

Adams County Legal Journal

Vol. 61

March 13, 2020

No. 45, pp. 92-94

IN THIS ISSUE

KEVIN A. GASS VS. DAVID FORSYTHE
AND MARCIA FORSYTHE

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, Edward G. Puhl, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

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FICTITIOUS NAME REGISTRATION

An application for registration of the fictitious name T. FUNK BACKHOE SERVICE, 320 Belmont Road, Gettysburg, PA 17325 has been filed in the Department of State at Harrisburg, PA, File Date 02/13/2020 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is party to the registration is Timothy W. Funk, 320 Belmont Road, Gettysburg, PA 17325.

3/13

PUBLIC NOTICE TO
JESSICA MARIE HOWE, NAVIN LYNN
KRIDELER, JR. AND
KYLE WESLEY BARTRAM

In Re: Adoption of Isabelle Lynn Krideler and Layla Marie Krideler, Minors

A petition has been filed asking the Court to put an end to all rights you have as a parent to your children, Isabelle Lynn Krideler and Layne Marie Krideler. A Termination of Parental Rights Hearing has been scheduled for April 29, 2020, at 1:30 p.m., in Court Room No. 7003, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Isabelle Lynn Krideler (DOB: July 19, 2013), whose Father is Kyle Wesley Bartram and whose Mother is Jessica Marie Howe; and to Layla Marie Krideler (DOB: December 5, 2014), whose Father is Navin Lynn Krideler, Jr. and whose Mother is Jessica Marie Howe. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

ATTORNEY CONNECTION/YCBA
MODEST MEANS

137 East Market Street
York, Pennsylvania 17401
717-854-8755
<http://www.yorkbar.com/?page=YCBAfindEsq>

If you cannot afford an attorney, an attorney may be appointed by the court

at no cost to you if you qualify. Contact the following office for instructions and forms to complete and file.

Clerk of the Orphans' Court
York County Judicial Center
45 North George Street
York, Pennsylvania 17401
717-771-9288

<http://yorkcountypa.gov/component/jdownloads/send/100-adopt-forms/824-packet-for-court-apted-counsel-and-financial-affidavit.html>

Martin Miller, Esq.
Solicitor for York County Offices of
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

3/13, 3/20 & 3/27

KEVIN A. GASS VS. DAVID FORSYTHE
AND MARCIA FORSYTHE

1. Plaintiff claims that in purchasing the home, he relied upon representations provided to him in October 2015 through a Seller's Property Disclosure Statement. He further alleges that on February 25, 2016, following a torrential rainfall, the basement of his new home was flooded. He brought suit against the Defendants claiming negligent misrepresentation and fraud.

2. Plaintiff's causes of action were initiated by issuance of a Writ of Summons on December 11, 2017. There is no proof in the record that the Writ of Summons was ever served on Defendants.

3. Nevertheless on October 3, 2018, Plaintiff filed a Complaint against Defendants. On December 31, 2019, a Praecepto to Reinstate the Complaint was filed with the Prothonotary's Office.

4. Currently before the Court is Defendant's Motion for Judgment on the Pleadings seeking dismissal of the cause of action as barred by the statute of limitations.

5. Instantly, there is no evidence in the record or alleged in the pleadings that Plaintiff took any action to serve the writ following its issuance on December 11, 2017. Pursuant to *Lamp*, issuance of the writ without further service is insufficient to toll the statute. As Plaintiff's next act of record was the filing of the Complaint on October 3, 2018, more than seven months following expiration of the statute of limitations, judgment on the pleading in favor of the Defendants will be granted.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, 2017-SU-1319, KEVIN A. GASS VS. DAVID
FORSYTHE AND MARCIA FORSYTHE

Heather Entwistle Roberts, Esq., Attorney for Plaintiff

Richard E. Thrasher, Esq., Attorney for Defendants

George, P. J., February 7, 2020

OPINION

Plaintiff, Kevin A. Gass, claims he purchased a home from the Defendants, David and Marcia Forsythe, which settled on December 18, 2015.¹ Plaintiff claims that in purchasing the home, he relied upon representations provided to him in October 2015 through a Seller's Property Disclosure Statement. He further alleges that on February 24, 2016, following a torrential rainfall, the basement of his new home was flooded. He has brought suit against the Defendants claiming negligent misrepresentation and fraud.

Plaintiff's causes of action were initiated by issuance of a Writ of Summons on December 11, 2017. There is no proof in the record that

¹ The factual background is ascertained from Plaintiff's Complaint.

the Writ of Summons was ever served on Defendants. Nevertheless, on October 3, 2018, Plaintiff filed a Complaint against Defendants.² On December 31, 2018, a Praecipe to Reinstate the Complaint was filed with the Prothonotary's Office. On February 26, 2019, Defendants filed an Answer to the Complaint and alleged in New Matter that the suit was barred by the statute of limitations provisions of 42 Pa. C.S.A. § 5524(7)³. Currently before the Court is Defendants' Motion for Judgment on the Pleadings seeking dismissal of the cause of action as barred by the statute of limitations.

As Plaintiff's causes of action sounds in negligence and fraud, the applicable statute of limitations for initiating the litigation is two years from the date of discovery. 42 Pa. C.S.A. § 5524(7); *see also Brooks v. Sagovia*, 636 A.2d 1201, 1203 (Pa. Super. 1994) (under "discovery rule" statute of limitations does not run while plaintiff is unaware of injury). According to Plaintiff's Complaint, he became aware of his injury on February 24, 2016 when he discovered his flooded basement. As such, the statute of limitations required Plaintiff to initiate his cause of action on or before February 24, 2018. As Plaintiff failed to properly initiate a cause of action prior to that date, judgment on the pleadings in favor of the Defendants will be granted.

It is not in dispute that Plaintiff requested the issuance of a writ of summons well within the statutory time period on December 11, 2017. However, that action standing alone was insufficient to toll the statutory time limit. In addition to the Rules of Civil Procedure permitting the commencement of an action by either the filing of a praecipe for writ of summons or complaint, Pa. R. Civ. P. 1007, the rules also impose a duty on the plaintiff to effectuate original service of the pleading within 30 days after issuance of the writ or filing of the complaint. Pa. R. Civ. P. 400, 401. In *Lamp v. Heyman*, 366 A.2d 882 (Pa. 1976), the Pennsylvania Supreme Court weighed the

² The original cause of action initiated by writ included Jason Masters and Masters Home Inspections, LLC as Defendants, however, these parties were not included as parties in Plaintiff's Complaint. Plaintiff's Complaint also included his realtor who was dismissed from this action by Order of Court dated April 11, 2019 sustaining the realtor's Preliminary Objections.

³ Once again, there is no indication in the record that Defendants were ever properly served with the Complaint. The impetus for Defendants' entry of appearance and re-sponsive pleading is unknown.

interaction of these rules and concluded that the commencement of a civil action pursuant to the Rules of Civil Procedure is only effective to stay the statute of limitations “if the plaintiff then refrains from a course of conduct which serves to stall in its tracks the legal machinery...just set in motion.” *Lamp, supra*, A.2d at 889. Specifically, the Court found that where a plaintiff brings a cause of action but does not make a good faith effort to notify the defendant within the time period identified in the Rules of Civil Procedure, the statute of limitations is not tolled. *Id.*; see also *Trivitt v. Serfass*, 56 Adams County L. J. 125 (2014) 2013-S-873 *affirmed* 1596 MDA 2014 (Pa. Super. 2015) (petition for allowance of appeal denied March 24, 2016).

Instantly, there is no evidence in the record or alleged in the pleadings that Plaintiff took any action to serve the writ following its issuance on December 11, 2017. Pursuant to *Lamp*, issuance of the writ without further service is insufficient to toll the statute. As Plaintiff’s next act of record was the filing of the Complaint on October 3, 2018, more than seven months following expiration of the statute of limitations, judgment on the pleadings in favor of the Defendants will be granted.

For the reasons set forth hereinabove, the attached Order of Court is entered.

ORDER OF COURT

AND NOW, this 7th day of February, 2020, it is hereby Ordered that judgment on the pleadings is granted in favor of the Defendants and against the Plaintiff in this matter. Accordingly, the Adams County Prothonotary’s Office is directed to enter judgment in favor of the Defendants. As no remaining causes of action are viable, the Prothonotary’s Office is directed to mark this matter closed.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary or of administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF ROMAINE FLORENCE EMIG, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Lori Ann Bare, 880 Edgegrove Road, Hanover, PA 17331

Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

ESTATE OF PAUL H. HENNINGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Joyce C. King, c/o Linda S. Siegle, Esq., Siegle Law, 1010 Eichelberger Street, Suite 3, Hanover, PA 17331

Attorney: Linda S. Siegle, Esq., Siegle Law, 1010 Eichelberger Street, Suite 3, Hanover, PA 17331

ESTATE OF ROSE M. HYDOCK, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Jeffery A. Hydock, 227 Ewell Avenue, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY A. KRAMER, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Administrator: Christina M. Gregory, 10576 Harney Road, Emmitsburg, MD 21727

ESTATE OF MARY LOUISE MAY, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Karen L. Kohlmaier, 145 Bolerio Drive, Downingtown, PA 19335

Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

ESTATE OF ROBERT JAMES ROCK, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Patricia A. Smith, 130 Teeter Road, Littlestown, PA 17340

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARGARET R. STAIR a/k/a MARGARET RUTH SHRIVER STAIR a/k/a MARGARET S. STAIR, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Bruce W. Stair, 703 West King Street, Littlestown, PA 17340

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

ESTATE OF BARBARA L. TRIMMER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Michael L. Trimmer, c/o Samuel A. Gates, Esq., Gates & Gates, P. C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P. C., 250 York Street, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF LISA ANN CRAMER, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Administratrix: Mary Cramer, 77 Conewago Drive, Hanover, PA 17331

Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

ESTATE OF ETHEL L. CROWL a/k/a ETHEL LEOLA CROWL, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Thomas A. Crowl, 158 Lincoln Road, Westminster, MD 21157

Attorney: Damian L. Halstad, Esq., Hoffman, Comfort, Offutt, Scott & Halstad, LLP, 24 North Court Street, Westminster, MD 21157

ESTATE OF JOHN W. FEHRINGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John R. Fehring, 1285 Hunterstown Hampton Road, New Oxford, PA 17350

ESTATE OF CATHARINE L. KERSHNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Sharon K. Ford, 490 Russell Tavern Road, Gettysburg, PA 17325; Allen R. Kershner, 2700 Mummasburg Road, Gettysburg, PA 17325

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

ESTATE OF FREDERICK ANTHONY MILLER, a/k/a FREDERICK A. MILLER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Personal Representative: Patricia A. Dillon, 804 Buchanan Valley Road, Orrtanna, PA 17353

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

ESTATE OF PHILIP LOUIS MURREN, a/k/a PHILIP L. MURREN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator: Michael J. Murren, 414 Delone Avenue, McSherrystown, PA 17344

Attorney: Jacob H. Kiessling, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

ESTATE OF TIMOTHY A. SMITH, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Amanda J. Smith, c/o Sharon E. Myers, Esq., CGA Law Firm, P.C. P.O. Box 606, East Berlin, PA 17316

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

THIRD PUBLICATION**ESTATE OF LORETTA M. NACE, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Personal Representative: Connie J. Grove, 40 Brewster Street, Hanover, PA 17331

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

THIRD PUBLICATION CONTINUED

ESTATE OF BARBARA A. NEWLIN a/k/a
BARBARA ANN NEWLIN, DEC'D

Late of Franklin Township, Adams
County, Pennsylvania

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

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



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