

This PATHFINDER is not intended to be legal advice. If you need legal advice or assistance drafting legal documents, you must hire a private attorney. Law Library staff cannot assist you in drafting legal documents.

PUBLICATION OF LEGAL NOTICES

- **Publication of Legal Notice** is a method of informing the defendant and/or the public of an impending legal action by printing an announcement in one or more newspapers.
- **Service by Publication** is used when a party (defendant) or the owner of property or a motor vehicle to a divorce or other action cannot be located and, therefore, cannot be served by mail or another method of service. **In some cases, you may need to get a court order to permit Service by Publication.**
- Common legal notices are for the incorporation of a businesses and/or registration of fictitious business names, such as “Superior Tree Service.” Here are some other common legal notices

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- Family law cases when defendant cannot be located and served
 - Involuntary Transfer of Motor Vehicle Title
 - Real Property Actions – Pa. R.C.P. Rule 410(c)(1)
 - Sheriff Sale – sale of real property upon a writ of Execution Pa. R.C.P. Rule 3129.2(d)
 - Articles of Incorporation
 - Certificate of Organization
 - Change of Name Notice
 - Estate Notices
 - Registration of Fictitious Name
 - Private Detective Licenses

The Pennsylvania Rules of Civil Procedure and Lehigh County Civil rules address publication and dictate in which situations such notice is

required and where and when the notice must be published. Here are two such rules.

- **Pa.R.C.P. 430. Service Pursuant to Special Order of Court. Publication**
(a) If service cannot be made under the applicable rule the plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

Note: A sheriff's return of “not found” or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. *Gonzales v. Polis*, 357 A.2d 580 (Pa. Super. 1976). Notice of intended adoption mailed to last known address requires a “good faith effort” to discover the correct address. *Adoption of Walker*, 360 A.2d 603 (Pa. 1976).

Additional information on Service by Publication:

- **Pennsylvania Rules of Civil Procedure.** Online at www.pacode.com.
- **Lehigh County Rules of Civil Procedure** at www.lccpa.org.
- **2 Standard Pennsylvania Practice 2d § 10:131 et seq.**, Service Pursuant to Special Order of Court; Publication
- **West’s Pennsylvania Forms, Civil Procedure, Volume 1, § 10:1 et seq.** Motion for special order authorizing service— Defendant concealing whereabouts
- **2 Goodrich Amram 2d § 430(a):1 et seq.**, Service of Original Process and Other Legal Papers, Rule 430. Service Pursuant to Special Order of Court. Publication
- On Westlaw: **Commencing a Lawsuit: Serving the Case-Initiating Documents Checklist** (PA) Practical Law Checklist w- 010-2377
- **Dunlap–Hanna Pennsylvania Forms**, Chapter 133 Service, ¶ 133.13 et seq.

Lehigh County Law Library Pathfinder

An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, (3) examinations of local telephone directories, courthouse records, voter registration records, local tax records, and motor vehicle records, and (4) a reasonable internet search.

See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral, oil, or natural gas rights.

(b)(1) If service of process by publication has been authorized by rule of civil procedure or order of court, the publication shall be by advertising a notice of the action once in the legal publication, if any, designated by the court for the publication of legal notices and in one newspaper of general circulation within the county. The publication shall contain the caption of the action and the names of the parties, state the nature of the action, and conclude with a notice substantially in the following form:

In Lehigh County, the newspaper of general circulation is The Morning Call. www.Mcall.com

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

(NAME)

(ADDRESS)

(TELEPHONE NUMBER)

Note: The office shall be that designated by the court under Rule 1018.1(c).

(2) When service is made by publication upon the heirs and assigns of a named former owner or party in interest, the court may permit publication against the heirs or assigns generally if it is set forth in the complaint or an affidavit that they are unknown.

Credits Adopted June 20, 1985, effective Jan. 1, 1986. Amended June 10, 2003, effective Sept. 1, 2003; Nov. 29, 2016, effective Jan. 1, 2017; Dec. 30, 2016, effective Jan. 1, 2017.

REQUIREMENTS FOR SPECIAL SERVICE CHECKLIST

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File Number:

Counsel for the moving party has attempted the following efforts marked with an "X":

Prerequisites:

- Attempted Sheriff service to all known addresses
- Examination of motor vehicle records
- Penn Dot's Forms DL-503 and 503B (need both forms) (may obtain forms from Penn Dot's website)
- Inquiry of postal authority
- Examination of local phone directories

Discretionary Efforts:

- Examination of local tax records
- Examination of voter registration records
- Inquiry of relatives, neighbors, friends and employers of defendant(s)
- Other:

The court will not consider a motion for special service pursuant to Pa.R.C.P. 430 (a) until an affidavit is submitted to Chambers indicating that all prerequisites have been attempted, and at least on discretionary effort.

- **Here is Lehigh County Rule 430 and Appendix 1 which addresses motion for a special order of court allowing Service of the defendant by Publication in a court case.**

Rule 430

Service by Publication.

- (1) Every motion for a special order directing the method of service pursuant to Pa. R.C.P. 430 shall be accompanied by a cover sheet in the form set forth as Appendix 1 of these rules.
- (2) The Lehigh Law Journal shall be the legal periodical for the publication of all notices.

For prices to publish notices in the Lehigh Law Journal see <http://lehighbar.org/resources/law-journal/>

Lehigh County Law Library Pathfinder

Sample Letter Requesting Publication in a Legal Journal and two pages of Sample Legal Notices from the Lehigh Law Journal.

YOUR NAME¶
1234 Street Road¶
City, PA 18000¶

October 16, 2019¶

The Lehigh Law Journal (If you need to publish in another county, find that journal's address.)¶

1114 West Walnut Street¶
Allentown, PA 18102¶

Dear Sirs:¶

Enclosed is a check in the amount of \$XXXX.00 for the publication of the attached (type of) notice.¶

Please publish this notice (once, twice, three times) in your Law Journal as required by law.¶

Please send the proof of publication to me at the address above. You may contact me at 484-555-5555.¶

Thank you,¶

Sign Here¶

Type Your Name¶

Enclosures: Check, Text of notice¶

LEHIGH LAW JOURNAL

Attorneys: Jason M. Rapa, Esquire, Rapa Law Office, P.C., 141 South First Street, Lehigh-ton, PA 18235.

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been (are to be) filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), by the following corporation:

The name of the corporation is:
JRP PROPERTY PRESERVATION, INC. J-11

The name of the corporation is:
SunCup Foods, Inc.
FITZPATRICK LENTZ & BUBBA, P.C.
4001 Schoolhouse Ln.
Center Valley, PA 18034 J-11

INDIVIDUAL FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982, as amended, of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania, under the assumed or fictitious name, style or designation of

Name: **PINE RIDGE SERVICES OF THE LEHIGH VALLEY** with its principal place of business at: 5587 Stonecroft Lane, Allentown, PA 18106.

The name and address of the individual interested in said business are: Michael J. Stianche, 5587 Stonecroft Lane, Allentown, PA 18106. J-11

LEHIGH LAW JOURNAL

LIMITED LIABILITY COMPANY NOTICE

NOTICE IS HEREBY GIVEN that on December 17, 2018, a Certificate of Organization was filed in the Department of State, Commonwealth of Pennsylvania, pursuant to provisions of the Limited Liability Company Act of 1994, P.L. 703, No. 10654, as amended, for:

DIGITAL PHOTOGRAPHIC IMAGING, LLC
JOSEPH C. BERNSTEIN, ESQ.
523 West Linden St.
Allentown, PA 18101 J-11

The Court has fixed February 25, 2019 at 9:30 A.M. in Courtroom No. 2A, Lehigh County Courthouse, Allentown, Pennsylvania, as the date and place for the hearing of said Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of said Petitioner should not be granted. J-11

NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

The name of the corporation is:
MANDEES LUNCHBOX
The Articles of Incorporation (filing date) January 2, 2019.
BENJAMIN STORMS, ESQ.
537 Chestnut St.
Emmaus, PA 18049 J-11

NOTICE

To: Andora V. Santana Hicks
Scott Chevrolet has filed a Petition to obtain a Certificate of Title to an Abandoned Motor Vehicle to wit a 2005 Cadillac CTS VIN number 1G6DP567X50101734 located at 3333 Lehigh Street, Allentown, Lehigh County, PA. A hearing will be held on the Petition in the Court of Common Pleas of Lehigh County on February 4, 2019 at 9:30 a.m. in Courtroom 1A of the Lehigh County Courthouse, 5th and Hamilton Streets, Allentown, PA. If you wish to be heard on this Petition you must appear at the time and place indicated. If you fail to appear the relief may be granted. A copy of the Petition is filed at 2018-C-2444 in the Lehigh County Court. J-11

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Lehigh County
Civil Action—Law
NO. 2018-C-3459

NOTICE IS HEREBY GIVEN that on December 31, 2018, the Petition of Christopher Harhart for a Change of Name has been filed in the above named Court, praying for a Decree to change the name of Petitioner from Christopher Harhart to Christopher Zerfass. J-11