

**Chester
County
Bar
Association**

Chester County Law Reporter

(USPS 102-900)

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Vol. 60

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TABLE OF CONTENTS

60 CHESTER COUNTY REPORTS

Blewitt v. Department of Transportation

License suspension appeal – Nunc pro tunc – Unreasonable delay in license suspension392 (2012)

Classified Ads 12

Meeting Space
West Chester

Legal Secretary
West Chester

Legal Notices

See Table of Contents 1

Chester County Law Reporter

(USPS 102-900)

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Composed of Chester County, Officially Designated by the Rule Thereof as the Legal Periodical for the
Publication of Legal Notices*

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Blewitt v. Department of Transportation

License suspension appeal – *Nunc pro tunc* – Unreasonable delay in license suspension

1. An appeal from a license suspension must be made within thirty days of the mailing date of the suspension letter.
2. An appeal *nunc pro tunc* may be permitted upon showing that the delay in filing the appeal resulted from extraordinary circumstances involving fraud or breakdown of the court's operations, or non-negligent circumstances on the part of the appellant or his counsel.
3. Appeals *nunc pro tunc* may not be extended as a matter of grace or indulgence.
4. Without a sufficient basis for granting an appeal *nunc pro tunc*, the court lacks subject matter jurisdiction to entertain the matter and any attractiveness of arguments on the merits is of no moment because the tribunal is without power to grant the requested relief.
5. Where a licensee raises the defense of undue delay, the licensee must prove that (a) an unreasonable delay chargeable to the Department led the licensee to believe that his operating privilege would not be impaired, and (b) prejudice would result by having the licensee's operating privilege suspended after such delay. Once the licensee raises the delay defense, the Department must then prove that the delay was caused by some factor other than mere administrative inaction. If the Department meets this burden, the licensee's appeal should be dismissed. If the Department fails to meet its burden, then the burden shifts to the licensee to prove prejudice.
6. The petitioner's offense was in 1993; he was convicted in 1995; his suspension letters were dated in April, 2012. Petitioner does not know when he received the suspension letters but does not dispute the mailing dates. He placed the letters in his attorney's mailbox; apparently, the attorney did not receive the letters and at some point contacted the Department, whereafter the petition for appeal *nunc pro tunc* appeal was filed more than three months after the mail dates of the suspension letters. Petitioner did not demonstrate fraud, breakdown in the court's operations, or non-negligent conduct on his or his attorney's part. The Court found petitioner was careless in how he handled the receipt of the three notices which directly contributed to the delay in his filing. Thus, the Court Held the petition to appeal *nunc pro tunc* must be denied, regardless of the delay of the mailing of the suspension letters.

R.E.M.

William J. Perrone for the Petitioner

Christopher Duerr for the Department of Transportation

Tunnell, J., October 8, 2012:-

EDWIN JOHN BLEWITT	: IN THE COURT OF COMMON PLEAS
Petitioner	
	: CHESTER COUNTY, PENNSYLVANIA
v.	
	: CIVIL ACTION - LAW
COMMONWEALTH OF PENNSYLVANIA	
DEPARTMENT OF TRANSPORTATION	: NO. 2012-07754
Respondent	

ORDER FOR DENIAL OF PETITION FOR APPEAL NUNC PRO TUNC

AND NOW, this 8th day of October, 2012, upon consideration of the Petition of Edwin John Blewitt for leave to file an appeal *nunc pro tunc* in this license suspension case, and after hearing held September 20, 2012, it is hereby ORDERED and DECREED that the prayer of the Petition is DENIED and the Petition is DISMISSED.¹

BY THE COURT:

/s/ Mark L. Tunnell, J.

¹The petitioner, Edwin John Blewitt filed an untimely appeal on July 27, 2012 from three letters from the Pennsylvania Department of Transportation, all dated April 2, 2012, suspending his operating privilege for a total of seven years. He filed a petition for appeal *nunc pro tunc*, which was heard on September 20, 2012. Mr. Blewitt testified that he did indeed receive the three suspension letters from the Department, and had no reason to dispute their mailing dates. However, he could not say when he received any of the letters from the Department. He testified that he placed the letters in his attorney's mailbox in the same envelopes in which he had received them. Apparently, the attorney did not receive the three letters and at some point he contacted the Department, whereafter the appeals were filed, as noted, on July 27, 2012.

An appeal from a license suspension must be made within 30 days of the mailing date of the suspension letter. *Commonwealth, Department of Transportation v. Matlack*, 600 A.2d 998, 999 (Pa. Cmwlth. 1999) . An appeal *nunc pro tunc* may be permitted upon showing that the

delay in filing the appeal resulted from extraordinary circumstances involving fraud or breakdown of the court's operations, or non-negligent circumstances on the part of the appellant or his or her counsel. *Baum v. Commonwealth, Department of Transportation*, 949 A.2d 345 (Pa. Cmwlth. 2008). Appeals *nunc pro tunc* may not be extended as a matter of grace or indulgence. *Hudson v. Commonwealth, Department of Transportation*, 830 A.2d 594, 598 (Pa. Cmwlth. 2003). Without a sufficient basis for granting an appeal *nunc pro tunc*, the court lacks subject matter jurisdiction to entertain the matter. In that event, any attractiveness of arguments on the merits is of no moment because the tribunal is without power to grant the requested relief. *Robinson v. Pennsylvania Board of Probation and Parole*, 582 A.2d 857, 860 (Pa. Cmwlth. 1990).

Mr. Blewitt has not demonstrated fraud, breakdown in the court's operations, or non-negligent conduct on his or his attorney's part. He was careless in how he handled the receipt of the three notices which directly contributed to the delay in this case. His petition to appeal *nunc pro tunc* must thus be denied.

Ordinarily, that would be the end of the discussion. However, there was evidence of record that the date of the offense, driving under suspension, alcohol-related, occurred March 1, 1993. Mr. Blewitt was convicted of that offense over two years later, on September 20, 1995. Even more dramatic was the fact that his operator's privilege was suspended by letters dated April 2, 2012, over 16 years later. However, the reasons for the delay between the offense and conviction, and between the conviction and the suspension, were not admitted into evidence for the reasons set out in this opinion.

Petitioner Blewitt contends that 42 Pa. C.S.A. §5552(e) applies to license suspension cases and precludes the Department's tardy enforcement against him. He relies on *Commonwealth, Department of Transportation v. Gray*, 38 D & C 3d. 121 (Mont. Co. 1985). The court in *Gray* cited to a statute of limitations provision which provides that:

No proceedings shall be held or action taken pursuant to a summary offense under Title 75 subsequent to two years after the commission of the offense.

Unfortunately, the court in *Gray* inadvertently mis-cited this section, referring in its opinion to 42 Pa. C.S. §5552(e), not to 42 Pa. C.S. §5553(e). This error made its way into Mr.

Blewitt's memorandum of law. The court will presume that Mr. Blewitt meant to cite the two year limitation provision at §5553(e). Petitioner's main problem, however, remains that of the posture of this case, a petition to appeal *nunc pro tunc*. Even were this a timely appeal from a suspension or revocation of a license, such appeal being civil in nature, a reviewing court may not consider any claimed procedural defects or errors in the proceeding which formed the basis for the suspension or revocation; collateral attacks are not permitted. *Lewis v. Commonwealth, Department of Transportation*, 73 Pa. Cmwlt. 407, 458 A.2d 1053 (1983), *cert. den.*, 465, U.S. 1066, 104 S. Ct. 1416, 79 L.Ed. 2d. 742. The court in *Lewis* squarely held that §5553(e) does not preclude the Department from initiating a license suspension more than two years after the offense. *Accord, Commonwealth, Department of Transportation v. Danks*, 114 Pa. Cmwlt. 37, 538 A.2d 120 (1988).

More recently, the Commonwealth Court, in the case of *Cesare v. Commonwealth, Department of Transportation*, 16 A. 3d. 545 (Pa. Cmwlt. 2011), a case involving a timely statutory appeal, held that where a licensee raises the defense of undue delay, the licensee must prove that (1) an unreasonable delay chargeable to the Department led the licensee to believe that his operating privilege would not be impaired, and (2) prejudice would result by having the licensee's operating privilege suspended after such delay. Once the licensee raises the delay defense, the Department must then prove that the delay was caused by some factor other than mere administrative inaction, citing *Grover v. Commonwealth, Department of Transportation*, 734 A.2d 941, 943 (Pa. Cmwlt. 1999). If the Department meets this burden, the licensee's appeal should be dismissed. But if the Department fails to meet its burden, then the burden *shifts* to the licensee to prove prejudice, 16 A.3d at 549. The common pleas court decision in *Commonwealth, Department of Transportation v. Gray*, *supra*, must of course yield to these later pronouncements from the Commonwealth Court.

None of this helps this petitioner because his request to permit a late appeal has been denied.

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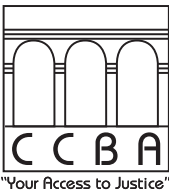


TABLE OF CONTENTS

LEGAL NOTICES

Audit List.....	2
Change of Name	3
Corporation Notice	4
Estate Notices 1st Publication	5
Estate Notices 2nd Publication	7
Estate Notices 3rd Publication	8
Fictitious Name	11
Nonprofit Corporation	11
Notice of Return of Tax Claim Bureau	12
Notice of Certificate of Organization - Domestic Limited Liabilit Company	12
Notice of Complaint in Mortgage Foreclosure	13
Notice of Civil Action	14

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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, DECEMBER 5, 2012

Courtroom 15 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 MARY CATHERINE CAMPBELL, DECEASED A/K/A MARY K. CAMPBELL FIRST AND FINAL ACCOUNT OF: FRANK EVANS CAMPBELL III, EXECUTOR ATTORNEY(S): ELLEN B. SHEEHAN, ESQUIRE	1508-0124
ESTATE OF ELINOR W. FRANCIS, DECEASED FIRST AND FINAL ACCOUNT OF: PNC BANK, N.A., EXECUTOR AUSTIN WARD FRANCIS, EXECUTOR ATTORNEY(S): ARTHUR R. G. SOLMSEN JR, ESQUIRE	1507-0596
ESTATE OF ELINOR W. FRANCIS, DECEASED FIRST AND INTERIM ACCOUNT FOR THE RESIDUARY TRUST UNDER THE WILL OF: AUSTIN WARD FRANCIS, TRUSTEE PNC BANK, N.A., TRUSTEE CHARLES TAPPAN FRANCIS, TRUSTEE ATTORNEY(S): ARTHUR R. G. SOLMSEN JR, ESQUIRE	1507-0596
IN RE: PHYLLIS M. SYKES, TRUST FIRST AND FINAL ACCOUNT OF: DAVID W. WOOD JR, TRUSTEE ATTORNEY(S): DAVID W. WOOD JR, ESQUIRE	1512-1854

ESTATE OF NAOMI T. MARION, DECEASED**1511-0930**

FIRST AND FINAL ACCOUNT

OF: CHRISTOPHER J. MARION, EXECUTOR

ATTORNEY(S):

D. SELAINE KEATON, ESQUIRE

ESTATE OF MARYANN T. COLAVITA, DECEASED**1512-0624**

FIRST AND FINAL ACCOUNT

OF: DEBORAH J. BECK, EXECUTOR

ATTORNEY(S):

JOHN A. SALING, ESQUIRE

ESTATE OF FRANK Q. HELMS, DECEASED**1510-1990**

FIRST AND FINAL ACCOUNT

OF: JUDITH SHAW, EXECUTOR

ATTORNEY(S):

GUY F. MATTHEWS, ESQUIRE

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
NO. 2012-07768-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Pearl Eveline Gaither was filed in the above-named court and will be heard on December 10, 2012, at 9:30 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: July 30, 2012

Name to be changed from: Pearl Eveline Gaither to: Pearl Eveline Evette Gaither

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

ATTORNEY DISCIPLINARY / ETHICS MATTERS

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JOSEPH K. KOURY, Solicitor
O'Donnell, Weiss & Mattei, P.C.
41 East High Street
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CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of
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1301 Lancaster Avenue
Berwyn, PA 19312

The corporation has been incorporated under the
provisions of the Business Corporation Law of
1988, as amended.

ROBERT A. COHEN, Esquire
Incorporator
Riley Riper Hollin & Colagrecio
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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on October 18, 2012 for PA's Music School, Inc., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

The prupose or purposes for which it was organized are: Music instruction for students of all ages. A franchise of the Bach to Rock system.

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

ARSCOTT, Richard P., late of West Chester. Joseph R. Arscott, care of KEVIN J. RYAN, Esquire, 220 W. Gay Street, West Chester, PA 19380-2917, Executor. KEVIN J. RYAN, Esquire, Ryan, Morton & Imms LLC, 220 W. Gay Street, West Chester, PA 19380-2917, atty.

BAKER, Violet E., late of Honey Brook. c/o NANCY MAYER HUGHES, Esquire, 126 East King Street, Lancaster, PA 17602, Executrix. NANCY MAYER HUGHES, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602, atty.

BARKER, Robert R., late of East Pikeland Township. Susan B. Weicheld, 161 Camp Council Road, Phoenixville, PA 19460, Executrix. JAMES C. KOVALESKI, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

BLAND, Martha J., late of West Goshen Township. Martha Johanna Bland Deaver, care of JAMES T. OWENS, Esquire, P.O. Box 85, Edgemont, PA 19028-0085, Executrix. JAMES T. OWENS, Esquire, P.O. Box 85, Edgemont, PA 19028-0085, atty.

BOYER, William Horace, late of East Marlborough Township. Catherine M. W. Boyer, 519 Schoolhouse Road, Kennett Square, PA 19348, Executor. SCUDDER G. STEVENS, Esquire, 120 North Union Street, P.O. Box 1156, Kennett Square, PA 19348, atty.

CURLEY, Joan W., late of Easttown Township. Douglas G. Curley, care of S. JONATHAN EMERSON, Esquire, Monroe Professional Building, 117 North Monroe Street, Media, PA 19063, Executor. S. JONATHAN EMERSON, Esquire, Monroe Professional Building, 117 North Monroe Street, Media, PA 19063, atty.

DERHAM, Dorothy, late of Honey Brook Township. Leonard J. Cooper, 1603 Harris Road, Laverock, PA 19038, Executor. LEONARD J. COOPER, Esquire, Cozen O'Connor, P.C., 1900 Market Street, Philadelphia, PA 19103, atty.

FARLEY, Jacqueline Elaine, late of Honey Brook Township. Donald P. Dudley, III, P.O. Box 4246, Middletown, NJ 07748, Administrator.

GINN, Ida Gunn, a/k/a Ida G. Ginn, late of Tredyffrin Township. Elizabeth Ginn Foulke, 315 Homestead Road, Wayne, PA 19087-2431, Executrix. BENJAMIN K. RODGERS, Esquire, Gadsden Schneider & Woodward LLP, 201 King of Prussia Road, Suite 100, Radnor, PA 19087, atty.

HORNBRUCH, Raymond E., late of Uwchlan Township. Leigh H. Davis and Carl R. Hornbruch, care of LISA COMBER HALL, Esquire, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, Executors. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, atty.

LAWRENCE, Elizabeth B., a/k/a Elizabeth Borkey Hoopes Lawrence, Betsy Lawrence, late of West Chester. Ann H. Williams, care of JAMES B. GRIFFIN, Esquire, 623 North Pottstown Pike, Exton, PA 19341, Executrix. JAMES B. GRIFFIN, Esquire, James B. Griffin, P.C., 623 North Pottstown Pike, Exton, PA 19341, atty.

MARINO, Perry Sam, late of West Whiteland Township. Perry Sam Marino, Jr., care of KATHLEEN A. FARRELL, Esquire, 216 South Orange Street, Media, PA 19063, Administrator. KATHLEEN A. FARRELL, Esquire, 216 South Orange Street, Media, PA 19063, atty.

MASON, Adelle R., late of Tredyffrin Township. Yvette D. Mason, care of MICHAEL C. MC BRATNIE, Esquire, 747 Constitution Drive, Suite 100, P.O. Box 673, Exton, PA 19341-0673, Executrix. MICHAEL C. MC BRATNIE, Esquire, Fox Rothschild LLP, 747 Constitution Drive, Suite 100, P.O. Box 673, Exton, PA 19341-0673, atty.

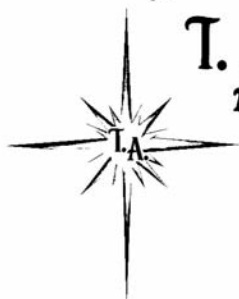
NEVIN, Alice W., a/k/a Alice Nevin, late of East Goshen Township. Lawrence E. Wood, care of W. PETER BARNES, Esquire, 126 West Miner Street, West Chester, PA 19382, Administrator C.T.A. W. PETER BARNES, Esquire, BARNES, SPANGLER, OESTE & WOOD, 126 West Miner Street, West Chester, PA 19382, atty.

PATTERSON, Elisha P., late of Coatesville. Howard R. Patterson, care of MARK E. HALBRUNER, Esquire, 1013 Mumma Road, Suite 100, Lemoyne, PA 17043, Executor. MARK E. HALBRUNER, Esquire, Gates, Halbruner, Hatch & Guise, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043, atty.

REINBOLD, Virgina D., late of Boyertown Borough. Paul D. Geunes, care of BARRY J. TOMLINSON, Esquire, 414 Main Street, P.O. Box 14, East Greenville, PA 18041, Executor. BARRY J. TOMLINSON, Esquire, Tomlinson & Gerhart, 414 Main Street, P.O. Box 14, East Greenville, PA 18041, atty.

RESCHKA, Judith Ann, late of West Chester. Jason E. Reschka, care of JENNIFER ABRACHT, Esquire, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, Executor. JENNIFER ABRACHT, Esquire, Perna & Abracht, LLC, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, atty.

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WARREN, William D., a/k/a William Warren, late of Malvern. Sharon L. Brown, 19 Dillan Drive, Malvern, PA 19355, Executrix.

WITTMAN, David, late of Kennett Square. Paul Wittman, 56 Dunster Road, Bedford, MA 01730, Executor.

2nd Publication

BERGMANN, Walter H., Jr., late of Penn Township. Jayne S. Van Dusen, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

BLAIR, Lois M., late of Tredyffrin Township. Judith Alleva, 58 Grove Avenue, Devon, PA 19333, Executrix. DEIRDRE A. AGNEW, Esquire, Law Offices of Deirdre A. Agnew, 1450 East Boot Road, Building 400A, West Chester, PA 19380, atty.

BROCKLESBY, Louise Prudy, a/k/a L. Prudy Brocklesby, Pudy Brocklesby, late of West Chester. Edward Brocklesby Sr., 125 Harvard Road, Havertown, PA 19083, Executor.

CAMPBELL, James F., late of East Vincent Township. Jeffrey N. Campbell, 1400 Gesna Drive, Hanover, MD 21076, Executor. THOMAS L. HOFFMAN, Esquire, Wells, Hoffman, Holloway & Stauffer, LLP, 635 E. High Street, P.O. Box 657, Pottstown, PA 19464, atty.

CASSERLY, John F., late of Honey Brook Township. Therese Saello, care of HUDSON L. VOLTZ, Esquire, 110 Hopewell Rd., Ste. 200, Downingtown, PA 19335, Executrix. HUDSON L. VOLTZ, Esquire, Hudson L. Voltz, P.C., 110 Hopewell Rd., Ste. 200, Downingtown, PA 19335, atty.

ERBE, Helen L., late of Schuylkill Township. Rodney L. Kriebel and Jean Kriebel, 33 Richard Lee Lane, Phoenixville, PA 19460, Executors. PATRICIA LEISNER CLEMENTS, Esquire, 516 Falcon Road, Audubon, PA 19403, atty.

FERRY, John Joseph, a/k/a John J. Ferry, late of East Goshen Township. Dolores M. Albright, care of MARITA M. HUTCHINSON, Esquire, 1197 Wilmington Pike, West Chester, PA 19382, Executrix. MARITA M. HUTCHINSON, Esquire, 1197 Wilmington Pike, West Chester, PA 19382, atty.

FITZGERALD, Kim, late of Landenberg. Rosemary W. Fitzgerald, 213 Evergreen Court, Landenberg, PA 19350, Executrix.

GREENBERG, Saul H., late of West Goshen Township. H. MICHAEL COHEN, Esquire, 144 West Market Street, West Chester, PA 19382, Executor. H. MICHAEL COHEN, Esquire, Lachall, Cohen & Sagnor, 144 West Market Street, West Chester, PA 19382, atty.

HIBBERD, Josiah H., late of Borough of West Chester. Timothy H. Knauer, care of TIMOTHY H. KNAUER, Esquire, 218 West Miner Street, West Chester, PA 19382, Executors. TIMOTHY H. KNAUER, Esquire, 218 West Miner Street, West Chester, PA 19382, atty.

HICKS, Paul, Jr., late of Spring City. Barbara A. Munnings, 403 Tudor Road, Collegeville, PA 19426, Executrix. R. KURTZ HOLLOWAY, Esquire, 635 E. High Street, P.O. Box 657, Pottstown, PA 19464, atty.

HORVATH, Arthur J., late of Atglen Borough. Mary B. Pflueger, care of HUDSON L. VOLTZ, Esquire, 110 Hopewell Road, Ste. 200, Downingtown, PA 19335, Executrix. HUDSON L. VOLTZ, Esquire, Hudson L. Voltz, P.C., 110 Hopewell Road, Ste. 200, Downingtown, PA 19335, atty.

JUSTI, Thomas R., late of Tredyffrin Township. Glenmede Trust Company, N.A. and David M. Justi, care of GARY CALVIN, Esquire, 540 Pennsylvania Avenue, Suite 318, Fort Washington, PA 19034, Executors. GARY CALVIN, Esquire, Dilts, Mac Cary & Calvin, 540 Pennsylvania Avenue, Suite 318, Fort Washington, PA 19034, atty.

KEATES, Sara G., late of East Goshen Township. Melanie Keates Lower and Brian A. Keates, care of STEPHEN D. POTTS, Esquire, Strafford Office Building #2, Suite 106, 200 Eagle Road, Wayne, PA 19087-3115, Executors. STEPHEN D. POTTS, Esquire, Herr, Potts & Potts, Strafford Office Building #2, Suite 106, 200 Eagle Road, Wayne, PA 19087-3115, atty.

LESSIG, Suzanne C., late of Downingtown. Lynda B. Wood, 1571 Broad Run Road, Downingtown, PA 19335, Executor. **KEITH N. RENALDO**, P.C., 37 West Gay Street, West Chester, PA 19380, atty.

MANCILL, Janet McGrath, late of East Marlborough Township. Thomas M. Mancill, care of **NEIL E. LAND**, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executor. **NEIL E. LAND**, Esquire, 213 E. State Street, Kennett Square, PA 19348, atty.

MEREDITH, William W., late of West Goshen Township. Larry E. Meredith, 107 Olympia Drive, Claymont, DE 19703, Executor. **KATHLEEN M. MARTIN**, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-5426, atty.

SIRGENSON, Theresa B., late of Borough of Phoenixville. Lynn A. Saville, 232 Bridge Street, Spring City, PA 19475, Executrix. **SUZANNE BENDER**, Esquire, 216 Bridge Street, Phoenixville, PA 19460, atty.

3rd Publication

BEILMAN, Donald S., late of Tredyffrin Township. Stephanie Walsh Beilman, David G. Beilman and Kathryn B. Gray, care of **CAROL R. LIVINGOOD**, Esquire, 130 W. Lancaster Avenue, P.O. Box 191, Wayne, PA 19087-0191, Executors. **CAROL R. LIVINGOOD**, Esquire, Davis Bennett Spiess & Livingood LLC, 130 W. Lancaster Avenue, P.O. Box 191, Wayne, PA 19087-0191, atty.

BRODOWSKI, John P., late of Phoenixville. Bonnie Long, 922 Cherry Hill Lane, Pottstown, PA 19465, Executor.

CORBY, Nancy A., late of Westtown Township. Charlene S. Ciccarone, 9 Ridge Road, West Chester, PA 19382, Executrix. **E. CRAIG KALEMJIAN**, Esquire, 535 North Church Street, West Chester, PA 19380, atty.

CHARLES T. DeTULLEO

Attorney at Law
134 North Church St.
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610-436-5766

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COX, Charles H., Jr., late of Tredyffrin Township. James D. Bernhardt and Bryn Mawr Trust Company, care of J. STODDARD HAYES, JR., Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executors. J. STODDARD HAYES, JR., Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

DAVIS, Charles, late of Penn Township. John W. Davis and Sharon D. Gausch, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

DAVIS, Joan B., a/k/a Joan Boyd Davis, late of Landenberg. Gerald W. Davis, 134 Walnut Run Road, Landenberg, PA 19350, Administrator. DANIEL J. MAISANO, Esquire, 415 McFarlan Road, Ste. 200, Kennett Square, PA 19348, atty.

DE CARLO, Leonard, late of East Nottingham Township. Louise De Carlo, 1986 Twinhouse Rd., Oxford, PA 19363, Administratrix. KENNETH R. PYLE, Esquire, The Law Office of Kenneth R. Pyle, P.C., P.O. Box 141, Lewisville, PA 19351-0141, atty.

DUFF, Ronelle C.M., late of East Malborough Township. Edmund Mc Govern, care of CHARLES J. DURANTE, Esquire, 1000 West Street, Suite 1400, Wilmington, DE 19801, Executor. CHARLES J. DURANTE, Esquire, Connolly Gallagher LLP, 1000 West Street, Suite 1400, Wilmington, DE 19801, atty.

ELLIXSON, Neal L. Jr., a/k/a Neal Laroy Ellixson, Neal L. Ellixson and Neal Ellixson, late of East Goshen Township. Brian Ellixson, care of ANDREW L. MACKERER, Esquire, 1236 Brace Road, Suite F, Cherry Hill, NJ 08034, Administrator, DBN. ANDREW L. MACKERER, Esquire, 1236 Brace Road, Suite F, Cherry Hill, NJ 08034, atty.

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GABLE, Arthur Carl, Jr., a/k/a Arthur C. Gable, Jr., late of Malvern Borough. Sharon Koromaus and Mary Kay Gable, care of JAMES E. MC ERLANE, Esquire, 24 E. Market Street, West Chester, PA 19381, Executrices. JAMES E. MC ERLANE, Esquire, Lamb Mc Erlane PC, 24 E. Market Street, P.O. Box 565, West Chester, PA 19381, atty.

GONDOLF, Marjorie W., a/k/a Marjorie Warren Gondolf and Marjorie Edith Warren, late of East Bradford Township. Warren J. Gondolf, care of JEFF L. LEWIN, Esquire, 15 East Front Street, Media, PA 19063, Executor. JEFF L. LEWIN, Esquire, 15 East Front Street, Media, PA 19063, atty.

GUIZZETTI, Sylvia, a/k/a Sylvia A. Guizzetti and Sylvia Ann Guizzetti, late of New Garden Township. Linda R. Di Luzio, 1014 Sarah Drive, Landenberg, PA 19352 and Victor A. Guizzetti, P.O. Box 364, Landenberg, PA 19350, Executors. WILLIAM J. GALLAGHER, Esquire, Mac Elree Harvey, Ltd., 211 E. State Street, Kennett Square, PA 19348, atty.

JENKINS, Anna A., late of Warwick Township. Jerome P. Jenkins and Judith J. Leonard, care of MARY R. LASOTA, Esquire, 218 West Miner Street, West Chester, PA 19382-2925, Executors. MARY R. LASOTA, Esquire, Klein, Head & Head, LLP, 218 West Miner Street, West Chester, PA 19382-2925, atty.

KALMBACHER, Eldora B., late of Pennsbury Township. Susan Gwynne, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

KANE, Anne L., late of East Brandywine Township. Paul Andrew Gordon, care of LOUIS N. TETI, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executor. LOUIS N. TETI, Esquire, MacElree Harvey, LTD., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

LENKER, William D., a/k/a William David Lenker, II, late of Easttown Township. Karen P. Lenker, care of CAROL R. LIVINGOOD, Esquire, 130 W. Lancaster Avenue, P. O. Box 191, Wayne, PA 19087-0191, Executrix. CAROL R. LIVINGOOD, Esquire, Davis Bennett Spiess & Livingood LLC, 130 W. Lancaster Avenue, P. O. Box 191, Wayne, PA 19087-0191, atty.

LINTON, Samuel W., late of Kennett Township. Debra Ann Morris, 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.

MATTIS, Joseph G., late of East Pikeland Township. Margaret Ann Brown, 40 Magnolia Drive, Douglassville, PA 19518, Executrix. LEE F. MAUGER, Esquire, Mauger & Meter, PO Box 698, Pottstown, PA 19464, atty.

NIEMCZUK, John C., late of Spring City. Michele Christman, care of DAVID G. GARNER, Esquire, 1954 E. High Street, Ste. 4, Pottstown, PA 19464, Administratrix. DAVID G. GARNER, Esquire, 1954 E. High Street, Ste. 4, Pottstown, PA 19464, atty.

PHILLIPS, Nancy L., late of West Bradford Township. Donald L. Phillips, 1440 Telegraph Road, West Chester, PA 19380 and Dorothy A. Griffith, 1117 West Strasburg Road, West Chester, PA 19382, Executors. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

SCHEVETS, Frank, late of Downingtown. Margaret Mary Valentine, care of ROSENN, JENKINS & GREENWALD, LLP, Esquires, 15 S. Franklin Street, Wilkes-Barre, PA 18711-0075, Administratrix. ROSENN, JENKINS & GREENWALD, LLP, 15 S. Franklin Street, Wilkes-Barre, PA 18711-0075, attys.

SHULTZ, Bonnie J., late of Phoenixville Borough. Nelly Shultz, 1926 Clover Creek Road, Martinsburg, PA 16662, Executrix. JAMES C. KOVALESKI, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 East High Street, Pottstown, PA 19464-54-26, atty.

SPERBER, Elynor R., late of Sadsbury Township. Mark J. Sperber, care of NANCY W. PINE, Esquire, 104 S. Church Street, West Chester, PA 19382, Executor. NANCY W. PINE, Esquire, Pine & Pine Law Offices, 104 S. Church Street, West Chester, PA 19382, atty.

TINDALL, Herbert L., Jr., a/k/a Herbert L. Tindall, late of Honey Brook Township. Robert C. Tindall, 5238 Denlinger Road, Gap, PA 17527, Executor. GOOD & HARRIS, LLP, 132 West Main Street, New Holland, PA 17557, atty.

YAKOBOSKI, Lorraine D., late of Borough of West Chester. Gail A. Dalton, care of HARRY J. DI DONATO, Esquire, 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, Executrix. HARRY J. DI DONATO, Esquire, Mac Elree Harvey Ltd., 17 West Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

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

Summit Insight, with its principal place of business at 1506 Wilson Lane, West Chester, PA 19380.

The application has been (or will be) filed on: October 18, 2012 .

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Mr. P. Deegan, 1506 Wilson Lane, West Chester, PA 19380.

FICTITIOUS NAME

Notice is hereby given that David Stoltzfus, 1401 West Kings Highway, Gap, PA 17527, did file in the Office of the Secretary of the Commonwealth of Pennsylvania on October 2, 2012, registration of the name:

HILLSIDE GARDEN CENTER

under which he intends to do business at 1401 West Kings Highway, Gap, PA 17527, pursuant to the provisions of Act of Assembly of December 16, 1982, Chapter 3, known as the "Fictitious Name Act".

NICHOLAS T. GARD, Solicitor
Smoker Gard Associates LLP
912 West Main Street
Suite 402
New Holland, PA 17557

NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation – Nonprofit have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about November 9, 2012 for:

East Evans Street Condominium Association, Inc.
6 Ponds Edge Drive, Suite 1

The corporation's purpose is for the operation of a condominium association. The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation – Nonprofit have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about November 9, 2012 for:

Goshen View Condominium Association, Inc.
211 Carter Dr., Suite A
West Chester, PA 19382

The corporation's purpose is for the operation of a condominium association. The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation – Nonprofit have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about November 9, 2012 for:

Bradford Retail Condominium Association, Inc.
211 Carter Dr., Suite A
West Chester, PA 19382

The corporation's purpose is for the operation of a condominium association. The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

NOTICE

NOTICE IS HEREBY GIVEN that the Consolidated Return of the Tax Claim Bureau of Chester County with respect to tax sales of real estate held on September 10, 2012 has been presented to the Court of Common Pleas of Chester County, Pennsylvania, which on November 13, 2012, confirmed said tax sales nisi. Objections or exceptions thereto may be filed by any owner or lien creditor within thirty (30) days after the Court has made a confirmation nisi; otherwise said return will be confirmed absolutely.

**TAX CLAIM BUREAU OF
CHESTER COUNTY**

Jeffrey A. Laudenslager, Director

CORPORATION NOTICE

NOTICE is hereby given that a Certificate of Organization has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization–Domestic Limited Liability Company pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 8913.

The name of the corporation is: Shirk Road Management, LLC and the Certificate of Organization was filed on: August 23, 2012.

The purpose or purposes for which it was organized are: The limited liability company shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporation may be incorporated under the Pennsylvania Business Corporation Law, as amended.

TOM MOHR LAW OFFICE, P.C. Solicitor
301 W. Market Street
West Chester, PA 19382

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MEETING SPACE?

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SAMPLE AD

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NOTICE

COURT OF COMMON PLEAS
CHESTER COUNTY
CIVIL DIVISION – NO. 11070253-2

COMPLAINT IN MORTGAGE FORECLOSURE

HSBC Bank USA, National Association, as Trustee for Fremont Home Loan Trust 2005-E, Mortgage-Backed Certificates, Series 2005-3, PLAINTIFF vs. Shawn Ryan, Deceased, Kevin Ryan, Known Heir of Shawn Ryan, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under Joan E. Burrell, Karen A. Mohr, Personal Representative of the Estate of Joan E. Burrell, Joseph C. Mohr, Known Heir of Joan E. Burrell, Christopher J. Smith, Known Heir of Joan E. Burrell and Estate of Joan E. Burrell, c/o Karen A. Mohr, Personal Representative, DEFENDANTS.

TO: Joan E. Burrell, Deceased and Any and All Unknown Heirs, Successors, Assigns and All Persona, Firms or Associations Claiming Right, Title or Interest From or Under Joan E. Burrell, Defendant(s), whose last known address is 216 Carlyn Court, Downingtown, PA 19335. TAKE NOTICE THAT PLAINTIFF, HSBC Bank USA, National Association, as trustee for Fremont Home Loan Trust 2005-E, Mortgage-Backed Certificates, Series 2005-3, filed a Complaint in Mortgage Foreclosure, as captioned above with regard to property located at 216 Carlyn Court, Downingtown, PA 19335

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend you must enter a written appearance personally or by attorney and file your defenses or objections with the Court. You are warned that if you fail to do so the case may proceed without you and a Judgment may be entered against you without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CHESTER COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
15 West Gay Street, P.O. Box 3191
West Chester, PA 19381
(610)429-1500

Mark J. Udren, Stuart Winneg, Lorraine Doyle, Alan M. Minato, Sherri J. Braunstein, Paige M. Bellino, Harry B. Reese, Amy Glass, Kassia Fialkoff, & Elizabeth L. Wassal, Attys. For Plaintiff
Udren Law Offices, P.C.
111 Woodcrest Rd., Suite 200
Cherry Hill, NJ 08003
856-669-5400

2nd Publication**NOTICE**

IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA, CIVIL ACTION,
LAW, NO. 11-10328

Caln Township Municipal Authority and Township of Caln vs. Dante P. Pileri and Jaime M. Pileri

Notice is hereby given that the above were named as Defendants in a civil action instituted by plaintiffs. This is an action to recover delinquent sewer and trash fees for the year 2010, for the property located at 2964 Honeymead Road, Caln Township, Pennsylvania, Tax Parcel No. 39-4-462. A municipal claim in the amount of \$935.10 was filed on or about September 21, 2011 for this claim and a Writ of Scire Facias was filed.

You are hereby notified to plead to the writ in this case, on or before 20 days from the date of this publication or a Judgment will be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice for the relief requested by the plaintiffs. You may lose property or other rights important to you.

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.

Lawyer Referral Service. Chester County Bar Association, P.O. Box 3191, West Chester, PA 19380, (610) 429-1500

Portnoff Law Associates, Ltd., P.O. Box 391, Norristown, PA 19404-0391, (866) 211-9466



December 2012 CLE Opportunities

@ Chester County Bar Association

DATE	CLE SESSIONS	TIME	CREDIT HOURS
Dec. 3	PBI: iPad for Legal Professionals (v)	9 AM – 5 PM	6 SUB
Dec. 4	PBI: Slicing Up the Pie: Property Distribution in PA (g)	1:15 PM - 4:30 PM	3 SUB
Dec. 5	PBI: Discovery in Bad Faith Claims (g)	12 PM – 4:15 PM	3 SUB + 1 ETH
Dec. 5	Beer & B.U.L.L.: Avoiding Your Friend “Mal”- Legal Malpractice***	5 PM – 6 PM	1 ETH
Dec. 7	PBI: Four County Civil Practice (v)	9 AM – 1:30 PM	4 SUB
Dec. 10	PBI: Eminent Domain Takings in PA (v)	9 AM – 12:30 PM	3 SUB
Dec. 10	PBI: Death and Taxes (g)	9 AM – 4:30 PM	5 SUB & 1 ETH
Dec. 11	PBI: After the Engagement Letter/ When Legal & Business Ethics Collide (v)	9 AM -10 AM	1 ETH
Dec. 12	PBI: Anatomy for Lawyers – The Back and Knee (g)	8:30 AM – 3:30 PM	5 SUB + 1 ETH
Dec. 14	PBI: Your First Divorce Case (v)	9 AM – 1:30 PM	4 SUB
Dec. 17	BRIDGE THE GAP	12 PM – 4 PM	4 ETH
Dec. 20	PBI: Disciplinary Diversion for Lawyers & Judges (v)	9 AM - 10 AM	1 ETH
Dec. 20	PBI: 19 th Annual Auto Law Update (g)	12:15 PM – 4:30 PM	3 SUB + 1 ETH
Dec. 21	PBI: Trends in Municipal Finance (g)	9 AM – 1:15 PM	4 SUB

(v) = video

(g) = live groupcast

*** = all CCBA members welcome to attend



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