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NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following account with statements of proposed distribution filed therewith have been filed in the Office of Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County-Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on 08/19/2022 at 8:30 a.m.

HEWITT—Orphans' Court Action Number OC-7-2022. First and Final Account of CATHERINE M MCCORMICK, PETITIONER. Estate of CLAIR E. HEWITT, late of Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

8/5 & 8/12

COURT OF COMMON PLEAS
CIVIL DIVISION
ADAMS COUNTY
NO: 2022-SV-331

Reverse Mortgage Funding LLC, PLAINTIFF
vs.

Michael Ryan, known Heir of Leo Patrick Ryan, Sr., deceased; Daniel Harris, known Heir of Leo Patrick Ryan, Sr., deceased; and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Leo Patrick Ryan, Sr., deceased, DEFENDANTS

To the Defendants, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Leo Patrick Ryan, Sr., deceased: TAKE NOTICE THAT THE Plaintiff, Reverse Mortgage Funding LLC has filed an action Mortgage Foreclosure, as captioned above.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE 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 THE RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Adams County Bar Association
Court Administrator
Adams County Courthouse
117 Baltimore Street
Gettysburg, PA 17325

LOGS Legal Group LLP

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Telephone: (610) 278-6800
Email: pahelp@logs.com
LLG File No. 22-066933

8/5

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on 07/20/2022 for HANDYMAN WORKS at 502 W. 7th Street, Suite 100, Erie, PA 16502, Erie County. The name and address of each individual interested in the business is Kenneth Roberts, 502 W. 7th Street, Suite 100, Erie, PA 16502, Erie County, Ronald Bridges, 502 W. 7th Street, Suite 100, Erie, PA 16502, Erie County. This was filed in accordance with 54 Pa.C.S.313-417.

8/5

JAMES P. ANDERSON VS. LISA ANDERSON

1. Wife was served with the Complaint and Husband's §3301(d) Affidavit via certified mail on September 7, 2021.

2. On October 12, 2021, Wife filed a Counter-Affidavit pursuant to §3301(d) of the Divorce Code. . . . On her Counter-Affidavit, Wife checked the box numbered "(1)(b)" indicating that she opposed the entry of a divorce decree because "there are economic claims pending." Wife also checked the box numbered "(2)(b)" indicating, "I wish to claim economic relief, which may include alimony, division of property, lawyer's fees, costs and expenses, or other important rights." Of significant import, Page 2 of Wife's Counter-Affidavit clearly states:

I UNDERSTAND THAT IN ADDITION TO CHECKING (2)(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT THE RECORD, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE TO THEREAFTER FILE ANY ECONOMIC CLAIMS.

3. This effectively placed Wife and her counsel on notice that, if economic claims were not properly raised before February 10, 2022, a decree would be entered foreclosing those claims.

4. Upon receipt of Husband's Praecipe to Transmit Record, the Court reviewed the record, determined the legal requirements were met, and entered a final decree on March 2, 2022, granting the divorce on the grounds of irretrievable breakdown under §3301(d) of the Divorce Code. No appeal was filed. Husband's spousal support obligation was terminated by operation of law.

5. Wife maintains that her prior counsel's failure to properly file and preserve her claims for economic relief due to mistake of fact and mistake in understanding divorce law caused her to suffer direct and significant financial harm and serve as a basis to open or rescind the decree.

6. The inadvertent exclusion of economic claims due to Wife's counsel's oversight does not constitute "extraordinary cause" which permits a trial court to grant relief from a final judgment entered in a contested action.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, 2021-S-871, JAMES P. ANDERSON VS. LISA
ANDERSON

Katrina M. Luedtke, Esq., Attorney for Petitioner

Max J. Smith, Jr., Esq., Attorney for Respondent

Simpson, J., June 16, 2022

OPINION

This case arises from Defendant's (hereinafter "Wife") Petition to Open Divorce Decree filed on March 31, 2022.

Plaintiff (hereinafter "Husband") filed a Response to Defendant's Petition to Open Divorce Decree on April 27, 2022. This Court directed both parties to file briefs prior to the date of hearing. The hearing on Wife's Petition was held on May 18, 2022. This case is now ready for disposition.

GENERAL BACKGROUND

On September 21, 2021, Husband filed a Divorce Complaint under Section 3301(c) and 3301(d) of the Divorce Code and an Affidavit pursuant to Section 3301(d) of the Divorce Code. On September 7, 2021, Wife accepted service of the Complaint and Affidavit via certified mail. On October 7, 2021, Matthew R. Battersby, Esquire, entered his appearance to represent Wife in the divorce action. On October 12, 2021, Wife filed a Counter-Affidavit pursuant to Section 3301(d) of the Divorce Code, which was signed by Wife. On the Counter-Affidavit, Wife checked the box indicating that economic claims were pending. The Counter-Affidavit contained the following provision:

I UNDERSTAND THAT IN ADDITION TO CHECKING (2)(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE TO THEREAFTER FILE ANY ECONOMIC CLAIMS.

However, at the time Wife filed the Counter-Affidavit, neither party had raised economic claims. On January 18, 2022, Husband properly served a Notice of Intention to File the Praeceptum to Transmit Record on Wife's counsel. As of that date, neither party filed to raise economic claims. In the Notice, Husband informed Wife that he intended to file a Praeceptum to Transmit Record on or after February 10, 2022, which would request that the Court enter a final decree in

divorce. Wife was aware, based on the signed Counter-Affidavit filed, that if economic claims were not raised before February 10, 2022, she would be foreclosed from pursuing those claims.

On February 25, 2022, Husband properly filed a Praecipe to Transmit Record. As of that date, no economic claims had been raised. On February 28, 2022, Wife's counsel, Attorney Battersby, filed a Petition to Withdraw. The Court granted this Petition on March 14, 2022.

On March 2, 2022, this Court entered a final Decree of Divorce. On March 31, 2022, Wife filed a Petition to Open the Divorce Decree as well as an Answer to the Divorce Complaint with Counterclaims. Wife's main reason for filing the Petition to Open the Divorce Decree was because she thought that her prior counsel had filed economic claims on her behalf when he in fact did not. On April 5, 2022, a Rule to Show Cause was issued by this Court regarding Wife's Petition, which was 34 days after the final Divorce Decree was entered. No other action was taken by this Court from the date the Divorce Decree was entered until the date the Rule to Show Cause was issued.

At the hearing, Wife testified that she requested her previous counsel, Matthew R. Battersby, Esquire, file economic claims on her behalf, prior to the entry of the Divorce Decree. Attorney Battersby testified that he made a mistake in failing to file economic claims on Wife's behalf.

DISCUSSION

“Except as otherwise provided or prescribed by law, a court upon notice to the parties may modify or rescind any order within 30 days after its entry, notwithstanding the prior termination of any term of court, if no appeal from such order has been taken or allowed.”

§ 5505. Modification of orders, PA ST 42 Pa.C.S.A. § 5505

A motion to open a decree of divorce or annulment may be made only within the period limited by 42 Pa.C.S. § 5505 (relating to modification of orders) and not thereafter. The motion may lie where it is alleged that the decree was procured by intrinsic fraud or that there is new evidence relating to the cause of action which will sustain the attack upon its validity. A motion to vacate a decree

or strike a judgment alleged to be void because of extrinsic fraud, lack of jurisdiction over the subject matter or a fatal defect apparent upon the face of the record must be made within five years after entry of the final decree. Intrinsic fraud relates to a matter adjudicated by the judgment, including perjury and false testimony, whereas extrinsic fraud relates to matters collateral to the judgment which have the consequence of precluding a fair hearing or presentation of one side of the case.

§ 3332. Opening or vacating decrees, PA ST 23 Pa.C.S.A. § 3332

The trial court's broad discretion is lost, however, if the court fails to act within 30 days. After this 30-day period, an order can only be opened or vacated if there is fraud or some other circumstance so grave or compelling as to constitute 'extraordinary cause' justifying intervention by the court. An oversight by counsel in failing to appeal does not constitute "extraordinary cause" which permits a trial court to grant relief from a final judgment entered in a contested action.

Justice v. Justice, 612 A.2d 1354, 1357, 417 Pa.Super. 581, 586-87 (Pa.Super.,1992)(citations omitted)

By the expression '**extrinsic or collateral fraud**' is meant some act or conduct of the prevailing party which has prevented a fair submission of the controversy. Among these are the keeping of the defeated party away from court by false promise of compromise, or fraudulently keeping him in ignorance of the action. **Another instance is where an attorney without authority pretends to represent a party and corruptly connives at his defeat, or where an attorney has been regularly employed and corruptly sells out his client's interest.** The fraud in such case is extrinsic or collateral to the question determined by the court.

Fenstermaker v. Fenstermaker, 502 A.2d 185, 188, 348 Pa.Super. 237, 243 (Pa.Super.,1985)(emphasis added)

Wife asserts that because she **filed** her Petition to Open the Decree within thirty days from the Decree being entered, then **PA ST 42 Pa.C.S.A. § 5505** should apply. However, for **§ 5505** to apply, the

Court must **act** within thirty days of the Decree being entered. The Decree was entered on March 2, 2022. Wife filed her Petition to Open Divorce Decree on March 31, 2022. This gave the Court until April 1, 2022, one day past Wife filing her Petition, to act or the Court would lose its broad authority. The Court did not act on Wife's Petition by April 1, 2022.

The only other avenue that this Court could vacate the Divorce Decree would be through **PA ST 23 Pa.C.S.A. § 3332**. However, § 3332, requires that Wife prove extrinsic fraud existed in her case. Wife's previous counsel, Matthew R. Battersby, Esquire, testified at the hearing that he made a mistake in failing to file economic claims on Wife's behalf, despite her requesting that he do so. Wife has made no allegations that Husband, or Husband's attorney on behalf of Husband, committed fraud of any kind.

Fenstermaker, *supra*, indicates that extrinsic fraud can be when an "attorney has been regularly employed and corruptly sells out his client's interest." Justice, *supra*, indicates that an attorney's failure to file an appeal, does not constitute extrinsic fraud. Similarly, an attorney's mistake wherein the attorney fails to file economic claims on his client's behalf, despite the client requesting that the attorney file economic claims, does not amount to extrinsic fraud, which would permit this Court to vacate the Decree.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 16th day of June, 2022, in accordance with the attached Opinion, IT IS ORDERED that the Defendant's Petition is DENIED.



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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 CAROL A. BAKER a/k/a CAROL ANN BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Personal Representative: Farmers and Merchants Trust Company of Chambersburg, 1500 Nitterhouse Drive, P.O. Box 6010, Chambersburg, PA 17201

Attorney: Tracy J. Ross, Esq., Keller, Keller, Beck and Ross, LLC, 1035 Wayne Avenue, Chambersburg, PA 17201

ESTATE OF PAULETTE M. DUBBS a/k/a PAULETTE KAY DUBBS, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Barbara A. Perrone, 608 Northland Drive, Hanover, PA 17331

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

ESTATE OF THOMAS R. LAPELOSA a/k/a TOM LAPELOSA a/k/a THOMAS RUSSELL LAPELOSA, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Kelly Noel Fort, 2684 Camel Court, Manchester, MD 21102; Bonnie Elaine Martz, 11 Summer Drive, Gettysburg, PA 17325; Brittany Michelle Lapelosa, 516 Delone Avenue, McSherrystown, PA 17344

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

ESTATE OF SARA M. LASER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Mark T. Laser, c/o John C Oszustowicz, Esq., 104 South Hanover Street, Carlisle, PA 17013

Attorney: John C Oszustowicz, Esq., 104 South Hanover Street, Carlisle, PA 17013

ESTATE OF ANNIE E. McCLAIN, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Personal Representative: Beverley A. Neiderer, 1745 Storms Store Road, New Oxford, PA 17350

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

ESTATE OF PATRICIA ANN SYKES, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Aaron Sykes, 45 Benwell Road, Unit 301, Reisterstown, MD 21136

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

SECOND PUBLICATION

ESTATE OF WILLIAM A. COCHRANE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Donna Lynne Giarth, 110 Ironmaster Drive, Thurmont, MD 21788

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, Inc. Law Office, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PHILIP LEE GIGOUS a/k/a PHILIP L. GIGOUS, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania

Administratrix: Stephanie L. Gigous, 316R Main Street, York Springs, PA 17372

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF DALE C. HOUSER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Jennifer S. Hill, c/o Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 340 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., Elder Law Firm of Robert Clofine, 340 Pine Grove Commons, York, PA 17403

ESTATE OF JOSEPH R. HYDOCK, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, Inc. Law Office, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANCES H. PLAYFOOT, SR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Frances Bitter, 124 Cross Creek Drive, Pooler, GA 31322-9310

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF GLENN R. WOODWARD, SR., a/k/a GLENN ROBERT WOODWARD, SR., DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Glenda Miller, 33 4th Street, Biglerville, PA 17307

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF MARGUERITE L. BUCHER a/k/a MARGUERITE LONG BUCHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: John Lee P. Holmes, 40 Longview Drive, Gettysburg, PA 17325

Attorney: Puhl & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MILDRED E. CHISHOLM a/k/a M. ELAINE CHISHOLM, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Co-Administrator: Dawn Chisholm, 58 Eagle Trail, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

ESTATE OF MELVA A. COCKLE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Lynda D. Cogle, 974 Fairview Avenue, Gettysburg, PA 17325

Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF GARY C. DAUM a/k/a GARY CLEMENS DAUM, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gary E. Daum, 234 Overlook Terrace, Orwigsburg, PA 17961

Attorney: Puhl & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION CONTINUED

ESTATE OF JOANN E. DeGROFT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Michael DeGroft 39 Sandy Court, Hanover, PA 17331

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

ESTATE OF MICHAEL SCOTT DERRICKSON a/k/a MICHAEL S. DERRICKSON, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representative: India Paschall Derrickson, c/o Scott A. Ruth, Esq., 123 Broadway, Hanover, PA 17331

Attorney: Scott A. Ruth, Esq., 123 Broadway, Hanover, PA 17331

ESTATE OF ROBERT D. ICKES, SR. a/k/a ROBERT D. ICKES, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Executrix: Cheryl Anne Hahn, 75 Fresh Meadow Drive, Lehighton, PA 18235

Attorney: Matthew R. Battersby, Esq.,
Battersby Law Office, P.O. Box 215,
Fairfield, PA 17320

ESTATE OF BARBARA JANE LAUGHMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Robert E. Laughman, c/o Scott J. Strausbaugh, Esq.,
Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq.,
Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

ESTATE OF ROGER WILLIAM PARR, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Brandon W. Parr, 1210 Green Ridge Road, Orrtanna, PA 17353

Attorney: Henry O. Heiser, III, Esq.,
104 Baltimore Street, Gettysburg,
PA 17325

ESTATE OF LEON J. SMITH a/k/a LEON JOSEPH SMITH, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executor: Eric J. Burrier, 1094 Pinetown Road, Lewisberry, PA 17339

Attorney: Puhl & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DARIA ANN VIER, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Deborah M. Kunetz, c/o Daniel D. Hill, Esq., Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402

Attorney: Daniel D. Hill, Esq., Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402