

IN THE COURT OF COMMON PLEAS OF  
CENTRE COUNTY, PENNSYLVANIA  
CIVIL ACTION – EQUITY

COMMONWEALTH OF PENNSYLVANIA  
by Attorney General MICHELLE A.  
HENRY,

PLAINTIFF,

v.

LEGACY REALTY & PROPERTY  
MANAGEMENT, LLC, formerly known as  
BALLYHOO REALTY, LLC,

DEFENDANT.

: CIVIL DIVISION  
:  
:  
:  
: Docket No. 2019-2412  
:  
: **Type of Case:**  
: Civil Action - Equity  
:  
:  
: **Type of Filing:**  
: Consent Petition for  
: Final Decree  
:  
:  
:  
: **Filed on Behalf of:**  
: Commonwealth of  
: Pennsylvania  
:  
: **Counsel of Record for**  
: **Plaintiff:**  
: Brandon J. Bingle  
: PA I.D. No. 209133  
: Sr. Deputy Attorney General  
: Office of Attorney General  
: 4801 Atlantic Avenue  
: Erie, Pennsylvania 16506  
: [bbingle@attorneygeneral.gov](mailto:bbingle@attorneygeneral.gov)  
: Phone: (814) 878-5858  
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FILED FOR RECORD BY EMAIL  
2023 SEP 18 AM 09 25  
JEREMY S. BREON  
PROTHONOTARY  
CENTRE COUNTY, PA

**IN THE COURT OF COMMON PLEAS OF  
CENTRE COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY**

COMMONWEALTH OF PENNSYLVANIA, BY ATTORNEY GENERAL MICHELLE A. HENRY,	:	CIVIL DIVISION
	:	
PLAINTIFF,	:	No. 2019-2412
	:	
v.	:	
	:	
LEGACY REALTY & PROPERTY MANAGEMENT, LLC, formerly known as BALLYHOO REALTY, LLC, and	:	
	:	
DEFENDANT.	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, after the presentment of the above-captioned Consent Petition for Final Decree, which embodies the terms of an agreement reached by the parties for settlement of the within action filed against Defendant Legacy Realty & Property Management, LLC (hereinafter "Defendant"), this Court hereby approves of the terms of the Consent Petition for Final Decree and adopts the same as the Final Decree and the Judgment of this Court.

BY THE COURT:

\_\_\_\_\_  
J.

**IN THE COURT OF COMMON PLEAS  
OF CENTRE COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY**

COMMONWEALTH OF PENNSYLVANIA,	:	CIVIL DIVISION
BY ATTORNEY GENERAL MICHELLE A.	:	
HENRY,	:	
	:	
PLAINTIFF,	:	No. 2019-2412
	:	
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LEGACY REALTY & PROPERTY	:	
MANAGEMENT, LLC, formerly known as	:	
BALLYHOO REALTY, LLC, and	:	
	:	
DEFENDANT.	:	

**CONSENT PETITION FOR FINAL DECREE**

**AND NOW**, comes the Commonwealth of Pennsylvania, by Attorney General Michelle A. Henry, (hereinafter “Commonwealth” or “Plaintiff”), which, on July 8, 2019, filed a Complaint (hereinafter “Complaint”) in the above captioned matter, pursuant to § 201-4 of the *Unfair Trade Practices and Consumer Protection Law*<sup>1</sup> (hereinafter “*Consumer Protection Law*”). The Complaint sought to enjoin Legacy Realty & Property Management, LLC (hereinafter “Defendant”) from certain alleged acts or practices declared unlawful by the *Consumer Protection Law* and the Pennsylvania *Landlord Tenant Act* (hereinafter “*Landlord Tenant Act*”)<sup>2</sup>, as

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<sup>1</sup> 73 P.S. § 201-1 *et seq.*

<sup>2</sup> 68 P.S. § 250.101 *et seq.*

more fully set forth in the Complaint, the allegations of which are incorporated herein by reference.

The Commonwealth states the following:

**THE PARTIES**

**WHEREAS**, Plaintiff is the Commonwealth of Pennsylvania, Office of Attorney General, by Attorney General Michelle A. Henry, with offices located at 15th Floor, Strawberry Square, Harrisburg, Pennsylvania 17120;

**WHEREAS**, Defendant is Legacy Realty & Property Management, LLC, a Pennsylvania limited liability company with a registered business address of 612 West College Avenue, State College, Pennsylvania 16801; prior to August 1, 2013, Defendant conducted business under its previous name, "Ballyhoo Realty, LLC";

**WHEREAS**, Defendant has engaged in trade and commerce within the Commonwealth of Pennsylvania by leasing and managing residential real estate in or near State College, Pennsylvania;

**WHEREAS**, in the Complaint, the Commonwealth alleged that Defendants engaged in conduct in violation of the *Consumer Protection Law* and the *Landlord Tenant Act*, as set forth therein;

**WHEREAS**, the Defendant asserts that its business practices are lawful and in conformance with the provisions of the *Landlord Tenant Act* and the *Consumer*

*Protection Law*, but has agreed to enter into this Consent Petition to resolve the litigation;

**WHEREAS**, the Commonwealth and Defendant have agreed on a basis for settlement of the matters alleged in the Complaint and hereby stipulate to the entry of this Consent Petition for Final Decree (hereinafter "Consent Petition") without the need for trial or adjudication of any issue of law or fact raised by either party;

**WHEREAS**, Defendant desires to comply with the provisions of this Consent Petition and has signed it with the intent that, upon approval of the Court, its terms shall constitute the provisions of the Final Decree, Order, or Judgment of the Court in the above-captioned matter and shall be binding upon all parties; provided that nothing herein shall be considered an admission by Defendant of a violation as to any allegation contained in the Complaint for any purpose.

#### **SETTLEMENT TERMS**

**NOW THEREFORE**, the Defendant agrees for itself, its principals, its successors, assigns, agents, employees, representatives, executors, and/or administrators, as follows:

**I. The above recitals are incorporated by reference, as though fully set forth herein.**

**II. Injunctive and Affirmative Relief**

A. Defendant is permanently enjoined from engaging in any business in the Commonwealth of Pennsylvania, including but not limited to the business of leasing and/or managing residential real estate.

### **III. Monetary Relief**

A. Upon signing this Consent Petition, Defendant shall pay a sum of SEVENTEEN THOUSAND FIVE HUNDRED and 00/100 Dollars (\$17,500.00) (hereinafter “Required Payment”), which shall be allocated as restitution to be paid to consumers who allege to have been harmed by the conduct of the Defendant.

B. **Payment Terms** - Defendant agrees to pay the Required Payment by certified check, cashier’s check, or money order, made payable to the “Commonwealth of Pennsylvania, Office of Attorney General,” and forwarded to the attention of John M. Abel, Office of Attorney General, 15<sup>th</sup> Floor, Strawberry Square, Harrisburg, PA 17120.

#### **C. Restitution Eligibility and Administration**

1. **Eligibility** – To be eligible for restitution, consumers must file a consumer complaint or claim form, which alleges conduct related to the Commonwealth’s Complaint, within ninety (90) days of the “Effective Date” of this Consent Petition. Any previously filed consumer complaints with the Commonwealth related to the acts or practices alleged in the Commonwealth’s

Complaint will automatically be eligible for restitution pursuant to this paragraph. A consumer complaint or claim form that is postmarked by the 90<sup>th</sup> day of the “Effective Date” of this Consent Petition shall be deemed timely.

2. **Administration** – The amount, manner and timing of distribution of restitution funds shall be within the sole discretion of the Commonwealth. If the total amount of restitution claims, based upon consumer complaints and/or claim forms received, is greater than \$17,500.00, each eligible consumer shall receive a *pro-rata* share of the restitution funds. In the event the \$17,500.00 restitution fund exceeds the amount of consumer complaints and/or claim forms, the remaining monies shall be paid to the Commonwealth as reimbursements for its costs related to the litigation and the filing of the Complaint and Consent Petition.

#### IV. **Miscellaneous Terms**

A. Time shall be of the essence with regards to Defendant’s obligations hereunder.

B. Nothing in this Consent Petition shall prevent or restrict its use by the Commonwealth in any action against Defendant for contempt arising from

Defendant's failure to comply with any of its provisions, terms or conditions. Nothing in this Consent Petition shall be construed to (i) exonerate any contempt or failure to comply with any of its provisions after the Effective Date, (ii) compromise or limit the authority of the Commonwealth to initiate a proceeding for any contempt or other sanctions for failure to comply, or (iii) compromise the authority of the Court of Common Pleas of Centre County or any other court of competent jurisdiction to punish as contempt any violation of this Consent Petition. Further, nothing in this Consent Petition shall be construed to limit the authority of the Commonwealth to protect the interests of the Commonwealth or the people of the Commonwealth of Pennsylvania.

C. The Parties agree that nothing in this Consent Petition shall be considered an admission of violation for any purpose.

D. The Effective Date of this Consent Petition shall mean the date the Court of Common Pleas of Centre County enters a Final Decree, Order, or Judgment, approving the terms of the Consent Petition.

E. Any failure of the Commonwealth to exercise any of its rights under this Consent Petition shall not constitute a waiver of its rights hereunder.

F. By affixing his signature below, Bradley W. Karch hereby states he is authorized and empowered, on behalf of Defendant Legacy Realty & Property



Management, LLC, to enter into this Consent Petition with the Plaintiff, upon the terms and conditions contained herein, attached hereto, and made a part hereof.

G. Defendant further agrees to execute and deliver all authorizations, documents and instruments that are necessary to carry out the terms and conditions of this Consent Petition, whether required prior to, contemporaneous with or subsequent to the Effective Date, as defined herein.

H. Nothing contained in this Consent Petition shall be construed to waive or limit any right of action by any consumer, person or entity or by any local, state, federal or other governmental entity.

I. The Court of Common Pleas of Centre County shall maintain jurisdiction over the subject matter of this Consent Petition and over Defendant for the purpose of enforcement of this Consent Petition and/or the Order or Final Decree approving its terms.

J. This Consent Petition may be executed in any number of counterparts and by different signatories on separate counterparts, each of which shall constitute an original counterpart hereof and all of which together shall constitute one and the same document. One or more counterparts of this Consent Petition may be delivered by facsimile or electronic transmission with the intent that it or they shall constitute an original counterpart hereof.

K. The Commonwealth and Defendant hereby stipulate that the Final Decree, Order, or Judgment of Court to be issued pursuant to this Consent Petition shall act as a permanent injunction issued under Section 201-4 of the *Consumer Protection Law*; and, that, subject to the specific terms and conditions stated in this Consent Petition, breach of any of its terms or of the Final Decree, Order or Judgment accompanying it shall be sufficient cause for the Commonwealth, by its Attorney General, to seek penalties as provided in Section 201-8 of the *Consumer Protection Law* or any other relief as the Court shall determine appropriate.

L. This Consent Petition sets forth all of the promises, covenants, agreements, conditions and understandings between the parties, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied. There are no representations, arrangements, or understandings, oral or written, between the parties relating to the subject matter of this Consent Petition that are not fully expressed herein or attached hereto. Each party specifically warrants that this Consent Petition is executed without reliance upon any statement or representation by any other party hereto, except as expressly stated herein.

M. The parties further acknowledge and agree that this Consent Petition and all of its terms are subject to and contingent upon the Consent Petition being

approved by the Court of Common Pleas of Centre County and entered as an Order or Final Decree.

**WHEREFORE**, without trial or adjudication of the facts or law herein among the parties to this Consent Petition, Defendant agrees to this Court's signing and entry of a Final Decree, Order, or Judgment, ordering that Defendant shall be permanently enjoined from breaching any and all of the aforementioned provisions; and, the parties agree that this Consent Petition resolves any and all civil claims under the *Consumer Protection Law* and the *Landlord Tenant Act* between the Commonwealth and Defendant Legacy Realty & Property Management, LLC, arising out of, or related to, the allegations in the aforementioned Complaint which occurred prior to the Effective Date of this Consent Petition, except for those rights expressly reserved herein by said parties to this action.

*[Remainder of page intentionally blank; signatures on following pages]*

**PLAINTIFF HEREBY** consents to this *Consent Petition for Final Decree*, evidenced by its authorized representative's signature set forth below, and submit the same to this Honorable Court for the making and entry of a Final Decree, Order, or Judgment of the Court on the dates indicated herein below.

**FOR THE PLAINTIFF:**

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

MICHELLE A. HENRY  
ATTORNEY GENERAL

Date: 9/18/2023

By: Brandon J. Bingle

Brandon J. Bingle  
Senior Deputy Attorney General  
PA ID # 209133  
Office of Attorney General  
4801 Atlantic Avenue  
Erie, PA 16506  
(814) 878-5858  
[bbingle@attorneygeneral.gov](mailto:bbingle@attorneygeneral.gov)

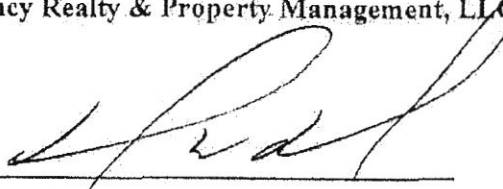
**DEFENDANT HEREBY** consents to this *Consent Petition for Final Decree*, evidenced by the signatures set forth below, and submit the same to this Honorable Court for the making and entry of a Final Decree, Order, or Judgment of the Court on the dates indicated herein below.

**FOR THE DEFENDANT:**

Legacy Realty & Property Management, LLC

Date: 9/6/2023 (BJB)

By:




Bradley W. Karch, Principal  
Legacy Realty & Property Management, LLC  
612 West College Avenue  
State College, PA 16801

**Counsel for Defendant**

Date: September 6, 2023

By:



Matthew H. Haverstick (PA ID # 85072)  
Edward T. Butkovitz (PA ID # 309565)  
**KLEINBARD LLC**  
Three Logan Square  
1717 Arch Street, 5<sup>th</sup> Floor  
(215) 568-2000  
[mhaverstick@kleinbard.com](mailto:mhaverstick@kleinbard.com)  
[ebutkovitz@kleinbard.com](mailto:ebutkovitz@kleinbard.com)

**RESOLUTION OF LEGACY REALTY & PROPERTY MANAGEMENT,  
LLC**

The Resolution, set forth herein, was adopted on \_\_\_\_\_,  
at a meeting of all members of Legacy Realty & Property Management, LLC, or by  
the person or persons designated by the members of Legacy Realty & Property  
Management, LLC, as provided in the articles of organization or in the operating  
agreement.

**RESOLVED**, that Bradley W. Karch, principal of Legacy Realty & Property  
Management, LLC, is hereby authorized and empowered on behalf of Legacy Realty  
& Property Management, LLC to enter into a Consent Petition with the  
Commonwealth of Pennsylvania, Office of Attorney General, in settlement of the  
*Commonwealth of Pennsylvania, Acting by Attorney General Michelle A. Henry  
v. Legacy Realty & Property Management, LLC, Centre County Docket No. 2019-  
2412*, upon the terms and conditions contained in the Consent Petition, attached  
hereto and made a part hereof.

Date: 9/6/2023 (BJB)

By: 

Bradley W. Karch, Principal  
Legacy Realty & Property Management, LLC  
612 West College Avenue  
State College, PA 16801

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v.	:	
	:	
LEGACY REALTY & PROPERTY	:	
MANAGEMENT, LLC, formerly known as	:	
BALLYHOO REALTY, LLC,	:	
	:	
DEFENDANT.	:	

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: 9/18/2023

By: Brandon J. Bingle  
Brandon J. Bingle  
Senior Deputy Attorney General  
PA Attorney ID # 209133  
Office of Attorney General  
4801 Atlantic Avenue  
Erie, PA 16506  
Telephone: (814) 878-5858  
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MANAGEMENT, LLC, formerly known as	:	
BALLYHOO REALTY, LLC,	:	
	:	
DEFENDANT.	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Consent Petition for Final Decree was caused to be served on the below counsel for Defendant via electronic mail with PDF attachment(s):

Matthew H. Haverstick, Esquire  
Edward T. Butkovitz, Esquire  
Kleinbard LLC  
Three Logan Square  
1717 Arch Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19103  
[mhaverstick@kleinbard.com](mailto:mhaverstick@kleinbard.com)  
[ebutkovitz@kleinbard.com](mailto:ebutkovitz@kleinbard.com)  
*Attorneys for the Defendant*

Date: 9/18/2023

By: Brandon J. Bingle  
Brandon J. Bingle  
Senior Deputy Attorney General  
PA ID # 209133