

ADVANCE SHEET

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**THE
DAUPHIN COUNTY REPORTER**
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by the
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Estate Notices

DECEDENTS ESTATES

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

FIRST PUBLICATION

ESTATE OF FRANCIS J. MIKULA, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died: December 25, 2018). Executor: David A. Mikula, 150 S. Hoernerstown Rd., Hummelstown, PA 17036. Attorney: Laura C. Reyes Maloney, Esquire, Laguna Reyes Maloney, LLP, 1119 N. Front St., Harrisburg, PA 17102. m24-j7

ESTATE OF DOROTHY R. EYSTER, late of Dauphin County, Pennsylvania (died: April 6, 2019). Executrix: Susan Ann Harner, PO Box 55, Berrysburg, PA 17005. Attorney: Steven J. Schiffman, Esq., SCHIFFMAN, SHERIDAN & BROWN, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. m24-j7

ESTATE OF MARGARET C. BURKE, late of Derry Township, Dauphin County, Pennsylvania. Executrix: Mary Louise Kulbacki, 925 East Hemlock Street, Palmyra, PA 17078 or to Attorney: Joseph M. Farrell, 201/203 South Railroad Street, P.O. Box 113, Palmyra, PA 17078. m24-j7

ESTATE OF ROBERT A BREON, late of Lower Swatara Township, Dauphin County, Pennsylvania, (died: April 10, 2019). Executor: Randall C. Breon, 1320 Huckelberry Court, Middletown, PA 17057. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m24-j7

ESTATE OF JAMES DEWOLF KENNEDY, a/k/a JAMES D. KENNEDY, late of the Township of West Hanover, Dauphin, County, Pennsylvania. Administrator C.T.A.: Nancy Walborn, 200 Hinkle Street, Harrisburg, PA 17112 or to Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. m24-j7

ESTATE OF PATRICIA A. PATRY, late of 27 East Roosevelt Avenue, Middletown, Dauphin County, Commonwealth of Pennsylvania, (died: April 14, 2018). Executrix: Debra A. Kluskie-wicz, 27 East Roosevelt Ave., Middletown, PA 17057 or to Attorney: Peter R. Henninger, Jr., Esq. Jones & Henninger, P.C., 339 W. Governor Rd., Ste. 201, Hershey, PA 17033. m24-j7

ESTATE OF MARGARET ROSE JESZENKA, late of Derry Township, Dauphin County, Pennsylvania, (died: March 29, 2019). Personal Representative: Nicole Lee Noe, 422 Westbridge Drive, Knoxville, TN 37919 or to Attorney: Jean D. Seibert, Esquire, CALDWELL & KEARNS, PC, 3631 North Front Street, Harrisburg, PA 17110. m24-j7

development of the proposed Plan of Remediation heretofore described in Paragraph 2 of this Decree, as well as all efforts being undertaken by McFarland to secure the funding necessary to effectuate such remediation. Subsequent to submission of the initial Joint Status Report, the parties shall submit additional detailed Joint Status Reports every twenty (20) days until the proposed Plan of Remediation is submitted to this Court for review.

4. This Court shall retain complete and ongoing jurisdiction of this litigation, and in particular, this ordered Plan of Remediation and its approval and implementation.

ISSUED AT HARRISBURG, the date first above written.

BY THE COURT:
Lawrence F. Clark, Jr., S.J.

E.W.L. v. L.V.D.G.

Domestic Relations - Child Custody - Homeschooling - Best Interests

Defendant Mother appealed a custody order granting Plaintiff Father sole legal custody to determine educational issues involving the parties' three children, and primary physical custody during the school year. This would result in a transition from homeschooling to public school for their children.

1. The paramount concern in a child custody case is the best interests of the child, based on a consideration of all factors that legitimately affect the child's physical, intellectual, moral and spiritual well-being, and is to be made on a case-by-case basis. *Staub v. Staub*, 960 A.2d 848, 853 (Pa. Super. 2008).

Pa.R.A.P. 1925(a) Opinion. C.P., Dau. Co., No. 2014 CV 7323 CU

J. Paul Helvy, for the Plaintiff

Max J. Smith, Jr., for the Defendant

Turgeon, S.J., May 15, 2019.

OPINION

Mother has filed an appeal from a custody order I issued March 14, 2019 granting Father sole legal custody to determine educational issues involving the parties' three children and primary physical custody during the school year. This opinion is issued in support of my decision pursuant to Pa.R.A.P. 1925(a).

Procedural Background

Mother (L.V.D.G.) and Father (E.W.L.) were married in 2002, separated in 2011 and divorced in 2016. They are the parents of two daughters L.L. and A.L., ages twelve and, and a son E.L., age eight. Father worked in sales during the course of the marriage and Mother stayed home full-time with the

children. At the time of their separation, the children were not yet of school age. In 2012, when the oldest turned five, Mother formally enrolled her in homeschooling and has homeschooled all three children upon their turning school age.

In August 2014, Father moved to Texas for job related reasons and initiated this custody and divorce action. Following a conciliation conference and numerous requests for continuances by the parties, they failed to reach an agreement. In the meantime, Father had moved back to this area in Hummelstown Pa. The parties reached a global Postnuptial Agreement in May 2016 that resolved all issues including custody, equitable distribution, alimony and child support. The custody terms granted Mother and Father shared legal custody, Mother primary physical custody and Father partial physical custody every other weekend plus one evening per week during the school year and two evenings per week in the summer. Mother was required to provide Father with monthly updates regarding homeschooling and they had to mutually agree by February of the preceding year whether to continue homeschooling for the following school year and to evaluate homeschooling for each child to determine whether it continued to be in their best interests. This custody agreement remained in effect for a number of years.

In March 2018, Father filed a petition seeking shared physical custody and raising concerns with the children's education. Following a conciliation conference, the parties reached an agreed custody order/parenting plan in April 2018. Under its terms, the parties continued to share legal custody. The new physical custody schedule was based upon a five-week rotation whereby, during weeks 1, 2, 4 and 5, Father had physical custody from Thursday evening through Monday morning and for one overnight during week 3. Mother had physical custody all other times. Thus, for every five-week period, Father had custody seventeen overnights and Mother eighteen. The parents had equal vacation time and alternating holidays.

In May 2018, Father provided notice that he planned to move in August from Hummelstown to nearby Annville Pa. where he would live with his new wife L.L. Mother did not object to his relocation.

In September 2018, Father filed petitions for modification of custody and contempt. A few weeks later he also filed a petition for expedited relief. In his petitions, Father claimed it was in the children's best interests to be enrolled in his public school district (Annville-Cleona) and that the physical custody schedule be modified accordingly. Father asserted that the youngest child E.L. was doing poorly academically as reflected in a Neuropsychology Report issued in May 2018 by a neurologist retained by the parents and provided to the Court (discussed below). Father also claimed that Mother was too deeply enmeshed with the children – acting as not only their homeschool teacher, but also their soccer coach, Sunday school teacher and scout leader – and that they would benefit by forming relationships outside of Mother's direction.

In his petition for expedited relief, Father sought to immediately enroll the children in public school most notably because E.L. had just scored very low on a reading test administered at the beginning of the school year and his problems were affecting his confidence and behavior. Father believed an immediate move would provide E.L. access to trained teachers equipped to address his reading deficiencies.

Father claimed in his contempt petition that Mother was failing to foster a relationship with him and the children. He asserted that she regularly violated existing custody terms by neglecting to keep him informed about important decisions concerning the children, scheduling events and activities that interfered with his custodial time, regularly insulting him and expressing negative feelings about him in front of the children, showing up late for most custody exchanges, refusing to facilitate telephone contact, regularly interrogating the children about their custodial time with him and refusing to give consent for the children to undergo counseling.

All matters were scheduled for conciliation in October 2018, at which the parties reached an interim agreement, filed in November 2018, resolving some of their issues. Specifically, the order entered amended the April 2018 custody order by requiring that the parents get specialized individual tutoring for the youngest child, directing that all three children be enrolled in counseling, that Mother send a weekly email summary to Father regarding what the children were learning to enable him to assist in their schooling and requiring Mother to create make-up time for Father for his custodial periods with which she had interfered. The parties were unable to resolve a number of other issues including whether the children should remain homeschooled. I held a pre-trial conference in January 2019, at which the parties were unable to resolve their differences. I thus held a hearing on all outstanding issues. At the conclusion of the hearing, I issued a custody order/parenting plan, dated March 14, 2019, that granted the parties shared legal custody except that I granted Father sole legal custody on educational issues and pharmacologic treatment for ADHD or related diagnoses for the children. I directed that physical custody for the remainder of the 2019 school year would continue under the terms set forth in the April 2018 order. Commencing for the 2019-2020 school year, I granted Father primary physical custody and Mother partial physical custody every other weekend from Friday to Sunday (on the first, third and fifth weekends of the month). I also granted Mother six weeks of custody during the summer. Mother has filed a timely appeal from this custody order.¹

Factual Background

Father currently lives in a single family home in the Annville with his wife L.L., whom he married in September 2018. There are separate bedrooms available for each of the children in his home. (N.T. 5) The residence is approximately thirty minutes from Mother's home and in a different school district. (N.T. 6) Father testified the children have many friends in their neighborhood. (N.T. 26) Father is

¹ After Mother filed her appeal, Father filed a petition on April 17, 2019 seeking expedited relief, contempt and modification. He alleged that Mother has been talking negatively to the children about public school to the point they have been begging Father to not make them go. Father asserted Mother's conduct is harming the children and will make their transition to public school much more difficult. In addition, he asserted she has already violated many provisions in the March 14, 2019 custody order at issue, including failing to cooperate with him in enrolling in co-parenting counseling, refusing to sign up for the online parenting program Our Family Wizard, arriving late at a custody exchange without alerting Father, failing to provide him with a marked up custody schedule, using the children as messengers, failing to mutually share school papers and projects with him and failing to inform him about the children's educational progress as required. Father sought that Mother be held in contempt and that Mother's custodial time be suspended pending an evaluation under Custody Act Section 5329 to determine whether she poses a threat of harm to the children, or alternatively, that her custodial time be supervised. I scheduled a hearing on Father's petition for May 28, 2019.

employed as a scientific instrument sales person and historically traveled a significant amount of time. In January 2018, however, his responsibilities changed and he now travels very little in a smaller geographic area and was thus previously able to maintain a custody schedule whereby he had physical custody about half the time. (N.T. 7, 29)

Father testified that prior to his separation from Mother, the children were not yet school age and no decision had been made by him and Mother, as an intact family, regarding homeschooling. He admitted the issue had been discussed, however, and that following their separation in 2011 he did not object to Mother homeschooling because he did not know much about it and Mother was adamant about homeschooling. (N.T. 9-10) The oldest child was enrolled in homeschooling in 2012 with Mother and the middle child in 2014. In 2015, Father raised concerns with Mother about the children's lack of socialization and they reached an understanding, reflected in email communications, that Mother would continue to homeschool the children for two more years but that for the 2017-2018 school year, they would re-evaluate the situation. (N.T. 10; Exbt. P-4) Mother agreed at that time she would look into non-homeschool options at which point "we will enroll the children in school and I will return to work!" (*Id.*)

Father testified that Mother has failed to keep him informed about the children's education including refusing to provide him with the children's educational testing results completed each spring. (N.T. 16-17) He only obtained the test results for the older two children for the first time at the October 2018 conciliation conference and was not provided results for the youngest child E.L. until the day of the custody hearing on March 14, 2019. (N.T. 17) Father agrees that the two older daughters are doing exceptionally well academically. (N.T. 39) Father has been concerned for over a year, however, about E.L.'s reading difficulties and was able to eventually persuade Mother to have him tested by neurologist Dr. Royer. Dr. Royer concluded that E.L., then of second-grade age, had a history of academic difficulties, was struggling with attention and concentration, reading comprehension, visual construction issues, and verbal fluency, and that these represented a developmental delay relative to expected norms. Dr. Royer found that E.L. functions below expected levels for his age and met the criteria for attention-deficit/hyperactivity disorder mixed type. Dr. Royer recommended greater classroom structure, in either a school or homeschooling environment, further intervention with reading and possibly treatment of ADHD with medication. If in a public school, Dr. Royer recommended an IEP. (N.T. 17-18; Exbt. P-20²)

Dr. Royer's evaluation also included a test given to each parent to assess their impressions of how E.L. was doing (Conners 3-Parent inventory). The results showed Mother and Father diverged significantly in their impressions, with Mother showing less cognizance of E.L.'s difficulties. (N.T. 18; Exbt. P-20) Father testified that Mother had been reluctant to have E.L. tested and believed she talked to E.L. in advance of the testing, causing him anxiety. (N.T. 19) Father also testified that Mother told Father, in anticipation of Dr. Royer's testing, that "I am making sure the kids know you think they're stupid which is why they need testing." (N.T. 19-20)

² The Report is identified as Father's Exhibit 20 though it is included at Tab 19 in his Exhibit packet. (N.T. 17)

Father testified that Mother has expressed hostility to the children going to a public school, presenting a text she recently wrote stating that “[t]hey will never be in public school unless I’m dead.” (N.T. 20; Exbt. P-22) He was also concerned that Mother has not exposed the children to computers and has no internet service in her home; he believed public schools would provide them much greater access to technology and science. (N.T. 20-21, 39) Father presented state assessment measures between Annville-Cleona S.D. and the school district in which Mother lives, Central Dauphin S.D. The measures showed Annville-Cleona schools compared very favorably to Central Dauphin schools. (N.T. 27; Exbt. 43-46)

Father testified that the children tell him that while living with Mother they do not have a regular routine and sometimes sleep until lunchtime. (N.T. 21) Recently, Father has become frustrated because he has been excluded from receiving home school co-op emails concerning events planned involving his children. (N.T. 11-12; Exbt. P-5)

Father testified that Mother has not co-parented with him and does not allow him consistent communication with the children. She often fails to answer his calls or return them when he tries to speak with the children. (N.T. 21) Father claims that Mother has made it very clear she does not want the children to spend any time with his wife. (N.T. 44) Mother has opposed the children bringing into her home any pictures of Father or any gifts they receive from Father or his wife, telling the children they are not permitted to bring items Father had gotten them in Singapore. (N.T. 21-22, 25; Exbt. P-23) Mother refused to let Father speak with E.L. on the phone on his birthday despite numerous attempts by Father to reach him through Mother’s phone. (N.T. 22; Exbt. P-25) Mother has also refused to change the custody exchange location following Father’s move to Annville to one more equidistant. (N.T. 25) Father testified that after he and the children held a party this past Valentine’s Day, the children indicated to him that they could not let their Mother know they had a good time because it would upset her. (N.T. 26)

Father is concerned at how enmeshed Mother is with the children, noting she is not only their homeschool teacher, but also their soccer coach, Sunday school teacher and a scout leader (for the older two children). (N.T. 27)

Father claimed that Mother has continually failed to abide by the custody order concerning custodial exchanges and has exhibited a cavalier attitude regarding custody orders generally. He testified that since the entry of the April 2018 custody order, Mother showed up late for custody exchanges forty-nine out of eighty times including arriving between forty-five minutes to two hours late for twenty-six exchanges. (N.T. 12-15; Exbts. P-6 through P-16) In addition, Mother failed to show up for another six exchanges and has kept the children on numerous occasions for longer periods than permitted. (N.T. 12; Exbts. P-6, P-7) Mother has caused Father to miss eleven nights of custody just since the October 2018 custody conciliation. (N.T. 13; Exbt. P-7)

Concerning a late custody exchange in the Fall of 2018, Father sent a text to Mother repeating what the custody conciliator had told Mother at their October 2018 conciliation, which was that Mother should be able to get the kids to exchanges on time. In response, Mother texted back: “Who cares what [the conciliator] said. She is a fat loser. You’re just like her; fat and stupid; fat, fat, fat.” (N.T. 15; Exbt. P-15)

Father also testified that Mother's late custody exchanges included her unilaterally deciding to keep the children longer than allowed on both Thanksgiving and Christmas Days, the latter resulting in Father and the family missing their dinner reservation. (N.T. 15-16; Exbts. P-16, P-17) In response to the Christmas situation, Father wrote to Mother that he would not agree to an exchange later than agreed in the custody order, telling her he believed she was already in contempt for the late Thanksgiving exchange. In response, Mother wrote "[a]ctually contempt doesn't mean anything. It's just a word that used. Doesn't scare me." (N.T. 16; Exbt. P-17) Father testified that Mother's behavior continued through the date of the custody hearing March 14, 2019, wherein Mother unilaterally told him that she would give the children to him at 6:30 p.m. that day, instead of the designated time of 5:00 p.m., because she wanted to take them to the library. (N.T. 16)

Father testified that Mother regularly schedules various events involving the children during Father's custodial time particularly soccer practices and games, over which she has some control as their soccer coach. (N.T. 23-24, 27, 41-42)

Father testified about instances of Mother belittling him, reflected in written communications concerning a custody re-scheduling issue where she texted: "You are a liar [sic], a manipulator, an egocentric maniac. You are the ONLY parent who is uncooperative. You are mentally unbalanced and physically on the verge of another heart attack. Please seek help. Annnndddd you can't even make a sale at your job." (N.T. 22; Exbt. P-26)

Father's wife L.L. testified that she is currently employed as a director of finance in the pharmaceutical industry. (N.T. 45-46, 49) Father and his wife chose to live in Annville because it was relatively close to the Pennsylvania Turnpike which L.L. had used to commute two or three days per week to her job in New Jersey. More recently, however, she is able to work primarily from home and travels very little. (N.T. 6, 46) This is her first marriage and she has no children. (N.T. 46) She testified she has a warm and loving relationship with the children and enjoys time with them. (N.T. 46, 47) She considers Father to be a great dad who is very gentle, loving and generous. (N.T. 46) She and Father regularly involve the children in events such as holiday parties, ice skating, weekend trips and the like. (N.T. 47) She teaches the children computer skills in her home and helps with homework. (N.T. 48) She admires that Father endures "daily torment" from Mother and remains a steady presence for the children. (N.T. 46-47) L.L. is concerned about the conflict between Mother and Father and its effect on the children. (N.T. 48) L.L. has tried to have a positive relationship with Mother who has generally rebuffed her until very recently. (N.T. 47) For example, Mother refused for a time to allow L.L. to drive the children during custody exchanges. (N.T. 47)

Mother's brother D.V.D.G. testified on Father's behalf. He was once close to his sister but they have grown apart because Mother rejected his wife, who is Filipino. (N.T. 49-50, 53) Mother refused to allow the children to call his wife "Tiya," the Filipino word for aunt. Mother told her brother, in unfriendly terms, that she would only allow her children to speak English and removed the children from that relationship. (N.T. 49-50) He maintains a close relationship with Father and sees him about once per month. (N.T. 50) Father has also reached out to D.V.D.G. and kept the children involved with D.V.D.G.,

his wife and three-year-old. (N.T. 50) He testified that Father keeps his house clean and provides a healthy environment for the children. (N.T. 50) He has observed the children arrive at Father's home initially afraid to reveal they are having fun but eventually easing up. (N.T. 51) He described Father's wife L.L. as friendly and high energy, who exhibits genuine love for the children. (N.T. 51) Mother's brother is concerned that Mother has a limited world view. Mother refused to allow the children to watch *Dora the Explorer* because Dora is bilingual, which was a problem for Mother. (N.T. 50) D.V.D.G. testified that Mother does not have any friends who have differing world views. (N.T. 50)

J.H.G., a neighbor of Father's, testified that she moved into the neighborhood this past Fall and she and her children have become friendly with them. She has found Father and his wife to have a great relationship with the children. J.H.G. testified her children, who are in the third and fifth grades, have had a smooth transition into the local Annville elementary school and she has been very impressed with the school. (N.T. 54-55)

The parties agreed to accept Father's attorney's offer of proof concerning the proposed testimony of L.L.'s sister and that she would testify that Father and L.L. are good parents who have a warm and loving relationship with the children. (N.T. 56)

Mother testified that she lives in a clean and safe home and provides a loving environment for her children. (N.T. 66) The two younger children share the same room and bed while the older child has her own bedroom. (N.T. 6, 98-99) Mother testified, however, that she was in the process of clearing out a room for the youngest child and had purchased a bed for him. (N.T. 71) Mother claims that she earns some income from doing a number of odd jobs but is not otherwise employed outside the home. (N.T. 71)

Mother is a college graduate who began homeschooling the children with Father's consent. (N.T. 66-67) She testified that the children are happy and academically successful. According to Mother, Father had been largely uninvolved in the children's lives until about 2015 and had not been involved in academic issues until recently when he sought the evaluation by Dr. Royer. (N.T. 67) She disputed that the children do not receive technology education noting they routinely receive instruction on computers in the library and take part in activities like Lego robotics. (N.T. 67) She testified they know MS Word, PowerPoint and the MAC equivalent. (N.T. 73) The children also receive supplemental instruction from a number of educators including L.B., E.L., and S.C. (all of whom testified for Mother and whose testimony is summarized below). (N.T. 68)

In March 2018, the youngest child E.L. took the Woodcock-Johnson III test indicating he was struggling academically. (N.T. 101) Mother could not recall if she shared those test results with Father, though he denied she did. (N.T. 102) Despite the low scores, Mother still resisted Father's attempts to have E.L. examined by Dr. Royer, eventually agreeing to the May 2018 testing. (N.T. 99, 101) Mother admitted that she is glad Father insisted that it be done. (N.T. 87, 99) Mother testified that after she got the results, she ordered a reading program focused on spelling and obtained a tutor for E.L. (N.T. 100) Mother disagreed she is against E.L. getting medication for ADHD. (N.T. 110-111) Mother explained that the process has been delayed because the pediatrician wanted more information about E.L.'s assessment and

Mother has not yet returned the requested information to him. (N.T. 111) Nevertheless, she agrees she will cooperate and agree to medication if recommended. (N.T. 112)

Mother testified the children have numerous social contacts through their homeschool co-op and are part of Heritage Girls, Trail Life, CrossPoint Church, and Susquehanna Soccer Club, among others. (N.T. 68) Mother disputed Father's assertion that she is the only adult who they see as an authority figure, noting this broad array of outside activities directed by other adults. (N.T. 68) Mother admitted that Father was initially excluded from communications regarding the homeschool co-op but she has long since corrected that. (N.T. 71, 83) She also disputed that Father had been excluded from co-op activities noting that he chose not to be a member, which requires he become active and assist the organization. (N.T. 71)

Mother denied that she has failed to include Father and co-parent with him, contending instead that she regularly notifies him about the children's events, practices and has enrolled him in various email lists and list servs. (N.T. 70, 77) She testified that she asks Father for his approval concerning all of the children's sports activities, noting that in one case he declined his approval for their participation on a travel soccer team and so they are not involved with that. (N.T. 76)

Mother also claimed that to the extent she has failed to co-parent correctly, Father has been equally failing. (N.T. 78) For example, she notes Father acted unilaterally by choosing a drum instructor for the oldest child. (N.T. 75) Mother also testified that Father often disallows the children participation in previously scheduled activities during his custodial periods, which upsets them. (N.T. 68) Mother recalled that Father rejected the children's requests on one particular weekend to participate in two different cookie parties, a pancake breakfast, two separate soccer activities and Bible study. (N.T. 75) One of Mother's chief complaints involved the children's participation in soccer. Mother coaches their teams and arranges the schedule such that the players are assigned to be substitutes if needed for certain games in order to field full teams. All the parents are aware of the sub schedule in advance and Father has been the only parent who has objected to his children subbing and has never allowed it, which has greatly bothered the children and which, according to Mother, interferes with their socialization. (N.T. 74, 78, 85-86) In fact Mother noted that the custody agreement requires both parents to take children to their activities, including soccer, and that it was her opinion he has been in violation of that provision. (N.T. 92) According to Mother, one of the custody exchange issues Father testified about arose because Mother acceded to the children's wishes that they not spend their weekend with Father because he refused to let them be soccer subs during his custodial time. (N.T. 85) Mother agreed she was wrong to do that and later apologized. (N.T. 85)

Mother admitted she has made a number of regrettable statements or taken regrettable actions in the past. (N.T. 70) She admitted that she insults Father in private but asserted that she believes he does the same of her. (N.T. 78) Mother testified she has never insulted or belittled Father in front of the children except on one unintentional occasion. Mother explained that during a custody exchange, Father drove away from the drop off point with the children when Mother failed to show. She called him and told him she was on her way but he refused to drive back and make the exchange. In response, Mother admitted she screamed and swore at him over the phone. Father had the call on speakerphone and the children were exposed to Mother's rant. (N.T. 78-79)

Mother admitted that she prohibited the children from bringing items to her home from Father's home including items from Singapore but that she no longer does this. (N.T. 79) She could not offer any reason as to why she had prohibited the children from bringing items from Singapore. (N.T. 110) She agreed that she failed to return Father's phone call on E.L.'s birthday so that Father could wish him happy birthday, a decision for which she apologized. (N.T. 94-95; Exbt. P-25) Mother additionally admitted to having initially refused counseling for the children but eventually changed her mind, as well as similarly refusing to co-parenting counseling though she changed her mind there as well upon receiving assurances Father would pay most of the cost. (N.T. 80-82) Mother also agreed she failed to foster a positive relationship with Father's wife but that she is working on it now and no longer objects to L.L. driving the children or providing childcare. (N.T. 88)

With regard to Mother's text where she called Father a manipulator, egocentric maniac, uncooperative, mentally unbalanced, physically on the verge of a heart attack and bad at his job (Exbt. P-26), Mother explained it was precipitated by Father's failure to agree to let the children play in soccer games during Father's custodial time. (N.T. 88) With regard to her text to Father in which she belittled both the custody conciliator and Father, Mother admitted it was "very inappropriate" and was sorry for expressing those thoughts. (N.T. 96)

Mother denied ever telling any of the children that they have to undergo testing because their Father thinks they are stupid. (N.T. 72)

With regard to custodial exchanges, Mother believed the parties have been mutually at fault at various times and claimed that as of November 2018, she had provided Father with extra time to make up for his missed custody time. (N.T. 71) With regard to an exchange this past winter about which Father complained, Mother explained that the two younger children were sick with very high fevers and Father was unreasonably requesting his custodial time. (N.T. 89-90; Exbt. 31)

Mother admitted that prior to the custody hearing she had informed the children the hearing would be about homeschooling despite there being a provision in my scheduling order directing the parents not to talk to the children about the custody hearing. (N.T. 107, 109) She testified that the children know she is pro-homeschooling and Father is not, at least insofar as Mother is the homeschool teacher. (N.T. 107)

L.B., Mother's homeschool evaluator, testified that the parties' two oldest children excel academically and that the youngest child E.L. is now succeeding with the assistance of private tutoring. (N.T. 57, 99) She testified that E.L. has exceeded his average age group in several areas on the Woodcock-Johnson III test administered in 2018 and believes the test might have downplayed his results because he was unable to complete some sections of the test. (N.T. 57-58)

J.M., who has been E.L.'s tutor and reading specialist since November 2018, testified that his progress has been exceptional. He is amongst the most quickly progressing students she has had and he currently has developed into a good reader. (N.T. 60-61) She admitted, however, that E.L. is not close to a second grade level reader yet but is closer to early first grade level. (N.T. 62) Recent testing reflected that

speech-language support tutoring (targeting articulation) has been effective and E.L. is improving. (N.T. 64; Exbt. D-16)

Finally, S.C., the principal for an elementary school in Central Dauphin School District testified that because E.L. was then residing in that school district, he would be eligible to obtain services for speech and language (particularly for articulation), at her school both as a homeschool student or as a student within the district (N.T. 62-63) However, according to S.C., the child would not qualify for any other services as a homeschooled student, including an IEP, and would be unlikely to qualify for one-on-one attention. (N.T. 63) S.C. testified that if enrolled in her school, however, the child would be eligible for a wider array of services, including a reading IEP. (N.T. 65-66) Based upon the assessment her school administered to E.L., he would be considered an intensive reading student and would receive daily intervention by a reading specialist. (N.T. 66) Finally, S.C. testified that due to testing guidelines within the school district, it would not accept Dr. Royer's evaluation including a suggested diagnosis of ADHD; the district would require its own evaluation. (N.T. 63-65)

I did not interview the children because it was quite late in the day at the conclusion of the custody trial and I did not want to put the children in the middle, especially since I was concerned about possible undue influence by mother. Furthermore, I had at that point received evidence from the other witnesses substantiating the necessity to enroll the children, and especially E.L., in a public school, the primary issue in this custody matter.

Best Interest of the Child – Application of Custody Factors

At the conclusion of the hearing, I reviewed and applied the list of statutory factors set forth in the Child Custody Act that a judge must consider in determining the best interests of the children³:

³ The list of factors includes:

5328. Factors to consider when awarding custody.

(a) *Factors.* --In ordering any form of custody, the court shall determine the best interest of the Child by considering all relevant factors, giving weighted consideration to those factors which affect the safety of the Child, including the following:

- (1) Which party is more likely to encourage and permit frequent and continuing contact between the Child and another party.
- (2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the Child or an abused party and which party can better provide adequate physical safeguards and supervision of the Child.
 - (2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).
- (3) The parental duties performed by each party on behalf of the Child.
- (4) The need for stability and continuity in the Child's education, family life and community life.
- (5) The availability of extended family.
- (6) The child's sibling relationships.
- (7) The well-reasoned preference of the Child, based on the Child's maturity and judgment.
- (8) The attempts of a parent to turn the Child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the Child from harm.

I do believe, based upon everything articulated by the [elementary school] principal and guidance counselor, that it is important to get these children into the public school environment. We don't want to divide them, so we will get them in public school starting the end of [summer]. I am not going to put them in the middle of things right now because that's generally not considered healthy and there could be preparation made to get them into a public school.

[Factor 5328(a)(1)] The factors in setting forth custody, we are looking to who is likely to permit frequent and continuing contact. Obviously, mom has agreed to contact with father, but there have been some roadblocks in just unilaterally changing the time[s].

I'm concerned about mother's language and attitude, swearing at him in the car knowing the kids are there, throwing around the [F] bomb, the kids hate you, you are not a man.

I am very concerned about mom's mental health. This vomiting language about someone who is overweight or someone who is from another country, it gives me great concern. There has got to be some sort of insecurity or depression or anxiety. I mean, I do not know, but some of that language in those emails makes me concerned that mom certainly is not a satisfied, happy person, and so I hope she seeks individual counseling.

We all have biases and prejudices, we all try to overcome them, but I can't ever imagine saying that I don't want something from Thailand, or to name a country, in my house. I can't imagine ever calling somebody fat. It just makes me sad for her, and it makes me sad that the children are subjected to these judgments and biases which are not healthy for our community.

So I'm hoping that mom seeks some individual counseling. And she's got her head down. Over her dead body her children will go to public school, so she is going to have all those feelings to deal with. So I would encourage her family, friends and counsel to get her to a licensed psychologist to really help her process this, because the children need a happy, well-balanced, level mother, indeed.

[Factors 5328(a)(2) and (a)(2.1)] There is no domestic violence in the case.

[Factor 5328(a)(3)] Each have performed parental duties on behalf of their children. Dad has had Thursday to Mondays, and they have both been doing that.

[Factor 5328(a)(4)] There is need for stability in the children's educational life, and, therefore, public school will be needed. Mom has delayed getting evaluations for the kids. She has delayed getting ADH[D] medication for [E.L.] So I am going to give dad sole legal over the pharmacological treatment.

- (9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the Child adequate for the Child's emotional needs.
- (10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the Child.
- (11) The proximity of the residences of the parties.
- (12) Each party's availability to care for the Child or ability to make appropriate child-care arrangements.
- (13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.
- (14) The history of drug or alcohol abuse of a party or member of a party's household.
- (15) The mental and physical condition of a party or member of a party's household.
- (16) Any other relevant factor.

[Factor 5328(a)(5)] The ability of extended family. At Dad's, the children have their stepmother who would be available, sounds like, most of the time dad would have to go out of town.

[Factor 5328(a)(6)] The children obviously have sibling relationships with each other, which is why we won't be splitting them up. *[Factor 5328(a)(7)]* I have not had the opportunity to interview the children because of the time constraints, and it sounds like they know about the turmoil with their parents, and maybe it is best not to put them in the middle of that.

[Factor 5328(a)(8)] I have a concern about [Mother] being afraid to learn new things and being scared to be nice to their stepmother because of what reaction they might get from their mother. So I think the kids do sense their mother's fragility, which would be another reason to encourage her to seek some counseling.

I think the exchange point at the Holiday Inn, Grantville makes sense.

[Factor 5328(a)(9)] I think both are able to maintain a loving, stable, consistent nurturing relationship with the children.

[Factor 5328(a)(10)] I think both are able to attend to their daily needs.

[Factor 5328(a)(11)] They are too far apart to do a 50/50 custody based on a public school schedule, so we will give substantial time to each in other ways.

[Factor 5328(a)(12)] Each party seems to be able to take care of the children or make appropriate childcare arrangements during their custodial periods.

[Factor 5328(a)(13)] Level of conflict and the willingness and ability to cooperate with one another is certainly a problem, which is why we are going to include the co-parenting and counseling in the case.

[Factor 5328(a)(14)] We have no drug or alcohol abuse.

[Factor 5328(a)(15)] The physical condition of the households. I have not heard anything disturbing other than, obviously, we would like for the children to have separate beds. The mental condition of mom does concern me. She can work on her anger issues and the other issues that we have talked about, and name-calling someone fat and stupid is something I am not going to comment on that.

[Factor 5328(a)(16)] Because the children will be going to public school and because I don't think mother will be supportive of that, we will have the children primarily with dad during the school year. That will start in September.

And I will tweak the rest of the schedule when I polish my final hearing plan tomorrow. If the two of you can, however, tomorrow, please start exchanging names of co-parenting counselors, I think that would be a good idea.

(N.T. 121-125)

Legal Discussion

In her statement of errors raised on appeal, Mother claims this court erred (1) by awarding Father sole legal custody to make educational decisions and decisions concerning pharmacologic treatment for ADHD or related diagnoses for children; (2) by granting Father primary physical custody for the 2019-2020 school year; and (3) by making Father the primary physical custodian and the parent responsible for educational decisions when the children have historically been homeschooled by Mother.

At the outset, I note that “[i]t is well-established that “the paramount concern in a child custody case is the best interests of the child, based on a consideration of all factors that legitimately affect the child’s physical, intellectual, moral and spiritual well-being and is to be made on a case-by-case basis.” Staub v. Staub, 960 A.2d 848, 853 (Pa. Super. 2008) (citation omitted).

I will address the first two issues together as they are clearly interrelated; that is, my decisions to grant Father sole authority to make educational decisions to enroll the children in public school in his school district (and to grant him sole authority to ADHD treatment) and granting him primary physical custody during the school year are inseparable under the facts of this case. I made these decisions about educational authority and primary physical custody for two primary reasons. First, the record clearly revealed that E.L. has struggled academically during the time period Mother has been homeschooling him. Importantly, she failed to recognize his struggles and resisted any intervention or testing on his behalf until persuaded by Father. She has additionally caused a delay in pursuing ADHD medication for E.L. While there was evidence the child is improving under current conditions including with tutoring, he still tests as an early first grader with reading. The evidence presented was that a public school district would be able to provide E.L. a reading IEP and daily intervention to address his reading difficulties.

Second, and equally important, Mother is too deeply enmeshed with the children to a degree that excludes Father from the children’s lives, including their academic lives. For instance, she has not regularly kept Father apprised of their academic progress including failing to send him their testing results. Mother has also exhibited grossly inappropriate language and behavior reflecting biases and prejudice against overweight people, and other races and languages, for instance. These judgments are no doubt observed by her children and as I noted, are unhealthy for them and for our community.

In addition, the evidence has revealed Mother to be the primary cause of the substantial level of conflict between her and Father and of their inability to co-parent. Mother has not allowed Father consistent communication with the children. Mother has yelled and sworn at Father and otherwise expressed contempt for his appearance and ability to earn a living; she appears to be angry at him most of the time. This court found credible Father’s assertion that Mother has made it clear she does not like her children to spend time with Father’s wife. The children are very aware of this and have been reluctant to express happiness when with Father and his wife including at their recent Valentine’s Day party. Mother has routinely disrespected and interfered with Father’s custodial time by showing up substantially late for a significant number of custody exchanges, if she showed at all. Mother was able to explain a few of the late exchanges and failures to show but could offer no valid excuses for the majority of them. Mother often makes poor decisions at the outset of events, requiring external influences to change her mind or behavior, including initially rejecting Father’s suggestion E.L. undergo testing for his academic difficulties, disagreeing with Father that the children to undergo counseling, initially refusing to attend co-parenting counseling with Father, disallowing the children from bringing pictures of their Father to her house or items from Singapore, and disallowing Father’s wife from driving the children.

It is uncontroverted that the two older children are excelling academically in the homeschool environment, however, as I stated on the record, the children should not be split up and should also attend

the same school. There was no evidence presented that the two older children's educational needs will not be met in the Annville-Cleona S.D., including access to computer resources, science and technology courses, as well as providing them a regular routine. The overall circumstances of this case, summarized above, reveal that the children need their Mother to be less enmeshed in their lives including most notably with their schooling. This disentanglement from Mother in the educational setting is necessary and will be in their best interests, as well as in E.L.'s, when considering *all* factors that legitimately affect their physical, intellectual, moral and spiritual well-being. Staub, supra.

In order for the children to attend public school and do so successfully, the children must be in Father's primary physical custody during the school year. The record before the court revealed Mother is deeply hostile to public schooling and inflexible and stubborn in altering her behavior or beliefs. It is highly unlikely at this point, that absent counseling or some other intervention, Mother will support her children during their transition to public school and daily attendance therein.

I granted Father sole authority to make decisions concerning ADHD medication and medication for related diagnoses because Mother has delayed, without adequate excuse, pursuing this potential proven treatment to assist children diagnosed with ADHD.

Mother finally argues that I erred by making Father the primary physical custodian and the parent responsible for educational decisions when the children have historically been homeschooled by her. Mother appears to be alluding to discussion in Staub, supra, in which the Superior Court addressed homeschooling in a child custody action and which Mother's attorney cited at the custody hearing. (N.T. 115-16)

In Staub, the Superior Court upheld the trial court's decision to allow mother to continue to homeschool the parties' two children following their separation, against father's wishes they be enrolled in public school. The Superior Court rejected father's argument that it adopt a bright-line rule or presumption in favor of public schooling over homeschooling. Id. at 853. Instead, it concluded that it would apply "the well-established best interests standard to resolve [an] educational issue," which involved application of all relevant factors on a "case-by-case" basis. Id. at 853, 854. Under the best interests standard, the record supported continued homeschooling for the children in Staub, the Superior Court finding most notable that "1) The children have a significant history of home education; 2) The children are doing extremely well being home educated; 3) Despite only a high school education, Mother has sought outside resources to supplement the home education; and 4) Father has been relatively uninvolved in the children's education to date." Id. at 856.

Mother suggests the history of homeschooling here, as in Staub, should be a significant factor and tip the scales in favor of continued homeschooling. As noted, this court must consider all factors in assessing the children's best interests. The children here do have a history of being homeschooled. However, the parties, since their initial custody agreement in 2016, acknowledged that homeschooling was an issue subject to re-evaluation; they never agreed Mother would always homeschool the children. In fact, a few years ago, Mother expressed to Father that she was open to the children not being homeschooled.

This was not the case in Staub, where the father never objected to homeschooling, particularly for many years prior to the parties' separation. In any event, even with a history of homeschooling, my decision to grant Father sole authority to decide educational issues and end homeschooling as of 2019-2020, was made upon careful consideration of all factors relevant to the children's best interests, as fully set forth above.

Accordingly, I issued the March 14, 2019 custody order from which Mother has appealed.

Jeannine Turgeon, Senior Judge

FIRST PUBLICATION

Estate Notices

ESTATE OF JOHN W. ALBRIGHT, SR., late of Lower Paxton, Dauphin County, Pennsylvania (died: April 14, 2019). Executor: John W. Albright, Jr., c/o Attorney: Jessica F. Greene, Esq., Walters & Galloway, PLLC, 54 E. Main Street, Mechanicsburg, Pennsylvania, 17055. m24-j7

ESTATE OF RAMONA M. LONG, late of Halifax Township, Dauphin County, Pennsylvania. Executor: Terry W. Long, 1317 West Market Street, Williamstown, PA 17098 or to Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. m24-j7

ESTATE OF HENRY SHEFET, late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Michael Shefet, 4717 Rock Ledge Drive, Harrisburg, PA 17110-3254 or to Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. m24-j7

ESTATE OF MARTHA C. JANSEN, late of Middletown, Dauphin County, Pennsylvania, (died: March 23, 2019). Co-Executors: Edward M. Jansen, 3160 Dressler Ridge Road, Mt. Pleasant Mills, PA 17853; Kathleen J. Karn, 1894 Mulberry Lane, Warrington, PA 18976. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m24-j7

ESTATE OF FRANCIS J. DINGA, late of Lower Swatara, Dauphin County, Pennsylvania, (died: October 5, 2018). Executor: Mary C. Albers, 1450 Heritage Square, Middletown, PA 17057. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. m24-j7

ESTATE OF BARBARA J. ADAMS, late of Wiconisco Township, Dauphin County, Pennsylvania (died: April 22, 2019). Co-Executors: Tim L. Adams and Sandra Adams, 726 Mountain Street, P.O. Box 461, Wiconisco, PA 17097. Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethville, PA 17023. m24-j7

SECOND PUBLICATION

Estate Notices

ESTATE OF CHARLES FRADKIN, late of Lower Paxton Township, Dauphin County, Pennsylvania (died: March 19, 2019). Executor: Gregg Fradkin, 99 Tudor Road, Needham, MA 02492. m17-31

ESTATE OF ANDREA JOY CORNELIUS a/k/a ANDREA J. ECKER a/k/a Andrea J. CORNELIUS, late of Harrisburg, Lower Swatara Township, Dauphin County, Pennsylvania (died February 14, 2019). Executrix: Charlene Faith Bloom. Attorney: Bruce J. Warshawsky, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. m17-31

ESTATE OF SARA E. JOHNSON, late of Harrisburg, Lower Paxton Twp., Dauphin County, Pennsylvania (died: March 28, 2018). Administrator: James N. Johnson. Attorney: Bruce J. Warshawsky, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. m17-31

ESTATE OF JOSEPH LARRY HERSHEY, late of Derry Township, Dauphin County, Pennsylvania (died: April 2, 2019). Executrix: Betty Ann Lego, 530 Spring House Road, Camp Hill, PA. Attorney: Michael L. Solomon, Esquire, Cohen Seglias Pallas Greenhall & Furman P.C., 240 North Third Street, 7th Floor, Harrisburg PA 17101. m17-31

ESTATE OF A. ROBERT GRAFF a/k/a AMOS R. GRAFF a/k/a A. R. GRAFF a/k/a AMOS ROBERT GRAFF, late of Middle Paxton Township, Dauphin County, Pennsylvania. Co-Executrices: Zoe Zampana, 103 Gerhart Street, Millersburg, PA 17061; Marion Bednar, 264 Center Street, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. m17-31

ESTATE OF DONALD O. ORNDORF, late of Upper Paxton Township, Dauphin County, Pennsylvania (died: April 15, 2019). Executor: Thomas Dean Orndorf, 115 Maple Drive, Mechanicsburg, Pennsylvania 17055; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. m17-31

ESTATE OF DORIS ANN WOYTOVICH, a/k/a DORIS B. WOYTOVICH, a/k/a DORIS A. BATRAM, late of the Township of Lower Paxton, Dauphin, County, Pennsylvania. Executrix: Amy Jo Woytovich, 4305 Vermont Court, Harrisburg, PA 17112 or to Attorney: Theresa L. Shade Wix, Esq., Wix, Wenger & Weidner, 4705 Duke Street, Harrisburg, PA 17109-3041. m17-31

ESTATE OF MARGARET ELAINE KIPP, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: April 19, 2019). Executor: William L. Parks, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Margaret Elaine Kipp, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. m17-31

SECOND PUBLICATION

Estate Notices

ESTATE OF MARY L. SMITH, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died: April 1, 2018). Executor: Samuel C. Pendleton, III, of Brooklyn, New York. Attorney: Jacqueline A. Kelly, Esquire, c/o JSDC Law Offices, 555 Gettysburg Pike, Suite C400, Mechanicsburg, PA 17055, (717) 533-3280. m17-31

ESTATE OF MATTHEW S. RUTTER, late of City of Harrisburg, Dauphin County, Pennsylvania, (died: October 14, 2018). Executrix: Sharon Rutter, 630 First Avenue #19H, New York, NY, 10016. Attorney: Thomas P. Gacki, Esquire, 213 Market Street, 8th Floor, Harrisburg, PA 17101. m17-31

ESTATE OF LLOYD T. HOWARD, late of Middle Paxton Township, Dauphin County, Pennsylvania. Co-Executors: James Keller, 4508 Fritchey Street, Harrisburg, PA 17109; Karen A. Keller, 4508 Fritchey Street, Harrisburg, PA 17109. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. m17-31

ESTATE OF VERONICA A. SHIPKOWSKI, late of Middletown Borough, Dauphin County, Pennsylvania (died March 5, 2017). Executrix: Ms. JoAnn Shipkowski, 652 Hoffer Street, Middletown, PA 17057; Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. m17-31

ESTATE OF ARLENE E. FRADKIN, late of Lower Paxton Township, Dauphin County, Pennsylvania (died: January 11, 2019). Executor: Gregg Fradkin, 99 Tudor Road, Needham, MA 02492. m17-31

ESTATE OF DRUCE G. HANSHAW, late of Lower Paxton Township, Dauphin County, Pennsylvania (died: April 14, 2019). Executor: Jeffrey H. Hanshaw, 3975 Sullivan Street, Mechanicsburg, PA 17050. Attorney: Scott M. Dinner, Esquire, 310 Third Street, 1st Floor, New Cumberland, PA 17070. m17-31

THIRD PUBLICATION

Estate Notices

ESTATE OF DEBORAH M. FUTRELL, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: December 2, 2018). Executor: Chad J. Futrell, 11 S. Carlisle Street, Apt. 2A, Greencastle, PA 17225. m10-24

ESTATE OF SCOTT A. DETER, late of Middletown Borough, Dauphin County, Pennsylvania. Administratrix: Keri A. Hahn c/o Craig A. Diehl, CPA, Attorney Law, Offices Of Craig A. Diehl, 3464 Trindle Road, Camp Hill, PA 17011. m10-24

ESTATE OF LINDA M. HOWER, late of City of Harrisburg, Dauphin County, Pennsylvania, (died: February 27, 2019). Executrix: Barbara J. Peters, 471 Linton Hill Road, Duncannon, PA 17020. Attorney: Anthony T. McBeth, 4705 Duke Street, Harrisburg, PA 17109. m10-24

ESTATE OF EVELYN M. BLOSS, late of Paxtang Borough, County of Dauphin, Commonwealth of Pennsylvania. Executor: Cean R. Bloss. Attorney: Heather D. Royer, Esquire, Smigel, Anderson & Sacks, LLP, 4431 N. Front Street, 3rd Floor, Harrisburg, PA 17110. m10-24

ESTATE OF WILLIAM P. KIRK, II, late of Derry Township, Dauphin County. Executor: JAMES A. KIRK, PSC 68 Box 85, APO - AE 09706 or to Attorney: ELIZABETH B. PLACE, ESQ., SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101. m10-24

ESTATE OF ALMA M. WAUGH, a/k/a ALMA MARIE WAUGH, late of Middle Paxton Township, Dauphin County, Pennsylvania, (died: April 4, 2019). Executrix: Lisa S. Bower. Attorney: Bradley J. Gunnison, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166, (717) 232-8000. m10-24

ESTATE OF CAROLYN M. SNYDER CONDON, late of Highspire Borough, Dauphin County, Pennsylvania, (died: April 11, 2019). Executrix: Sharon J. Snyder. Attorney: David C. Miller, Jr., Esquire, 1846 Bonnie Blue Lane, Middletown, PA 17057, (717) 939-9806, Email: davidcmillerjr@verizon.net. m10-24

ESTATE OF MARTHA C. DIFFENDERFER, a/k/a MARTHA JANE DIFFENDERFER, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: April 1, 2019). Executrix: Diane Diffenderfer, 1430 Hopeland Road, Wyncote, PA 19095. Attorney: Elizabeth H. Feather, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. m10-24

ESTATE OF SHARON K. LAWSON, late of Upper Paxton Township, Dauphin County, Pennsylvania, (died: April 22, 2019). Executrix: ALLSHA P. HECKMAN, 111 Montrose Avenue, Lancaster, Pennsylvania 17603; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. m10-24

THIRD PUBLICATION

Estate Notices

ESTATE OF HERMAN MINKOFF, late of Susquehanna Township, Dauphin County, Pennsylvania, (died: April 11, 2019). Executrix: Sheri L. Solomon. Attorney: Michael L. Solomon, Esquire, Cohen Seglias Pallas Greenhall & Furman, PC, 240 North Third Street, 7th Fl., Harrisburg, PA 17101. m10-24

ESTATE OF DOROTHY C. LANDIS, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Karen N. Withrow, c/o Attorney: Gerald J. Brinser, P. O. Box 323, Palmyra, PA 17078. m10-24

ESTATE OF LOIS T. SEREDYCH, a/k/a LOIS E. SEREDYCH, late of Wiconisco Township, Dauphin County, Pennsylvania, (died: April 22, 2019). Executrix: Janna K. Miller, 512 West Broad Street, Williamstown, PA 17098. Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethtown, PA 17023. m10-24

ESTATE OF SHIRLEY M. NACE, late of Lykens Borough, Dauphin County, Pennsylvania, (November 2, 2019). Administratrix: Cindy L. Wolfgang, PO Box 405, Gratz, PA 17030. Attorney: Shannon K. Sprow, Esquire, 4245 State Route 209, Elizabethtown, PA 17023. m10-24

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about April 11, 2019, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Aecon-Wachs Industrial Services Inc.** c/o Capitol Corporate Services, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 19099 Atomic Road, Jackson, SC 29831.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. m24

NOTICE IS HEREBY GIVEN **Cherry Street Condominium Association** has been incorporated under the provisions of Article B of the Nonprofit Corporation Law of 1988. m24

NOTICE IS HEREBY GIVEN **Quentin Road Condominium Association** has been incorporated under the provisions of Article B of the Nonprofit Corporation Law of 1988. m24

NOTICE IS HEREBY GIVEN that a majority of the shareholders of **MJKJ Holdings, Inc.** has approved a proposal that the corporation voluntarily dissolve, and the Board of Directors is now engaged in winding up and settling the affairs of the corporation pursuant to the provisions of Section 1978 of the Pennsylvania Business Corporation Law of 1988.

COZEN O'CONNOR, Solicitors
One Liberty Place, Ste. 2800
Philadelphia, PA 19103

m24

NOTICE IS HEREBY GIVEN that **PACER SERVICES, INC.**, a foreign business corporation incorporated under the laws of the State of Delaware, received a Certificate of Authority/Foreign Registration in Pennsylvania on March 3, 2011, and will surrender its Certificate of Authority/Foreign Registration to do business in Pennsylvania. Its last registered office in this Commonwealth was located at: c/o National Registered Agents, Inc. and the last registered office shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. m24

NOTICE IS HEREBY GIVEN that **MENLO LOGISTICS GLOBAL TRANSPORTATION SERVICES, INC.**, a foreign business corporation incorporated under the laws of the State of Delaware, received a Certificate of Authority/Foreign Registration in Pennsylvania on September 15, 1998, and will surrender its Certificate of Authority/Foreign Registration to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: c/o Registered Agent Solutions, Inc. and the last registered office shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. m24

NOTICE IS HEREBY GIVEN that **Tailored Pet Nutrition, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 599 West Putnam Ave, Greenwich, CT 06830, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/17/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 5/20/2019 under the Domestic Business Corporation Law, for **BRP Veterinary Pennsylvania, Inc.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. m24

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **BIOX USA Limited**, a foreign corporation incorporated under the laws of the State of Delaware, intends to withdraw from doing business in Pennsylvania. Its last registered office in this Commonwealth is c/o Corporation Service Company and is deemed for venue and official publication purposes to be located in Dauphin County and the address of its principal office under the laws of its jurisdiction is 585 Wentworth Street North, Hamilton, Ontario, Canada L8L 5X5.

Clark Hill, PLC
Attn: Kimberly Ward Burns, Esquire
301 Grant Street, 14th Floor
Pittsburgh, PA 15219

m24

NOTICE IS HEREBY GIVEN **Wabtec US Rail, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1001 Airbrake Ave., Wilmerding, PA 15148, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN **Bump Learning, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 2201 Grasslyn Ave., Havertown, PA 19083, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 251 Little Falls Dr., Wilmington, DE 19808. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN that **GEM-CRAFT PROPERTY MANAGEMENT, INC.**, a foreign corporation formed under the laws of the State of Maryland where its principal office is located at 2205-A Commerce Road, Forest Hill, MD 21050, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 10, 2019, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN that **Eidos Therapeutics, Inc.**, a foreign corporation formed under the laws of the State of DE where its principal office is located at 101 Montgomery Street, Suite 2250, San Francisco, CA 94104, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/7/2019, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN that **Consumer Services, Inc.**, dba CSI California, Inc., a foreign corporation formed under the laws of the State of DE and with its principal office located 531 S. Brea Blvd, Brea, CA 92821, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/15/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN that **Trusted On-Demand, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 604 Mission St, Ste 500, San Francisco, CA 94105, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/8/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN that, on 5/1/19 Articles of Incorporation were filed with the Department of State for **The Gift of Hearing Foundation**, a nonprofit corporation organized under the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for charitable purposes. m24

NOTICE IS HEREBY GIVEN **DODIE DESIGN, INC.** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 1430 BROADWAY, 17TH FL NEW YORK NY 10018. The Commercial Registered Agent Provider is in care of United Corporate Services, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412. m24

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that pursuant to the applicable provisions of 15 Pa.C.S Section 415 or 417, **Gastar Exploration Inc.**, a corporation incorporated under the laws of the State of Delaware with its registered office in PA at c/o: Corporation Service Co., Dauphin County, intends to file a Statement of Withdrawal of Foreign Registration with the Dept. of State. m24

NOTICE IS HEREBY GIVEN that **FCG Moto-holdings CO**, a foreign business corporation under the laws of the state of Florida where its principal office is located at 2640 Golden Gate Parkway Suite 215, Naples, FL 34105 has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Incomp Services, Inc., Dauphin County. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. m24

NOTICE IS HEREBY GIVEN pursuant to the requirements of section 4129 of the Pennsylvania Business Corporation Law of 1988, notice is hereby given that **SWISSPORT USA, INC.**, a Delaware corporation, transacting business in Pennsylvania with its registered office in the Commonwealth at c/o Corporation Service Co., 2595 Interstate Dr., (103), Harrisburg, PA 17110 and the principal office address in Delaware is at c/o Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808 will file a Statement of Withdrawal terminating its registration as a foreign association.

The Tannenbaum Law Group
600 West Germantown Pike
Suite 400
m24 Plymouth Meeting, PA 19462

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Nonprofit Cooperative Corporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 22, 2019, for **Lykens Valley Farmers Co-op**, with its registered office being 807 N. Church Street, Elizabethtown, PA 17023. The Corporation has been incorporated under the Pennsylvania Non-Profit Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

TERRENCE J. KERWIN, ESQ.
Kerwin & Kerwin, LLP
4245 State Route 209
m24 Elizabethtown, PA 17023

NOTICE IS HEREBY GIVEN that Articles of Incorporation - Nonprofit were filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on April 1, 2019, with respect to a proposed non-profit corporation, **Robert Martin III Foundation**, which has been incorporated under Pennsylvania's Nonprofit Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized: to promote the health and well-being of inner-city youth and others who have few opportunities for recreation and enjoyment, and combat juvenile delinquency. m24

NOTICE IS HEREBY GIVEN that Articles of Incorporation - Nonprofit were filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on April 22, 2019, with respect to a proposed non-profit corporation, **Handle's Helping Hand Foundation**, which has been incorporated under Pennsylvania's Nonprofit Corporation Law of 1988. A brief summary of the purposes for which said corporation is organized: to promote the health and well-being of inner-city youth and others who have few opportunities for recreation and enjoyment, and combat juvenile delinquency. m24

NOTICE IS HEREBY GIVEN that **INFINITY CONSTRUCTION SOLUTIONS, INC.**, a foreign corporation formed under the laws of the State of Georgia and with its principal office located 1881 Campus Commons Drive, Suite 101, Reston, VA 20191, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/15/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN **HERMES STEWARDSHIP NORTH AMERICA INC.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1001 Liberty Ave., Pittsburgh, PA 15222-3779, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **Babylon Inc.**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 60 Sloane Ave, London, SW3 3DD, United Kingdom has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/23/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN **PGIA, Inc.**, a foreign corporation formed under the laws of the State of Maine where its principal office is located at 491 Main St, Bangor, ME 04401 has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/10/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN **Long View Systems Corporation (USA)**, a foreign corporation formed under the laws of the State of Delaware where its principal office is located at 250 2 St SW, Ste 2100, Calgary, AB T2P 0C1, Canada has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/16/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

NOTICE IS HEREBY GIVEN that **Medical Facilities (USA) Holdings Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 830 Crescent Centre Drive, Suite 200, Franklin, TN 37067, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/14/19, under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Dauphin County. m24

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S. 311 and 54 Pa.C.S. Ch.3, that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Vitas Palliative Care** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 5/1/2019. Purpose: health care services. Principal place of business: 255 E. Fifth St., Ste. 1050, Cincinnati, OH 45202. The name and address of the person/entity owning or interested in said business is Vitas Solutions, Inc., (a Corporation organized in Delaware), with an address of 255 E. Fifth St., Ste. 1050, Cincinnati, OH 45202. The PA reg'd office is Corporation Service Co. m24

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S. 311 and 54 Pa.C.S. Ch.3, that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Shiver Learning** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 5/15/2019. Purpose: music education software. Principal place of business: 2201 Grasslyn Ave., Havertown, PA 19083. The name and address of the person/entity owning or interested in said business is Bump Learning, Inc., (a Corporation organized in Delaware), with an address of 2201 Grasslyn Ave., Havertown, PA 19083. The PA reg'd office is c/o: Corporation Service Co. m24

NOTICE IS HEREBY GIVEN an application for registration of the fictitious name **Electric Power Systems**, 15 Millpark Court, Maryland Heights, MO 63043 has been filed in the Department of State at Harrisburg, PA, File Date 03/21/2019 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Electric Power Systems International Inc., 15 Millpark Court, Maryland Heights, MO 63043. m24

NOTICE IS FIEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on May 13, 2019, for **Simple Estate Solutions**, 6141 Cotton Drive, Harrisburg, PA 17112. The name and address of the entity interested in such business is DOIN, LLC having a registered office address of 6141 Cotton Drive, Harrisburg, PA 17112.

Stanley J. A. Laskowski, Esquire
Caldwell & Kearns, P.C.
3631 North Front Street
Harrisburg, PA 17110

FIRST PUBLICATION

Miscellaneous Notices

TAX ASSESSMENT

NOTICE IS HEREBY GIVEN by the DAUPHIN COUNTY BOARD OF ASSESSMENT APPEALS that the real property assessment roll is available for inspection by any citizen at the Dauphin County Assessment Office, Second Floor, Dauphin County Administration Building, 2 South 2nd Street, Harrisburg PA, 17101, between the hours of 8:30 am and 4:30 pm, Monday through Friday. ADDITIONALLY, NOTICE is also given that any Dauphin County property owner may file an annual appeal of his/her/it's real estate tax assessment with the Board of Assessment Appeals between June 1st and August 1st , 2019. Appeal forms and the Rules of Appeal Procedure utilized by the Board maybe secured from the Office of the Board, Second Floor, Dauphin County Administration Building, or by calling the Boards Office at 717-780-6102; or online at www.dauphincounty.org, Government Services, Property & Taxes, Board of Assessment, Appeals. The Rules of Appeal Procedure utilized by the Board should be reviewed by an appellant as they will be strictly followed by the Board at the time of an assessment hearing. Failure to abide by the rules may result in the loss of your appeal.

Dauphin County Board of Assessment Appeals
Jeffrey B. Engle, Esquire
m24 Solicitor, Board of Assessment Appeals.

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

NO. 2018 CV 7724 QT

CIVIL ACTION – QUIET TITLE

**KAREN SNYDER, PLAINTIFF
VS.
PETER LEE DEVELOPMENT
COMPANY, INC., ITS SUCCESSORS
AND ASSIGNS, DEFENDANT**

IMPORTANT NOTICE

TO: Peter Lee Development Company, Inc.
501 Keystone Building
Harrisburg, PA 17101

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the Court your defenses or objections to the claims set forth against you. This is notice that a Motion has been filed requesting the Court to enter an Order forever barring you

from asserting any right, title or interest in the property situate in Lower Paxton Township, Dauphin County, Pennsylvania known as tax parcel # 35-080-110, as shown in Deed dated July 8, 1994, recorded in Dauphin County Deed Book 2262, Page 104, inconsistent with the interest and claim of Plaintiff as set forth in the Complaint in the above-captioned matter. If the Order is granted, you will have 30 days from publication of said Order in which to take action to strike or appeal the Order and, thereafter, if such action is not taken, upon Praecipe by Plaintiff, the Prothonotary shall enter final judgment thereby forever barring you from asserting rights to the property. 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.

Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

m24

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY PENNSYLVANIA

NO. 2019-CV-3386-QT

NOTICE OF QUIET TITLE ACTION

**REDEVELOPMENT AUTHORITY OF
CITY OF HARRISBURG, A
PENNSYLVANIA REDEVELOPMENT
AUTHORITY, PLAINTIFF
VS.
THE UNKNOWN HEIRS OF STEPHEN
EARL MURRAY, SR., A/K/A STEVEN EARL
MURRAY, SR., THE UNKNOWN HEIRS OF
SHERMAN C. CUNNINGHAM, BANK
OF AMERICA CORPORATION, PUN
COLLECTIONS V, LLC, THE CITY
HARRISBURG, THE COUNTY OF
DAUPHIN, AND THE HARRISBURG
SCHOOL DISTRICT, DEFENDANTS**

TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER:

STEPHEN EARL MURRAY, SR., a/k/a STEVEN EARL MURRAY, SR.,
SHERMAN C. CUNNINGHAM,
BANK OF AMERICA CORPORATION,
PUN COLLECTIONS V, LLC,
CITY HARRISBURG,
COUNTY OF DAUPHIN, and
HARRISBURG SCHOOL DISTRICT

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2019-CV-3386-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Redevelopment Authority of City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

ALL THAT CERTAIN piece or parcel of land, situate in the City of Harrisburg, County of Dauphin, and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the North-west corner of Sixteenth and Regina Streets, and running thence Northwardly along the West side of said Sixteenth Street, fifty-six (56) feet to land now or late of William H. Hall et ux.: thence Westwardly, at right angles with said Sixteenth Street, sixty (60) feet one (1) inch, more or less, to line of land now or formerly of Herman L. Stein, thence Southwardly, along the line of said Stein land, seventy-eight (78) feet six (6) inches to the North side of said Regina Street, and thence Eastwardly, along the North side of said Regina Street, twenty-three and four tenths (23.4) feet to the place if BEGINNING.

HAVING thereon erected a frame dwelling house and brick garage now known as No. 1534 Regina Street, Harrisburg, Pa.

BEING Parcel Number 09-016-063.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 AGAINST YOU WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE

Dauphin County
213 North Front Street
Harrisburg, PA 17101
Phone (717) 232-7536

Stuart J. Magdule, Esquire

Attorney for Plaintiff

Smigel, Anderson & Sacks, LLP

4431 North Front Street

Harrisburg, PA 17110

(717) 234-2401

m24

NOTICE OF AUDIT

TO LEGATEES, NEXT OF KIN, CREDITORS AND ALL OTHER PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled thereto **June 26, 2019**. Pursuant to Pennsylvania Orphans' Court Rule 2.7(b) (formerly Dauphin County Orphans' Court Rule 6.10.1), objections to an account must be filed in writing with the Register or Clerk **no later than the close of business on June 25, 2019**.

1. GARCIA, DEBRA ANN, Deceased, First and Final Account of Sandra L. Garcia, Administratrix.

May 20, 2019 Jean Marfizo King
Register of Wills & Clerk of the Orphans' Court
m24-m31

FIRST PUBLICATION

Name Change Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

DOCKET NO: 2019-CV-02137-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on April 30, 2019, the Petition of Jarobi Lee Nelson Reeves was filed in the above named court, requesting a decree to change his/her name from **Jarobi Lee Nelson Reeves** to **Rowan Akpobome**.

The Court has fixed Monday, June 17th 2019 at 9:30am in Courtroom No. 9, 2nd Floor, at the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101 as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. m24

BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
Phone: (717) 232-7536 Fax: (717) 234-4582

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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

REPORTING OF ERRORS IN ADVANCE SHEET

The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

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BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
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SENIOR TRANSACTIONAL ASSOCIATE: BCGL LLC, a growing business focused law firm, has an immediate opening for an experienced senior transactional associate with 3 to 6 years of experience. Areas of practice for this partnership track position include: mergers & acquisitions; complex financing transactions for lenders and borrowers; and commercial real estate transactions. Excellent verbal and written communication skills required. Ability to work collaboratively and handle client work independently is necessary. Candidates must also possess a willingness to become integrated into a dynamic business community and pursue business development opportunities. Strong academic record required. Competitive compensation package and bonus opportunities. Interested candidates should send their resume, law school transcript, writing sample, and list of references to emilyf@bcgl-law.com. m10-24

TRANSACTIONAL ASSOCIATE: BCGL LLC, a growing business focused law firm, has an immediate opening for a transactional associate in its Lancaster, Pennsylvania office. Areas of practice for this partnership track position include: mergers & acquisitions; complex financing transactions for lenders and borrowers; and commercial real estate transactions. Excellent verbal and written communication skills required. A strong desire to learn and the ability to work collaboratively is necessary as is the willingness to become integrated into a dynamic business community. Strong academic record required. Competitive compensation package and bonus opportunities. Interested candidates should send their resume, law school transcript, writing sample, and list of references to emilyf@bcgl-law.com. m10-24

ESTATES & TRUSTS ASSOCIATE: BCGL LLC, a growing law firm, has an immediate opening for an associate with zero to 5 years' experience in its prominent estates and trusts practice. This partnership track position will involve complex estate planning, drafting, and estate and trust administration. Excellent verbal and written communication skills required. Ability to work collaboratively is necessary. Lancaster, Pennsylvania was recently rated No. 1 in the US News Best Places to Retire Rankings. Candidates must possess a desire to become integrated into a dynamic community and participate in the continued growth of this exceptional practice area. Strong academic record required. Competitive compensation package and bonus opportunities. Interested candidates should send their resume, law school transcript, writing sample, and list of references to emilyf@bcgl-law.com. m10-24

LEGAL ASSISTANT: Nauman Smith has an immediate opportunity available for an experienced litigation administrative assistant (legal secretary) with top-notch technical and administrative skills. The selected individual will be responsible for working with the head of our litigation section, preparing and processing correspondence, memoranda and complex legal documents in both state and federal courts. Excellent technical, administrative and organizational, skills; ability to work well under pressure in a deadline-driven environment; and ability to work independently and proactively required. A high degree of proficiency with Microsoft Word, Outlook, Excel and a document management system strongly preferred. Experience with e-filing in both county and federal courts a must and experience with Perfect Practice a plus. Minimum of 3 years of recent law firm experience in litigation. Must be familiar with state and federal (trial and appellate courts) rules, and procedures and the day-to-day activities of a litigation practice. Send resume to: Office Manager, P O Box 840, Harrisburg, PA 17108-0840; Email to info@nssh.com. m17-31

ASSISTANT COUNTY SOLICITOR – GENERAL -COUNTY OF LANCASTER, PENNSYLVANIA: This position will be responsible to provide and/or supervise a full range of legal services relating to County operations under the direction of the County Solicitor. For a detailed job description and application, refer to www.co.lancaster.pa.us. m24-j7

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LEGAL RESEARCH: I am looking for a young lawyer in need of work to help me with legal research, pleading drafting and writing on an as needed basis. If you are interested please call William Adler at 717-652-8989 or email me at BAL@BillAdlerLaw.com. m17-31

EXECUTIVE DEPUTY ATTORNEY GENERAL: The Pennsylvania Office of Attorney General is comprised of three legal divisions: Criminal Law, Public Protection and Civil. We are seeking to fill the Executive Deputy Attorney General position for the Civil Law Division. The Executive Deputy Attorney General (EDAG) for the Civil Law Division oversees more than 100 employees and reports directly to the First Deputy Attorney General. You may find the full job listing [here](#). To obtain further information please visit our [website at www.attorneygeneral.gov/employment](http://www.attorneygeneral.gov/employment). m17-31

GENERAL COUNSEL FOR HOUSE GOVERNMENT OVERSIGHT COMMITTEE (D): This position combines work in both the legal and legislative fields. Must be self-motivated, willing to work demanding schedule, and non-standard work hours. High level of professional ethics required as well as excellent verbal and written communication skills. Minimum education JD from an accredited law school and must hold a valid license to practice law in PA. Litigation experience highly preferred, knowledge of or experience with the legislature a plus. Submit resume and writing sample to: pahousepositions@gmail.com. m17-31

CHIEF COUNSEL – LAW BUREAU - PENNSYLVANIA PUBLIC UTILITY COMMISSION: The Public Utility Commission is seeking to fill our Chief Counsel position. Apply today by clicking [here](#). The successful candidate oversees the Commission's legal service needs. Work involves supervising all Commission litigation, in state and federal courts and other governmental agencies, which includes special cases with exceptionally broad and important implications for the Commission. Provides overall direction and guidance to subordinate attorneys. Advises the Commissioners and Commission staff on interpretation of laws, procedures and proper course of action in the areas of public utility law, federal energy law, federal telecommunication law, administrative law, procedural issues, sunshine act and right to know law. Work is performed with a large degree of independence. Difficulty of legal work performed is of the highest degree. For more information click [here](#). Interested candidates should apply by clicking the link above and attach a letter of interest with a detailed resume online by June 6, 2019, to: PA Public Utility Commission, Shannon Marciano, Human Resource Office, PO Box 3265, Harrisburg, PA 17105-3265, Telephone: (717) 787-8714, FAX: (717) 772-3177 EMAIL: Smarciano@pa.gov. EOE m24-j7

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The Judges have completed the MAY 6, 2019 civil jury term. Two civil cases reached verdict and the summaries are as follows:

PAUL A. CARLEVALE v. KEATH E. McCLELLAN, JR. (2014-CV-10804-CV)

Trial dates: May 6, 2019 – May 7, 2019

Trial Summary:

This litigation arose out of an accident which occurred on December 26, 2012, during inclement weather. Defendant Keith McClellan was driving his 2007 Chevy Cobalt and proceeding around a curve on N. Union Street, when he lost control of his car on the snow-covered road and slid into the Mack tandem-axle plow truck being driven by Plaintiff, Paul Carlevale. Defendant's car struck the driver's side wheel of the truck. Plaintiff alleged that he was holding the wheel at the time of the collision, and that it twisted in his hands, causing him to tear the rotator cuff in his right shoulder. Plaintiff testified he did not pursue surgical interventions for fear that it would result in loss of pigmentation as Plaintiff has Vitiligo. Plaintiff sought non-economic damages for his alleged injury, out of pocket medical expenses and future medical expenses, along with additional economic losses because he was unable to perform his job. Plaintiff and Defendant participated in Mediation that was unsuccessful. The Defendant admitted fault for the accident, but contested causation and damages in this case.

Pretrial Motions: None

Exhibits:

Plaintiff's exhibits:

- 1) Expert Report from Dr. Blake
- 2) Medical records of Paul Carlevale
- 3) Payroll log for Paul E. Robinson for 2013
- 4) W2's of David Bowman (2016-2017)
- 5) W2's of Paul E. Robinson (2014-2017)
- 6) Summary of costs for third parties to work on vehicles
- 7) Photographs of Plaintiff's Vehicle (Exterior and Interior)
- 8) Receipts of unreimbursed medical expenses
- 9) Police report from accident

Defendant's Exhibits:

- 1) Photographs of the Mack dump truck after the accident
- 2) Medical records of the Plaintiff.

Plaintiff's Expert: Robert Blake, D.C., Blake Chiropractic

Dr. Blake first saw Plaintiff in January 2019, seven years after the accident. He had reviewed an MRI of February 20, 2013 which was interpreted as showing a full thickness tear. On cross-examination, he acknowledged a pre-accident history of shoulder problems for which Plaintiff was being treated by an acupuncturist and that the history reported by Plaintiff in the MRI report noted "no known injury." Defense Counsel reconciled this history with a history reported by Plaintiff's acupuncturist, two weeks post-MVA of shoulder problems stated "w/o trauma." Dr. Blake commented on a February 2015 MRI which was interpreted as showing tendonitis and no tear was noted. On cross-examination he acknowledged, that he had not reviewed the 2015 study.

Defendant's Expert: Dr. Daniel Hely, Orthopedic Institute of Pennsylvania

Dr. Hely performed a records review including Plaintiff's deposition and Dr. Blake's report. Dr. Hely opined that Plaintiff's shoulder problems were degenerative, pre-existing conditions consistent with Plaintiff's age, physical work history and workout regimen. He believed Plaintiff may have suffered a minor strain of the right shoulder which would have healed within 6-8 weeks without a need for surgery.

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Verdict: Defendant admitted negligence and so the Jury was asked if the accident was a factual cause of the Plaintiff's injury and the damages which Plaintiff may have suffered as a result. The jury returned a Defense Verdict, finding that Defendant's negligence was not a factual cause of Plaintiff's injuries. No damages were awarded to Plaintiff.

Judge: Judge John J. McNally, III
Counsel for Plaintiff: Peter J. Russo, Esquire, Law Offices of Peter J. Russo, P.C.
Counsel for Defendant: Anthony T. Lucido, Esquire, Johnson, Duffie, Stewart & Weidner

**ANDY SHANK v. 562-66 S. 19TH INC., d/b/a DOUBLE D'S BAR & GRILL v. CHRISTIAN AU-
TER**
(2013-CV-00055-CV)
Trial dates: May 8, 2019 – May 9, 2019

Trial Summary:

This case arises out of a shooting that occurred on September 6-7, 2012 at Double D's Neighborhood Bar & Grill in Harrisburg, Pennsylvania. Plaintiff alleged that he was inside of Double D's when an altercation occurred. During the altercation, Plaintiff alleges that Christian Auter "removed a handgun from the waistband of his pants and fired one shot, shooting the Plaintiff, Andy Shank in his right hip." Defendant Christian Auter pled guilty to aggravated assault and was serving his sentence at time of trial. Plaintiff's Complaint set forth claims for negligence-based violation of the Dram Shop Act and negligent security. All security personnel were instructed and expected to pat down and/or utilize a magnetic wand on every patron prior to entry. On the evening in question, Plaintiff alleged that Defendant Double D's head of security did not follow this protocol and waved Defendant Auter in. Security personnel from Double D's were in the process of breaking up the altercation when the shooting occurred. A few seconds prior to the shooting an altercation began between Plaintiff and his friends and Christian Auter and his friends. Plaintiff left the scene and was taken to the hospital by friends who did not stay or speak to the police. Plaintiff did not cooperate with police in trying to locate the person who shot him. Christian Auter was only identified by the use of Double D's video surveillance which they turned over to the police. Plaintiff and Double D's agreed to use the deposition transcript of Christian Auter in lieu of his live testimony.

Pretrial Motions:

Plaintiff's Motion in Limine:

- 1) Criminal record for driving under suspension - Granted

Corporate Defendant's Motions in Limine:

- 1) Send a message/Conscience of Community - Denied
Complaint does not seek anything other than compensatory damages
- 2) Fertility/erectile dysfunction - Granted
Plaintiff failed to produce medical testimony to support his claim of these injuries were caused by the shooting.
- 3) Wage loss - Granted
Plaintiff failed to produce evidence of employment
- 4) Alcohol/Intoxication - Granted
The prolatve value, if any, of violations of Liquor Control laws outweighed the potential for prejudice.
- 5) Post incident improvements - Granted
Post-incident remedied measures were deemed of no probative value.

Exhibits:

Plaintiff's Exhibits:

- 1) Photo of Andy Shank in the Hospital
- 2) Letter from Defendant's Attorney firing Security Guard, Barry Daniels
- 3) Photos of Andy Shank (injuries)

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Corporate Defendant's Exhibits:

- 1) Deposition Transcript with exhibits of Christian Auter

Plaintiff's witness:

- 1) Andy Shank
- 2) Police Officer Jason Paul from the Harrisburg Police Department

Corporate Defendant's witness:

- 1) Nestoras Dalaperas; Double D's Neighborhood Bar & Grille Owner
- 2) Christopher Dalaperas; Double D's Neighborhood Bar & Grille Owner
- 3) Christian Auter's Deposition Transcript

Experts: No expert reports submitted by any party.

Verdict:

The Jury found Christian Auter negligent and found that his negligence a factual cause of harm to Andy Shank. 100% of negligence was found on Christian Auter. The Jury did not find the Defendant Double D's Neighborhood Bar & Grille negligent. The Jury awarded Plaintiff \$50,000.00 for Pain and Suffering, \$25,000.00 for Loss of Life's Pleasures, \$20,000.00 for Disfigurement, \$5,000.00 for Embarrassment and Humiliation.

Judge:

Judge John J. McNally, III

Counsel for Plaintiff:

Michael O. Palermo, Jr., Esquire, Palermo Law Offices

Counsel for Defendant Double D's Neighborhood Bar & Grille:

Andrew R. Benedict, Esquire, Bardsley Benedict & Cholden, LLP

Self-represented Defendant:

Christian Auter, # LN3975

ATTORNEY DISCIPLINARY / ETHICS MATTERS

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

James C. Schwartzman, Esq.

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