LYCOMING REPORTER

Vol. 32 August 21, 2015 No. 34

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LYCOMING REPORTER

(USPS 322-900) THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

PUBLISHED EVERY FRIDAY BY LYCOMING LAW ASSOCIATION

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LYCOMING REPORTER (ISSN 0884-187X) is published weekly for \$50 per annum by the Lycoming Law Association, Penn Tower, 25 West Third Street, Suite 803, Williamsport, PA 17701.

Legal Notices of less than 300 words in length must be received by 1:00 P.M. on the Tuesday preceding the date of publication; all other notices must be received by 4:00 P.M. on the Monday preceding the date of publication.

Periodical postage paid at Williamsport, PA 17701-9998 and additional mailing offices. POSTMASTER: Send address changes to LYCOMING REPORTER, Penn Tower, 25 West Third Street, Suite 803, Williamsport, PA 17701.

LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803 Williamsport, PA 17701 www.lycolaw.org

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Eric Ladley

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Your online connection for:

- Court Calendar Continuing Legal Education
- Conference Room Facilities Legal Assistance
- Recent Court Decisions Upcoming LLA & Public Events

www.lycolaw.org

SCHEDULED EVENTS

- Additional information about any of these events is available on the Lycoming Law Association website at www.lycolaw.org.
- 9/14/2015 LLA Executive Committee Meeting: Regular monthly meeting.

 Time: 12:00 PM to 1:00 PM. Location: LLA Office
- 9/26/2015 Knoebel's Grove: FREE rides, games, food sponsored by the LLA and YLD. Time: 1:00 PM to 5:00 PM. Location: Knoebel's Grove
- 10/1/2015 Wills for Heroes: The Wills for Heroes program, sponsored by the Young Lawyers' Division of the PBA, provides basic estate planning documents for first responders, at no cost. Volunteers are needed and welcome! Time: to . Location:
- 10/2/2015 Bench Bar Committee Meeting: Quarterly meeting of the committee. Time: 12:00 PM to 1:00 PM. Location: LLA Office
- 10/12/2015 LLA Executive Committee Meeting: Regular monthly meeting.
 Time: 12:00 PM to 1:00 PM. Location: LLA Office

Lycoming Law Association Members are kindly asked to consider a donation to the Lycoming Law Association Foundation in memory of a deceased Member. The Foundation will notify the family of such Member that a gift was made by you.

Members of the Lycoming Law Association are reminded and urged to consider placing in your Wills a bequest to the Lycoming Law Association Foundation. As you probably know, your gift is tax deductible as the Foundation is a 501(c)(3) Organization.

Upcoming Lycoming County CLE Opportunities

- 9/25/2015 From File to Trial 8 Keys to Success in Court and Beyond:
 PBI Video Replay. CLE credits: 5 Substantive / I Ethics Time: 9:00
 AM to 5:00 PM. Location: Lycoming Law Association Office
- 10/1/2015 Fundamentals of Oil and Gas Law: PBI Video Replay. CLE credits: 5 Substantive / 1 Ethics Time: 9:00 AM to 5:00 PM. Location: Lycoming Law Association Office
- 10/6/2015 Probate & Trust Law Guardianship of Incapacitated Persons: PBI Groupcast. CLE credits: | Substantive / | Ethics Time: 12:30 PM to 2:30 PM. Location: Lycoming Law Association Office
- 10/7/2015 20 Hot Tips in Family Law: PBI Video Replay. CLE credits: 2 Substantive / I Ethics Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office
- 10/8/2015 Dead Man's Rule: PBI Video Replay. CLE credits: 3 Substantive Time: 9:00 AM to 12:30 PM. Location: Lycoming Law Association Office
- 10/14/2015 The Changing Landscape: Issues Beyond Marriage for the LBGT Pennsylvanian: PBI Groupcast. CLE credits: 2 Substantive / I Ethics Time: 8:30 AM to 11:45 AM. Location: Lycoming Law Association Office
- 10/15/2015 Lights, Camera, Evidence!: PBI Video Replay. CLE credits: 6 Substantive Time: 9:00 AM to 5:00 PM. Location: Lycoming Law Association Office
- 10/22/2015 Premarital Agreements: PBI Video Replay. CLE credits: 4 Substantive Time: 9:00 AM to 1:30 PM. Location: Lycoming Law Association Office
- 10/27/2015 Nuts & Bolts of Medicaid Planning: PBI Groupcast. CLE credits: 3 Substantive Time: 12:00 PM to 3:15 PM. Location: Lycoming Law Association Office
- *PBI Seminar. For tuition, registration, and all other information, please contact PBI Customer Service at (800) 247-4724, or online at www.pbi.org. Unless otherwise noted, this seminar is being held at the Lycoming Law Association Offices at 25 West Third Street, Suite 803, Williamsport, PA. Additional fees may be assessed for registration at the door.
- **LLA Seminar. For tuition, registration, location, and all other information, please contact Michele Frey at the LLA Office at (570) 323-8287, by email at mfrey@lycolaw.org, or online at www.lycolaw.org.10/28/2015

 Lincoln and His Leadership: PBI Video Replay. CLE credits: 2
 Substantive / I Ethics Time: 9:00 AM to 12:30 PM. Location: Lycoming Law Association Office

The full text of the following Lycoming County Court opinions is reported at www.lycolaw.org/Cases/search.asp.

► Commonwealth vs. Copenhaver (08/17/2015)—Judge Marc F. Lovecchio

Criminal: Appeal; probation violation; standard conditions for sex offenders relating to possessing, viewing, and reading sexually explicit materials; knowing request for and receipt of adult pornographic material while in prison. (Copenhaver081815L)

► Shams vs. South Williamsport Board of Appeals vs. South Williamsport (08/06/2015)—Judge Richard A. Gray

Administrative Appeal: Agency appeal; results of video inspections of properties to determine sources of nonpolluted water into the sewer; noncomplying lateral sewer pipe; replacement order; findings not supported by substantial evidence or error as a matter of law; inferences from production of incomplete expert review; reasonable reliance upon credible witnesses. (shams080615g)

- ▶ Commonwealth vs. Faison (08/14/2015)—Judge Nancy L. Butts Criminal: Post-sentence motion; sufficiency of evidence of possession with intent to deliver; inferences from quantity of drugs possessed and other surrounding circumstances; weight of the evidence; verdict shocking court's sense of justice. (Faison081415bt)
- ▶ Commonwealth vs. Williams (08/13/2015)—Judge Nancy L. Butts Criminal: Post-sentence motion; sufficiency of evidence; statutory rape; penetration requirement; uncorroborated testimony of a sexual assault victim; intimidation of witnesses or victims; weight of evidence; excessive sentence. (Williams081315bt)
- ► Fidler and Brown vs. Reidell and Pizza to Go, LLC (08/14/2015)— Judge Dudley N. Anderson

Civil: Motion in limine; expert testimony to support claims of injuries that manifested themselves through pain and swelling immediately after the accident; admission of records and reports of medical providers in arbitration; release of servant affecting claim against master; waiver of limited tort defense by failure to file new matter. (Fidler081415a)

► Commonwealth vs. Rowe (08/12/2015)—Judge Nancy L. Butts
Criminal: Suppression motion; reasonable suspicion to stop vehicle
for DUI; totality of circumstances; erratic driving. (Rowe81215bt)

- ➤ Southwestern Energy Production Company vs. Forest Resources, LLC et al. (08/14/2015)—Judge Dudley N. Anderson Civil: Motions for judgment on the pleadings; remand from appeal; violation of Guaranteed Minimum Royalty Act; fact issues; estoppel precluding argument against enforcement of agreement; statute of limitations. (Southwestern081415a)
- ▶Keta Gas & Oil Company vs. Proctor, Rice, Mandell, Thacher, Joslin, Massachusetts General Hospital, and Brinker Hunting Club (08/14/2015)—Judge Dudley N. Anderson Civil: Petition to strike or open 1951 default judgment; defect on the face of the record; sufficiency of description of land; facts outside the record; lack of separately assessed mineral rights; attacking validity of affidavit of counsel that the individual defendants' whereabouts were unknown; need for evidentiary hearing. (Keta081415a)
- ▶ Commonwealth vs. Barto (08/12/2015)—Judge Marc F. Lovecchio Criminal: Appeal; Post Conviction Hearing Act petition; ineffective counsel; calculation of prior record score; retroactive application of Alleyne case issues; disclosure of Brady evidence; District Attorney's obligation to acquire information about investigation of trooper; sufficiency of evidence; waiver of issues first raised on appeal; character witness evidence. (Barto081215L)
- ► Snell vs. Montoursville Area School District (08/11/2015)—Judge Dudley N. Anderson

Civil: Motion for preliminary injunction; planned high school construction project; intervening election with possible change in school board composition; court functioning as super school board; authority of school board to lawfully award bids or execute contracts in discharge of duties as a part of extended deliberative process; absence of arbitrary or capricious conduct, abuse of discretion or bad faith. (snell081115A)

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

Alford, Dorothy S., dec'd.

Late of Hughesville.

Executrix: Christine E. Elliot, 13 Breeze Hill Road, Wilmington, DE 19807.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

Eschbach, Doris M., dec'd.

Late of Montoursville.

Executor: Jeffrey C. Eschbach, 912 E. Pleasant Place, St. Johns, FL 32259. Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

Russell, Robert B. a/k/a Robert Bailey Russell a/k/a Robert Russell, dec'd

Late of the Township of Loyalsock. Executor: John H. Russell c/o Elizabeth A. White, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701. Attorneys: Elizabeth A. White, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

Shank, Evelyn M., dec'd.

Late of South Williamsport. Executor: Joseph B. Shank, 784 Antlers Lane, Williamsport, PA 17701. Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci & Shipman, P.C., 125 East Third St., Williamsport, PA 17701.

Watkins, Jason W., dec'd.

Late of Williamsport.

Administratrix: Yvonne M. Watkins, 837 Wilson Street, Williamsport, PA 17701

Attorney: Leroy H. Keiler, III, Esquire, I10 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

SECOND PUBLICATION

Emig, Wilbur M., Jr., dec'd.

Late of 2911 McKinney Street, Williamsport.

Co-Executrices: Constance A. Rice and Linda E. Mankey c/o Peter Burchanowski, Esquire, 4 West Fourth St., Williamsport, PA 17701.

Attorney: Peter Burchanowski, Esquire, 4 West Fourth St., Williamsport, PA 17701.

Engel, Mildred C., dec'd.

Late of the Township of Limestone. Executrix: Sandra Dana a/k/a Sandra Engel, 1010 Windemere Circle, Dalton, PA 18414.

Attorneys: Eric Ladley, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

Gold, Richard T., III, dec'd.

Late of 2593 Cleman Hollow Rd., Unityville.

Co-Administrators: Richard T. Gold, Jr. and Dora M. Gold, 4829 St. Rt. 442, Muncy, PA 17756.

Attorney: John A. Smay, Esquire, 39 South Main Street, P.O. Box 35, Muncy, PA 17756.

Stark, Barbara A., dec'd.

Late of the Borough of Montoursville.

Executrix: Amy J. McNamara, 111 Thanksgiving Lane, Montoursville, PA 17754.

Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

THIRD PUBLICATION

Engel, Herman F. a/k/a Herman Francis Engel a/k/a Herman Engel, dec'd.

Late of the Township of Fairfield. Executors: Rebecca S. Stroup, 270 Richland Road, Carlisle, PA 17013, H. Dennis Engel, 4009 Elmwood Drive, Alexandria, VA 22303, Michael H. Engel, 573 Little Plum Run Road, Lock Haven, PA 17745 and James W. Engel, 623 Williamson Road, Williamsport, PA 17701.

Attorneys: Eric Ladley, Esquire, Steinbacher, Stahl, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Engler, Suzanne G., dec'd.

Late of South Williamsport.

Co-Executrices: Amy Sue Pregent and Jodi Lynn Woleslagle c/o Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701

Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Greene, Margaret A., dec'd.

Late of Iersey Shore.

Co-Executors: Robert L. Greene and Linda L. Greene, 1194 River Road, Williamsport, PA 17701.

Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Haswell, Lucille Marie a/k/a Lucille M. Haswell, dec'd.

Late of Williamsport.

Co-Executors: Marianne Marzzacco, 506 Ramsey Drive, Jersey Shore, PA 17740 and Alfred B. Haswell, III, 1856 Hays Lane, Apt. B, Williamsport, PA 17701.

Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci & Shipman, P.C., 125 East Third St., Williamsport, PA 17701.

Lamade, Howard J., Jr., dec'd.

Late of Loyalsock Township. Executor: Richard Wienecke, 999 N. Loyalsock Avenue, Montoursville, PA 17754.

Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Lowensten, Arthur R. a/k/a Arthur Robert Lowensten, dec'd.

Late of Loyalsock Township. Executrix: Cheryl L. Robol c/o James T. Baldwin, Esquire, Baldwin & Baldwin, 42 South Front Street, Milton, PA 17847.

Attorneys: James T. Baldwin, Esquire, Baldwin & Baldwin, 42 South Front Street, Milton, PA 17847.

Marquardt, Alton C. a/k/a Alton Carl Marquardt, dec'd.

Late of Muncy Creek Township. Executor: Ernest E. Marquardt c/o James T. Baldwin, Esquire, Baldwin & Baldwin, 42 South Front Street, Milton, PA 17847.

Attorneys: James T. Baldwin, Esquire, Baldwin & Baldwin, 42 South Front Street, Milton, PA 17847.

Phillips, Shirley M., dec'd.

Late of the City of Williamsport. Administrator: Charles M. Phillips, 792 Steam Valley Road, Trout Run, PA 17771.

Attorney: Todd J. Leta, Esquire, 602 Pine Street, Williamsport, PA 17701.

Saar, Richard J., dec'd.

Late of Nisbet.

The Richard J. Saar and Edith L. Saar Living Trust dated October 22, 2009.

Settlor: Richard J. Saar.

Executor: Lee R. Saar, 45 Saar Drive, Nisbet. PA 17702.

Co-Trustees: Lee R. Saar and Edith L. Saar, 45 Saar Drive, Nisbet, PA 17702.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

Schweiker, Margaret B. a/k/a Margaret E. Schweiker, dec'd.

Late of Williamsport.

Executrix: Mary J. Liddic, 1137 Mosquito Valley Rd., Williamsport, PA 17702.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 270 West Third Street, Williamsport, PA 17701, (570) 321-0709.

Sebring, C. Ruth, dec'd.

Late of Cogan Station.

Co-Executors: Robert J. Sebring and Nancy S. Grimes.

Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

Shaner, Dale Z. a/k/a Dale Zane Shaner, dec'd.

Late of Hughesville.

Executrix: Linda K. Wilson, 6421 Beaver Lake Road, Hughesville, PA 17737.

Attorneys: Scott T. Williams, Esquire, Law Offices of Perciballi & Williams, LLC, 429 Market Street, Williamsport, PA 17701.

Shelley, Jean S., dec'd.

Late of the Township of Loyalsock.

Executrix: Donna J. Biehl, 317 Grampian Boulevard, Williamsport, PA 17701.

Attorneys: Eric Ladley, Esquire, Steinbacher & Stahl, 413 Washington Boulevard, Williamsport, PA 17701.

Shutts, Steven M., dec'd.

Late of Jersey Shore.

Administratrix: Linda M. Shutts, 334 Shady Brook Lane, Williamsport, PA 17702.

Attorney: Leroy H. Keiler, III, Esquire, I 10 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Souter, Sharon A., dec'd.

Late of Upper Fairfield Township. Executor: Clair C. Souter, 2203 Rt. 87 Hwy., Montoursville, PA 17754. Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

Starr, Wilbur T., Jr. a/k/a Wilbur T. Starr, dec'd.

Late of Woodward Township. Executrix: Rita O'Brien c/o Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740. Attorney: Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

Stover, Franklin B., dec'd.

Late of 207 Meadowbrook Road, Muncy.

Executrix: Holly E. Pentz, 210 Spring Lake Crest, Watsontown, PA 17777. Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

Waltz, Guy A., dec'd.

Late of Montoursville.

Co-Executors: James E. Waltz, John E. Waltz and Jeffrey E. Waltz.

Attorney: Charles F. Greevy, III, Esquire, Lycoming Executive Plaza, 330 Pine Street, Suite 403, Williamsport, PA 17701, (570) 320-7100.

REGISTER OF WILLS CONFIRMATION OF ACCOUNTS

NOTICE IS HEREBY GIVEN to all parties interested that the following Accounts together with all Statement of Proposed Distribution accompanying the same have been filed in the Office of the Register of Wills and Clerk of Orphans' Court are presented to the Orphans' Court of Lycoming County for Confirmation Absolute September 1, 2015 unless exceptions are filed before 5:00 P.M. on that date.

- I. Fullmer, Russell H.—Gary W. Fullmer, Executor.
- 2. Jensen, George A., III—Lance K. Jensen, Administrator.
- 3. Rathmell, Bernice Henry—George V. Cohen, Executor. Annabel Miller

Register of Wills

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FILING ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on August 1, 2015 with the Department of State of the Commonwealth of Pennsylvania for the purposes of obtaining a Certificate of Incorporation for a business corporation to be organized under Pennsylvania Business Corporation Law of 1988 (P.L. 1444, No. 177), as amended. The name of the corporation is:

STOCUM CPAS, PC

The address of the principal place of business is: 800 West Fourth Street, Suite 101, Williamsport, PA 17701. The

purpose for which the business has been organized is: offices of certified public accountants under the Pennsylvania Business Corporation Law of 1988, as amended.

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REGISTRATION OF FICTITIOUS NAME

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 13, 2015 for:

GEARHART & ASSOCIATES, PC located at: 800 West Fourth Street, Suite 101, Williamsport, PA 17701. The name and address of the entity owning and interested in said business is: Stocum CPAS, PC, 800 West Fourth Street, Suite 101, Williamsport, PA 17701. This was filed in accordance with 54 Pa. C.S.A. 311(g).

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SERVICE BY PUBLICATION

In the Court of Common Pleas of Lycoming County, Pennsylvania Civil Action—Law

NO. 14-02594

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

HSBC Bank USA, N.A. c/o PHH Mortgage,

Plaintiff

VS

Shannon L. Miller and Brian A. Muise,

Defendants

COMPLAINT IN MORTGAGE FORECLOSURE

TO: Brian A. Muise, defendant, whose last known addresses are 2610 Grand Street, Williamsport, PA 17701; 4696 State Rt. 14, Trout Run, PA 17771 and 1105 Cemetery Street, Jersey Shore, PA 17740

You are hereby notified that Plaintiff, HSBC Bank USA, N.A. c/o PHH Mortgage, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Lycoming County, Pennsylvania, docketed to No. 14-02594, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 4696 State Rt. 14, Trout Run, PA 17771, whereupon your property would be sold by the Sheriff of Lycoming County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PA-PER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OF-FICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIR-ING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE North Penn Legal Services, Inc. 329 Market St. Williamsport, PA 17701 (570) 323-8741 MARK J. UDREN, ESQUIRE STUART WINNEG, ESQUIRE LORRAINE GAZZARA DOYLE, **ESQUIRE** SHERRI J. BRAUNSTEIN, ESQUIRE ELIZABETH L. WASSALL, ESQUIRE JOHN ERIC KISHBAUGH, ESQUIRE NICOLE B. LaBLETTA, ESQUIRE DAVID NEEREN, ESQUIRE AMANDA RAUER, ESQUIRE UDREN LAW OFFICES, P.C. Attys. for Plaintiff III Woodcrest Rd. Ste. 200 Cherry Hill, NJ 08003 (856) 669-5400

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PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, August 24, 2015