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February 6, 2008

Commonwealth Court of Pennsylvania  
Philadelphia Filing Office  
990 Widener Building  
1339 Chestnut Street  
Philadelphia, PA 19107

RECEIVED  
COMMONWEALTH COURT OF PENNSYLVANIA  
2008 FEB - 6 10 49 36

**Re: Manayunk Neighborhood Council et al. v Zoning Board of Adjustment et al.**

Dear, Sir or Madam:

Please find enclosed for filing an original and one copy of Appellants Reply to  
Motion to Quash Appeal.

Very truly yours,



Henry L. Schirmer Jr., Esq.

cc: Edward Jefferson, Esquire  
Richard C. DeMarco Esquire  
The Honorable Jane C. Greenspan

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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157 CD 2008

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**MANAYUNK NEIGHBORHOOD COUNCIL ET AL.,**

***APPELLANTS***

**V.**

**PHILADELPHIA ZONING BOARD OF ADJUSTMENT ET AL.,**

***APPELLEES***

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**REPLY TO MOTION TO QUASH APPEAL**

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On Appeal from the December 12, 2007 Notice of Entry in the Docket  
of the Prothonotary of the Philadelphia Court of Common Pleas

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MANAYUNK NEIGHBORHOOD ET AL. : COMMONWEALTH COURT COUNCIL  
: DOCKET NO. 157 CD 2008  
V. :  
ZONING BOARD OF ADJUSTMENT :  
ET AL., :

ORDER

And now, this            day of            , 2008, upon consideration of the Appellants  
Reply to the Motion to Quash and the Appellee's Motion, it is hereby ORDERED and  
DECREED that the Motion to Quash is DENIED.

BY THE COURT

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J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MANAYUNK NEIGHBORHOOD ET AL. : COMMONWEALTH COURT COUNCIL  
: DOCKET NO. 157 CD 2008  
V. :  
: ZONING BOARD OF ADJUSTMENT  
: ET AL., :  
:

ORDER

And now, this            day of            , 2008, upon consideration of the Appellants Reply to the Motion to Quash and the Appellee's Motion, it is hereby ORDERED and DECREED that Appellants request is GRANTED and the appeal shall be considered as having been filed timely filed nunc pro tunc.

BY THE COURT

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J.

**A) REPLY TO MOTION TO QUASH**

Appellants, Manayunk Neighborhood Council et al. ("Appellants") hereby file the within Reply to the Motion to Quash. Although the appeal in the instant case was taken more than thirty days after the Order was signed by the trial court, the appeal was filed within thirty days of the notice of the entry of the order on the docket. The appeal is timely when measured from the date of docketing, therefore the appeal is timely and the motion to quash must be dismissed.

Appellants respond to the Appellee as follows:

1. Admitted in part, denied in part. Denied, the subject property is not a warehouse. The subject property is an office building, specifically constructed as an office between "1876 and 1879 as the office for the Archibald Cambell & Co textile mills," See Notes of the Historical Commission Staff for 31 January 2006 Architectural Committee of the Philadelphia Historical Commission, under "History." (EXHIBIT 1). Otherwise Admitted as to the dates and procedures regarding the Zoning Board of Adjustment.

2. Admitted in part, denied in part. Admitted that Judge Greenspan issued and mailed the Order that was attached by Appellee. Denied that the order was properly filed on December 4, 2007 as the date of entry is not the date the trial Court mails the order, but is the date the Prothonotary docketed the notice of entry of the order. Pa.R.A.P. 108(b). The certified docket confirms that the notice of entry of the order was docketed on December 12, 2007. (Exhibit 2).

In *Gomory v. Commonwealth*, this court stated:

[t]he law is well settled in this Commonwealth that the thirty-day appeal period, mandated by Pa. R.A.P. 903(a), does not commence until an order is "entered" by the trial court. Pursuant to Pa. R.A.P. 108, a trial court's order is not "entered" until that order has been entered by the Prothonotary on the docket and notice of the order's entry has been given to the parties by the Prothonotary as required by Pa. R.C.P. No. 236.

Gomory v. Commonwealth, 704 A.2d 202, 1998 Pa. Commw. LEXIS 6, (1998) (internal citations omitted). In Stellar Construction Inc. v. Sborz, the Supreme Court removed any doubt regarding when an order is entered.

With regard to appeals filed in the Supreme Court, the Superior Court and the Commonwealth Court, this Court has defined the date of entry of an order as "the day on which the clerk makes the notation in the docket that notice of entry of the order has been given as required by Pa.R.Civ.P. 236(b)." Pa.R.A.P. 108; see also Frazier v. City of Philadelphia, 557 Pa. 618, 621-22, 735 A.2d 113, 115 (1999). n5

Stellar Constr., Inc. v. Sborz, 561 Pa. 124 (2000). The fundamental issue is the date of entry of the order. The docket, the courts and the plain language of the Rules agree that the date of entry is not the date of mailing; the date of entry is the date the notice of entry of the order is made on the docket.

3. Admitted. By way of further answer, *the Order itself indicates that it is subject to Pa.R.C.P 236*. On its face, the order states that it is subject to the Pennsylvania Rules of Civil Procedure. Rule 108(b) of the Pennsylvania Rules of Appellate Procedure states:

(b) Civil orders. The date of entry of an order in a matter subject to the Pennsylvania Rules of Civil Procedure shall be the day on which the clerk makes the notation in the docket that notice of entry of the order has been given as required by Pa.R.Civ.P. 236(b).

The plain language of Rule 108(b) states that the date of entry of Orders subject to Pa.R.C.P. is the date the notice appears on the docket. The notice was docketed on December 12, 2007.

4. Admitted. The Appellee has attached an Order mailed by the trial court, not the prothonotary. The envelope clearly indicates that Order was not mailed by the prothonotary. (EXHIBIT 3). In Retail Dispenser Eating Place License No. E-4797, this court held that the fundamental requirement for a motion to Quash was establishing the actions of the prothonotary.

As the note to Pa. R.A.P. 108 states, the purpose of the rule is "to fix a date from which the time period . . . shall be computed." Because, as the foregoing analysis outlines, the appeal limitation period is measured from the date of entry, which cannot be earlier than

the mailing date, which in turn must be evidenced by a notation in the docket, the moving parties in a motion to quash on such a basis necessarily have a difficult time sustaining their burden if they lack independent evidence as to when the prothonotary mailed notice of the order.

In Re Retail Dispenser Eating Place License No. E-4797, 84 Pa. Commw. 598, 601, 480 A.2d

338, (1983). The Appellee's documentation comes from letters mailed by the trial court, not the prothonotary. The Appellee has not provided independent evidence regarding any actions or letters sent by the prothonotary.

5. Admitted. The certified docket (EXHIBIT 2) clearly shows that the Order was docketed on December 12, 2007. The appeal was docketed on January 11. (Id.) The appeal period for Orders subject to the Rules of Civil Procedure is measured from the date of docketing. Rule 108(b). Given these specific dates, this case exactly fits the appeal period identified by the Superior Court in the case of PNC Bank, N.A. v. Unknown Heirs.

We must fix December 12, 2005, as the date of the entry of the order for appeal purposes; the prothonotary docketed the trial court's order on December 12, 2005, and noted that it had afforded notice pursuant to Rule 236 of the Pennsylvania Rules of Civil Procedure. See Pa.R.A.P. 903(a); Pa.R.A.P. 108(b). Therefore, it would appear that Appellants had to file their notice of appeal by January 11, 2005[sic].

PNC Bank, N.A. v. Unknown Heirs, 2007 PA Super 212 (2005) (January 11, 2005 is an error that appears in the original opinion, clearly December 2005 is followed by January 2006.) The dockets in this case indicate that the Order and Rule 236 notice were entered on December 12, 2007. The Appellant's appeal was entered on January 11, 2008. The Appellant's appeal was filed within thirty days of the entry of the order.

6. Admitted in part and denied in part. Admitted that the online and official dockets agree that the Order was docketed December 12, 2007. Denied that the Order could be properly filed or entered earlier than the time it was docketed.

7. Admitted. However, the controlling language in Rule 108 is the first sentence, which states "(a) General rule. (1) Except as otherwise prescribed in this rule". Pa.R.A.P. No. 108.

The proper interpretation of Rule 108 in this situation is quite clear, as

[t]he law is well settled in this Commonwealth that the thirty-day appeal period, mandated by Pa. R.A.P. 903(a), does not commence until an order is "entered" by the trial court. Pursuant to Pa. R.A.P. 108, a trial court's order is not "entered" until that order has been entered by the Prothonotary on the docket and notice of the order's entry has been given to the parties by the Prothonotary as required by Pa. R.C.P. No. 236.

Gomory v. Commonwealth. See Paragraph 2, *supra*.

8. Admitted. However, the Appellee relies upon a letter that was not mailed by the prothonotary, but was instead sent by the trial court Judge. (Exhibit 3). Rule 108(a) applies to mailings from the prothonotary. See In Re Retail Dispenser Eating Place License, at paragraph 4 *supra*. Further, Pa.R.A.P. 108 is read in conjunction with Pa.R.A.P. 903 and Pa.R.C.P. 236.

Pa.R.App.P. 903(a) provides that a notice of appeal must be filed within thirty days of the "entry" of the order from which the appeal is taken. Pursuant to Pa.R.App.P. 108(b), the "date of entry" of an order in a civil matter is the day on which notation is made in the docket that notice of the order has been given, as required by Pa.R.C.P. 236(b).

Estate of Keefauver, 359 Pa. Super. 336, 338 (1986) (footnotes omitted).

9. Admitted in part and denied in part. Admitted that Rule 236 is applicable. Otherwise denied as an incorrect conclusion of law. The first sentence of Appellate Rule 108(a)(1) directs the reader to look at the entire rule before jumping to conclusions. Rule 108(b) controls Orders which are made subject to the Rules of Civil Procedure. The Order at issue here clearly states that it is made subject to Rule of Civil Procedure 236. Rule 108(a) is not applicable to the Order at issue here, because this Order is subject to Rule 108(b).

10. Admitted. The parties are bound to follow the dates in the official docket.

Significantly, [the objecting party] does not dispute the authenticity of the docket entries, but rather their accuracy. Although she demonstrated to the satisfaction of this Court that the entry corresponding to the file date of the order here was in fact erroneous, the entry



nonetheless appeared on the official docket of the trial court. That docket remains the court's official record and all parties can presume to rely upon its accuracy.

In re Estate of Burger, 2004 PA Super 222, 239, 852 A.2d 385, 392 (2004). The admitted breakdown in filing is grounds for extending the appeal period or granting an appeal nunc pro tunc. Estate of Keefauver, 359 Pa. Supcr. 336 (1986); Marcinak v. Lavery, 286 Pa.Super. 92, 96, 428 A.2d 587, 589 (1981) (the time for filing an appeal may be extended when there is a breakdown in the court's operation as sanctioned by Pa.R.App.P. 105).

11. Denied as stated. Denied as an incorrect conclusion of law. The Appellants did not obtain any additional time to file an appeal because an un-docketed order is not appealable.

Rule of Appellate Procedure 301(a) provides that "no order of a court shall be appealable until it has been entered upon the appropriate docket in the lower court." See generally Sidkoff, Pincus, et al. v. Pennsylvania Nat'l Mut. Cas. Ins. Co., 521 Pa. 462, 468, 555 A.2d 1284, 1287 (1989). ... Thus, pursuant to the express terms of the rules, an order is not appealable until it is entered on the docket with the required notation that appropriate notice has been given.

Frazier v. City of Phila., 557 Pa. 618, at 621 (trailing citations omitted). Filing a premature appeal as the Appellee suggests would simply waste this Court's time by triggering an appeal and then necessitating an immediate remand.

Normally, if a party appeals before the prothonotary has made a corrective entry on the docket sheet, the case must be remanded to allow perfection of the appeal. See In re Green, 572 Pa. 407, 816 A.2d 224, 224-25 (Pa. 2003); Schiller v. Royal Maccabees Life Ins. Co., 561 Pa. 148, 748 A.2d 1234 (Pa. 2000).

In re Estate of Karschner, 2007 PA Super 52, 59 n4.

12. Denied as an incorrect conclusion of law. The appeal was indisputably filed within thirty days of the date the Prothonotary docketed the notice of entry of the order. The decisions of this honorable Court, the Superior Court and the Supreme Court have uniformly held that the date of the notice of entry of the order is the only date used to measure the thirty day appeal

period. Measured from the date of the notice of entry of the order on December 12, 2007, the Appellants January 11, 2008 appeal is timely.

WHEREFORE, Appellants pray that the Motion to Quash be denied.

**B) MOTION FOR APPEAL NUNC PRO TUNC**

In the alternate, the breakdown of the Prothonotary's procedures in this case is grounds to consider this appeal as being filed nunc pro tunc under Pa.R.A.P. 105.

13. Based on the facts set forth above, Appellants agree with Appellee that there was a breakdown of the procedures by the Prothonotary.

WHEREFORE Appellants pray that the Appeal be deemed timely filed

Respectfully submitted



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Henry L. Schirmer Jr. Esq.

**EXHIBIT 1**

### **3 Rector Street**

31 January 2006

9:45 a.m.

History: bet. 1876 and 1879 as the office for Archibald Campbell & Co. textile mills

Applicant: David Waxman and Alon Barzilay

Project: Construct three-story roof-top addition, install lower-level parking for conversion to residential use – in concept

The proposal in concept calls for converting this industrial building to residential use. The conversion entails the gutting of the building and removal of most of the roof, and the erection of a new structure on the interior of the historic walls. The new structure will rise four stories above the historic building and have a contemporary design with banks of industrial-looking, multi-light windows. The east and west facades will have balconies. The project also entails the installation of parking at the lower level, with the garage entrance on the main façade and a ramp in the interior along the towpath façade of the building. The garage entrance has a square opening, while all of the other openings in the building have arched tops. The rendering also shows the historical window openings with squared two-over-two windows; the new windows should match the historical configuration and have arched heads.

The building has three highly visible façades: the front, pedimented façade that faces Rector Street and is visible from Main Street; the east façade, also visible from Rector and Main Streets; and the west façade, which is two stories, that faces the towpath.

As part of the application, the packet includes an advertising campaign for Manayunk that highlights the canal and towpath; financial information and an affidavit from the owner supporting demolition of the property; support letters for the project; and several articles that emphasize the importance of the canal and its waterfront.

After the Commission and Board of Building Standards denied the demolition of the building, the applicants appealed to the Board of License and Inspection Review; the appeal is pending.

Staff recommendation: Denial, pursuant to Standard 1 [*A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*], Standard 2 [*The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*], Standard 9 [*New additions, exterior alterations, or new construction will not destroy historic materials, features, and spatial relationships that characterize a property.*], and Standard 10 [*New additions and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*].

**EXHIBIT 2**

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CASE NUMBER                      CASE CAPTION  
061203448                              MANAYUNK NEIGHBORHOOD COUNCIL INC ETAL VS ZBA

FILING DATE                      COURT                      LOCATION                      JURY  
28-DEC-2006                              SA                              CH                              N

CASE TYPE: ZONING BOARD OF ADJUSTMENTS  
STATUS: ORDER ENTERED - FINAL DISPOS

<u>Seq #</u>	<u>Assoc</u>	<u>Expn Date</u>	<u>Type</u>	<u>ID</u>	<u>Party Name / Address &amp; Phone No.</u>
1			AAPP	A92090	SCHIRMER JR, HENRY L 315 NORTH MAIN STREET PO BOX 247 TELFORD PA 18969 (215)530- (215)257- - FAX
2	1		APP	@5620309	MANAYUNK NEIGHBORHOOD COUNCIL INC 293 HERMITAGE ST PHILADELPHIA PA 19127
3	1		APP	@5620310	SMITH, KEVIN 293 HERMITAGE ST PHILADELPHIA PA 19127
4	8		APE	I4916	ZONING BOARD OF ADJUSTMENT MSB 1401 JFK BLVD PHILADELPHIA PA 19103
5			APE	@5620312	RECTOR STREET ASSOCIATES LP 230 S BROAD ST PHILADELPHIA PA 19102
6		12-SEP-07	TL	J370	GLAZER, GARY S 469 CITY HALL PHILADELPHIA PA 19107 (215)686-9540
7	8		APE	I1000	CITY OF PHILADELPHIA C/O LAW DEPARTMENT 1515 ARCH ST ONE PARKWAY PHILADELPHIA PA 19102-1595
8			AAPE	A51192	GASTON, CHERYL L CITY OF PHILA LAW DEPT 1515 ARCH STREET, 16TH FLOOR PHILADELPHIA PA 19102 (215)683-5105

<u>Seq #</u>	<u>Assoc</u>	<u>Expn Date</u>	<u>Type</u>	<u>ID</u>	<u>Party Name / Address &amp; Phone No.</u> (215)683-5097 - FAX
9	5		ADFT	A67676	DEMARCO, RICHARD C KLEHR, HARRISON, HARVEY, BRANZBURG & FULLERS 260 SOUTH BROAD STREET PHILADELPHIA PA 19102 (215)568-6060 (215)568-6603 - FAX
10			TL	J330	GREENSPAN, JANE C 1206 CRIMINAL JUSTICE CENTER 1301 FILBERT STREET PHILADELPHIA PA 19107 (215)683-7035

<u>Filing Date / Time</u>	<u>Docket Entry</u>	<u>Date Entered</u>
28-DEC-06 15:01:39	ACTIVE CASE	28-DEC-06
28-DEC-06 15:07:11	CASE MANAGEMENT ORDER ISSUED	28-DEC-06 SCHIRMER JR, HENRY L
28-DEC-06 15:07:11	NOTICE OF STATUTORY APPEAL	28-DEC-06 SCHIRMER JR, HENRY L
	APPEAL FROM THE ADJUDICATION OF THE ZONING BOARD OF ADJUSTMENT MADE ON 30-NOV-2006.	
02-JAN-07 10:52:32	WAITING/ISSUE SCHEDULING ORDER	02-JAN-07
03-JAN-07 15:41:00	SCHEDULING ORDER ISSUED It is hereby ORDERED as follows: 1. Record: The Agency listed above is ORDERED to file its record with the Office of the Prothonotary, 2nd Filing Unit, Room 278, City Hall by 02-APR-2007 or risk sanctions. 2. Motions for Extraordinary Relief: From the dates set forth below in this Order should be filed with Motions Court (Room 296 City Hall) not later than 07-MAY-2007 any request for continuance should also be filed as a Motion for Extraordinary Relief. 3. Briefs: Appellant's brief is due by 07-MAY-2007. Appellee's brief is due by 04-JUN-2007. Briefs are to be filed with the Office of Civil Administration, Attn: Debbie Dailey, Room 296, City Hall, and served upon all opponents. 4. Oral Argument: On the legal merits of this appeal will take place anytime after 02-JUL-2007. Notice of the scheduled date, time and location will be sent to all interested parties at least fifteen (15) days prior to the scheduled event. Questions concerning this Order and its contents shall be referred to Ellen Glass, Esquire, Program Coordinator, in writing via facsimile at 216-686-9566. GARY GLAZER,	03-JAN-07

<u>Filing Date / Time</u>	<u>Docket Entry</u>	<u>Date Entered</u>
	J. 03-JAN-2007	
03-JAN-07 15:41:01	LISTED FOR ORAL ARGUMENTS	03-JAN-07
05-JAN-07 10:15:00	ENTRY OF APPEARANCE FILED GASTON, CHERYL L ENTRY OF APPEARANCE OF CHERYL GASTON FILED ON BEHALF OF APPELLEES ZONING BOARD OF ADJUSTMENT & CITY OF PHILA.	08-JAN-07
17-JAN-07 15:57:00	PRAECIPE TO INTERVENE PRAECIPE TO INTERVENE AND ENTRY OF APPEARANCE OF RICHARD DEMARCO ESQ ON BEHALF OF APPELLEES INTERVENORS RECTOR STREET ASSOCIATES LP FILED.	19-JAN-07
17-APR-07 15:19:42	MOT-FOR EXTRAORDINARY RELIEF MANAYUNK NEIGHBORHOOD COUNCIL INC, 38-07041438 MOTION FOR X-RELIEF FILED.	19-APR-07
19-APR-07 15:20:41	MOTION ASSIGNED 38-07041438 MOTION FOR EXTRAORDINARY RELIEF ASSIGNED TO JUDGE GLAZER ON 4-20-07.	19-APR-07
23-APR-07 15:02:08	ORDER ENTERED/236 NOTICE GIVEN 38-07041438 AND NOW, THIS 20TH DAY OF APRIL, 2007, UPON REVIEW OF MOVANT'S MOTION FOR EXTRAORDINARY RELIEF AND ANY RESPONSE THERETO, IT IS HEREBY ORDERED THAT MOVANTS' MOTION FOR EXTRAORDINARY RELIEF IS GRANTED: AN EXTENSION OF THREE MONTHS IS GRANTED. NEW SCHEDULING ORDER TO ISSUE FORTHWITH. ...BY THE COURT: GLAZER, J. 4-20-07	23-APR-07 GLAZER, GARY S
23-APR-07 15:07:30	REVISED CASE MGMT ORDER ISSUED It is hereby ORDERED as follows: 1. Record: The Agency listed above is ORDERED to file its record with the Office of the Prothonotary, 2nd Filing Unit, Room 278, City Hall by 02-JUL-2007 or risk sanctions. 2. Motions for Extraordinary Relief: From the dates set forth below in this Order should be filed with Motions Court (Room 296 City Hall) not later than 06-AUG-2007 any request for continuance should also be filed as a Motion for Extraordinary Relief. 3. Briefs: Appellant's brief is due by 06-AUG-2007. Appellee's brief is due by 03-SEP-2007. Briefs are to be filed with the Office of Civil Administration, Attn: Debbie Dailey, Room 296, City Hall, and served upon all opponents. 4. Oral Argument: On the legal merits of this appeal will take place anytime after 01-OCT-2007. Notice of the scheduled date, time and location will be sent to all interested parties at least fifteen (15) days prior to the scheduled event. Questions	23-APR-07



<u>Filing Date / Time</u>	<u>Docket Entry</u>	<u>Date Entered</u>
	concerning this Order and its contents shall be referred to Ellen Glass, Esquire, Program Coordinator, in writing via facsimile at 216-686-9566. GARY GLAZER, J. 23-APR-2007	
23-APR-07 15:15:02	ORDER ENTERED/236 NOTICE GIVEN	23-APR-07
	38-07041438 AND NOW, THIS 20TH DAY OF APRIL, 2007, UPON REVIEW OF MOVANTS' REQUEST FOR A STAY AND ANY RESPONSE THERETO, IT IS HEREBY ORDERED THAT MOVANTS' REQUEST FOR A STAY IS DENIED. ...BY THE COURT: GLAZER, J. 4-20-07	GLAZER, GARY S
27-APR-07 07:39:16	ANSWER (MOTION/PETITION) FILED	03-MAY-07
	38-07041438 ANS FILED TO MOTION FOR X-ORDINARY RELIEF.	RECTOR STREET ASSOCIATES LP,
30-APR-07 10:01:00	CERTIFIED RECORD RECEIVED	30-APR-07
	CERTIFIED RECORD WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW, FILED.	ZONING BOARD OF ADJUSTMENT,
08-AUG-07 15:56:39	BRIEF FILED	08-AUG-07
	APPELANTS BRIEF IN SUPPORT OF THEIR APPEAL FILED.	
05-SEP-07 07:22:37	BRIEF FILED	06-SEP-07
	BRIEF FILED.	RECTOR STREET ASSOCIATES LP,
12-SEP-07 15:04:11	ARGUMENT DATE SET	12-SEP-07
12-SEP-07 15:58:58	LISTED FOR ORAL ARGUMENTS	12-SEP-07
14-SEP-07 00:01:20	NOTICE GIVEN	14-SEP-07
12-DEC-07 14:31:33	ORDER ENTERED - FINAL DISPOS	12-DEC-07
	ORDER AND OPINION FILED. AND NOW, THIS 4TH DAY OF DECEMBER, 2007, IT IS HEREBY ORDERED THAT THIS COURT AFFIRMS THE NOVEMBER 30, 2006, DECISION OF THE BOARD. (SEE ORDER AND OPINION FOR FULL TERMS AND CONDITIONS) ...BY THE COURT: GREENSPAN, J. 12-4-07	GREENSPAN, JANE C
12-DEC-07 14:31:34	NOTICE GIVEN UNDER RULE 236	12-DEC-07
11-JAN-08 14:58:00	APPEAL TO COMMONWEALTH COURT	14-JAN-08
	*****NOTICE IS HEREBY GIVEN THAT APPELLENTS MANAYUNK NEIGHBORHOOD COUNCIL INC AND KEVIN SMITH APPEALS FROM THE ORDER DATED 12-4-07 AND DOCKETED ON 12-12-07 BY JUDGE GREENSPAN.ORDER FOR TRANSCRIPT FILED: PROOF OF SERVICE FILED.*****	SCHIRMER JR, HENRY L

\* \* \* End of Docket \* \* \*

VERIFIED FROM THE RECORD ON  
JOSEPH H. EVERS  
PROTHONOTARY OF PHILADELPHIA COURT  
BY David Lewis  
JAN 31 2008

**EXHIBIT 3**



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 COURT OF COMMON PLEAS  
 JUDICIAL CHAMBERS  
 1206 CRIMINAL JUSTICE CENTER  
 1301 FILBERT STREET  
 PHILADELPHIA, PA 19107

Henry L. Schirmer, Esquire  
 315 North Main Street  
 P.O. Box 247  
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1896960247 B005

