Stewart, Trustee  
c/o Larmore Scarlett LLP  
P. O. Box 384  
Kennett Square, PA 19348

Attorney:

**Donald B. Lynn, Jr., Esquire**  
**Larmore Scarlett LLP**  
**P. O. Box 384**  
**Kennett Square, PA 19348**

**3rd Publication of 3****ADVERTISEMENT OF EXISTENCE OF  
TRUST NOTICE**

Trust Estate of **MARY AILEEN R. KREWATCH**, deceased, late of Penn Township, Chester County, Pennsylvania. All persons having claims or demands against the Trust Estate of **MARY AILEEN R. KREWATCH** are requested to make known the same and all persons indebted to the said decedent are requested to make payment without delay to:

Robert E. Krewatch, Trustee  
c/o Larmore Scarlett LLP  
P. O. Box 384  
Kennett Square, PA 19348

**L. Peter Temple, Esquire**  
**Larmore Scarlett LLP**  
**P. O. Box 384**  
**Kennett Square, PA 19348**