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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 Notices

ESTATE OF VIOLET B. REBUCK, (died: December 2, 2016), late of the Borough of Gratz, Dauphin County, Pennsylvania. Executrix: Tonya L. Latsha, P.O. Box 583,143 North Spruce Street, Gratz, Pennsylvania 17030; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. j13-27

ESTATE OF MARY LOUISE MCDOWELL, (died: July 27, 2016), late of West Hanover Township, Dauphin County, Pennsylvania. Executrix: Mary Beth Sembrot, c/o Ball, Murren & Connell, LLC, 2303 Market Street, Camp Hill, PA 17011, (717) 232-8731. j13-27

ESTATE OF FRED H. RUDY, (died: December 5, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Beth J. Rudy, 4700 Oakhurst Blvd., Apt. 302, Harrisburg, PA 17110 or to Attorney: Jean D. Seibert, Esquire, CALDWELL & KEARNS, PC, 3631 North Front Street, Harrisburg, PA 17110. j13-27

ESTATE OF LESTER H. JURY, (died: August 1, 2016), late of Halifax Township. Executrix: Lisa Jo Jury, 3438 Peters Mountain Road, Halifax, PA 17032. Attorney: Robert G. Radebach, Esquire, 912 North River Road, Halifax, PA 17032. j13-27

ESTATE OF LOIS STRAWHECKER, A.K.A. LOIS J. STRAWHECKER, (died: November 17, 2016), late of Derry Township, Dauphin County, Pennsylvania. Executor: Daniel Eugene Strawhecker, 1541 Sand Hill Rd., Hummelstown, PA 17036. j13-27

ESTATE OF BARBARA M. ZERN, AKA BARBARA ZERN, (died: 11/18/2016), late of Susquehanna Township, Dauphin County, PA. Executrix: Lucille Lynch, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, PA 17033. j13-27

**T.S. v. C.S., V.H., and R.D.****Domestic Relations - Child Custody - Jurisdiction**

Mother C.S. and Father T.S. both filed appeals from child custody orders awarding custody of the two oldest children to Mother and the two youngest children to Father.

1. Under both the Pennsylvania Uniform Child Custody Jurisdiction and Enforcement Act and the federal Parental Kidnapping Prevention Act, Pennsylvania must recognize and give full faith and credit to a child custody determination issued by another state. *23 Pa.C.S.A. § 5443 and 28 U.S.C.A. § 1738A*. However, recognition or full faith and credit need not be extended if the state issuing the custody determination failed to properly exercise its jurisdiction. In order for Pennsylvania to recognize and enforce another state's order, the court may inquire into whether the other state properly exercised jurisdiction over the matter under its own law.

2. The paramount concern and the polestar of analysis in making a custody determination is the best interests of the child. *Arnold v. Arnold, 847 A.2d 674, 677 (Pa. Super. 2004)*. Deciding a child's best interests is to be made on a case-by-case basis, considering all factors which legitimately have an effect upon the child's physical, intellectual, moral and spiritual well-being.

Pa.R.A.P. 1925(a) Opinion. C.P., Dau. Co., No. 2015 CV 4819 CU

*Nichole M. Walters*, for the Mother

*Max J. Smith, Jr.*, for the Father

Turgeon, J., December 22, 2016.

**OPINION**

Mother C.S. and Father T.S. have filed appeals from a child custody orders I entered October 4 and 5, 2016. This opinion is issued in support of the orders pursuant to Pa.R.A.P. 1925(a).

**Background**

Mother and Father were married in Colorado on October 31, 2009. At the time of marriage, they lived with Mother's two daughters, A.D. (DOB 2/03) and S.D. (DOB 8/04), born during Mother's prior marriage to R.D. Shortly after Mother's and Father's marriage, Mother gave birth to a third daughter C.L.H.S. (DOB 2/10) (hereinafter C.L.). C.L.'s biological father is V.H. and she was given a last name that was a hyphenation of both Father's last name and V.H.'s last name. Mother and Father moved from Colorado to Elizabethville, Pa. in 2011 or 2012 and later had a son, C.J.C.S.(DOB 9/12) (hereinafter C.J.). Mother and Father continually resided with this blended family in Elizabethville for next five years.

On August 23, 2016, Mother abruptly took all four children and moved to Colorado where she and the children began residing with Mother's grandmother L.B. On August 26, 2016, Father responded by filing this current custody action against Mother seeking primary physical custody and shared legal custody of the four children. Father also filed an emergency petition for special relief seeking a temporary order granting him primary physical custody and sole legal custody of the children. I scheduled a hearing on the emergency petition for August 31, 2016 and directed that Mother bring all four children to the hearing. I further directed that the custody claims be litigated through regular Dauphin County conciliation procedure, later re-scheduled to October 28, 2016.

At the August 31, 2016 emergency hearing, both Father and Mother appeared with counsel. Mother only brought the youngest child C.J., in violation of my prior order so I was unable to interview the three older children. During the hearing, Mother argued that this court lacked jurisdiction to issue a custody order concerning the three older children. First, she claimed jurisdiction was lacking because this action failed to name as necessary parties the biological fathers of the children A.D. and S.D. (father R.D.) and C.L. (father V.H.), and provide them notice and the opportunity to be heard as required under the Pennsylvania Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).<sup>1</sup> At the time, R.D. was living in Virginia and V.H. in Colorado.

Mother's second argument was that Pennsylvania lacked jurisdiction under the Parental Kidnapping Prevention Act (PKPA)<sup>2</sup> concerning the child C.L. since she was the subject of a 2010 Colorado custody order naming C.L., Mother and her biological father V.H. (N.T. 8/31/16 at 33-34) After discussing these issues and noting that Father herein had not been included in the Colorado action and noting the presumption of paternity in Father's favor concerning the child C.L., since C.L. had been born during Mother and Father's marriage (discussed below), I stated that the remedy to the jurisdictional challenges was for Father to file an amended custody complaint adding both biological fathers to this action and serving them so that they could fully participate in the final custody determination. (N.T. 8/31/16 at 34-37)

Immediately following the hearing, I issued an Interim Order granting Mother primary physical custody of the three daughters while I granted Father primary physical custody of the youngest son, with partial physical custodial rights for both parents as they could agree. I also issued a number of other orders August 31, 2016, including an order directing that both Mother and Father undergo psychological evaluations pursuant to Pa.R.C.P. 1915.8 and directing that Father file an amended custody complaint adding the daughters' biological fathers (R.D. and V.H.) to the custody action.<sup>3</sup> I issued a supplemental order September 12, 2016 (Interim Order of Court (Parenting Plan)), which included the same custodial terms as well as detailed parenting plan provisions.

On September 16, 2016, Father filed a "Second Petition for Emergency Relief, Contempt Petition and Motion for Reconsideration." He claimed Mother was in contempt of a provision in the August 31, 2016 Interim Order prohibiting her from permitting the children unsupervised contact with her new paramour W.P. Father also alleged that Mother was allowing C.L. (the youngest daughter) to have unsupervised contact with her biological father V.H., with whom she allegedly had no previous relationship and that C.L. wanted to move back to Pennsylvania to live with Father. Father additionally sought reconsideration of the interim custody orders asserting that mother lied about her employment situation at the emergency hearing, failed to disclose she lacks a driver's license, failed to disclose that her paramour carries firearms, that she limited Father's telephone contact with the children and was providing them sub-

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<sup>1</sup> 23 Pa.C.S.A. §§ 5401-5482. Section 5425(a) requires that any parent whose rights are not terminated must be named in a custody action, provided notice and an opportunity to be heard.

<sup>2</sup> 28 U.S.C.A. § 1738A.

<sup>3</sup> Father filed the Amended Custody Complaint September 6, 2016. Neither R.D. or V.H. formally responded to any of the filings though R.D. did appear and testify against Mother at the second hearing.

par, cramped living conditions. Finally, Father asserted that Mother failed to give him proper notice of her relocation to Colorado as required under Pennsylvania law. As relief, Father requested that Mother be found in contempt of the interim orders and that he be granted immediate physical custody of all the children pending the conciliation / trial.

On September 19, 2016, Father formally filed an Objection and Counter Affidavit on Relocation asserting that Mother failed to properly provide him notice of her relocation and seeking a hearing thereon. On September 20, 2016, I issued an order scheduling a relocation hearing for October 3, 2016, as well as to hear Father's second petition for emergency relief, petition for contempt and request for reconsideration of the interim custody orders. On the date of that hearing, Mother filed a Petition and Notice for Relocation seeking that the court approve of her move to Colorado and grant her primary physical custody of all four children. She also filed a Preliminary Objection to Jurisdiction, again challenging the jurisdiction of this court to issue a custody order concerning the child C.L. claiming as a new basis for her objection that under UCCJEA Section 5423, Pennsylvania was prohibited from modifying the Colorado order concerning C.L. since Colorado maintained exclusive, continuing jurisdiction over the action. 23 Pa.C.S.A. § 5423.

I held the hearing as scheduled October 3, 2016 at which I heard testimony from Mother, Father, Paternal Grandfather and R.D. (the biological father of the two oldest children A.D. and S.D.). I also interviewed the three oldest children.

On October 4, 2015, I issued an Order (1) dismissing Mother's preliminary objection challenging jurisdiction; (2) finding Mother in violation of the August 31, 2016 Interim Order for leaving the children alone with her paramour and failing to timely enroll in counseling with a psychologist; (3) finding Mother in violation of the September 12, 2016 Interim Court Order (Parenting Plan) by discussing the custody case with the children and acting inappropriately during one of Father's video chat sessions with Mother during which she gave Father the middle finger; (4) finding Mother in violation of custody law by relocating without agreement or court order; and (5) finding that the relocation was not in the best interests of the children and listing the following specific relocation factors as required under Section 5337(h) of the Child Custody Act:

- a. The children resided with Father for the past 5 years of their lives and therefore Mother relocating to Colorado precipitously from Pennsylvania significantly negatively affected the nature, quality and involvement with Father.
- b. The relocation will have a significant impact on the children's needs for an ongoing relationship with their Father which cannot be adequately met by daily social media contact.
- c. The children's preference to move to Colorado prior to the move was not established.
- d. The relocation did not enhance the general quality of life for the children because:
  - (i) Mother's income at the new employment she eventually obtained is not greater than the income she had previously.
  - (ii) No proof presented established the relocation enhanced the children's educational opportunities.
  - (iii) The children and Mother's new residence with her grandmother eliminates the children having separate bedrooms, is in a crowded home with a "hoarding" environment.

- (iv) [Mother's] new paramour immediately began sharing a bedroom with [her], creating an unacceptable, emotionally confusing scenario for the children the day they arrived in Colorado.
- (v) Mother informed the parties' 6 year old child [C.L.] that her "father" herein was not her biological Father, creating an unacceptable, emotionally confusing scenario for that child and all the children.
- (vi) The relocation to Colorado eliminated the feasibility of preserving the day-to-day relationship between the non-relocating party and the children through suitable custody arrangements considering the logistics and financial circumstances of the parties.
- (vii) The relocation did not and will not enhance the financial benefit or educational opportunity for Mother.
- (viii) The reason for Mother relocating was to establish a separate household for herself and her children and improve her and the children's emotional status, which could have been accomplished by moving to another residence within the same school district in Pennsylvania.

On October 5, 2016, I issued my final custody order ("Order of Court - Parenting Plan") under which I granted the parents joint legal custody, Mother primary physical custody of the oldest children (A.D. and S.D.) and Father primary physical custody of the two younger children (C.L. and C.J.). I granted Mother partial physical custody of the two younger children on designated holidays, four weeks in the summer and one weekend per month if she traveled to Pennsylvania. I granted Father partial physical custody of the two older children on designated holidays, eight weeks in the summer and one weekend per month if he traveled to Colorado. I directed that Mother was responsible to pay for the children's air fare expenses.

Mother appealed from the October 4 and October 5, 2016 Orders and Father cross-appealed from the October 5, 2016 Order.

#### Hearing Testimony

The relevant evidence presented at the August 31, 2016 and October 3, 2016 hearings established the following<sup>4</sup>: Father, currently 33 years old, grew up in upper Dauphin County where he attended Williams Valley High School, graduating in 2002. He served in the U.S. Navy from 2003 until 2006 following which he was honorably discharged. (N.T. 8/31/16 at 4) Father was living in Colorado for a number of years when he met Mother there in 2008. (N.T. 8/31/16 at 5, 27) They were married there on October 31, 2009, Father's first marriage. (N.T. 8/31/16 at 29) At that time, Mother's two oldest daughters A.D. and S.D. resided with them. The children's biological father R.D. had no contact with them since approximately 2004. (N.T. 8/31/16 at 6)

In February 2010, shortly after their marriage, Mother gave birth to a third daughter C.L. According to the Father, that child's biological father V.H. had not seen C.L. since she was a baby whereas Father attended her birth and has acted as her parent in all respects since then. (N.T. 8/31/16 at 5, 10) Father testified that he has acted as father to all the children in virtually all respects and has stood *in loco*

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<sup>4</sup> Prior to the first hearing, I instructed the parties to present evidence considering the factors the court must address under the Child Custody Act in determining relocation (23 Pa.C.S.A. § 5337(h)) and custody (23 Pa.C.S.A. § 5328(a)). (N.T. 8/31/16 at 3) The parties agreed at the second hearing to incorporate the testimony and exhibits from the first hearing. (N.T. 10/3/16 at 2)

*parentis* to the oldest three children A.D., S.D. and C.L., noting that the girls look to him solely as their father. (N.T. 8/31/16 at 6, 11)

In 2010, while in Colorado, Father obtained a Bachelor of Science Degree in information technology. (N.T. 8/31/16 at 4) Sometime in 2011 he lost his job and his mother was battling breast cancer. These events prompted Father and Mother to move with their three children to Elizabethville Pa. where they rented a home. (N.T. 8/31/16 at 4, 28; 10/3/16 at 6, 68) After their move, they had their own son C.J. In 2012, Father was hired by Highmark Insurance in information technology. In April 2015, Father was diagnosed with colon cancer and underwent successful surgery and chemo. (N.T. 10/3/16 at 8)

In April 2016, Father unfortunately lost his Highmark job. He testified that he was told he was fired for underperforming, which he disputed, noting he was granted unemployment compensation. (N.T. 8/31/16 at 4, 12, 17-18) Father was still receiving unemployment compensation as of these hearings but claimed he was actively seeking a job. (N.T. 8/31/16 at 4, 13, 17) As of the second hearing, Father had a few job interviews pending for IT positions. (N.T. 10/3/16 at 78) During his unemployment, Father claimed he was primarily responsible for attending to the children at home, while Mother worked at a local Auto Zone. (N.T. 8/31/16 at 20) Father agreed that the older daughters helped out with chores but denied Mother's accusation that he was "abusing" them by demanding excessive work. (N.T. 10/3/16 at 85) Father testified he and Mother equally shared parenting responsibilities when they lived together. (N.T. 10/3/16 at 85)

Father and Mother leased the same home in Elizabethville for four years where the children attended the Upper Dauphin School District. At the time Mother moved, A.D. was about to start 9<sup>th</sup> grade, S.D. 7<sup>th</sup> grade and C.L. 1<sup>st</sup> grade. (N.T. 8/31/16 at 6) Father claimed the children were settled, well-adjusted, had friends in the area and were looking forward to the new school year. (N.T. 8/31/16 at 8; 10/3/16 at 85) Father's parents live about ten minutes away from Elizabethville, saw the children frequently, developed close relationships with them and provided vital support. (N.T. 8/31/16 at 4; 10/3/16 at 86)

Father admitted that after he lost his job and prior to Mother leaving for Colorado, he spent a lot of time playing video games including when the children were home with him. (N.T. 8/31/16 at 23-24) He agreed that he did no housekeeping during this time and the house became very untidy and cluttered, for which he was ashamed. (N.T. 8/31/16 at 31-32; Exbt. D-3 (photo)) Father admitted as well that he lacks health care insurance, was not receiving regular health care including cancer screening and for a long time had an open cyst on his lower back. (N.T. 8/31/16 at 66; N.T.10 at 91-92) He agreed that he needs to have his physical and mental health together to take care of children in his custody. (N.T. 92)

The youngest child C.J. has been assessed with developmental delays and a speech impediment. He is also possibly autistic. (N.T. 8/31/16 16-18) Father admitted that C.J. has harmed himself by hitting his head against a wall and door allegedly because Father left him alone too long while in his care. (N.T. 8/31/16 at 14-15, 65; Exbt. D-3 (photos)) C.J., now four years old, was still wearing diapers as of the second hearing. (N.T. 10/3/16 at 101-02) Mother arranged for the child to take occupational and speech therapy classes offered by the CAIU in the Summer of 2016 to address his problems; however he

was unable to attend his Fall classes due to Mother taking him to Colorado. (N.T. 8/31/16 at 15-16, 18) Upon his return to Father's custody following the first hearing, Father arranged for C.J. to resume two half-day classes per week with the CAIU for speech and motor therapy. (N.T. 10/3/16 at 81)

According to Father, shortly after midnight on August 23, 2016, with no forewarning, Mother left their home over his protest. (N.T. 8/31/16 6-7, 25-26) Father believes that Mother's motive for moving was to be closer to her new paramour W.P., who formerly served in the Navy with Father. (N.T. 8/31/16 at 7-8) Father described that he used to be a "very close" friend of Father's and that W.P. had visited Father and his family in both Colorado and Pennsylvania. The children knew W.P. as a "family friend." (N.T. 10/3/16 at 12, 102)

Father is very concerned that Mother is setting a bad example for the children by entering into an immediate intimate relationship with W.P., especially since it now appears W.P. will be living with Mother permanently, contrary to her prior representations. (N.T. 10/3/16 at 82, 84) Father believes that W.P. owns firearms and keeps them with him at all times which causes him concern for the children's safety. (N.T. 10/3/16 at 82)

Father is additionally concerned that Mother recently told C.L. that he is not her father but that V.H. is her father. Father also testified that C.L. has told him over the phone that she doesn't understand why she is in Colorado and why she hasn't seen Father. (N.T. 10/3/16 at 82-83) Father is suspicious that Mother has attempted to turn the children against him noting that since she left him, she does not allow him to chat or communicate with the two older girls unless she is present. (N.T. 10/3/16 at 84)

Father complied with my court order to obtain a psychological evaluation. (N.T. 10/3/16 at 76; Exbt. P-1) The evaluation reveals that Father poses no risk to the children, that counseling or follow-up treatment is not necessary and no limitations were placed on his abilities as father. (Id.) He also complied with my directive that he register with employment agencies and seek employment, cease gaming, remove firearms from his home and clean up his home. (N.T. 10/3/16 at 77-80; Exbt. 2A-J (photos))

Father believes that it is in the children's best interests that all of them be returned to his primary physical custody because he is qualified in every way to continue serving as their father. (N.T. 8/31/16 at 9) If returned to his home, the oldest child A.D. would have her own bedroom while the three younger children would share one bedroom. (N.T. 10/3/16 at 81) Father testified that he knew the identity of the biological fathers of Mother's three daughters, that both fathers were paying child support under court orders and that in the case of C.L., there was a custody order to which her biological father V.H. was a party. (N.T. 8/31/16 9-10) He claimed he only became aware of the existence of a custody order covering the older two daughters and their father R.D. on the date of first hearing. (N.T. 8/31/16 at 9) Despite the existence of these custody and support orders, he considers the three girls to be his own.

Mother, 33 years old, lives in Northglenn, Co. in her paternal grandmother L.B.'s home along with her new paramour W.P., who she initially claimed would be only temporarily residing with her before returning to Oregon. Later testimony, however, indicated W.P. planned to be in Oregon only for a short time to attend to a disability claim before returning to be with Mother in Colorado. (N.T. 10/3/16 at 3, 46)

She was born in California and has no relatives in Pennsylvania. Her parents currently reside in Arizona and other family members reside west of the Mississippi River. (N.T. 8/31/16 at 28) She is an only child. In addition to her grandmother, she has some cousins who reside in Colorado. (N.T. 10/3/16 at 6) Mother lived in Colorado for thirteen years prior to moving to Pennsylvania and lived for seven years there with Father in a home located about ten miles from grandmother, whom she considers more like a mother than her real mother. (N.T. 10/3/16 at 7, 15) The three girls were all born in Colorado.

Mother has a Bachelor's Degree in business management from the University of Phoenix online and is one semester shy of completing her Master's in executive leadership from Liberty University online. (N.T. 8/31/16 at 40) Prior to moving, she worked as a parts sales manager with Auto Zone in Elizabethtown Pa. where she earned \$12.75 per hour. She has since obtained a similar position working five days per week with Auto Zone in Thornton, Co. earning \$13.00 per hour. (N.T. 10/3/16 at 5) While at work, the grandmother provides child care for the children.

Including her marriage to Father, Mother has been married six times including two marriages she claims were annulled. (N.T. 8/31/16 at 57) She agrees that the three girls recognize that Father T.S. is their father. (N.T. 8/31/16 at 42) She agreed as well that his parents have provided a support system for all the children. (N.T. 8/31/16 at 42)

Mother testified she intends to permanently relocate in Northglenn, Co. As of the hearings, her grandmother was helping her financially. Mother intended to move out by January or February 2017 into a three- or four-bedroom apartment in the same school district. (N.T. 8/31/16 at 43; 10/3/16 at 19) Upon initially living with grandmother, Mother and W.P. shared an upstairs bedroom with C.L. (and C.J. before he moved back with Father in Pa.), the latter of whom had a separate bunk bed. (N.T. 10/3/16 at 43, 47) The older girls initially lived in a downstairs room that Mother admitted was a "cluttered disaster" due to grandmother's hoarding problem. (N.T. 10/3/16 at 48) All the children later moved into the same upstairs bedroom and Mother and W.P. moved into the cluttered downstairs room. (N.T. 10/3/16 at 43, 49) When the youngest son is in Mother's custody, he will have to share a bedroom with the three girls. (N.T. 10/3/16 at 68)

Mother testified that she has fibromyalgia, an anxiety disorder and insomnia and is on medication for all three. (N.T. 10/3/16 at 54-55) Her fibromyalgia is exacerbated by stress and needs family support which she claims she gets in Colorado. (N.T. 10/3/16 at 11) She claimed the anxiety was the result of her toxic relationship with Father that became so severe she had to either leave him or commit herself for inpatient treatment. (N.T. 8/31/16 at 43-44; 10/3/16 at 9) She accused Father of "extreme emotional and psychological abuse" against her and the children. (N.T. 10/3/16 at 20) For instance, she testified that Father did not allow the son to leave his bedroom causing him to harm himself (discussed above). (N.T. 8/31/16 at 42-43) She also claimed he treated the two older girls like "slaves" during his unemployment when Mother was working. She claimed he made them do the bulk of the cooking, cleaning and child care so he could play video and computer games. (N.T. 8/31/16 at 42, 61; 10/3/16 at 20)

According to Mother, she handled most of the parental duties when she and Father lived as an intact family and also shouldered most of the burden during Father's recovery from cancer in 2015. (N.T. 10/3/16 at 8, 14) She also was working full time at that point and supporting the family. (N.T. 10/3/16 at 8)

Mother decided to leave Father abruptly and drive the children to Colorado due to this "abuse" so that they would live in a more nurturing and stable environment. (N.T. 10/3/16 at 20) She nevertheless admitted that she rejected many attempts made by Father to attend marital counseling. (N.T. 8/31/16 at 59) Since her move, she claims the stress level in her household has become almost nonexistent and that she is calm and anxiety free. (N.T. 8/31/16 at 44-46; 10/3/16 at 21) She believes she and Father co-parent better now than when they were together. (N.T. 10/3/16 at 25)

Mother denied that the motive for her moving to Colorado was because she had become romantically involved with W.P. (N.T. 8/31/16 at 49) She claimed they only became involved after she arrived in Colorado in August 2016. W.P. is a disabled veteran and former close friend of Father's. He met up with Mother upon her move to Colorado and began to immediately share a bedroom with her. (N.T. 8/31/16 at 48-50, 58) Mother believes she and W.P. are in a committed relationship and intends to live with him whenever he is in Colorado. She denied the children were aware they sleep together though she admitted the children know she shares a bedroom with him. (N.T. 8/31/16 at 54) Although Mother indicated at the first hearing W.P. would be going back to Oregon to take care of issues with the VA, he remained with her through the second hearing due to poor finances but intended to return there for the winter once his circumstances improved. (N.T. 10/3/16 at 43-46)

Mother testified at the first hearing that she believes her new relationship with W.P. will be good for the children and that he will become a good father figure to them. (N.T. 8/31/16 at 51, 59) At the second hearing she backtracked, stating that she never intended for W.P. to replace Father as the father figure and that she believes it is important for the children to continue to have a relationship with Father. (N.T. 10/3/16 at 13, 44)

According to Mother, the two oldest children rekindled old friendships upon returning to Colorado. (N.T. 8/31/16 at 43) All three girls in particular are close to Mother's grandmother L.B. whom they saw weekly when they lived in Colorado. (N.T. 10/3/16 at 16) The children are familiar with the neighborhood and the two older girls live within walking distance of their school. (N.T. 10/3/16 at 16) Mother equated the children's relationship with their great-grandmother L.B. as akin to their relationship to Father's parents. (N.T. 10/3/16 at 16) Mother claimed the two older children adjusted well to their new school including both taking AP classes and playing musical instruments. (N.T. 10/3/16 at 17) She did admit that C.L. has had the most difficult time adjusting, misses Pennsylvania, is very attached to Father and expressed a desire to see him. (N.T. 10/3/16 at 17, 18, 60)

Mother believes Father has a gaming addiction since he often spent over forty hours a week playing, causing him to neglect the children and housework. (N.T. 8/31/16 at 41) She is also concerned because he has failed to treat his open cyst. (N.T. 10/3/16 at 9) In addition to these concerns, she also expressed concern about Father's ability to provide a stable residence since he is receiving just \$850 per

month in unemployment compensation and pays \$800 per month for rent. (N.T. 10/3/16 at 7, 15) She also believes Father is not equipped to properly deal with their son's developmental delays noting she was the child's advocate in securing services for him. (N.T. 8/31/16 at 41; 10/3/16 at 10)

Mother has a prior Colorado felony conviction from 2005 or 2006 for writing a bad check. (N.T. 10/3/16 at 72-73) She also had her driver's license suspended in 2015 because she did not have insurance and was also cited twice thereafter for driving on a suspended license. She is not eligible to have it reinstated until 2018 and does not intend to drive until then. (N.T. 10/3/16 at 11-12, 41) She thus illegally drove the children to Colorado in August 2016. Mother claims she takes public transportation to her job about a mile from her home. (N.T. 10/3/16 at 41) She testified her grandmother handles all other driving for her and the children, noting the older children walk to school. (N.T. 10/3/16 at 12)

Mother believes it would be in the children's best interests to live with her, noting the close bond between them and that separation would be detrimental to them. (N.T. 8/31/16 at 44) As of the first hearing, she claimed the two older girls missed Father but understood why they moved and are happy there. (N.T. 8/31/16 at 56)

Since moving, Mother told the older girls (then ages 13 and 12) that Father was emotionally abusive to her (Mother) and that she considered such a conversation with the children appropriate. (N.T. 8/31/16 at 57) She also told six-year-old C.L. that V.H. is really her father, not Father T.S., and asked C.L. if she wanted to meet him. (N.T. 10/3/16 at 59) Mother considered this conversation appropriate as well.

Finally, Mother admitted that if the court were to award primary physical custody of all the children to Father, that she would not move back to Pennsylvania because she had a job in Colorado and because family and friends provide her emotional support there. (N.T. 8/31/16 at 68; 10/3/16 at 34-35)

As of the second hearing, Mother had not obtained a psychological evaluation as ordered. She claimed she was in the process of obtaining the evaluation and allegedly had a counseling session scheduled within the next week. (N.T. 10/3/16 at 52-53)

Paternal grandfather C.S. testified that he and paternal grandmother have been available for the children for virtually any reason including emotionally, physically and financially. C.S. promised that upon Father's return to work, he and grandmother will provide before and after school care as needed. He further testified that they have helped Father clean up his house and make it presentable. (N.T. 10/3/16 at 110) C.S. has not observed any limitations upon Father caring for the children related to his health issues, but if such help is needed, he and grandmother can provide it. (N.T. 10/3/16 at 111) He has no concerns about his son other than that he needs to get a job. (N.T. 10/3/16 at 113)

R.D., the biological father of A.D. and S.D., testified that he has serious concerns about Mother's ability to take care of the children due to her behavior when they were together, including the bad check conviction, about which he alerted the court. (N.T. 10/3/16 at 115) He also believed she had been charged with numerous other felonies while he was with her over a decade ago but didn't supply any

specific information. (N.T. 10/3/16 at 115) He otherwise admitted to having almost no contact with her since their 2004 divorce.

I interviewed the three children separately in chambers. The oldest child A.D. indicated that she used to call W.P. an “uncle” but because Mother and W.P. are now engaged, she thought she might call him “dad” but thought that too weird, so she calls him by his first name. (N.T. 10/3/16 at 121-22) She claimed to have previously called Father her “dad” but that recently she began referring to him by his first name because she had only been living with him five years and because he treated her like a slave by demanding she do most of the house chores. (N.T. 10/3/16 at 122-23) She nevertheless called Father “dad” numerous times during our court interview. (See N.T. 10/3/16 at 128, 131-32, 134) She said she did not discuss with Father her frustration with doing so many chores because she was afraid of him, noting he occasionally slapped her when she talked back. (N.T. 10/3/16 at 124) She described Father as sitting around a lot and playing video games, barely doing any housework and disinterested in engaging with A.D. or S.D. (N.T. 10/3/16 at 125) She would also hear her parents argue a lot and was always worried about them divorcing. (N.T. 10/3/16 at 134)

A.D. described her great-grandmother L.B., who is a retired Kindergarten teacher, as really nice and funny though she admitted L.B. has a bit of a hoarding problem. (N.T. 10/3/16 at 12, 120, 126) A.D. enjoys school, has made a number of new friends since the move and participates in extracurricular activities including jazz band, Minecraft club and chess. (N.T. 10/3/16 at 120-21, 129-30)

The second daughter S.D., currently in seventh grade, volunteered that she is happy in Colorado, would prefer to stay there and could not see living without her mother. (N.T. 10/3/16 at 156, 159) She indicated everyone seems happier and less stressed there. S.D. has many friends in Colorado from before she moved to Pennsylvania. (N.T. 10/3/16 at 162) She is a straight-A student who has received academic awards, participates in Minecraft club and he wants to be a theoretical physicist or an artist for Pokémon. (N.T. 10/3/16 at 152-53)

S.D. stated that she did not want to live with Father since he demanded she do way too much housework, was very lazy and spent all his time on the computer or playing video games. (N.T. 10/3/16 at 156, 161) She recalled a time when she was in the kitchen with Father and he demanded she make him breakfast. She told him to make it himself after which he sent her to her room. Father then made her older sister A.D. make him breakfast. (N.T. 10/3/16 at 161) S.D. was sleeping poorly over the stress caused by the custody issue. She also claimed that she had been extremely stressed living in Pennsylvania to the point she became sick; however, she tried to not miss school because then she would be responsible for taking care of her baby brother. (N.T. 10/3/16 at 166)

The youngest daughter C.L., when asked whether she had seen her “dad,” asked me if I meant V.H. (her biological father) or Father, who she referred to by first name but then admitted she calls him “daddy.” (N.T. 10/3/16 at 138) C.L. was confused about where she was going to be living. (N.T. 10/3/16 at 140) She wanted to stay with Father but then quickly added that “I can’t” and looked sadly downwards. (N.T. 10/3/16 at 140) She also then volunteered that she wants to stay in Pennsylvania because all her

friends are here. (N.T. 10/3/16 at 142) She stated that things are “going fine” in Colorado but had been “going very good” in Pennsylvania before she left. (N.T. 10/3/16 at 146) When I asked if it would be okay to stay in Colorado with Mother she somberly said “I don’t know” and when asked whether it would be okay if she lived in Pennsylvania with Father, she quickly said “Yes,” while smiling broadly. (N.T. 146)

When informed that Mother would be flying back to Colorado the next day or so, C.L. asked why, and I told her it was because Mother wanted to be with her (grand)mom L.B. C.L. volunteered that her little brother C.J. could go to Colorado to take care of L.B. When I told her that he was too little to do that C.L. responded “Well, I guess I’ll have to go back and take care of her ... because I’m a child and child[s] [sic] can take care of adults.” (N.T. 10/3/16 at 144-45)

At the conclusion of the first hearing (August 31, 2016) concerning Mother’s relocation, I expressed my concerns to the adults:

THE COURT: I think what we need to do though is be sure that both parties get a psychological evaluation. Mother’s behavior and father’s behavior both concern me in different ways. Seven marriages, six marriages, whatever it is. I don’t think there is a difference there. And she is in Colorado and the next day she is involved in a serious sexual relationship with somebody from Oregon who then travels here certainly shows some concerns and her statement that she would stay in Colorado even if all four children are returned to Pennsylvania makes me question her priorities.

Her false testimony that she was told she only had to bring [C.J. to this hearing] concerns me. Her having a child to another man while she is married to this husband concerns me. Her having adult conversations with seventh and eighth grade girls concerns me.

Dad’s housekeeping for the home and his self-care for his physical needs concerns me whether it be a depression/anxiety issue or personality disorder, I don’t know but living like this is not healthy for him or for the children. There are IT jobs out there.

There are more IT jobs than any other type of job. It is the most in demand skill today. So the fact that he is not registered with a placement firm that places college graduates suggests to me that he is not functioning to his ability and I would understand why he would want to be home with the children during the summer because it saves in daycare expenses but it is now time for him to get a job and get back on his feet.

You shouldn’t have an open wound that makes the mattress look like that. You need to buy a new mattress that, I mean, that is just unhealthy. You need to get a new mattress. You need to clean your house and you need to get a job.

[Father]: Yes, ma’am.

THE COURT: And you need to get into some therapy. [Father’s attorney] knows a lot of licensed psychologists in the area. He can recommend one to you to get your evaluation and to get yourself in therapy.

And, mom, you are only 33 and already you are involved with seven men. And you say that is the way you were raised so I respectfully submit to you that you now got teen-age daughters and a son or two and you need to have some professional help, some serious professional help so you need to get into some therapy and figure out what the hell you are doing with your life and your children’s lives and also we will need a psychological evaluation and...

We are going to leave [C.J.] here but, Dad, you need to immediately get him enrolled in the CAIU program.

[Father]: Yes, ma’am.

THE COURT: And you need to get any in home help that you need for him. And if you need Children and Youth to help you with those services we can do that but I think the CAIU can be able to help you with that. And you are going to need to arrange child care for when he is not in his programs in addition to I don’t know if he is going to need any speech therapist. All that needs to be arranged and done.

[Father]: Yes, ma'am.

THE COURT: You need to quit sitting in the chair playing games and stand up and get yourself straightened out and take care of this child who needs better care. Both of you should sign up for The Family Wizard immediately. Give them the brochures, Paul.

And start exchanging information about them. You both have to go to the Seminar for Families in Conflict. You have been given those dates by court order. You need to attend that and listen. And, Mom, I am sure they have similar programs in Colorado and they will tell you don't talk to your children about your adult issues. That is wrong. You talk to your therapist, not your children. And you don't have other men in your house that you are having sex with or present a new boyfriend to children the day after you left their father. That is the wrong message. I mean, most people who separate don't introduce boyfriends to their children for a year and you are doing it after day one. You are very selfish.

Now if you are in an abusive relationship you should absolutely get out and get yourself and your kids in therapy but you don't move to Colorado and bring your next buddy in the next day. Does that sound like a stable good mother to you?

So that is going to be my order. You may not prep these other kids for the next custody trial. If you do it's in every court order you do not do that.

If I find out you are doing that, you are going to jail because it seems to me that that is the only threat that works with you. He has absolute standing. He has been *in loco parentis* with these children for the past four years. Under Pennsylvania law he is the father of [C.L.].

And I am hoping Dad gets his act straightened out by the time we have the custody trial so we can return the other kids to him as a possibility. Right now I am not going to do that because they are now registered in school and they have been flipped around so much. ...

(N.T. 8/31/16 at 69-73)

At the conclusion of the second hearing (October 3, 2016), concerning the custody issues, I expressed the following:

THE COURT: Okay. I interviewed [A.D.] first. ... She talks non-stop. She seems to be wound pretty tight like her mom, from very high to very low pretty quickly. So she's been very, very stressed out by this whole thing.

[S.D.] is one of the brightest children I've ever met and is extremely stressed out by this situation. I would not say she's high and then low to extremes. I would say she's much more stable emotionally but is extremely distressed by what her parents have been doing, not knowing her real father and all this crazy stuff.

[C.L.] seems like somewhat a normal 6 year old, although now being told somebody else is her father is hard to handle the way it was done. So Lord knows what that's going to do to her.

I did not meet with [C.J.] because he's only 4, he's got the verbal disability, and some other behavioral issues that I understand are getting better, but I didn't think that I would learn a whole lot that would be terribly helpful here, and it's already 1:30 and we were to be done a while ago. So I did not interview him or talk to him.

It does seem that [C.L.] really misses her friends back here in Pennsylvania, and she was under the impression that mom was moving back to Pennsylvania anyway in January and then she could be back with her friends. I have no idea how she got that other than maybe she created that in her own mind. I'm not sure.

Obviously all the kids would like to be with dad while they're here and grandma and pop-pop. I forget the names that they're called. We know they would like to spend some time with their grandparents as well as their dad while they're here, but that mom has arranged after her doctor's appointment to see other friends tonight. But somehow we've got to set up time with grandparents. ...

... [S.D.] is having some sleeping problems because of the stress. I mean, she's actually a 25 year old.

Those children need to be put in therapy to deal with the stress that their mother and their father have put them through.

You know now they consider the guy who you started sleeping with, they now consider him your fiancée. I mean, how confusing is that for a child? You're with dad one day and the next day you're sleeping with somebody else and now he's your fiancée. I mean, I don't know what word to use for you.

Dad, both [A.D.] and [S.D.] were just crying with how you would make them do the cleaning and the cooking. Even if you would be standing in the kitchen, you would say ["make me breakfast,[" make me lunch,[" and just sit around all day. Now, I understand depression. I do understand depression, but depression -- We're responsible for ourselves as the parents and the adults of our children. You need to get yourself to a doctor and a psychologist and get yourself on medication and get yourself some ambition and get off the sofa and not tell your kids to do all the cleaning and all the cooking and all the laundry. I mean, these kids were in tears about how they had to live. Tears. Which I rarely see.

You might be a nice person. You might have no character flaws compared to other people in their life, but you made them very sad. You can fix that, and they said before you told them you would change but you didn't, and I rightly or wrongly told them that you now did get it and you were going to change. So please don't make a liar out of me. And, mom, if you marry anybody else in the next two years, then you're just repeating past behavior. Do you know what the definition of insane is?

[Mother]: Yes.

THE COURT: When you keep doing the same thing over and over again. You've got to stop.

[Mother]: Yes, ma'am.

THE COURT: These kids are so confused about who is their real dad, who is their dad, who is their stepdad, who is your husband, who is your ex-husband, who is your fiancée, I mean you just can't be bringing men, different men, into these children's lives or into your own life. And now your fiancée is going to hibernate for a few months in Oregon and then return. Do you understand how crazy that is?

[Mother]: It's very complex.

THE COURT: You've got to stop. He might have been making them clean, but you're really -- the two of you each have to take ownership of your children's sobbing back there. I mean it's -- it's a -- it's a mess. Most custody cases are not that difficult for me, it's pretty clear what needs to be done. Here I just want to take them home with me, give them some stability.

You still don't have a job. You're now with a new man living in a house where the kids don't have their own bedrooms. You think on \$13 an hour you're going to find a four bedroom house and Mr. Wonderful [W.P.] from Oregon after hibernation is going to come back and life is going to be wonderful? Not going to happen either.

[A.D.] and [S.D.] cannot live with you now until you fix yourself, and [C.L.] and [C.J.] probably want to be with you, and everybody has a different father anyway.

I do not think mother had good reason to go to Colorado. She could have found other housing here and we could have had a shared custody situation with making mom get into some therapy to see why it is she makes these crazy decisions with men, and dad would have been ordered to get into therapy to deal with his depression, lack of ambition, and behavior issues to treat children as if they're his house keeper.

There's been a lot of parentification. [S.D.] feels like she's responsible to take care of [C.L.] and [C.J.] because the parents weren't parenting.

So while I find that mother's relocation was inappropriate and she doesn't meet any of the factors that would have established that, when we then look at the issues for best interests of the children there's no way I can have [A.D.] and [S.D.] move back with dad, and that ends up separating the children. And what shocks me beyond belief is that if I have primary custody with dad with all the children, mom is just going to let that happen. So there's no easy answer in this case.

So for the second time in 25 years I'm not going to make my decision from the Bench. I'm going to sleep on it because I don't think there's any decision in this case that will solve the problems that these parties have created for their children.

I will issue my decision tomorrow, but I want you to make arrangements for the grandparents to be with the children tonight.

### Legal Discussion

Mother claims in her appeal that this court erred when it overruled her preliminary objection because it lacked jurisdiction to modify an existing Colorado custody order concerning the child C.L., under UCCJEA Section 5423. This claim is addressed below. Mother also claims it was error for this court to alternatively assume emergency jurisdiction under UCCJEA Section 5424 since the criteria for asserting emergency jurisdiction was never shown (i.e. that C.L. was at risk of abuse or mistreatment). Inasmuch as this court never asserted jurisdiction over C.L. under Section 5424, the issue will not be addressed. Mother does not otherwise challenge the merits of the custody award including this court's decision to grant Father primary physical custody of the two younger children, C.L. and C.J.

Father claims in his appeal that the court erred by awarding Mother primary physical custody of the two oldest children, A.D. and S.D., and by allowing her to relocate/remain in Colorado with them. He also claims the court erred by including provisions in the custody orders directing that he (a) "schedule an appointment with his family physician to conduct an annual exam and shall obtain and abide by all health, nutritional and exercise recommendations," (b) enroll in a parenting class absent evidence of a lack of parenting skills, (c) enroll in psychotherapy absent evidence absent sufficient evidence of mental health needs and (d) be barred from gaming. These issues are addressed below.

### *Custody Jurisdiction*

Mother claims this court lacked jurisdiction to issue a custody order over the child C.L. under UCCJEA Section 5423, arguing that to do so would constitute an improper modification of the existing Colorado custody order(s). Mother argues that under the UCCJEA, Colorado maintained exclusive, continuing jurisdiction over any custody determination of C.L. and Pennsylvania is thus prohibited from disturbing any Colorado custody determination.

The initial Colorado custody order was issued July 8, 2010 and directed that Mother be given primary physical custody of C.L. and that her biological father V.H. be given partial physical custody and pay child support. In re: Parental Responsibilities Concerning [C.L.], No. 10JV178 (July 8, 2010, Jefferson Co. Dist. Court, CO) (Exbt. D-1 (8/31/16)).<sup>5</sup> The Colorado court later modified the order in 2012 by granting Mother permission to relocate to Pennsylvania. Father herein (T.S.) was not identified or included as a party/parent in the Colorado action.

Section 5423 of the Pennsylvania UCCJEA provides:

#### **§ 5423. Jurisdiction to modify determination**

Except as otherwise provided in section 5424 (relating to temporary emergency jurisdiction), a court of this Commonwealth may not modify a child custody

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<sup>5</sup> Both A.D. and S.D. were similarly subject to a custody order from another state; an Arizona court issued an order June 27, 2005 granting Mother primary physical custody and the right to relocate with the two girls to Colorado. The biological father R.D. was granted partial physical custody and directed to pay child support. [C.S.] v. R.D., No. DV04-01310 (2<sup>nd</sup> Jud. Dist., County of Washoe NV) (Exbt. D-2 8/31/16). Mother does not challenge this court's jurisdiction concerning Father's custody claims of A.D. and S.D. because, according to Mother, Nevada no longer had custody jurisdiction since neither Mother, R.D. nor the children reside there. (N.T. 10/3/16 at 3)

determination made by a court of another state unless a court of this Commonwealth has jurisdiction to make an initial determination under section 5421 (a)(1) or (2) (relating to initial child custody jurisdiction) and:

(1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under section 5422 (relating to exclusive, continuing jurisdiction) or that a court of this Commonwealth would be a more convenient forum under section 5427 (relating to inconvenient forum); or

(2) a court of this Commonwealth or a court of the other state determines that the child, the child's parents and any person acting as a parent do not presently reside in the other state.

23 Pa.C.S.A. § 5423.

Since Colorado has never withdrawn its exclusive continuing jurisdiction, has not declared Pennsylvania a more convenient forum and since there exist no orders declaring that no party remains a resident of Colorado, foreign courts are generally prohibited by this provision from modifying the Colorado orders. Indeed, under both the Pennsylvania UCCJEA and the federal PKPA, both of which are applicable herein, Pennsylvania must recognize and give full faith and credit to a child custody determination issued by another state. 23 Pa.C.S.A. § 5443 and 28 U.S.C.A. § 1738A.

However, recognition or full faith and credit need not be extended if the state issuing the custody determination failed to properly exercise its jurisdiction. This requirement is set forth under UCCJEA Section 5443, as follows:

**§ 5443. Duty to enforce**

(a) General rule. -- A court of this Commonwealth shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.

23 Pa.C.S.A. § 5443.

The PKPA provides:

**§ 1738A. Full faith and credit given to child custody determinations**

(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsections (f), (g), and (h) of this section, any custody determination or visitation determination made consistently with the provisions of this section by a court of another State.

...

(c) A child custody or visitation determination made by a court of a State is consistent with the provisions of this section only if--

(1) such court has jurisdiction under the law of such State; and

...

28 U.S.C.A. § 1738A.

Thus, in order for Pennsylvania to recognize and enforce the Colorado order(s) here, this court may inquire into whether the Colorado court properly exercised jurisdiction over the matter under Colorado

law. Both the Colorado UCCJEA and the PKPA (applicable in Colorado) require that in order for a Colorado court to exercise jurisdiction over a custody matter, all parties having parental rights that have not been terminated, or any party who is exercising custody over a child, shall be included as parties to a custody action and be given an opportunity to appear and be heard at the custody proceeding. The Colorado UCCJEA provision so stating, is as follows:

**§ 14-13-205. Notice--opportunity to be heard--joinder**

(1) Before a child-custody determination is made under this article, notice and an opportunity to be heard in accordance with the standards of section 14-13-108 must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

Colo. Rev. Stat. Ann. (C.R.S.A.) § 14-13-205.

The PKPA provision similarly requires:

**§ 1738A. Full faith and credit given to child custody determinations**

...

(e) Before a child custody or visitation determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated and any person who has physical custody of a child.

28 U.S.C.A. § 1738A.

When C.L. was born in February 2010, Father and Mother were married. At the time the Colorado custody order was entered July 8, 2010, Father was a Colorado resident married to Mother, living with the child C.L. in Colorado as an intact family. It is undisputed that Father acted as her parent in all respects. Under Colorado law, there exists both a presumption of legitimacy and the presumption occasioned by a father who accepts a child into his home and holds the child out as his own:

... The presumption of legitimacy declares that “[a] man is presumed to be the natural father of a child if: a) he and the child’s natural mother are or have been married to each other and the child is born during the marriage.” § 19–4–105(1)(a). A strong public policy supports this presumption. *See A.G. v. S.G.*, 199 Colo. 403, 407, 609 P.2d 121, 124 (1980) (stating that the presumption of legitimacy is “one of the strongest presumptions known to the law”); *W.C. ex rel. A.M.K.*, 907 P.2d 719, 722 (Colo.App.1995). The presumption associated with accepting the child as his own is closely related to the presumption of legitimacy and arises when a man “receives the child into his home and openly holds out the child as his natural child.” § 19–4–105(1)(d).

N.A.H. v. S.L.S., 9 P.3d 354, 360 (Colo. 2000).

Thus, in order for the Colorado court to have properly exercised jurisdiction over C.L. custody matter, the proceeding must have included Father T.S. because under Colorado law he was a presumptive parent with parental rights and also because he was a party who had physical custody of the child C.L. at the time the custody orders were issued. Since Colorado did not exercise jurisdiction in compliance with its

own law by including Father T.S. in its action, Pennsylvania is not obligated to give the Colorado custody orders full faith and credit.

Accordingly, this court was free to issue a custody order concerning C.J. because original jurisdiction existed under the Pennsylvania UCCJEA over the child C.J., Mother and Father.<sup>6</sup> See 23 Pa.C.S.A. § 5421 (“a court of this Commonwealth has jurisdiction to make an initial child custody determination only if: (1) this Commonwealth is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this Commonwealth but a parent or person acting as a parent continues to live in this Commonwealth; ...”).

*Best Interest of the Child – Application of Custody Factors*

The only issue on appeal concerning custody is Father’s challenge to my decision to grant primary physical custody of A.D. and S.D. to Mother and allow her to remain in Colorado with them. Neither party challenges my decision to award primary physical custody of the two younger children C.L. and C.J. to Father in Pennsylvania. This court’s paramount concern and the polestar of our analysis in making a custody determination is the best interests of the child. *Arnold v. Arnold*, 847 A.2d 674, 677 (Pa. Super. 2004) (citation omitted). Deciding a child’s best interests is to be made on a case-by-case basis, considering all factors which legitimately have an effect upon the child’s physical, intellectual, moral and spiritual well-being. *Id.*

With regard to relocation, I initially found - following a hearing at which the oldest three children were not present and available to be interviewed - that Mother had not proven that relocation was in the best interests of the (four) children. After the second hearing, however, it became clear from hearing additional testimony, notably including the interviews with the two oldest children A.D. and S.D., that it was in the best interests of those two girls to remain in Colorado. Thus, despite the fact Mother should not have relocated to Colorado and did not prove the factors necessary to do so, the record showed the older girls had been very unhappy living with Father, where doing considerably better living in Colorado, enjoyed being in their new school and couldn’t imagine living without their Mother. The record was equally clear that it was in the best interests of the younger daughter to return to Pennsylvania, and live with Father and the youngest son C.J. As such, I directed Mother maintain primary physical custody of A.D. and S.D., in Colorado. In addition to and incorporating the reasons I discussed at some length on the record following both hearings, I issue the following reasoning under the statutory factors for granting Mother primary physical custody of A.D. and S.D. to Mother, as follows:

- (1) Both parties, at the time of the second hearing, were willing to encourage and permit frequent and continuing contact between the Children and the other party.
- (2) This Court found credible A.D.’s and S.D.’s belief that Father had been too harsh with them and demanded too many household responsibilities from them when they lived with him and that their current living situation provided less stress. The evidence

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<sup>6</sup> All biological fathers were added as parties to this action, given notice and an opportunity to be heard. 23 Pa.C.S.A. § 5425(a).

thus revealed it was best for them to live with Mother and that Father treat his depression, obtain full time employment and improve living conditions in his home.

(2.1) There was no was reported child abuse nor involvement by child protective services.

(3) The evidence indicated both Mother and Father performed parental duties for the children, so this was not a factor

(4) While the need for stability and continuity concerning the two older children's education, family life and community life supported having them stay in Pennsylvania, the children articulately and maturely presented to the court good reasons to allow them to stay in Colorado, including that they enjoyed living with Mother and grandmother L.B. and liked their new school and extracurricular activities.

(5) Both parties had extended family available so this was not a factor.

(6) The children's sibling relationships presented a challenging issue for the court. The youngest daughter C.L. really missed being with her younger brother and Father. The two older children wanted to continue to live in Colorado. While I don't usually separate siblings, in this case, based upon the other factors, it seemed in the best interests of the younger daughter, to permit her to live with Father and younger brother. Based upon the extreme preference of the older daughters to remain living with Mother, it seemed in the best interests to allow that to continue and create a schedule that would allow all four siblings to be together at various times throughout the year.

(7) The well-reasoned preference of the A.D. and S.D., based on their maturity and judgment, was a very important factor in my decision, as explained above.

(8) I found attempts of Mother to turn the children against Father, by sharing with them her frustrations with him and especially her telling one daughter that he was not her biological father. Nevertheless, the two older daughters clearly had their own individual reasons for not wanting to return to live with Father primarily, which were sufficiently independent from Mother's influences.

(9) Based upon the two older children's testimony, Mother clearly was the parent in their eyes and hearts who was more likely to maintain a loving, stable, consistent and nurturing relationship with them, adequate for their emotional needs, as discussed above.

(10) Based upon the older children's testimony, Mother is more likely to attend to their daily physical, emotional, developmental and educational needs.

(11) Based upon the distances between Mother's and Father's residences, shared or equal custody is impossible.

(12) Mother established an ability to care for the two older children while in her custody as well as an ability to make appropriate child-care arrangements with her grandmother L.B.

(13) The level of conflict between the parties seems high, however, now that they are living apart, they appear to have a willingness and improved ability to cooperate and co-parent with one another.

(14) I was presented with no history of drug or alcohol abuse of either party or member of a party's household. Therefore, this was not a factor

(15) I considered Father's mental and physical condition of Fathers home as being an issue for the older two daughters, as discussed above. Therefore I found it was in the best interests of the two older daughters to primarily reside with mother.

23 Pa.C.S.A. § 5328(a).

*Additional Custody Provisions Directed at Father*

Finally, Father argues that this court erred by including provisions in the final custody order directing that he (a) schedule an appointment with his family physician to conduct an annual exam and shall obtain and abide by all health, nutritional and exercise recommendations, (b) enroll in a parenting class absent evidence of a lack of parenting skills, (c) enroll in psychotherapy absent evidence absent sufficient evidence of mental health needs and (d) be barred him from gaming.

All of these directives were proper and the need for them supported by substantial evidence. With regard to father's health, the evidence was that Father was not getting regular health care despite his recent history of colon cancer, as well as a cyst of long term duration. He admitted he needs to have his physical (and mental) health together to take care of children in his custody. Regarding the parenting class requirement, there existed credible testimony that Father is depressed and that as a result, he disengaged from the children while spending a lot of time playing computer and video games. He was clearly in need of improving his parenting skills on many planes. Regarding the requirement he obtain some type of mental health counseling, the evidence was that he has been depressed for some time resulting in his lack of ambition or focus and an inability to obtain employment in a field (IT) with a strong job market. His depression also seriously eroded his parenting skills and his ability to attend to his home and his personal health. Finally, there was credible evidence that Father had been spending a significant portion of his day escaping from reality by engaging in gaming and other online activities. In fact, his propensity to spend so much time gaming was a characteristic that defined him in his children's eyes.

Accordingly, I entered custody orders on October 4 and October 5, 2016.

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## FIRST PUBLICATION

### Estate Notices

ESTATE OF LINDA KAREN FAWBER, (died: 8/25/2016), late of Derry Township, Dauphin County, PA. Administratrix: Marguerite E. Fawber, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, PA 17033. j13-27

ESTATE OF EARL E. GRIMM, (died: 12/01/2016), late of Lower Paxton Township, Dauphin County, PA. Executrix: Wendy J. Young, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, PA 17033. j13-27

ESTATE OF JOAN R. HOLLOWAY, (died: 12/05/2016), late of South Hanover Township, Dauphin County, PA. Executrix: Nancy E. Kantola, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, PA 17033. j13-27

ESTATE OF WALTER S. MEILY, A/K/A WALTER S. MEILY, JR., (died: November 24, 2016), late of Dauphin County, Pennsylvania. Executor: Donald W. Meily, 2268 Old Hershey Road, Hershey, PA 17033. Attorney: Steven J. Schiffman, Esq., SCHIFFMAN, SHERIDAN & BROWN, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110, Attorney. j13-27

## SECOND PUBLICATION

### Estate Notices

ESTATE OF MARION J. YAKOWICZ A/K/A MARION JANE YAKOWICZ, late of Harrisburg, County of Dauphin, Commonwealth of Pennsylvania. Executor: Robert C. Schwenk, 217 N Walnut Street, Apt A, Mechanicsburg, PA 17055. Attorney: John F. Lyons, Esquire, Attorney at Law, 112 Walnut Street, Harrisburg, PA 17101. j6-20

ESTATE OF VIVIAN M. JOCKERS A/K/A VIVIAN MARY JOCKERS, (died: December 6, 2016), late of Derry Township, Dauphin County, Pennsylvania. Executor: David W. Jockers c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Vivian M. Jockers c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. j6-20

ESTATE OF JACKIE B. GILBERT, (died: November 14, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Leslie M. Bistline, of Marietta, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. j6-20

ESTATE OF JANE A. CLARKE, A/K/A JANE ANN CLARKE, (died: November 15, 2016), late of Dauphin County, Pennsylvania. Executrix: Rebecca Oliver, 118 Pine Needle Drive, Newport, PA, 17074. Attorney: Steven J. Schiffman, Esq., SCHIFFMAN, SHERIDAN & BROWN, P.C., 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. j6-20

ESTATE OF HELEN BEYERS-BEEBE, late of West Hanover Township, Dauphin, County of Dauphin, Commonwealth of Pennsylvania. Attorney: Heather D. Royer, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110. j6-20

ESTATE OF RANDY R. SWISHER A/K/A RANDY RAY SWISHER, late of Conewago Township, Dauphin County, Pennsylvania. Executrix: Elizabeth W. Swisher, 5225 Ridge Road, Elizabethtown, PA 17022. Attorney: Gerald J. Brinser. j6-20

ESTATE OF JAMES P. CROUSE, (died: December 18, 2016), late of Harrisburg, Dauphin County, Pennsylvania. Executor: Steven C. Crouse, Sr., 8 Westfields Drive, Mechanicsburg, PA 17050. Attorney: John D. Killian, Esquire, Killian & Gephart, LLP, 218 Pine Street, Harrisburg, PA 17101. j6-20

ESTATE OF GEORGE D. BAILEY, late of the Township of Lower Paxton, County of Dauphin and Commonwealth of Pennsylvania. Executor: David L. Bailey, 400 Bonnymeade Avenue, Harrisburg, PA 17111 or to Attorney: James H. Turner, Esquire, TURNER AND O'CONNELL, 4701 North Front Street, Harrisburg, PA 17110. j6-20

ESTATE OF ROBERT E. FRANK, (died: November 14, 2016), late of the Township of Jackson, County of Dauphin, Pennsylvania. Co-Executors: James E. Frank, 242 Dimpsey Road, Halifax, Pennsylvania 17032; and Rose Ann Sharp, 921 Enders Road, Halifax, Pennsylvania 17032. Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. j6-20

ESTATE OF RALPH L. ZIMMENNAN, late of Elizabethtown Borough, Dauphin County, Pennsylvania. Co-Executors: Don W. Zimmerman, 1170A Camp Hebron Road, Halifax, PA 17032; Carla Sue Young, 11 Ashton Hollow Road, Catawissa, PA 17820. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. j6-20

## SECOND PUBLICATION

### Estate Notices

ESTATE OF BETTY M. LAUVER, (died: December 12, 2016), late of Upper Paxton Township, Dauphin County, Pennsylvania. Executor: Gerald A. Lauver, 1002 East Union Street, Millersburg, Pennsylvania. Attorney: Gregory M. Kerwin, Kerwin & Kerwin, LLP, 4245 Route 209, Elizabethtown, Pennsylvania 17023. j6-20

ESTATE OF BEATRICE M. MCGARVEY, (died: November 2, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Thomas R. McGarvey, 12 Graham Road, Newville, PA 17241. d30-j13

ESTATE OF BETTY F. MEDOFF, (died: November 18, 2016), late of Lower Paxton Township. Executrix: Diane M. Guccione, 3813 McNeil Drive, Austin, TX 78727. Attorney: Herschel Lock, Esquire, 3107 North Front Street, Harrisburg, PA 17110. d30-j13

## THIRD PUBLICATION

### Estate Notices

ESTATE OF ROBERT L. SHEETS, (died: December 5, 2016), late of Londonderry Township, Dauphin County, Pennsylvania. Co-Executors: Michael Rehm and Stephanie A. Rehm, 485 South Geysers Church Road, Middletown, PA 17057. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. d30-j13

ESTATE OF VIVIAN M. SHELLEY, (died: November 17, 2016), late of Middletown, Dauphin County, Pennsylvania. Executrix: Wendy J. Kline. Attorney: Stephen Feinour, Esquire, Nauman, Smith, Shissler & Hall, LLP, P.O. Box 840, Harrisburg, PA 17108-0840. d30-j13

ESTATE OF SCOTT R. MCCAFFREY, (died: August 3, 2016) late of Dauphin County. Executrix: Valerie T. McCaffrey, 1430 Lawrence Court, Harrisburg, PA 17112. Attorney: Law Offices of Ethan K. Stone, LLC, 3400 Trindle Road, Camp Hill, PA 17011. d30-j13

ESTATE OF PEARL LIPSKY, A.K.A. PEARL PNINAH LIPSKY, (died September 29, 2016)m, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Mr. Samuel Jay Lipsky, 7615 Coddle Harbor Lane, Potomac, MD 20854; Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. d30-j13

ESTATE OF CAROLINE M. BRICKER A/K/A CAROLINE BRICKER, (died: November 15, 2016), late of Conewago Twp. Executor: Curtis E. Bricker, c/o Young and Young, 44 S. Main St., PO Box 126, Manheim, PA 17545. Attorney: Young and Young. d30-j13

ESTATE OF SHIRLEY L. LINCALIS, AKA SHIRLEY JANET LINCALIS, AKA SHIRLEY LONG LINCALIS, (died: November 4, 2016), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Ms. Cindy Reedy, 19496 Jodhpur Drive, Leesburg, VA 20175. Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. d30-j13

## FIRST PUBLICATION

### Corporate Notices

ESTATE OF JOAN P. LIEBLEIN, (died: August 26, 2016), late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Mr. Robert J. Lieblein, 2341 Forest Hills Dr., Harrisburg, PA 17112; Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. d30-j13

NOTICE IS HEREBY GIVEN that **Lamar Asset Management and Realty, Inc.**, a Pennsylvania corporation, having its registered office located at 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110, has filed a Statement of Withdrawal of Foreign with the Department of State of the Commonwealth of Pennsylvania, pursuant to and in accordance with the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, approved May 5, 1933, as amended, and that the said corporation is winding up its affairs in the manner prescribed by said law, so that its corporate existence shall be and is hereby ended as of February 12, 2016 as :filed with the Department of State of the Commonwealth of Pennsylvania.

ESTATE OF MARY E. WELLAND, (died: November 29, 2016), late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Catherine M. Welland c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Mary E. Welland c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. d30-j13

Attorney Joseph J. Plunkett, Esquire  
Plunkett & Graver, P.C.  
2030 Tilghman Street,  
Suite 202  
Allentown, PA 18104

**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 December 13, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Kofile Technologies, Inc.** c/o Capitol Corporate Services, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 6300 Cedar Springs Road, Dallas, TX 75235.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j13

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 December 19, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Partnership With Native Americans** c/o Capitol Corporate Services, Inc.

This corporation is incorporated under the laws of Texas.

The address of its Principal office is 16415 Addison Rd., Suite 200, Addison, TX 75001-3210.

The corporation's purpose is to engage in charitable activity to help people in need, Native Americans, animals, and the environment.

The corporation has been qualified in Pennsylvania under the provisions of the Business Non-Profit Corporation Law of 1988, as amended. j13

NOTICE IS HEREBY GIVEN that **ONTEGRI-TY, INC.**, a foreign business corporation incorporated under the laws of the State of Delaware, received a Certificate of Authority/Foreign Registration in Pennsylvania on November 18, 2015, 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 its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. j13

NOTICE IS HERBY GIVEN that **Johnson Health Tech Retail, Inc.** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 1600 Landmark Drive Cottage Grove WI 53527. The Commercial Registered Agent Provider is in care of InCorp 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. j13

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 December 19, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **SHIPSERV AMERICA, INC.** c/o Incorporating Services, Ltd.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 1090 King Georges Post Road, Suite 802, Edison, NJ 08837.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j13

NOTICE IS HEREBY GIVEN that **The Health Enrollment Group Inc.**, a foreign business corporation incorporated under the laws of Florida, with its princ. office located at 351 S. Cypress Rd., #400, Pompano Beach, FL 33060, 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 351 S. Cypress Rd., #400, Pompano Beach, FL 33060. 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. j13

NOTICE IS HEREBY GIVEN that **ProShip, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 400 N. Executive Dr., Ste. 210, Brookfield, WI 53005, 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. j13

NOTICE IS HEREBY GIVEN that **DURA SOURCING INC.**, a California corporation, has applied for a certificate of authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended. The address of DURA SOURCING INC.'s registered office under the laws of the jurisdiction in which it was incorporated is 17005 Evergreen Place, Unit # C, City of Industry, CA 91745. DURA SOURCING INC.'s registered office in Pennsylvania is c/o Unisearch, Inc., 125 Locust Street, Harrisburg, PA 17101.

FITZPATRICK LENTZ & BUBBA, P.C.  
4001 Schoolhouse Lane  
P.O. Box 219

j13 Center Valley, PA 18034-0219

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that on December 30, 2016, a Certificate of Organization was filed with the Pennsylvania Department of State for: **ALAN JUDD BUILDER, LLC** in accordance with the provisions of the Limited Liability Act of 1994.

NATHANIEL J. FLANDREAU, ESQ.  
NAUMAN, SMITH, SHISSLER & HALL, LLP  
PO BOX 840  
j13 HARRISBURG, PA 17108

NOTICE IS HEREBY GIVEN that **Tochi Enterprise Inc.**, a foreign business corporation, applied to do business in the Commonwealth of Pennsylvania under the provisions of 15 Pa.C.S. § 412 on December 21, 2016. The corporation is incorporated under the laws of the State of Ohio. The address of its principal office under the laws of said jurisdiction is 9435 Waterstone Blvd. Suite 140, Cincinnati, OH 45249, and the address of its proposed registered office in Pennsylvania is 200 N. 3rd Street, 18th Floor, Harrisburg, PA 17101.

NATHANIEL J. FLANDREAU, ESQ.  
NAUMAN, SMITH, SHISSLER & HALL, LLP  
PO BOX 840  
j13 HARRISBURG, PA 17108

NOTICE IS HEREBY GIVEN that **Varex Imaging Corporation**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1678 S. Pioneer Rd., Salt Lake City, UT 84104, has applied for a certificate of authority in Pennsylvania, where its registered office is located at c/o: Corporation Service Co. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County. j13

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 23, 2016, effective January 1, 2017, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is **The Foundation for Mansfield University**.

It will be organized under Section 501 (c)(3) of the Internal Revenue Code of 1986, as thereafter amended, for charitable, educational, or scientific purposes.

McNEES WALLACE & NURICK LLC  
100 Pine Street  
j13 Harrisburg, PA 17101

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Pa. Department of State on December 16, 2016, to incorporate **2420 Cumberland Street Site Condominium Association, Inc.**, under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended. The corporation is incorporated to serve as the condominium association of 2420 Cumberland Street Site Condominium, a condominium pursuant to the Pa. Uniform Condominium Act, 68 Pa.C.S. §3101 et seq. j13

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 December 16, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Cyber Reliance Advisors, Inc.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 40 Technology Drive, Suite 2C, Warren, NJ 07059.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j13

NOTICE IS HEREBY GIVEN that **Saddle Creek Corporation**, a foreign business corporation incorporated under the laws of Florida, with its princ. office located at 3010 Saddle Creek Rd., Lakeland, FL 33801, 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. j13

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, by **Martin's Point Health Care, Inc.**, a foreign nonprofit corporation formed under the laws of the State of Maine, where its principal office is located at 331 Veranda St., Portland, ME 04103, for a certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for religious, charitable, scientific, literary or educational purposes under Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j13

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/22/2016 for **Mizuho Securities USA Inc.**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at 2 Logan Square Office #326, Philadelphia, PA 19103, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j13

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/27/2016 for **Marmic Fire & Safety Co., Inc.**, a business corporation formed under the laws of the jurisdiction of MO with its principal office located at 1014 S. Wall Ave., Joplin, MO 64801, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j13

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 01/05/2017 for **Porsche Connect, Inc.**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at One Porsche Drive, Atlanta, GA 30354, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j13

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/29/2016 for **Security Capital Research & Management Incorporated**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at 10 South Dearborn St., Suite 1400, Chicago, IL 60603, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j13

NOTICE IS HEREBY GIVEN that **Goldin Investment, II, Inc.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 47745 Fremont Blvd., Fremont CA 94538. The commercial registered office provider is in care of Paracorp Incorporated in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. j13

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/28/2016 for **Tunnel Hill Employment Corporation**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at 390 N. Broadway, Suite 220, Jericho, NY 11753, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j13

NOTICE IS HEREBY GIVEN that **GlobalTranz Enterprises, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 7350 N. Dobson Rd., Scottsdale, AZ 85256, 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. j13

NOTICE IS HEREBY GIVEN that **Lotus Exim International Inc.**, a foreign business corporation incorporated under the laws of New Jersey, with its princ. office located at 16 Leliarts Ln., Elmwood, NJ 07407, 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. j13

NOTICE IS HEREBY GIVEN that **Gatekeeper, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 45975 Nokes Blvd., Ste. 115, Sterling, VA 20166, 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. j13

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of the Commonwealth of Pennsylvania on 12/16/2016 under the Domestic Business Corporation Law, for **AUTOMATION SYSTEM SOLUTIONS INC.**, and the name and county of the commercial registered office provider is c/o: Corporation Service Co., Dauphin County. j13

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on November 28, 2016, for the purpose of obtaining a Certificate of Incorporation for a domestic business corporation organized and existing under the provisions of the Business Corporations Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), as amended from time to time.

The name and registered office of the corporation is

**evolve Financial Planning, Inc.**  
2415 N. Front Street  
Harrisburg, PA 17110

The purpose for which it was organized is the operation of a financial planning and advisory services firm, and all lawful business for which corporations may be incorporated under the Business Corporation Law of 1988, as amended.

Jennifer B. Hipp, Esquire  
One West Main Street  
Shiremanstown, PA 17011

j13

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 12/29/2016 for **SynQor, Inc.**, a business corporation formed under the laws of the jurisdiction of DE with its principal office located at 155 Swanson Road, Boxborough, MA 01719, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County.

j13

NOTICE IS HEREBY GIVEN that **MealPal, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 146 West 29th St., Unit 4E, New York, NY 10001, 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 c/o Corporation Service Company, 2711 Centerville Rd., Ste. 400, 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.

j13

NOTICE IS HEREBY GIVEN that **MB Winn Holdings, Inc.**, a foreign corporation formed under the laws of the State of Michigan, where its principal office is located at 600 W. Pickard St., Mt. Pleasant, MI 48858, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 29, 2016, 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 at c/o CT Corporation System, Dauphin County.

j13

NOTICE IS HEREBY GIVEN that **Physio-Health Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 676 N. Michigan Ave., Ste. 3900, Chicago, IL 60611, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 23, 2016, 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 at c/o CT Corporation System, Dauphin County.

j13

NOTICE IS HEREBY GIVEN that the Directors of **Light of Hope Community Church**, a Pennsylvania Non-profit corporation having its registered office at 100 Floral Lane, Dauphin, Dauphin County, Pennsylvania, approved a proposal to dissolve the corporation and that the Board of Directors is now engaged in winding up and settling the affairs of said corporation in accordance with the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

The Law Offices of Michael Cherewka  
624 North Front Street  
Wormleysburg, PA 17043

j13

NOTICE IS HEREBY GIVEN that **STEALTH MONITORING INC.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 15182 Marsh Ln., Addison, TX 75001, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on February 1, 2016, 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 at c/o CT Corporation System, Dauphin County.

j13

**FIRST PUBLICATION**

**Fictitious Name Notices**

NOTICE IS HEREBY GIVEN that, under 54 Pa.C.S. Ch. 3, an Application for Registration of Fictitious Name for **LKI**, conducting business in Dauphin County, PA with its principal office located at 4813 Jonestown Road, Harrisburg, PA 17109, was filed with the PA Dept. of State on 01/03/2017. The name and address of each entity interested in the business is: Philadelphia Home Health Services, LLC, 4813 Jonestown Road, Harrisburg, PA 17109. j13

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on August 29, 2016 for **Supreme Jazz Wine** located at 786 Oak Leaf Lane Harrisburg PA 17111. The name and address of each individual interested in the business is Jeffrey Oakley 786 Oak Leaf Lane Harrisburg PA 17111. This was filed in accordance with 54 Pa.C.S. 311. j13

NOTICE IS HEREBY GIVEN that, under 54 Pa.C.S. Ch. 3, an Application for Registration of Fictitious Name for **American Home Health Services PA**, conducting business in Dauphin County, PA with its principal office located at 4813 Jonestown Road, Harrisburg, PA 17109, was filed with the PA Dept. of State on 01/03/2017. The name and address of each entity interested in the business is: Philadelphia Home Health Services, LLC, 4813 Jonestown Road, Harrisburg, PA 17109. j13

NOTICE IS HEREBY GIVEN that, under 54 Pa.C.S. Ch. 3, an Application for Registration of Fictitious Name for **Rehab Solutions PA**, conducting business in Dauphin County, PA with its principal office located at 4813 Jonestown Road, Harrisburg, PA 17109, was filed with the PA Dept. of State on 01/03/2017. The name and address of each entity interested in the business is: Philadelphia Home Health Services, LLC, 4813 Jonestown Road, Harrisburg, PA 17109. j13

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on October 17, 2016 for **HMR Autobody works** located at 4990 Spring Creek Road Harrisburg PA 17111. The name and address of each individual interested in the business is Heath Rubright 4990 Spring Creek Road Harrisburg PA 17111. This was filed in accordance with 54 Pa.C.S. 311. j13

NOTICE IS HEREBY GIVEN that, under 54 Pa.C.S. Ch. 3, an Application for Registration of Fictitious Name for **Rehab Solutions PA**, conducting business in Dauphin County, PA with its principal office located at 4813 Jonestown Road, Harrisburg, PA 17109, was filed with the PA Dept. of State on 01/03/2017. The name and address of each entity interested in the business is: Philadelphia Home Health Services, LLC, 4813 Jonestown Road, Harrisburg, PA 17109. j13

NOTICE IS HEREBY GIVEN that, under 54 Pa.C.S. Ch. 3, an Application for Registration of Fictitious Name for **Help Source PA**, conducting business in Dauphin County, PA with its principal office located at 4813 Jonestown Road, Harrisburg, PA 17109, was filed with the PA Dept. of State on 01/03/2017. The name and address of each entity interested in the business is: Philadelphia Home Health Services, LLC, 4813 Jonestown Road, Harrisburg, PA 17109. j13

NOTICE IS HEREBY GIVEN that an application for registration of the fictitious name **DSB TRANSPORT** was filed with the Department of State for the Commonwealth of Pennsylvania on December 21, 2016, with its principal place of business to be located at 200 N. 3rd Street, 18th Floor, Harrisburg, PA, 17101. The name and address of the entity interested in said business is Tochi Enterprise Inc., 9435 Waterstone Blvd. Suite 140, Cincinnati, OH 45249.

NATHANIEL J. FLANDREAU, ESQ.  
NAUMAN, SMITH, SHISSLER & HALL, LLP  
PO BOX 840  
HARRISBURG, PA 17108

j13



**FIRST PUBLICATION**

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY,  
PENNSYLVANIA**

**NO. 2014-CV-10080-MF**

**NOTICE OF SHERIFF'S SALE**

**WELLS FARGO BANK, N.A., PLAINTIFF  
VS.  
AIMEE SCOTT AND NATHAN SCOTT,  
DEFENDANT(S)**

NOTICE TO: AIMEE SCOTT A/K/A AIMEE  
HUENERBERG A/K/A AIMEE L. SCOTT and  
NATHAN SCOTT A/K/A NATHAN L. SCOTT

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

Being Premises: 951 ORCHARD DRIVE,  
STEELTON, PA 17113-1332

Being in SWATARA TOWNSHIP, County of  
DAUPHIN, Commonwealth of Pennsylvania, 63-  
045-130-000-0000

Improvements consist of residential property.

Sold as the property of AIMEE SCOTT and  
NATHAN SCOTT

Your house (real estate) at 951 ORCHARD  
DRIVE, STEELTON, PA 17113-1332 is sched-  
uled to be sold at the Sheriff's Sale on 03/02/2017  
at 10:00 AM, at the DAUPHIN County Court-  
house, 101 Market Street, Room 104, Harrisburg,  
PA 17107-2012, to enforce the Court Judgment of  
\$135,594.03 obtained by, WELLS FARGO  
BANK, N.A. (the mortgagee), against the above  
premises.

**PHELAN HALLINAN DIAMOND  
& JONES, LLP**

Attorney for Plaintiff

j13

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY,  
PENNSYLVANIA**

**NO. 2016-CV-1350-MF**

**CIVIL ACTION-LAW**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**NATIONSTAR MORTGAGE LLC,  
PLAINTIFF**

**VS.**

**ROBERT GATES A/K/A ROBERT S. GATES,  
CHRISTIAN WINDHAM AND ANGELINA  
GATES A/K/A ANGELINA E. GATES,  
DEFENDANTS**

**NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY**

TO: Christian Windham, Defendant, whose last  
known address is 2815 Watson Street, Harrisburg,  
PA 17111.

Your house (real estate) at: 2815 Watson Street,  
Harrisburg, PA 17111, 13-095-006, is scheduled to  
be sold at Sheriff's Sale on March 2, 2017, at 10:00  
AM, at Dauphin County Admin Bldg., 4th Fl.,  
Commissioners Hearing Rm., Market Sq. (former  
Mellon Bank Bldg.), Harrisburg, PA 17101, to  
enforce the court judgment of \$52,584.40, ob-  
tained by Nationstar Mortgage LLC (the mortga-  
gee) against you.

**NOTICE OF OWNER'S RIGHTS -  
YOU MAY BE ABLE TO PREVENT THIS  
SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take  
immediate action:

1. The sale will be cancelled if you pay back to  
Nationstar Mortgage LLC, the amount of the  
judgment plus costs or the back payments, late  
charges, costs, and reasonable attorneys fees due.  
To find out how much you must pay, you may  
call: (610) 278-6800.

2. You may be able to stop the sale by filing a  
petition asking the Court to strike or open the  
judgment, if the judgment was improperly entered.  
You may also ask the Court to postpone the sale  
for good cause.

3. You may be able to stop the sale through other  
legal proceedings.

4. You may need an attorney to assert your rights.  
The sooner you contact one, the more chance you  
will have of stopping the sale. (See notice below  
on how to obtain an attorney.)

**FIRST PUBLICATION**

**Miscellaneous Notices**

YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE

5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling (610) 278-6800.

6. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 717-255-2660.

8. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

9. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule.

11. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale.

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 LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Dauphin County Local Counsel  
Dauphin County Lawyer Referral Service  
213 N. Front St.  
Harrisburg, PA 17101  
717-232-7536

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Christopher A. DeNardo, Kristen D. Little,  
Kevin S. Frankel, Samantha Gable,  
Regina Holloway, Daniel T. Lutz, Leslie J. Rase,  
Alison H. Tulio & Katherine M. Wolf

Attys. for Plaintiff  
SHAPIRO & DeNARDO, LLC  
3600 Horizon Dr., Ste. 150  
King of Prussia, PA 19406  
610-278-6800

j13

**THIRD PUBLICATION**

**Miscellaneous Notices**

**PUBLIC NOTICE TO  
CARLOS DONALD MESSINGER, SR. AND  
STACEY MARIE WARNER**

**In Re: Adoption of Carlos Donald Messinger, Jr., Cortez D'Carlo Matthias Messinger, and Catara Desiree Marie Messinger, Minors**

A petition has been filed asking the Court to put an end to all rights you have as a parent to your children, Carlos Donald Messinger, Jr., Cortez D'Carlo Matthias Messinger, and Catara Desiree Marie Messinger. A Termination of Parental Rights Hearing has been scheduled for February 24, 2017, at 9:00 a.m., in a Court Room to be determined, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Carlos Donald Messinger, Jr. (DOB: July 29, 2004), Cortez D'Carlo Matthias Messinger (DOB: December 22, 2007), and Catara Desiree Marie Messinger (DOB: September 12, 2005), whose Father is Carlos Donald Messinger, Sr. and whose Mother is Stacey Marie Warner. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Jane Madison  
Family Court Administrator  
York County Court of Common Pleas  
York County Judicial Center  
45 North George Street  
York, Pennsylvania 17401  
Telephone No. (717) 771-9360

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

**THIRD PUBLICATION**

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

d30-j20

**FIRST PUBLICATION**

Name Change Notices

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA**

**DOCKET NO: 2016-CV-07666-NC**

**PETITION FOR CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on December 7, 2016, the Petition of Junies Lee Wiggins was filed in the above named court, requesting a decree to change his name from **Junies Lee Wiggins** to **Junious Lee Wiggins**.

The Court has fixed Tuesday, February 14, 2017 at 9:30 a.m., in Courtroom No. 12, 7th Floor, Juvenile Justice Center, 25 South Front Street (Human Services Building) Harrisburg, PA 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. j13



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**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.

**DAUPHIN COUNTY COURT SECTION**  
*Opinions Not Yet Reported*

**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
**213 North Front Street, Harrisburg, PA 17101-1493**  
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**Dauphin County Bar Association**  
**Annual Membership Meeting**

The Annual Dinner Meeting of the Dauphin County Bar Association will be held **Wednesday, January 25, 2017, at 6:30 p.m. at the Hilton Harrisburg**. The meeting will be preceded by a Social Hour beginning at 5:30 p.m. The cost of the dinner is \$30.00 per person.

The Nominating Committee of the Dauphin County Bar Association, in accordance with Article V. Section 2 of the By-Laws, submits the following nominations for officers and directors of the Board for the term of one year or as otherwise indicated, beginning February 1, 2016:

President Elect:	Peter M. Good
Vice President:	Brooks R. Foland
Secretary:	Lisa M. Benzie
Treasurer:	Thomas P. Gacki
Directors (2-year term):	Amanda J. Lavis Rhodia D. Thomas Scott E. Maier Scott B. Cooper Courtney Kishel Powell

By virtue of Article V, Section 1 of the By-Laws, Matthew M. Haar, will automatically succeed to the office of President.

---

**ASSOCIATE:** Abom & Kutulakis, a Cumberland County general practice firm seeks an Associate with excellent credentials and civil litigation experience. Please email cover letter and resume to [ejf@AbomKutulakis.com](mailto:ejf@AbomKutulakis.com). d30-j13

**ASSOCIATE ATTORNEY:** Marshall Dennehey Warner Coleman & Goggin, a large defense litigation firm, seeks Associate Attorney with 2-4 years litigation experience to do General Liability defense work for its Harrisburg office. Send resume to [hrrcruiter@mdwgc.com](mailto:hrrcruiter@mdwgc.com). We are an Equal Opportunity Employer AA/M/F/D/V. j6-20

**FULL-TIME PARALEGAL:** Growing Harrisburg, PA law office seeks a paralegal with a minimum of two (2) years of experience in performing paralegal duties. The position will support a team of five (5) attorneys with defense insurance litigation and civil litigation. Candidate must be comfortable in a moderately large private practice and be able to work in a team environment. Submissions from interested parties will be strictly confidential. Salary commensurate with experience. Health insurance and other benefits offered. Submit cover letter (with salary requirements) and resume with references to: [jflogue@zarwin.com](mailto:jflogue@zarwin.com). j6-20

**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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**U.S. BANKRUPTCY JUDGESHIP**  
**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (HARRISBURG)**

**Tentative Selection of Henry W. Van Eck**

In September 2016, a merit selection committee was appointed by the Judicial Council of the Third Circuit to recommend candidates for a future vacancy on the United States Bankruptcy Court for the Middle District of Pennsylvania. A public notice of the position vacancy was widely circulated to publicize the vacancy, applications were received, and interviews of applicants were conducted. Following its deliberations, the committee submitted a report and recommendations to the Judicial Council for the Third Circuit.

After considering the recommendations of the selection committee, the Judicial Council conducted interviews with the leading candidates and then made its recommendations for the bankruptcy judgeship vacancy to the appointing authority, the United States Court of Appeals for the Third Circuit.

Having considered the Judicial Council's recommendations, the United States Court of Appeals has found Henry W. Van Eck of Mette, Evans & Woodside of Harrisburg, PA, to be most qualified and is, at present, considering his appointment to the bankruptcy judgeship. This notice is intended to solicit written comments concerning the qualifications of Henry W. Van Eck for this position. Such comments will be accepted until Friday, January 20, 2017, and should be addressed to: Margaret A. Wiegand; Circuit Executive, 22409 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790. d30-j13

**ADMINISTRATIVE ASSISTANT (LEGAL SECRETARY):** Nauman Smith has an immediate opportunity available in the Harrisburg office for an experienced administrative assistant (legal secretary) with top-notch technical and administrative skills. The selected individual will be responsible for maintaining and processing case information, managing the progression of cases to final disposition, creating electronic files and preparing and processing correspondence, memoranda and complex legal documents in state courts and administrative agencies (PUC). Knowledge of municipal law a plus. Excellent technical, administrative and organizational, skills; ability to work well under pressure in a deadline-driven environment; work independently and pro-actively. A high degree of proficiency with Microsoft Word, Outlook, Excel and a document management system strongly preferred. Experience with e-filing in county and state courts and the PUC and Perfect Practice a plus. Minimum of 3 years of recent law firm experience. Send resume to: Office Manager, P O Box 840, Harrisburg, PA 17108-0840; Email to [info@nssh.com](mailto:info@nssh.com). j13-27

**SUPREME COURT OF PENNSYLVANIA**  
**CIVIL PROCEDURAL RULES COMMITTEE**

**Rule 238. Damages for Delay in an Action for Bodily Injury, Death or  
Property Damage**

\*\*\*

**Addendum to Explanatory Comment (2017)**

The prime rate as set forth in the first edition of the Wall Street Journal for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the Wall Street Journal for each of the years specified is as follows:

<b>Date of Publication</b>	<b>Prime Rate Percentage</b>
January 3, 2017	3 <sup>3</sup> / <sub>4</sub>
January 4, 2016	3 <sup>1</sup> / <sub>2</sub>
January 2, 2015	3 <sup>1</sup> / <sub>4</sub>
January 2, 2014	3 <sup>1</sup> / <sub>4</sub>
January 2, 2013	3 <sup>1</sup> / <sub>4</sub>
January 3, 2012	3 <sup>1</sup> / <sub>4</sub>
January 3, 2011	3 <sup>1</sup> / <sub>4</sub>
January 4, 2010	3 <sup>1</sup> / <sub>4</sub>
January 2, 2009	3 <sup>1</sup> / <sub>4</sub>
January 2, 2008	7 <sup>1</sup> / <sub>4</sub>
January 2, 2007	8 <sup>1</sup> / <sub>4</sub>
January 3, 2006	7 <sup>1</sup> / <sub>4</sub>
January 3, 2005	5 <sup>1</sup> / <sub>4</sub>
January 2, 2004	4
January 2, 2003	4 <sup>1</sup> / <sub>4</sub>
January 2, 2002	4 <sup>3</sup> / <sub>4</sub>
January 2, 2001	9 <sup>1</sup> / <sub>2</sub>
January 3, 2000	8 <sup>1</sup> / <sub>2</sub>
January 4, 1999	7 <sup>3</sup> / <sub>4</sub>
January 2, 1998	8 <sup>1</sup> / <sub>2</sub>

NOTE: The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the Pennsylvania Bulletin, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural  
Rules Committee

William S. Stickman IV  
Chair

## **ATTORNEY DISCIPLINARY / ETHICS MATTERS**

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### **James C. Schwartzman, Esq.**

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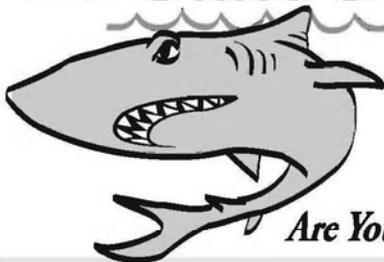
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Facsimile: 717-232-8773  
E-mail: [hhpc@ptd.net](mailto:hhpc@ptd.net)  
Website: [www.h-hpc.com](http://www.h-hpc.com)

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