

COLLIER COUNTY LEGAL NOTICES

BUSINESS OBSERVER FORECLOSURE SALES

LEE COUNTY

Case No.	Sale Date	Case Name	Sale Address	Firm Name
19-CA-005175	05/18/2020	Nationstar Mortgage vs. Estate of Walter T La Piedra etc et al	Lots 26 & 27, Block 3274, Unit 66, Cape Coral	Choice Legal Group P.A.
19-CA-001010	05/20/2020	The Bank of New York Mellon vs. Juan Bustillo et al	Lot 84, Deer Lake, Unit 2, PB 76/70	Van Ness Law Firm, PLC
19-CA-006464	05/20/2020	Midfirst Bank vs. John T Elsenheimer et al	Lot 11, Blk C, Bayshore Estates, PB 34/140	eXL Legal PLLC
2019-CA-004044	05/20/2020	Suncoast Credit Union vs. James S Elders etc et al	Lots 5&6, Blk 1793 #45, Cape Coral Subdiv., PB 21/122	Henderson, Franklin, Starnes & Holt, P.A.
17-CA-002123	05/20/2020	Everbank vs. Ashley Robles Unknowns et al	Lots 3 and 4, Block 1415, Unit 18, Cape Coral Subdivision	Aldridge Pite, LLC
19-CA-006706	05/20/2020	Sound Equity High Income Debt Fund vs. NVEST LLC et al	2166 Cape Way, North Fort Myers, FL 33917	Waldman, P.A., Damian
19-CA-004509	05/21/2020	Pennymac Loan Services LLC vs. Steven Shane Crampton et al	618 Cortez Ave, Lehigh Acres, FL 33972	Marinosci Law Group, P.A.
19-CA-001143	05/21/2020	Bank of America vs. Burfisher Corp LLC et al	Unit 105, Building M, ORB 4211/4187	Popkin & Rosaler, P.A.
36-2019-CA-004878	05/21/2020	Lakeview Loan Servicing vs. Rickey Don King etc et al	Lot 10, Edgemere Park, PB 12/132	McCalla Raymer Leibert Pierce, LLC
18-CA-000050 Div G	05/21/2020	The Bank of New York Mellon vs. Bart Porter et al	4618 SW 10th Ave, Cape Coral, FL 33914	Kass, Shuler, P.A.
18-CA-001594	05/21/2020	US Bank Trust NA vs. David Stern et al	Lot 2, Block 7080, Sandoval - PHASE 1 PB 79/15	Phelan Hallinan Diamond & Jones, PLLC
16-CA-002371	05/21/2020	Deutsche Bank National Trust vs. Taren B Fischer etc et al	Lot 18, Revised Plat of Part of Beachview Country Club	Van Ness Law Firm, PLC
19-CA-004980	05/21/2020	Wells Fargo Bank vs. The Estate of Mary Gilyard etc et al	Lots 2 and 3, Block 6035, Cape Coral Unit 95	Phelan Hallinan Diamond & Jones, PLLC
36-2019-CA-004443	05/22/2020	M&T Bank vs. Nancy Ann Kedzior etc et al	Unit 424, of Terrace IV at Lakeside Greens	McCalla Raymer Leibert Pierce, LLC
36-2019-CA-005976	05/27/2020	AmeriHome Mortgage Company vs. Jessica R Stasinski et al	3370 Dandolo Cir Cape Coral FL 33909	Albertelli Law
19-CA-002523	05/27/2020	Bank of America vs. Huyen Doan et al	Lot 79, Blk B, Copper Oaks, PB 80/47	Tromberg Law Group
19-CA-005185	05/27/2020	Quicken Loans vs. Augusto R Chavez et al	5005 SW 25th Pl Cape Coral, FL 33914	Robertson, Anschutz & Schneid
19-CA-000663	05/27/2020	Nationstar Mortgage LLC vs. Joseph Mirra Jr et al	920 SE 23rd Terrace, Cape Coral, FL 33990	Robertson, Anschutz & Schneid
36-2019-CA-004270	05/27/2020	New Residential Mortgage LLC vs. Dana Lewis et al	#305, Navona at the Colony, ORI 20060001189682	eXL Legal PLLC
19-CA-006639	05/27/2020	Citizens Bank vs. Charles Thomas Mandeville et al	Lots 49 and 50, Block 2980, Cape Coral Unit 42, PB 17/32	McCalla Raymer Leibert Pierce, LLC
2018-CA-003076	05/28/2020	Deutsche Bank National Trust vs. Marcos K Dasilva et al	Lot 8, in the Las Lomas Subdivision, PB 51/52	Bitman, O'Brien & Morat, PLLC
2019-CA-006463	05/28/2020	Newrez LLC vs. Herman C Russell et al	3405 Southwest 25th Place, Cape Coral, FL 33914	Quintairos, Prieto, Wood & Boyer
2019CA007331	05/28/2020	Lakeview Loan Servicing LLC vs. Michael Pollock et al	221 Northeast 9th Court, Cape Coral, FL 33909	Quintairos, Prieto, Wood & Boyer
19-CA-007198	05/28/2020	Deutsche Bank National Trust vs. John Massie etc et al	2160 Oxford Ridge Circle, Lehigh Acres, FL 33971	Robertson, Anschutz & Schneid
2019CA007562	05/28/2020	Lakeview Loan Servicing LLC vs. Johnny Marquez et al	5988 Sonnet Court, North Fort Myers, FL 33903	Quintairos, Prieto, Wood & Boyer
19-CA-002404 Div L	06/01/2020	Newrez LLC vs. Estate of Richard K Allison etc et al	10072 Pacific Pines Ave, Fort Myers, FL 33966	Kass, Shuler, P.A.
19-CA-000085	06/01/2020	SunTrust Bank vs. Kelly Anne Moore et al	W 70 feet of the S 100 feet of the W 1/2 of Lot 13, PB 8/73	Brock & Scott, PLLC
2019CA005103	06/01/2020	Nexbank vs. Cove 707 Inc et al	8358 Bernwood Cove Loop, Unit 707, Fort Myers, FL 33912	Padgett Law Group
36-2019-CA-004559	06/01/2020	United States of America vs. Betty Christine Raulerson etc et al	Lot 26, Block 5, Unit 1, Fort Myers Shores, PB 9/153	eXL Legal PLLC
19-CA-001430	06/03/2020	Wilmington Trust vs. Anthony M Dibiase Jr etc et al	Lot 49 of Unit No. 4 Sanibel Estates, ORB 113/652	Tromberg Law Group
19-CA-001930	06/03/2020	Wilmington Savings Fund Society vs. Michael Himschoot et al	8980 Paseo De Valencia Street, Fort Myers, FL 33908	Ghidotti Berger LLP
19-CA-006637	06/03/2020	Freedom Mortgage Corporation vs. Charles Yorty et al	Lots 1 and 2, Block 1081, Cape Coral, Unit 23	Choice Legal Group P.A.

FIRST INSERTION
NOTICE TO CREDITORS
 IN THE CIRCUIT COURT FOR
 COLLIER COUNTY, FLORIDA
 PROBATE DIVISION
File No.
11-2020-CP-000898-0001-XX
IN RE: ESTATE OF
DANIEL VERGHESE,
Deceased

The administration of the estate of DANIEL VERGHESE, deceased, whose date of death was March 1, 2020, File Number 11-2020-CP-000898-0001-XX is pending in the Circuit Court for Collier County, Florida, Probate Division, the address of which is Collier County Clerk of the Circuit Court, Probate Department, 3315 Tamiami Trail East, Ste. 102, Naples, FL 34112-5324. The name and address of the personal co-representatives and the personal co-representatives' attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate, on whom a copy of this notice is required to be served, must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 OF THE FLORIDA PROBATE CODE WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is: May 15, 2020.

Personal Representatives:
Wendy Michelle Bertell
 540 Miller Road
 Coral Gables, FL 33146
 Misbah Farid, Esquire
 Florida Bar No. 105118
 BILZIN SUMBERG BAENA PRICE & AXELROD LLP
 Attorneys for Co-Personal Representatives
 1450 Brickell Avenue, 23rd Floor
 Miami, FL 33131
 Telephone: (305) 350-7287
 E-mail: mfarid@bilzin.com
 MIAMI 6812436.2 84931/90748
 May 15, 22, 2020 20-00976C

FIRST INSERTION
NOTICE TO CREDITORS
 IN THE CIRCUIT COURT FOR
 COLLIER COUNTY, FLORIDA
 PROBATE DIVISION
File No.
11-2020-CP-001123-0001-XX
Division Probate
IN RE: ESTATE OF
STANLEY C. TINTER
Deceased.

The administration of the estate of STANLEY C. TINTER, deceased, whose date of death was March 16, 2020, is pending in the Circuit Court for Collier County, Florida, Probate Division, the address of which is 3315 Tamiami Trail East, Naples, FL 34112. The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 OF THE FLORIDA PROBATE CODE WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is May 15, 2020.

Personal Representative:
Raymond D. Martyniak
 40 Harrison Avenue
 Trenton, MI 48183
 Attorney for Personal Representative:
 Forrest J. Bass, Attorney
 Florida Bar Number: 68197
 Farr, Farr, Emerich, Hackett,
 Carr & Holmes, P.A.
 99 Nesbit Street
 Punta Gorda, FL 33950
 Telephone: (941) 639-1158
 Fax: (941) 639-0028
 E-Mail: fbass@farr.com
 Secondary E-Mail: mlavine@farr.com
 and probate@farr.com
 May 15, 22, 2020 20-00983C

FIRST INSERTION
NOTICE TO CREDITORS
 IN THE CIRCUIT COURT FOR
 COLLIER COUNTY, FLORIDA
 PROBATE DIVISION
File No. 20-CP-486
Division Probate
IN RE: ESTATE OF
RAYMOND MARTYNIAK
Deceased.

The administration of the estate of Raymond Martyniak, deceased, whose date of death was August 14, 2019, is pending in the Circuit Court for Collier County, Florida, Probate Division, the address of which is 3315 Tamiami Trail East, Suite 102 - Naples, FL 34112. The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is May 15, 2020.

Personal Representative:
James M. Spellissy
 1505 Park Avenue
 Baltimore, MD 21217
 Attorney for Personal Representative:
 James E. Kerr, Esquire, Attorney
 Florida Bar Number: 0521728
 HENDERSON FRANKLIN STARNES & HOLT, P.A.
 3451 Bonita Bay Boulevard,
 Suite 206
 Bonita Springs, FL 34134
 Telephone: (239) 344-1100
 Fax: (239) 344-1200
 E-Mail: james.kerr@henlaw.com
 May 15, 22, 2020 20-00989C

FIRST INSERTION
NOTICE TO CREDITORS
 IN THE CIRCUIT COURT FOR
 COLLIER COUNTY, FLORIDA
 PROBATE DIVISION
File No. 20-CP-001145
Division 02
IN RE: ESTATE OF
JANE ELIZABETH SPELLISSY
A/K/A JANE E. SPELLISSY
Deceased.

The administration of the estate of Jane Elizabeth Spellissy a/k/a Jane E. Spellissy, deceased, whose date of death was April 2, 2020, is pending in the Circuit Court for Collier County, Florida, Probate Division, the address of which is P.O. Box 413044, Naples, FL 34101-3044. The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is May 15th, 2020.

Personal Representative:
Debra Waldinger
 333 La Peninsula Blvd.
 Naples, FL 34113
 Attorney for Personal Representative:
 William M. Pearson, Esq.
 Florida Bar No. 0521949
 GRANT FRIDKIN PEARSON, P.A.
 5551 Ridgewood Drive,
 Suite 501
 Naples, FL 34108-2719
 Attorney E-mail:
 wpearson@gfpac.com
 Secondary E-mail: sfoster@gfpac.com
 Telephone: 239-514-1000/
 Fax: 239-594-7313
 May 15, 22, 2020 20-00957C

FIRST INSERTION
NOTICE TO CREDITORS
 IN THE CIRCUIT COURT FOR
 COLLIER COUNTY, FLORIDA
 PROBATE DIVISION
File No. 20-CP-1121
Division Probate
IN RE: ESTATE OF
CRAIG A. WALDINGER,
Deceased.

The administration of the estate of Craig A. Waldinger, deceased, whose date of death was March 24, 2020, is pending in the Circuit Court for Collier County, Florida, Probate Division, the address of which is Circuit Court for Collier County, 3315 E Tamiami Trail Room 102 Naples, Florida 34112. The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is May 15, 2020.

Personal Representative:
Hendrik Montizaan
 11516 Spectacular Bid Circle
 Colorado Springs, Colorado 80921
 Attorney for Personal Representative:
 Conrad Willkomm, Esq.
 Florida Bar Number: 697338
 Law Office of Conrad Willkomm P.A.
 3201 Tamiami Trail North, 2nd Floor
 NAPLES, FL 34103
 Telephone: (239) 262-5303
 Fax: (239) 262-6030
 E-Mail: conrad@swfloridalaw.com
 Secondary E-Mail:
 kara@swfloridalaw.com
 May 15, 22, 2020 20-00988C

FIRST INSERTION
NOTICE TO CREDITORS
 IN THE CIRCUIT COURT FOR
 COLLIER COUNTY, FLORIDA
 PROBATE DIVISION
File No. 20-1140-CP
Division PROBATE
IN RE: ESTATE OF
JAN MONTIZAAN
Deceased.

The administration of the estate of JAN MONTIZAAN, deceased, whose date of death was March 12, 2020, is pending in the Circuit Court for Collier County, Florida, Probate Division, the address of which is 3315 Tamiami Trail East, Unit 102, Naples, Florida, 34112. The names and addresses of the Personal Representative and the Personal Representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

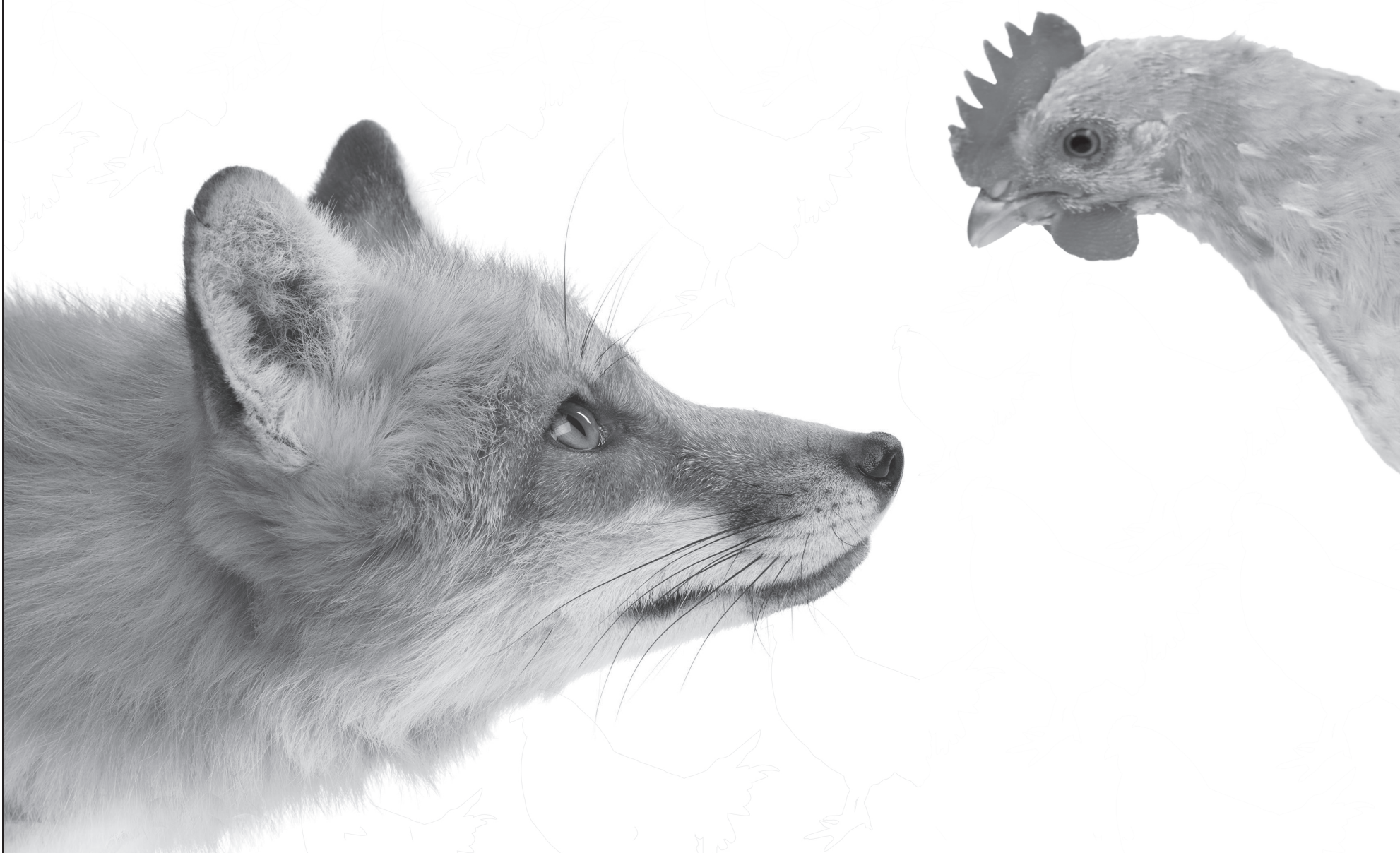
The date of first publication of this notice is May 15th, 2020.

Personal Representative:
Hendrik Montizaan
 11516 Spectacular Bid Circle
 Colorado Springs, Colorado 80921
 Attorney for Personal Representative:
 Conrad Willkomm, Esq.
 Florida Bar Number: 697338
 Law Office of Conrad Willkomm P.A.
 3201 Tamiami Trail North, 2nd Floor
 NAPLES, FL 34103
 Telephone: (239) 262-5303
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 kara@swfloridalaw.com
 May 15, 22, 2020 20-00988C

WHEN PUBLIC NOTICES REACH THE PUBLIC, EVERYONE BENEFITS.

Some officials want to move notices from newspapers to government-run websites, where they may not be easily found.

This is like putting the fox in charge of the hen house.



Keep Public Notices in Newspapers



PUBLIC NOTICES

An American Tradition

Public notice is an important tool in assuring an informed citizenry. Notices are mandated by legislatures to make sure there is a public window into the activities of governments, officers of the court and others holding a public trust. There are four key elements to a valid public notice. It should be executed by an entity outside the one mandated to provide notice, so proper checks and balances are in place.

A public notice informs citizens of government or government-related activities that affect citizens' everyday lives. A public notice typically has four elements:

- **Independent:** A public notice is published in a forum independent of the government, typically in a local newspaper.

- **Archivable:** A public notice is archived in a secure and publicly available format.

- **Accessible:** A public notice is capable of being accessed by all segments of society.

- **Verifiable:** The public and the source of the notice are able to verify that the notice was published, usually by an affidavit provided by the publisher.

(Adapted from the Public Resource Notice Center)

Types of Public Notices

There are three standard types:

- **Citizen participation notices** inform the public about proposed government action and allow the public time to react to such proposals.

One such example is a public hearing notice.

- **Business and commerce notices**

relate to government contracts and purchases. Notices of contract bids allow citizens to ensure that the government is operating in accordance with principles of equal opportunity and is acting responsibly in spending taxpayer money.

- **Court notices** are required of many non-governmental entities that

use public powers or institutions in some way. Examples include notices of home mortgage foreclosures, which can provide a public alert of widespread credit problems, fraud in underwriting and a basis for analyses of housing trends.

This notice allows the public to object to an appointment based on any conflict of interest.

The history of public notices

Public notices existed long before the emergence of newspapers. The concept itself began when early civilizations posted notices in public squares. This crude method was eventually refined with the publication of the first English language newspaper in 1665 — a court newspaper called the Oxford Gazette. After being renamed The London Gazette, this official newspaper carried notices from the King's Court, London

officials and outlying regions.

The American system is modeled after the British system. State governments published public notices before America's founding, and the newly-created federal government followed suit. In 1789, the Acts of the First Congress required the Secretary of State to publish all bills, orders, resolutions and congressional votes in at least three publicly available newspapers.

An important premise both in federal

and local governments of the United States, as well as in many republics around the world, is that information about government activities must be accessible for the electorate to make well-informed decisions.

Public notices in newspapers still provide this accessibility to citizens who want to know more about government activities. Public notice laws serve to outline the most effective method of reaching the public.

Public notice supports due process

Public notices are integral to democratic governance and stem from the right to "due process of law" guaranteed by the federal and state constitutions. Due process of law protects Americans' rights from arbitrary or wrongful violations. This concept has two parts: substantive due process and procedural due process.

Substantive due process refers to the

types of rights that are protected. Procedural due process refers to the means of protecting those rights.

Substantive due process ensures that certain basic rights are not violated, while procedural due process may require suitable notice and a hearing before a government or court-appointed body can act in a way that may affect those basic rights.

Public notices play a vital role in

substantive and procedural due process because they provide a window into government actions and also afford notice to citizens of actions about to take place so they may exercise their constitutional right to be heard. Notification not only informs the individual or entity most directly affected, but it also informs the public, which has an interest in knowing how public powers are being used.

WHY NEWSPAPERS?

Newspapers are the primary source

Newspapers, founded on the constitutional right of free press, have been serving the public's right to know in America since pre-colonial times and on the European continent since the 17th century. Because of their traditional information role in society and their long-established independence, newspapers remain the primary source for publishing public notices.

Upholding the public's right to know is essential to our country's way of life. Our government governs with the consent of the people, and this consent must be informed. Local newspapers keep the public informed about the inner workings of their respective state and local governments, thereby allowing citizens to participate more fully in the democratic process. Without this participation, the potential for misguided policies increases.

Newspaper tradition

Newspapers allow the government to notify the public of government actions. The government has a fundamental responsibility to ensure adequate notification to the public of its actions. Therefore, the government has a duty to make sure the methods used in satisfying this responsibility are the most effective.

Newspapers provide neutrality from government and credible distance from political pressures or partisan disagreements. Local and community newspapers serve as third-party reporters to the public, publishing information that can be beneficial or sometimes detrimental to the government's public image. They provide an environment for notices that the

public traditionally has regarded as neutral. Public notices in this print environment gain credibility because of the long history of trust in the local newspaper.

Placing notices on government Web sites undermines this neutral interest and removes a critical check and balance. While it may seem appealing on the surface in an age of ever-more sophisticated government Web sites, the potential for mishandling is great.

On the other hand, public notices in independent newspapers increase government transparency by opening up the decision-making process to the public's eyes. Without this oversight, local governments could enact controversial policies without input from the public.

Newspapers serve as effective monitors of governments and ensure that they publish information as required by law. Public notices are typically required by a statute or a regulation. The independent press can provide a valuable civic role by helping to monitor that the notices were published when required. If governments were responsible for publishing their own notices, no neutral and independent entity would have the incentive and the means to track public-notice publication.

Newspapers: The best medium for public notices

Newspapers, for the most of the republic's history, have been the accepted medium for public notices. This is exactly where the public, even infrequent readers, expects to find them. In addition, specialized publications, such as legal newspapers, are well known for

THE RISKS OF NOTICES ONLY ON THE INTERNET

Although it has been part of American society for a quarter-century as a network for scholars and government agencies, the Internet has been widely used by citizens for about 15 years.

Because of its structure with computer clients and servers, information packets and open-network codes, the Internet remains vulnerable and sometimes unstable. Power surges, corrupted software and downed servers can disrupt access. Government agencies cannot ensure that information located on a server is secure.

Even a highly technological site like that of the Pentagon's has been affected. In June 2007, the Pentagon was forced to take about 1,500 computers off-line because of a cyber-attack. Then-Defense Department Secretary Robert Gates stated that the Pentagon sees hundreds of attacks every day.

Public notices guard our constitutional right to due process of law by informing citizens of government action and providing proof of publication via notarized affidavits of publication. Unlike the time-tested and trusted local newspapers that citizens have come to rely on for public notices, the Internet is an unstable medium for information. While it is a valuable tool in disseminating information, it has not yet reached a level of sophistication and technological stability that would justify its supplanting newspapers as the primary venue for public notices.

It is still uncertain how a "Net" affidavit could show proof of a public notice publication when constant technological change makes any attempt at archiving and accessing such a document online for any significant time dubious.

No less problematic for the Internet is its reach. Those who live in rural areas where broadband does not exist and others who simply cannot afford the Internet cannot access web public notices. In situations where foreclosures are on the rise due, in part, to predatory mortgage lending, more, not less, access to public notices is needed to better inform citizens about their rights and their choices.

It is difficult to justify, then, moving public notices from newspapers only to public-notice Web sites administered either by already over-burdened state governments or by third-party vendors who lack the experience and long-term viability newspapers have proven in publishing notices.

So far in the Internet age, newspapers remain the most trusted and primary method for providing citizens access to public notices.

providing public notices to the population through legal communities. Other general interest newspapers, such as county seat weeklies, are the forum where county citizens expect to locate notices of important public business. Furthermore, the vast majority of these notices arrive at citizens' homes in a context that compels readership (amid local news, sports features and other content).

Another reason for the effectiveness of newspapers is that newspapers provide valid evidence of readership.

Legislatures are rightly concerned about web-only notices, given the digital divide between rich and poor, rural and urban residents. The Internet is either too costly or simply geographically unavailable to large segments of society.

Notices become historical records

The newspaper as paper of record is an important factor in the public policy of notices. Government Web sites cannot provide a secure archival history the way newspapers can. Electronic records lack permanence and can easily be intentionally or accidentally erased. Even the Library of Congress has recognized this shortcoming and has embarked upon a major project to attempt to archive digital records that are in danger of being "forever lost" due to Internet impermanence.

Despite these problems, the federal courts unwisely approved a rule change to the Federal Rules of Civil Procedure recently that would

move notices of federal asset forfeitures out of newspapers and onto a Web site administered by the Department of Justice. Yet, the courts have little research to show that the Justice Department's Web site will produce viable, accessible, archivable notices.

While Internet web pages pose serious archiving challenges, newspapers, on the other hand, become historical documents. They are oriented and published with a date on every page. They cannot be deceptively altered after printing as a web page could. Historians, judges, lawyers, genealogists and researchers, to name only a few, use newspapers and public notices in particular as sources for records.

Newspaper notices protect due process

Procedural due process, as granted by the U.S. Constitution and interpreted by courts, generally requires an individual to receive notice and a hearing before he or she is deprived of certain rights or property. For example, before a person's home is sold by a county sheriff at a foreclosure sale, he or she must receive notice of the foreclosure sale and an opportunity to save the house from foreclosure. If the owner does not receive the notice, he may challenge the sale in court. The court may then void the sale or prevent the sale from happening to protect due process.

Newspapers are generally paid to run public notices, which recognizes that their publication creates a cost in paper, ink and delivery.

