

LEGAL NOTICES LEGAL NOTICES LEGAL NOTICES

Notice of Proposed Amendment to the By-Laws of the Back Mountain Memorial Library Association

To the Members of the Association:

The following amendment and complete restatement of Article X of the By-Laws of the Association was approved by a majority vote of the Board of Directors of the Association on December 5, 1995 at a regularly scheduled meeting and will be presented for final adoption at the next Annual Meeting of the Members of the Association, to be held on February 6, 1996 in the Community Room of the Back Mountain Memorial Library, Huntsville Road, Dallas, Pennsylvania.

ARTICLE X

LIMITATION OF PERSONAL LIABILITY OF DIRECTORS; INDEMNIFICATION OF DIRECTORS, OFFICERS, AND OTHER AUTHORIZED REPRESENTATIVES

1. Limitation of Personal Liability of Directors: A director of the Association shall not be personally liable for monetary damages as such for any action taken, or failure to take any action, unless:

a. The director has breached or failed to perform the duties of his or her office as defined in Subsection 2 below; and

b. The breach or failure to perform constitutes self-dealing, willful misconduct or recklessness.

The provisions of this Section shall not apply to:

(a) The responsibility or liability of a director pursuant to any criminal statute; or

(b) The liability of a director for the payment of taxes pursuant to any criminal statute; or

(c) The liability of a director for the payment of taxes pursuant to local, state or federal law.

2. Standard of Care and Justifiable Reliance:

a. A director of the Association shall stand in a fiduciary relationship to the Association and shall perform his or her duties as a director, including his or her duties as a member of any committee of the Board upon which he or she reasonably believes to be in the best interests of the Association, and with such care, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances. In performing his or her duties, a director shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by any of the following:

i. One or more officers or employees of the Association whom the director reasonably believes to be reliable and competent in the matters presented;

ii. Counsel, public accountants or other persons as matters which the director reasonably believes to be within the professional or expert competence of such person;

iii. A committee of the Board upon which he or she does not serve, duly designated in accordance with law, as to matters within its designated authority, which committee the director reasonably believes to merit confidence.

A director shall not be considered to be acting in good faith if he or she has knowledge concerning the matter in question that would cause his or her reliance to be unwarranted.

b. In discharging the duties of their respective positions, the Board, committees of the Board and individual director may, in considering the best interests of the Association, consider the effects of any action upon employees, upon persons with whom the Association has business and other relations and upon communities which the offices or other establishments of or related to the Association are located and all other pertinent factors. The consideration of those factors shall not constitute a violation of Subsection (a) of this Section.

c. Absent breach of fiduciary duty, lack of good faith or self-dealing, actions taken as a director or any failure to take any action shall be presumed to be in the best interests of the Association.

3. Indemnification in Third Party Proceedings: The Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Association) by reason of the fact that he or she is or was a representative or officer of the Association, or is or was serving at the request of the Association as a representative of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner reasonably believed to be in, or not opposed to, the best interests of the Association, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in, or not opposed to, the best interests of the Association, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

4. Indemnification in Derivative Actions: The Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Association to procure a judgment in its favor by reason of the fact that he or she is or was a representative or officer of the Association or is or was serving at the request of the Association as a representative of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred in connection with the defense or settlement of such action or suit if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the Association and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the Association unless and only to the extent that the Court of Common Pleas of Luzerne County or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the Court of Common Pleas or such other court shall deem proper.

5. Mandatory Indemnification: Notwithstanding any contrary provision of the Articles or these By-Laws, to the extent that a representative or officer of the Association has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in either Subsections 3 or 4 above, he or she shall be indemnified against expenses (including Attorney's fee) actually and reasonably incurred by him or her in connection therewith.

6. Determination of Entitlement to Indemnification: Unless ordered by a court, any indemnification under Subsections 3 or 4 above shall be made by the Association only as authorized in the specific case upon determination that indemnification of the representative or officer is proper in the circumstances because he or she has met the applicable standard of conduct set forth in such paragraph. Such determination shall be made.

a. By the Board by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding; or

b. If such a quorum is not obtainable, or, even if obtainable, a majority vote of a quorum of disinterested directors so directs, by independent legal counsel in a written opinion.

7. Advancing Expenses: Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized by the Board in a specific case upon receipt of an undertaking by or on behalf of the representative to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Association as authorized in Paragraphs 1 through 3 above.

8. Indemnification of Former Representatives: Each such indemnity may continue as to a person who has ceased to be a representative or officer of the Association and may inure to the benefit of the heirs, executors and administrators of such persons.

9. Insurance: The Association shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against such person and incurred by such person in any capacity or arising out of such person's status as such, whether or not the Association would otherwise have the power to indemnify such person against such liability.

10. Reliance on Provisions: Each person who shall act as an authorized representative or officer of the Association shall be deemed to be doing so in reliance upon the rights of indemnification provided by this Article.

4-1-P

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Stk. #50, 4 Cyl., 5 Speed, Power Steering, 6 Ft. Box, Air Bag, 4 Wheel Anti Lock Brakes
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*Price includes rebates & FTB

NEW 1996 4 DOOR LUMINA
Stk. #61, Dual Air Bags, Air Conditioning, Front Wheel Drive, 3.1 Liter V-6, Rear Defogger, Automatic, AM/FM Stereo w/Clock, 60/40 Cloth Seat
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Must have 35 mm camera outfit and action photo experience. Paid on a per assignment basis, with film and processing supplied.
This is an excellent opportunity to show off your talent and build a portfolio. Most assignments will be evenings in the winter, late afternoon in the spring.
Apply in person at our office at 45 Main Road, Dallas (across from Offset Paperback), call 675-5211, or write: The Dallas Post, 45 Main Road, Dallas, PA 18612.

ANIMALS
MINI-DACHSHUND. Female 5 mos. old, has shots, housebroken, needs good home. 696-2938. 4-4-P

AUTOMOBILES
1995 XT 350 showroom cond. Save \$500. 1989 Ford Stationwagon, loaded, make offer, 675-2163. 4-1-P

CHILD CARE
CHILD CARE in my Dallas (Fox Hollow) home. FT, PT, or snowdays. References available. Call 674-9063. 4-4-P

FOR SALE
FOR SALE: CONSOLE PIANO. Wanted responsible party to make low monthly payments on piano. See locally. Call: 1-800-268-6218. 2-4-P

BADGES, KEYPHONES, BELT BUCKLES, 41 lbs. worth. Best offer. 287-4235. 3-4-P

VOIT BODY RIDER, new. Great exerciser, \$75. 675-0178. 3-4-P

FOR SALE
GAME BOY SYSTEM, 8 games, accessories. Asking \$65 for all or games \$6 eac. Also SNES Madden 93 & Stanley Cup Hockey games for Super Nintendo. Asking \$25 for each. Call 821-0480. 3-4-P

WOODSTOVE INSERT, good cond. \$50. Call 675-1906. 3-4-P

16" CART TIRE CHAINS, will also fit garden tractor tire size 23 X 10.50-12. Exc. cond. \$50. 675-1342. 3-4-P

VINYL STORM WINDOW, like new, one left 27x52 or a little more \$20. Call 675-0460 leave message. 40-tfn-P

CAST IRON CLAW FOOT BATH TUB. Exc. cond. 675-0460 37-tfn-P

JACOBSEN SNOW BLOWER, 2 1/2 hp. \$75. 675-1694. 3-4-P

CARPET RAGS, \$3/bag; fabric squares, 100/pkg. \$3; material \$2/yd.; 2 floor model TV's, 25" Magnavox. Need work. Reasonable. 654-4440. 3-4-P

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LADIES WINTER COAT., brand new, 3/4 length, blue, size 24 1/2, \$22; new electric sweeper, \$40; new sandwich maker \$20. 287-3012. 4-4-P

DELUXE HOT TUB, 3-4 person, will deliver, 675-2163. 4-1-P

SKIS K-2 205, Bindings racing M48. Fairly good cond. \$205. 824-6358, Jim. 4-4-P

HELP WANTED
PRIVATE FARM SEEKS dependable part time help to care for ponies/horses. Includes stall cleaning and turnout. Must be available weekday mornings. 675-0941 or 674-7005. 4-4-P

LOST & FOUND
LOST, Female, predominantly black w/ white markings on face, paws and belly, short hair. Answers to Lydia. Lost on Carverton Road, near Hill Street. 824-8249. 4-4-P

PERSONAL
AFLAC - Cancer Insurance, Disability Insurance. Guaranteed renewable. Low rates, no medical exams. Call Clarence J. Michael, 675-0488. 1-4-P

Answers to King Crossword

9	14	19	17	13	20
73	13	14	19	17	13
61	39	19	17	13	20
32	39	17	13	20	
11	29	13	20		
17	7	9	30	20	

PINT	BIB	SPIN
ALIA	ORE	LIDO
PICKAXES	ICON	
PEKES	TACKLE	
THAR	LEM	
HYPO	REEL	EAR
AMI	PICKY	UPA
MAC	LACE	SPEW
KAI	ERIC	
RIFLES	NOVAS	
ECOL	PICKWICK	
BERI	AWE	LAME
ADDS	RYE	SLED

Answers to Super Crossword

RABID	HEIST	CRAIG	MOLE
ELENA	ERNIE	YODA	MOLE
SANCHO	PANZA	ROAR	AREA
REALM	SEE	LAO	BARFOR
TINGER	PIA	BAZIS	
DETAIL	SCHOP	ENHAUER	
REMO	ORATOR	RAZE	WME
ACCRA	SETON	LOGO	STEN
JOEY	BISHOP	COWL	SCENT
AYE	ANYA	WOO	EDWARDS
MSG	BOBHOPE	GER	ABIS
MCQUEEN	PIA	BAZIS	
ALUMS	ELAN	CHOPSTICKS	
CEES	JAIL	HAIIT	SPRAT
HAS	LATE	PASTEL	SETS
ORTHOPEDISTS	OPPOSE		
TOWAN	MAE	LEGAL	
CLOWEN	ART	THE	LISZT
HORIE	EMMA	SHOP	KEEPERS
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LEGAL NOTICES

LEGAL NOTICE
The Kingston Township Board of Supervisors, at their regular monthly meeting held Wednesday, January 10, 1996, passed on second and final reading Ordinance 1995-9. The entire text of which may be examined, and copies are available, at the Township Manager's Office, 11 Carverton Road, Trucksville, PA 18708, between the 8:30 a.m. and 4:30 p.m., Monday through Friday. The following is the short title of the ordinance:

AN ORDINANCE PROVIDING FOR THE PERMITTING OF ALL ON-LOT SEWAGE DISPOSAL SYSTEMS PROPOSED TO BE INSTALLED ON ALL LOTS IN KINGSTON TOWNSHIP, REGARDLESS OF LOT SIZE, AND PROVIDING PENALTIES AND ENFORCEMENT REMEDIES.

Physically challenged individuals in need of special assistance to review this document may contact the Kingston Township Municipal Office at 696-3809, in advance, to make special arrangements. The ordinance will take effect immediately. FOR THE KINGSTON TOWNSHIP BOARD OF SUPERVISORS
Jeffrey K. Box
Township Secretary
4-1-P