



Chester County Law Reporter

(USPS 102-900)

The Official Legal Publication for Chester County

Vol. 69

WEST CHESTER, PENNSYLVANIA, JULY 22, 2021

No. 29

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Chester County Law Reporter

(USPS 102-900)

Reporting the Decisions of the Divisions of the Court of the Fifteenth Judicial District of Pennsylvania, Composed of Chester County, Officially Designated by the Rule Thereof as the Legal Periodical for the Publication of Legal Notices

Owned and Published by
CHESTER COUNTY BAR ASSOCIATION
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Subscription Rate \$50.00 for CCBA Members; \$70.00 for Nonmembers CCBA
Periodicals Postage Paid at West Chester, Pennsylvania

POSTMASTER: Send address changes to
Chester County Law Reporter, 15 West Gay Street, 2nd Floor, West Chester, PA 19380

The **CHESTER COUNTY LAW REPORTER** is published every Thursday. **The Deadline for submission of all notices is 12:00 noon on Tuesday, 10 days prior to the following Thursday publication.** Notices must be submitted in typewritten form OR form provided by the Office of the **Law Reporter** and are published exactly as submitted by the advertiser. Neither the Law Reporter nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

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Major Equipment Corp. v. Terry E. Silva, Executrix

Jurisdiction – Orphans’ Court - Court of Common Pleas – Estates – Contractual claims – Fraud

1. The divisions of a court of common pleas are administrative units composed of those judges of the court responsible for the transaction of specified classes of the business of the court. In a court of common pleas having two or more divisions each division of the court is vested with the full jurisdiction of the whole court, but the business of the court may be allocated among the divisions of the court by or pursuant to general rules.
2. Jurisdiction is the capacity to pronounce a judgment of the law on an issue brought before the court through due process of law. It is the right to adjudicate concerning the subject matter in a given case. Without such jurisdiction, there is no authority to give judgment and one so entered is without force or effect.
3. The trial court has jurisdiction if it is competent to hear or determine controversies of the general nature of the matter involved *sub judice*. Jurisdiction lies if the court had power to enter upon the inquiry, not whether it might ultimately decide that it could not give relief in the particular case.
4. The orphans’ court jurisdiction is purely a creature of statute.
5. The jurisdiction of the court of common pleas over the following shall be exercised through its orphans’ court division: the administration and distribution of the real and personal property of decedents’ estates and the control of the decedent’s burial; the appointment, control, settlement of the accounts of, removal and discharge of, and allowance to and allocation of compensation among, all fiduciaries of estates and trusts; and the adjudication of the title to personal property in the possession of the personal representative, or registered in the name of the decedent or his nominee, or alleged by the personal representative to have been in the possession of the decedent at the time of his death.
6. Where a plaintiff’s complaint is based upon a breach of contract and does not directly raise issues regarding the administration of the estate, the trial court properly exercises its subject matter jurisdiction.
7. Contractual disputes are not statutorily enumerated issues that must be adjudicated by an orphans’ court.
8. The orphans’ court has exclusive jurisdiction of the administration and distribution of decedents’ estates, of the control of estate fiduciaries and of the settlement of their accounts.
9. Any action contesting the account of funds incident to settling an estate comes squarely within the jurisdiction of the Orphans’ Court.
10. The administrator of an estate qualifies as a fiduciary under the meaning of 20 Pa. C.S. §711(12).

11. Plaintiffs allege the decedent cheated them through falsehoods and flowed money through various corporations without observing corporate formalities. Plaintiffs allege decedent's daughter, as Executrix of her father's estate, continued such improper behavior. This case has been brought in fraud, breach of fiduciary duties, etc. and seeks an accounting. None of the claims arise under the terms of any contracts; rather, a waste of corporate assets are alleged and those assets may well constitute assets of the estate. This Court concluded this is not just a contract action unrelated to the administration of an estate; determined that it does not have jurisdiction over this case; and transferred it to the Chester County Orphans' Court for further proceedings.

R.E.M.

C.C.P. Chester County, Pennsylvania, Civil Action No. 2019-12565-TT; Major Equipment Corp., et al. v. Terry E. Silva, Executrix of the Estate of Richard F. Silva, et al.

David F. Herman for Plaintiffs
Donald F. Kohler, Jr. for Defendants
Tunnell, J., May 3, 2021:-

MAJOR EQUIPMENT CORP., et al.,
 Plaintiffs,

v.

TERRY E. SILVA, Executrix of the
 Estate of Richard F. Silva, et al.,
 Defendants.

IN THE COURT OF COMMON PLEAS
 CHESTER COUNTY, PENNSYLVANIA

NO. 2019-12565-TT

CIVIL ACTION

ORDER

AND NOW, this 3rd day of May, 2021, following conferences with counsel and due deliberation, the Court of Common Pleas determines that it does not have jurisdiction over this case which is accordingly hereby transferred, pursuant to 42 Pa. C.S. §5103(c), to the Chester County Orphans’ Court for further proceedings.¹

BY THE COURT:

/s/ Mark L. Tunnell, J.

¹On March 17, 2021, counsel for the parties requested an administrative status conference. By the time that occurred on April 9, 2021, in anticipation of the conference, the court read the conference memorandum submitted by plaintiffs and was attracted to the following statement: “Finally, Plaintiffs have alleged that the Estate and its representatives have failed to perform basic operational functions necessary to continue the profitable operation of the Seawind Defendants.” The court also learned that the Seawind Defendants took the position that the companies owned certain intellectual property (“IP”) rights with respect to an endeavor known as the Seawind Project. The plaintiffs assert that such statement are false and the IP is owned by the decedent’s heirs, his daughters. Accordingly, the court queried counsel as to whether (1) the matter should not properly be in the Orphans’ Court of Chester County, (2) the several companies being run now by the Estate might not be assets of the Estate, (3) permission had been sought under 20 Pa. C.S.A. §3314 for a continuation of the decedent’s businesses and (4) the executrix had a conflict of interest because the ownership of the IP was disputed.

It was agreed that counsel would talk and a follow up conference would occur in a couple of weeks. That conference did in fact occur on April 27, 2021. It focused necessarily on the jurisdictional issue. It was agreed that the court would determine this issue first.

A review of the operable legal principles is in order. Jurisdiction within the court divisions is addressed at 42 Pa. C.S.A. §952 which states:

The divisions of a court of common pleas are administrative units composed of those judges of the court responsible for the transaction of specified classes of the business of the court. In a court of common pleas having two or more divi-

sions each division of the court is vested with the full jurisdiction of the whole court, but the business of the court may be allocated among the divisions of the court by or pursuant to general rules.

As the Superior Court has explained,

jurisdiction is the capacity to pronounce a judgment of the law on an issue brought before the court through due process of law. It is the right to adjudicate concerning the subject matter in a given case . . . Without such jurisdiction, there is no authority to give judgment and one so entered is without force or effect. The trial court has jurisdiction if it is competent to hear or determine controversies of the general nature of the mater involved *sub judice*. Jurisdiction lies if the court had power to enter upon the inquiry, not whether it might ultimately decide that it could not give relief in the particular case.

Est. of Ciuccarelli, 81 A.3d 953, 958 (Pa. Super. 2013)(citing *Aronson v. Spirit Spectrum, L.P.*, 767 A.2d 564, 568 (Pa. Super. 2001)).

The orphans' court jurisdiction is purely a creature of statute. *In re: Shahan*, 429 Pa. Super 91, 631 A.2d 1298, 1301 (Pa. Super. 1993). That court is required in relevant part to exercise jurisdiction over the following matters:

Except as provided in section 712 (relating to nonmandatory exercise of jurisdiction through the orphans' court division) . . . the jurisdiction of the court of common pleas over the following shall be exercised through its orphans' court division:

(1) Decedents estates -- The administration and distribution of the real and personal property of decedents' estates and the control of the decedent's burial.

(12) Fiduciaries -- The appointment, control, settlement of the accounts of, removal and discharge of, and allowance to and allocation of compensation among, all fiduciaries of estates and trusts, jurisdiction of which is exercise through the orphans' court division, except that the register shall continue to grant letters testamentary and of administration to personal representatives as heretofore.

(17) Title to personal property -- The adjudication of the title to personal property in the possession of the personal representative, or registered in the name of the decedent or his nominee, or alleged by the personal representative to have been in the possession of the decedent at the time of his death.

In addition to the mandatory exercise of jurisdiction over matters such as those outlined above, the orphans' court is also vested with the authority to exercise nonmandatory jurisdiction in relevant part over the disposition of any case where there are substantial questions concerning matters enumerated in §711 and also matters not enumerated in that section. 20 Pa. C.S.A. §712.

Plaintiffs argued for keeping this matter in common pleas. They indicated reliance on two cases, *Mark Hershey Farms, Inc. v. Robinson, et al.*, 171 A.3d 810 (Pa. Super. 2017), and *Est. of Harmon v. Harmon*, 2020 WL 1490932 (Pa. Super. 2020) [non-precedential decision].

In *Mark Hershey, supra*, a customer, the decedent, Lonnie Robinson, owed the plaintiff \$118,741.31 for previously delivered feed. Robinson was the sole owner of Meadow Valley Dairy, Inc. *Hershey Farms*, 171

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A.3d at 812. After Robinson's death, his shareholder interest in Meadow Valley transferred to the estate and the estate became indebted to plaintiff. Hershey Farms, Inc. filed suit in common pleas for breach of contract and, in the alternative, unjust enrichment. *Id.* at 813. On appeal, Meadow Valley challenged the exercise of subject matter jurisdiction by the court of common pleas and characterized the case as raising questions concerning the administration of an estate. *Id.* at 813-14. The Superior Court, however, agreed with the trial court. It held that plaintiff's complaint was based upon a breach of contract and did not directly raise issues regarding the administration of the estate and therefore, the trial court properly exercised its subject matter jurisdiction. *Id.* at 815.

Est. of Harmon, also involved a contract claim that was not primarily related to the administration of the estate and, for that reason, the orphans' court lacked jurisdiction. *Harmon*, 2020 WL 1490932 *3. Harmon and her husband were divorced by a decree incorporating by reference a property settlement agreement between the parties. Paragraph nine of the agreement concerned waivers of life insurance benefits held by the other spouse. *Id.* at *1-2. After her ex-husband passed away, Mrs. Harmon learned that, despite the divorce, she remained a primary beneficiary on a policy entitling her to \$70,000 in proceeds. *Id.* She was sued by her husband's estate, which sought to compel her to comply with the terms of the property agreement by paying to it the proceeds from the decedent's life insurance policy. *Id.* Mrs. Harmon argued that the court of common pleas had no authority to hear the suit because it fell within the exclusive jurisdiction of the orphans' court division. *Id.*

The trial court reasoned that the orphans' court could exercise jurisdiction only if the case involved the "administration and distribution of the real and personal property of decedent's estate." *Id.* at *3. It concluded that it was not mandatory for the orphans' court to adjudicate the matter because the property in dispute – the insurance policy proceeds – had to be dispersed according to the terms of a divorce decree and an incorporated property agreement. *Id.* The court agreed that the issues involved in the case fell outside the exclusive purview of the orphans' court and turned instead on the enforceability of a waiver of rights in a divorce decree. *Id.*

As the court explained, "such contractual disputes are not statutorily enumerated issues that must be adjudicated by an orphans' court." *Id.* Rather, the court held it was the type of case where the orphans' court has only non-mandatory jurisdiction because it concerned not just administration of an estate, but also enforcement of contractual terms incorporated into a divorce decree. *Id.* The court concluded that while it is true that administrators of estates are charged with taking possession of and administering life insurance proceeds and to see to their proper distribution, a key exception is when the case involves substantial questions concerning matters enumerated in §711 and also matters not enumerated in that section. *Id.*; 20 Pa. C.S. §712(3). In such instances, it is not mandatory for the court of common pleas to exercise jurisdiction through its orphans' court division. *Id.*

In this case, plaintiffs, Major Equipment Corp. and W. Martin Huber, as Trustee of the W. Martin Huber Revocable Trust Dated March 29, 1997, have alleged, not a contract action, but claims for fraud, civil conspiracy, fraud in the inducement and unjust enrichment against Terry E. Silva as Executrix of the Estate of Richard F. Silva, Deceased and several corporations, Seawind Development Corp., Seawind, LLC, Seawind, Inc., S.N.A., Inc., and Aeronautic Development Corporation (the "Seawind Defendants"). An estate has been raised in the name of Richard F. Silva, the former majority owner and president of the Seawind Defendants. Terry Silva, his daughter, was named as executrix. It is alleged that decedent managed the day-to-day affairs of all the Seawind Defendants from Kimberton, Pennsylvania without respect to observing corporate formalities. (Am. Compl., ¶¶3-4). Plaintiffs contend that since his death, Terry E. Silva has continued to operate and manage the Seawind Defendants in the same manner as her father, as one cohesive enterprise without regard to corporate form. (*Id.*, ¶6).

In sum, plaintiffs allege that defendants cheated their investors and business partners, including plaintiffs, through a series of falsehoods. (*Id.*, ¶30). They contend Mr. Silva created a web of companies to assist him in creating and funding the development of an airplane capable of taking off and landing on both land and sea. (*Id.*, ¶¶31-32). These entities were used and controlled by Mr. Silva interchangeably. It is averred that one entity was responsible for raising capital and seeking investors, a second would interface with potential customers and a third was responsible for the manufacturing of parts and components for the aircraft. Money allegedly flowed freely between each of these companies, as needed, without observing corporate

formalities. (*Id.*, ¶33).

The Seawind Defendants are accused of giving presentations to plaintiffs and other potential investors, both written and printed, which were designed to induce investments in reliance on those statements and presentations. (*Id.*, ¶¶36-37). Plaintiffs claim that they justifiably relied on such presentations not knowing that they were false and misleading. Plaintiffs allege that the written materials assured investors that defendants owned the necessary IP rights and that IP was an asset on the balance sheet worth millions of dollars. (*Id.*, ¶44). Instead, plaintiffs learned that Mr. Silva transferred the IP to himself so that it has now passed to his estate where they believe it still resides. (*Id.*, ¶47). It is further alleged that Terry Silva, as Executrix of the Estate, has knowledge that the estate possesses the assets fraudulently transferred from the Seawind Defendants, but has not sought to return them. Plaintiffs' request for corporate records have been rebuffed to date. Plaintiffs also contend that the estate as the overwhelming majority shareholder of the Seawind Defendants owed a duty to any minority shareholders and creditors, including plaintiffs, to continue operating the businesses in a manner that does not cause harm to the value of those businesses. (*Id.*, ¶263).

There follow twenty-four (24) counts in the Amended Complaint. Claims filed against the estate include VI – Fraud, XVIII – Civil Conspiracy, XII – Fraud in the Inducement, XXIII – Breach of Fiduciary Duties, XXII – Waste, XX and XI – Actual and Constructive Fraud. Notably, among the prayers for relief in plaintiffs' "Wherefore" clause, at **iv**, is the request for **an accounting** of all transactions relating to the defendants' misrepresentations and fraudulent conduct.

So the question must be asked. Is this just a contract claim unrelated to the administration of the estate? This court thinks not.

A recent decision more germane to this issue is *Est. of Ciuccarelli*, 81 A.3d 953 (Pa. Super. 2013). In that case, the decedent's daughter, Ellen Caruso, filed suit against a bank, which held funds from the sale of the decedent's property in escrow. *Id.* at 955-56. Initially, the money from the sale was held by First Patriot Abstract Company which in turn delivered them to the order of Attorney George Milner/Raymond Quaglia. Milner endorsed the check and deposited it. *Id.* The Carusos alleged that Milner forged the signatures necessary to deposit the monies into the bank. *Id.* at 955-56. The Superior Court, on appeal, explained that the orphans' court has mandatory and exclusive jurisdiction over the administration and distribution of real and personal property of decedents' estates. *Id.* at 958. The orphans' court also has mandatory and exclusive jurisdiction over "[t]he appointment, control, settlement of the accounts of, removal and discharge of, and allowance and allocation of compensation among all fiduciaries of estates and trusts[.]" *Id.*; 20 Pa.C.S. §711(12). The court wrote that, taken together, these provisions mandate that the orphans' court has exclusive jurisdiction of the administration and distribution of decedents' estates, of the control of estate fiduciaries and of the settlement of their accounts. *Id.* at 958.

The Superior Court concluded that the orphans' court indeed had mandatory and exclusive jurisdiction over the claims filed against the bank and the attorney. *Id.* at 959. It found that the claim against the bank "speaks to the administration and distribution of the real and personal property of Decedent's estate. To wit, the claim directly implicates the management of the proceeds from the sale of Decedent's home." *Id.* at 958. It further held that "any action contesting [the] **account** of funds incident to settling [an] estate comes squarely within the jurisdiction of the Orphans' Court." *Id.* at 959. (citing *In re Shahan*, 429 Pa. Super 91, 631 A.2d 1298, 1302 (1993)). Similarly, the claims against the attorney for breach of fiduciary duty and breach of contract were held to be directly related to "Attorney Waltz's fiduciary responsibilities as the administratrix of Decedent's estate. *Id.* The administrator of an estate qualifies as a "fiduciary" under the meaning of 20 Pa. C.S. §711(12). *Id.* at 958 (citing *Shahan, supra*).

Here, as in *Ciuccarelli*, none of the alleged harms suffered by plaintiffs nor their claims arise under the terms of any contracts between the parties. Rather, plaintiffs assert claims of waste of corporate assets, which may well constitute assets of the estate. (*Id.*, ¶62). Plaintiffs aver that the estate and the defendants have been transferring money from existing bank accounts of the Seawind Defendants to new accounts in new banks without explanation or clarity as to ownership of the accounts. (Am. Compl., ¶50). In contrast to the plaintiffs in *Hershey Farms* and *Harmon, supra.*, plaintiffs seek to hold the defendants accountable for their actions. (*Id.*, ¶66). Upon consideration, the court concludes that the facts alleged and claims asserted by plaintiffs speak to the administration and distribution of the real and personal property of decedent's estate

and thus are appropriate for the orphans' court.

Finally, this court discerns that the executrix of the estate, who has duties running to its creditors and beneficiaries, may in fact have an irreconcilable conflict with those duties and her individual interests. The court will address this issue at a later date following transfer of the matter to the orphans' court.

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

AUDIT LIST
ACCOUNTS LISTED FOR AUDIT ON
WEDNESDAY, AUGUST 4, 2021
Courtroom 19 at 9:00 A.M. PREVAILING TIME

THE HONORABLE ALLISON BELL ROYER

ESTATE OF ROSE HELEN WASHINGTON, DECEASED **1514-0859**
A/K/A HELEN R. WASHINGTON
FIRST AND FINAL ACCOUNT
OF: PHILLIP WASHINGTON, EXECUTOR

ATTORNEY(S):
DONALD F. KOHLER JR, ESQUIRE

ESTATE OF BETTY ANN GEARS, DECEASED **1518-1555**
A/K/A BETTY W. GEARS
FIRST AND FINAL ACCOUNT
OF: ROBERT L. PRETTYMAN SR, EXECUTOR

ATTORNEY(S):
ROBERT SAMUEL MCMICHAEL, ESQUIRE

GUARDIANSHIP OF SUZANNE L. FRANKS **1598-0004**
FIRST AND FINAL ACCOUNT
OF: PNC BANK, N.A., GUARDIAN

ATTORNEY(S):
JANE KELLY ANASTASIA, ESQUIRE

NOTICES

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CHANGE OF NAME NOTICE

**IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

LAW NO. 2021-04606-NC

NOTICE IS HEREBY GIVEN that the name change petition of Noel David Bourquin was filed in the above-named court and will be heard on Monday, September 13, 2021 at 2:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Tuesday, June 22, 2021
Name to be changed from: Noel David Bourquin to: Noelle Elizabeth Bourquin

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. 2021-02189

NOTICE IS HEREBY GIVEN that the name change petition of Joi Denise Beacher-Kelly was filed in the above-named court and will be heard on August 9, 2021 at 2:00 PM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: April 5, 2021
Name to be changed from: Joi Denise Beacher-Kelly to: Taz Denise Beacher-Kelly

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

ARTICLES OF AMENDMENT - BUSINESS CORPORATION

Notice is hereby given that Articles of Amendment were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on 6/29/21 amending the name of METROPOLITAN COMMUNICATIONS GROUP, INC. a Pennsylvania corporation and changing its name to MCG UTILITIES, INC. Notice is also further given that the corporation has changed its registered address in the Commonwealth of PA to 910 Camaro Run Dr., West Chester, PA 19380. KRAUT HARRIS, P.C., Solicitors, 5 Valley Sq., Ste. 120, Blue Bell, PA 19422

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

BERTOLINI, Dominic J., late of Kennett Township. Ninetta Gonnelli-Bertolini, 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.

BISIGNANI, Susan J., late of West Goshen Township. Lisa DeLaurentis & Anita M. Brady, care of VINCENT CAROSELLA, JR., Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Co-Executrices. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, atty.

BLACK, Helen J., a/k/a Helen Jones Black, late of East Goshen Township. Janet H. Svoboda, care of KRISTEN R. MATTHEWS, Esquire, 17 West Miner Street, West Chester, PA 19382, Executrix. KRISTEN R. MATTHEWS, Esquire, MacElree Harvey, LTD., 17 West Miner Street, West Chester, PA 19382, atty.

CARRASQUILLO, Maria A., late of Coatesville. Orlando Carrasquillo, 370 Valley Road, Coatesville, PA 19320, Executor. **DEIRDRE A. AGNEW**, Esquire, Law Offices of Deirdre A. Agnew, 1450 East Boot Road, Bldg 400A, West Chester, PA 19380, atty.

CASE, SR., Charles L., late of West Brandywine. Jeffrey Charles Case, 2904 Cotswold Road, Sinking Spring, PA 19608, Executor. **SOCRATES J. GEORGEADIS**, Esquire, Georgeadis Setley, 4 Park Plaza, 2nd Floor, Wyomissing, PA 19610, atty.

CLINGMAN, Evan E., late of Pennsbury Township. Nan B. Clingman, 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.

DOUGLAS, Joyce M., late of West Vincent Township. Neal Douglas, Iain Douglas and Alan Douglas, care of **STEPHEN OLSEN**, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Co-Executors. **STEPHEN OLSEN**, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

FASANO, Patrick J., late of Elk Township. Angela Maria Norman, care of **JOHN A. GAGLIARDI**, Esquire, 122 South Church Street, West Chester, PA 19382, Executrix. **JOHN A. GAGLIARDI**, Esquire, Wetzell, Gagliardi Fetter & Lavin LLC, 122 South Church Street, West Chester, PA 19382, atty.

GRIMES, Ellen R., late of Berwyn. Thomas Rodenhiser, care of **DOUGLAS W. OLSHIN**, Esquire, 442 North High Street, West Chester, PA 19380, Executor. **DOUGLAS W. OLSHIN**, Esquire, 442 North High Street, West Chester, PA 19380, atty.

GROHOSKI, JR., John, late of Schuylkill Township. John Grohoski, III, care of **ELLIOTT GOLDBERG**, Esquire, 1231 Lancaster Avenue, Berwyn, PA 19312, Executors. **ELLIOTT GOLDBERG**, Esquire, 1231 Lancaster Avenue, Berwyn, PA 19312, atty.

HABECKER, Bruce A., late of West Brandywine. Larry Habecker, care of **VINCENT CAROSELLA, JR.**, Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Administrator. **VINCENT CAROSELLA, JR.**, Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, atty.

HEYLMUN, Sarah, a/k/a Sarah S. Heylmun, late of North Coventry Township. Howard S. Heylmun, care of **DAVID L. ALLEBACH, JR.**, Esquire, 1129 East High Street, P.O. Box 776, Pottstown, PA

19464-0776, Executor. **DAVID L. ALLEBACH, JR.**, Esquire, 1129 East High Street, P.O. Box 776, Pottstown, PA 19464-0776, atty.

HEYLMUN, JR., Richard F., late of North Coventry Township. Howard S. Heylmun, care of **DAVID L. ALLEBACH, JR.**, Esquire, 1129 East High Street, P.O. Box 776, Pottstown, PA 19464-0776, Executor. **DAVID L. ALLEBACH, JR.**, Esquire, 1129 East High Street, P.O. Box 776, Pottstown, PA 19464-0776, atty.

JONES, James D., late of East Coventry Township. Theodore Andrew Jones, 507 Wood Avenue, North Brunswick, NJ 08902, Executor. **DIANE M. ZABOWSKI**, Esquire, Zabowski Law, LLC, 100 Springhouse Drive, Suite 205E, Collegetown, PA 19426, atty.

LAHUSEN, Kay, a/k/a Kay Tobin Lahusen and Katherine Lahusen, late of Kennett Township. Judith Armstrong, care of **TRAVIS G. MAURER**, Esquire, Rodney Square, 1000 North King Street, Wilmington, DE 19801, Executrix. **TRAVIS G. MAURER**, Esquire, Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington, DE 19801, atty.

MARSHALL, JR., Edward Moses, late of Pocopson. Holly M. Hopkins, 170 Northbrook Rd., West Chester, PA 19382, Executor.

MEDKEFF, John R., late of Tredyffrin Township. Deborah J. Medkeff, care of **JAMES J. RUGGIERO, JR.**, Esquire, 16 Industrial Boulevard, Suite 211, Paoli, PA 19301, Administratrix. **JAMES J. RUGGIERO, JR.**, Esquire, Ruggiero Law Offices, LLC, 16 Industrial Boulevard, Suite 211, Paoli, PA 19301, atty.

MONTGOMERY, Mary Jane, late of East Vincent Township. William P. Montgomery, care of **SHAWN M. PIERSON**, Esquire, 105 East Oregon Road, Lititz, PA 17543, Executor. **SHAWN M. PIERSON**, Esquire, Law Office of Shawn M. Pierson, 105 East Oregon Road, Lititz, PA 17543, atty.

NEIDLINGER, Allen H., a/k/a Allen Neidlinger, late of Honey Brook. James Neidlinger, 615 Woodstock Ave, Schuylkill Haven, PA 17972, Executor. **SHELBY G. HOSTETTER**, Esquire, 75 Memorial Drive, Schuylkill Haven, PA 17972, atty.

NIXON, Gerard James, late of East Goshen Township. Mark Nixon, 390 Shelbourne Lane, Phoenixville, PA 19460, Administrator. **KEVIN J. CONRAD**, Esquire, Lamb McErlane PC, 24 E. Market Street, West Chester, PA 19381, atty.

NIXON, Kathryn, late of East Goshen Township. Mark Nixon, 390 Shelbourne Lane, Phoenixville, PA 19460, Administrator. KEVIN J. CONRAD, Esquire, Lamb McErlane PC, 24 E. Market Street, West Chester, PA 19381, atty.

OCHS, Terry Kent, late of Exton. William Dougherty, 963 May Post Office Rd., Strasburg, PA 17579, Executor.

SCHUTT, JR., Charles P., a/k/a Charles Porter Schutt, Jr., late of Chadds Ford Township. C. Porter Schutt, III, care of TRAVIS G. MAURER, Esquire, Rodney Square, 1000 North King Street, Wilmington, DE 19801, Executor. TRAVIS G. MAURER, Esquire, Young Conway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington, DE 19801, atty.

SEGUIN, Helen M., late of Spring City Borough. Dwayne Logie, care of ROBERT M. SLUTSKY, Esquire, 600 W. Germantown Pike, Ste. 400, Plymouth Meeting, PA 19462, Executor. ROBERT M. SLUTSKY, Esquire, Slutsky Elder Law, 600 W. Germantown Pike, Ste. 400, Plymouth Meeting, PA 19462, atty.

SMITH, Vera, late of West Chester. Michael C. Smith, 11433 Nathaniel Drive, Orlando, FL 32825, Personal Representative.

2nd Publication

ATKINS, Roger William, late of East Marlborough Township. Gaetano F. Miceli, 702 Pheasant Run, Kennett Square, PA 19348, Executor. D. SCOTT BONEBRAKE, Esquire, Noel and Bonebrake, 25 E. Second Street, Media, PA 19063, atty.

BANKS, SR., Jerry W., a/k/a Jerry W. Banks, late of Caln Township. Jerry W. Banks, Jr., care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executor. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

BUCK, David M., a/k/a David Michael Buck, late of Phoenixville Borough. Kiersten Vuocolo, care of NICHOLAS M. ORLOFF, Esquire, 1 W. Third St., Media, PA 19063, Administratrix. NICHOLAS M. ORLOFF, Esquire, Orloff Law, 1 W. Third St., Media, PA 19063, atty.

CLARKE, Donald F., late of Easttown Township. Elizabeth C. Werwinski and David M. Clarke, 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.

CROSSAN, Randall K., late of London Grove Township. Tina McLennan, 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.

GRIM, Robert Richard, a/k/a Rob, late of West Chester. Kim Szymura, 813 Kenmara Drive, West Chester, PA 19380, Executrix.

KISIELOWSKI, Eugene, late of Schuylkill Township. Christine Gehman Kisielowski, care of RONALD R. BOLIG, Esquire, 301 N. Main Street, Telford, PA 18969, Executrix. RONALD R. BOLIG, Esquire, Lechowicz and Bolig, 301 N. Main Street, Telford, PA 18969, atty.

LANGHORNE, Audrey Ann, a/k/a Audrey H. Langhorne, Audrey Langhorne, late of East Goshen Township. Wistar Hardison, 9405 Lomax Forest Drive, Manassas, VA 20112, Executrix. COURTNEY A. WIGGINS, Esquire, Clarion Law, LLC, 211 N. Walnut St, 1st Floor, West Chester, PA 19380, atty.

LILLMARS, Donna M., late of Phoenixville. Steven A. Lillmars, 80 Edgewood Drive, Danville, PA 17821, Executor. TAMMY A. WEBER, Esquire, Marshall Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701, atty.

LOOFT, Richard A., a/k/a Richard Arthur Looft, late of Uwchlan Township. Richard A. Looft, Jr., care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executor. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

McCLINTOCK, Thelma M., late of Sadsbury Township. Jeffrey M. Reeser, 306 West 1st Avenue, Parkesburg, PA 19365, & Raymond D. Pirches, 106 Compass Road, Parkesburg, PA 19365, Executors. TIMOTHY H. KNAUER, Esquire, 218 West Miner Street, West Chester, PA 19382, atty.

MILEWSKI, John J., late of East Pikeland Township. Donna M. Milewski, 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.

MILLER, Hazel June, late of Penn Township. Pamela Blakeslee, 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.

MUNDY, Paul M., late of Westtown. Michael P. Mundy, care of KYLE A. BURCH, Esquire, 22 State Road, Media, PA 19063-1442, Executor. KYLE A. BURCH, Esquire, 22 State Road, Media, PA 19063-1442, atty.

PILOTTI, SR., William, late of Caln Township. Staci L. King, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executor. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

RICHARDS, C. Victor, late of Franklin Township. C. Timothy Richards and Jonathan T. Richards, 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.

SCHNEIDER, Lily S., late of West Goshen Township. Timothy J. Schneider, care of W. PETER BARNES, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. W. PETER BARNES, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

SIMON, Colleen P., late of Tredyffrin Township. Francis Edward Simon, 5 White Woods Lane, Malvern, PA 19355, Executor. CAROL R. LIVINGOOD, Esquire, Davis Bennett Spiess & Livingood, LLC, 130 W. Lancaster Ave., P.O. Box 191, Wayne, PA 19087, atty.

STRAHAN, Johanne C., late of Pennsbury Township. Kelly A. Wellborn, 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.

TWADDLE, Thomas C., late of Tredyffrin Township. Schuyler Twaddle, care of MICHAEL T. PIDGEON, Esquire, 60 E. Court St., P.O. Box 1389, Doylestown, PA 18901-0137, Administrator. MICHAEL T. PIDGEON, Esquire, Eastburn & Gray, P.C., 60 E. Court St., P.O. Box 1389, Doylestown, PA 18901-0137, atty.

VANORE, Joseph T., late of West Chester Borough. Salvatore Vanore, care of PETER E. BORT, Esquire, 101 Lindenwood Dr., Ste. 225-G, Malvern, PA 19355, Administrator. PETER E. BORT, Esquire, Bort Law, 101 Lindenwood Dr., Ste. 225-G, Malvern, PA 19355, atty.

WITMYER, Frank Robert, a/k/a F. Robert Witmyer, late of North Coventry Township. Randall O. Witmyer, 505 S. Hanover St., Pottstown, PA 19465, Executor.

WOHL, Faith Avidon, late of Kennett Square. Michael A. Wohl, 2874 Lake Forest Circle, Talbott, TN 37877, Executor.

3rd Publication

ASHBROOK, Joan Lorraine, late of Spring City Township. Glindon Ashbrook, Jr., care of DANIEL D. HILL, Esquire, 3198 East Market Street, York, PA 17402, Executor. DANIEL D. HILL, Esquire, Belomo & Associates, LLC, 3198 East Market Street, York, PA 17402, atty.

BENNETT, Clayton, late of West Caln Township. Penelope L. Smith Bennett, care of TOM MOHR, Esquire, 301 W. Market Street, West Chester, PA 19382, Executor. TOM MOHR, Esquire, 301 W. Market Street, West Chester, PA 19382, atty.

BROCK, Sandra C., a/k/a Sandra Chambers Brock, Sandra M. Brock and Sandra Mae Brock, late of West Brandywine Township. Jay G. Fischer, 342 East Lancaster Avenue, Downingtown, PA 19335, Executor. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

DEITZER, Angela, a/k/a Angie Deitzer, late of Westtown Township. Doree Roller, care of GEORGE ZUMBANO, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. GEORGE ZUMBANO, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

FRANKS, Jeffrey Scott, a/k/a J. Scott Franks, late of Upper Uwchlan Township. Nancy Franks Newman, care of JOHN R. LATOURETTE, Esquire, 1500 Market St., Ste. 3500E, Philadelphia, PA 19102, Executrix. JOHN R. LATOURETTE, Esquire, Dilworth Paxson LLP, 1500 Market St., Ste. 3500E, Philadelphia, PA 19102, atty.

FULTON, Andrew W., late of Elk Township. Sara M. Fulton, 709 N. Broom Street, Apt. 4, Wilmington, DE 19805, Administrator. DONALD F. KOHLER, JR., Esquire, 27 South Darlington Street, West Chester, PA 19382, atty.

GALLAGHER, Irene M., a/k/a Irene Gallagher, late of East Goshen Township. Christine M. Shindler, care of JOHN J. McANENEY, Esquire, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, Executrix. JOHN J. McANENEY, Esquire, Timoney Knox, LLP, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, atty.

GOOCH, Michele R., late of Downingtown. Denise H. Gooch & Michael E Gooch, 4 E. Yorktown Road, Milford, DE 19963, Executors. CHARLES W.

PROCTOR, III, Esquire, PLA Associates PC, 1450 E. Boot Road, Building 400D, West Chester, PA 19380, atty.

HEEB, Gail R., late of East Goshen Township. Wilhelm M. Heeb, care of GUY F. MATTHEWS, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executor. GUY F. MATTHEWS, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

HIGGINS, Jerilyn Ilene, late of West Brandywine Township. A. Mark Edwards and Patricia E. Edwards, care of DIANE H. YAZUJIAN, Esquire, P.O. Box 1099, North Wales, PA 19454, Executors. DIANE H. YAZUJIAN, Esquire, P.O. Box 1099, North Wales, PA 19454, atty.

JONES, Donna Marie, late of Phoenixville. Jennifer L. Jones, care of G. ELIAS GANIM, Esquire, P.O. Box 494, Paoli, PA 19301-0494, Executor. G. ELIAS GANIM, Esquire, McLaughlin Ganim, Ltd., P.O. Box 494, Paoli, PA 19301-0494, atty.

LEE, Sharon L., late of Kennett Square Borough. Cornelio Guillen, 6 Tulip Lane, West Grove, PA 19390, Executor. KAREN E. EICHMAN, Esquire, Eichman Law, PLLC, 8 Federal Road, Suite 3, West Grove, PA 19390, atty.

MATTIONI, Mary L., late of Downingtown Borough. Nancy M. McFalls, care of DENISE ANTONELLI, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. DENISE ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

MAUGER, Gloria Ann, a/k/a Gloria Mauger, Gloria A. Mauger, late of East Coventry Township. Patricia L. Miller, 38 Country Lane, Pottstown, PA 19465 & Ruth Plumley, 72 East Main Street, Pottstown, PA 19465, Executors. LEE F. MAUGER, Esquire, Mauger Law, LLC, 1800 East High Street, Suite 375, Pottstown, PA 19464, atty.

McGEEHAN, John Herman, a/k/a John H. McGeehan, late of Downingtown Borough. Edward A. McGeehan, 253 South Homestead Drive, Landisville, PA 17538-1378, Administrator. DANA C. PANAGOPOULOS, Esquire, Appel, Yost & Zee, LLP, 33 North Duke Street, Lancaster, PA 17602, atty.

PACH, Ronald F., late of West Goshen Township. Thomas Quinn, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

RAMBO, Janet M., late of Coatesville. Lyn M. Brown, care of KARYN L. SEACE, CELA, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executrix. KARYN L. SEACE, CELA, Esquire, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

SEUFFERT, Mark C., late of West Bradford Township. Samantha Conlan, care of STEPHEN M. PORTER, Esquire, 17 W. Miner St., West Chester, PA 19832, Administratrix. STEPHEN M. PORTER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19832, atty.

WELLS, Shirley Taylor, late of Coatesville. George H. Taylor, care of JANIS M. SMITH, Esquire, 4203 West Lincoln Highway, Parkesburg, PA 19365, Executor. JANIS M. SMITH, Esquire, Janis M. Smith, Attorney At Law, 4203 West Lincoln Highway, Parkesburg, PA 19365, atty.

WILSON, Virginia S., a/k/a Virginia Wilson, late of West Goshen Township. Joan Wilson, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Associates, LLP, 104 S. Church St., West Chester, PA 19382, atty.

WIRBISKY, Theodore J., late of New London Township. Alan G. Wirbisky, care of VINCENT CAROSELLA, JR., Esquire, 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, Administrator. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101, West Chester, PA 19382-4505, 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

Lapp's Specialty Eggs, with its principal place of business at 350 Calvary Road, Oxford, PA 19363. The application has been (or will be) filed on: Tuesday, June 15, 2021. The name(s) and address(es) of

the individual(s) or entity(ies) owning or interested
in said business: Lapp's Poultry Farm LLC
Samuel A. Goodley, III
434 West 4th Street
Quarryville, PA 17566

NONPROFIT CORPORATION NOTICE

The Way With Words

has been incorporated under the provisions of the PA
Nonprofit Corporation Law of 1988.

L. Theodore Hoppe, Jr., Attorney at Law
2 S. Orange St., (215)
Media, PA 19063

IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
IN DIVORCE, 2020-09318-DI
RICHARD A. BARTOSH VS. CHALUAY BARTOSH

FILED:
2021 MAY 14 PM 3:20
OFFICE OF THE PROTHONOTARY
CHESTER CO. PA

NOTICE:

If you wish to deny any of the statements outlined in this affidavit, you must file a counter-affidavit within 20 days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT UNDER SECTION 3301(D) OF THE DIVORCE CODE

1. The parties to this action separated on May 1, 2007
2. (a) The date of separation was prior to December 5, 2016 and the parties have continued to lived separate and apart for a period of at least two years.
3. The marriage is irretrievably broken.
4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: 5/14/21

s/ Richard A. Bartosh

IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
IN DIVORCE, 2020-09318-DI
RICHARD A. BARTOSH VS. CHALUAY BARTOSH

COUNTER-AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE:

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because:

Check (i), (ii), (iii) or all:

(i) The parties to this action have not lived separate and apart for the required separation period; two years for parties that separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016;

(ii) The marriage is not irretrievably broken.

(iii) There are economic claims pending.

2. Check (a), (b) or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer's fees, costs and expenses, or other important rights.

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 OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date:

Chaluay Bartosh, Defendant

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

MEETING SPACE?

Looking for just the right meeting space? The Chester County Bar Association facilities are utilized on a regular basis for depositions, client meetings and seminars. We have rooms available for rental by the half-day or full day – a conference room, a board room and seminar rooms. We are located just one block from the Courthouse and convenient parking is available. For more information, visit us at www.chescobar.org. To reserve your room, please call 610-692-1889.

SAMPLE AD

Classified Ads for the Chester County Law Reporter ONLY \$.20 per space/character

ASSOCIATE ATTORNEY

LaMonaca Law is seeking associate attorneys to join our expanding main line law firm. Required: minimum of 2 years family law experience, transportation, career oriented, ability to multi-task in a fast paced environment. Send resume and salary requirements to Kristy@LaMonacaLaw.com.