

# Adams County Legal Journal

Vol. 43

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No. 32, pp. 179-180

## IN THIS ISSUE

### LOCKER VS. MCDANNELL

#### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-750 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point on the property line of Pine Lane at corner of Lot No. 86 on the hereinafter referred to plan of lots; thence along Lot No. 86, South 43 degrees 56 minutes 51 seconds West, 114.60 feet to a point where the corners of Lots Nos. 86, 69, 70 and 85 intersect; thence along Lot No. 70, North 42 degrees 57 minutes 30 seconds West, 78 feet to a point on the property line of Walnut Lane; thence along said Walnut Lane by a curve to the left, the radius of which is 847.712 feet, an arc length of 95.13 feet, and having a long chord bearing and distance of North 43 degrees 20 minutes 7 seconds East, 95.08 feet to a point; thence by a curve to the right, the radius of which is 15 feet, an arc length of 22.87 feet and having a long chord bearing and distance of North 86 degrees 7 minutes 46 seconds East, 20.72 feet to a point on the property line of Pine Lane, aforesaid; thence along said Pine Lane by a curve to the right, the radius of which is 1,570.255 feet, an arc length of 65 feet and having a long chord bearing and distance of South 46 degrees 0 minutes 57 seconds East, 64.99 feet to a point as Lot No. 86, the point and place of BEGINNING.

CONTAINING 8,712.039 square feet or 0.200 acres

BEING Lot No. 85 on a plan of lots of Oxford Estates dated January 1983, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 37, at Page 122.

SUBJECT, NEVERTHELESS, to the restrictions contained in prior deed of conveyance.

SEIZED and taken into execution as the property of **William E. & Lisa Rae Earle** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

#### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Straban Township, Adams County,

Pennsylvania, being more particularly described as (Lot No. 416) on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/98 and recorded 10/8/98 in Record Book 1677, Page 231.

Premises being: 416 Heritage Drive, Gettysburg, PA 17325

Tax Parcel No. 4-26

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

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#### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-824 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land on or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36 1/2 degrees West, 250 feet to center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36 1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

EXCEPTING, HOWEVER, THEREFROM, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McGlaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at page 1023.

ALL that certain tract of land lying, situate and being in Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes 00 seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West,

50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5 North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Rex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at page 66.

BEING THE SAME PREMISES WHICH Title acquired by a Deed dated 9/27/88, and recorded on 9/28/88 in Liber/Book 502, at page 636, made by Laura M. Dannelley.

Additional Deed from James R. Kinsley and Mary R. Kinsley to George W. Nicholas and Mary A. Nicholas dated 11/02/90 and recorded on 11/02/90, in Liber/Book 571, at page 1015.

SEIZED and taken into execution as the property of **George W. & Mary Nicholas** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

#### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-585 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Reading in the County of Adams and Commonwealth of Pennsylvania, and particularly described as follows:

MORE particularly described as Lot No. 424-a on a plan of lots of Lake Meade subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1, Page 4, and subject to all legal highways, easements, right-of-way and restrictions of record.

Map #: 37-2-38A

BEING KNOWN AS: 20 Sherman Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Roger W. Sebring & Kathy M. Sebring** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

## LOCKER VS. McDANNELL

1. Generally, a preliminary objection in the nature of demurrer will be sustained only when it appears with certainty that the law permits no recovery under the allegations pleaded.

2. We agree with defendant's assertion that the doctrine of *res ipsa loquitur* is simply a rule of evidence. As such it does not have to be specifically pleaded in a complaint. However, plaintiff's reference merely puts defendant on notice of negligence generally.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 01-S-218, TODD LOCKER, SR. AND AMALIA LOCKER VS. WAYNE McDANNELL.

John D. Briggs, Esq., for Plaintiffs

David Mills, Esq., for Defendant

Spicer, P.J., May 8, 2001

### OPINION ON DEFENDANT'S PRELIMINARY OBJECTIONS

Plaintiff filed a complaint on March 2, 2001, alleging four counts against defendant: negligence, *res ipsa loquitur*, battery and loss of consortium. According to the complaint, plaintiff alleges he suffered injuries when he was shot in the back with a bullet from a small caliber gun while in his backyard. Plaintiff avers the bullet originated from a gun fired on defendant's property. Defendant has filed preliminary objections to plaintiff's complaint in the nature of demurrers to counts II, *res ipsa loquitur* and III, battery. Defendant argues that *res ipsa loquitur* is not a cause of action for which relief may be granted but simply a rule of evidence. As to count III, defendant argues that the complaint fails to include an essential element of intent.

In their brief in opposition to preliminary objections, plaintiff requests that count II be entitled "negligence."

Generally, a preliminary objection in the nature of demurrer will be sustained only when it appears with certainty that the law permits no recovery under the allegations pleaded. *Clevenstein v. Rizzuto*, 439 Pa. 397, 266 A.2d 623 (1970); *Frey By and Through Frey v. Smith By and Through Smith*, 454 Pa. Super. 242, 685 A.2d 169 (1996) *alloc. dn.* 549 Pa. 701, 700 A.2d 441 (1996). We agree with defendant's assertion that the doctrine of *res ipsa loquitur* is simply a rule of evidence. As such it does not have to be specifically pleaded

in a complaint. *Hollywood Shop, Inc. v. Pennsylvania Gas and Water Company*, 270 Pa. Super. 245, 411 A.2d 509 (1979). However, plaintiff's reference to the doctrine does not require that the count be dismissed. The reference merely puts defendant on notice of negligence generally. *D'Ardenne v. Strawbridge & Clothier, Inc.*, Pa. Super., 712 A.2d 318 (1996), *alloc. dn.* 557 Pa. 647, 734 A.2d 394. To the extent that allegations are conclusions of law, defendant may ignore them. *Dominski v. Garrett*, 276 Pa. Super. 18, 419 A.2d 73 (1980).

Plaintiffs have withdrawn count III<sup>1</sup> and we will strike it from the complaint.

#### ORDER

AND NOW, this 8TH day of May, 2001, the plaintiff having withdrawn Count III, that count is stricken from the complaint. Count II is retitled "negligence." Preliminary objections are dismissed and defendant may file an answer to all counts, other than III, within 20 days.

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<sup>1</sup>It would seem that defendant's argument, that battery involves intentional conduct, is well taken. Restatement (Second) Torts § 13. However, if we sustained the demurrer at this stage we would grant plaintiffs the right to file an amended complaint. The withdrawal makes this consideration academic.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-880 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right of way line of Stayman Way at corner of Lot No. 71 of the hereinafter referred to subdivision plan, thence along the right of way line of Stayman Way, South 35 degrees 08 minutes 03 seconds East, 55 feet to a point at corner of Lot No. 73 of the hereinafter referred to subdivision plan; thence continuing along Lot No. 73, South 54 degrees 51 minutes 57 seconds West, 233.55 feet to a point along Lot No. 472 of the hereinafter referred to subdivision plan; thence continuing along Lot No. 472, North 12 degrees 18 minutes 39 seconds West, 59.67 feet to a point at corner of Lot No. 71 aforesaid; thence continuing along Lot No. 71, North 54 degrees 51 minutes 57 seconds East, 210.41 feet to a point along the right of way line of Stayman Way, the point and place of BEGINNING. CONTAINING 12,209 Square Feet and being designated as Lot No. 72 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, page 89.

The improvements thereon being known as No. 41 Stayman Way.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 41 Stayman Way, Littlestown, PA 17340

SOLD as the property of SHERI A. RIPLEY and DOUGLAS A. RIPLEY

TAX PARCEL #7-202

SEIZED and taken into execution as the property of Douglas A. & Sheri A. Ripley and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/21, 28 & 1/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-906 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in the Borough of Biglerville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the curb face projection of East York Street at corner of land now or formerly of James Kriel; thence along said East York Street, North 58 degrees 07 minutes 00 seconds East, 44.79 feet to a point on curb face projection of East York Street, at corner of land now or formerly of Troy Hughes; thence along said land of Troy Hughes, passing through a steel rod set back 6.50 feet from the last mentioned point, South 37 degrees 10 minutes 40 seconds East, 193.46 feet to an existing steel rod; thence South 50 degrees 23 minutes 30 seconds West, 42.65 feet to an existing pipe at corner of land now or formerly of James Kriel, aforesaid; thence by said land of James Kriel, and passing through a railroad spike set back 13.70 feet from the next mentioned point, North 37 degrees 45 minutes 00 seconds West, 199.41 feet to a point on curb face projection of East York Street, the point and place of BEGINNING. CONTAINING 8,560 square feet.

TOGETHER with the right and privilege unto the parties of the second part, their heirs and assigns, of repairing and maintaining a drainage tile on lands presently, or formerly of Ralph B. Shelter located adjacent to the lot hereby conveyed all as set forth in the deed from John M. Bream and Dessa M. Bream, husband and wife, to Ralph B. Shelter, dated April 16, 1943, recorded in Deed Book 192 at page 304; and together with any other further rights in respect to said drain over the lands of Ralph B. Shelter as presently used and maintained and as may have been enlarged by written agreement prior to the date hereof.

TITLE TO SAID PREMISES IS VESTED IN Mark H. Brown by Deed from Randall B. Inskip and Judith G. Inskip, his wife dated 3/17/95 and recorded 3/20/95 in Record Book 1006, Page 277.

Premises being: 269 East York Street, Biglerville, PA 17307

Tax Parcel No. MAP 4 PARCEL 33

SEIZED and taken into execution as

the property of Mark H. Brown and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/21, 28 & 1/4

NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 14, 2002, at 9:00 o'clock a.m.

WALLS—Orphans' Court Action Number OC-145-01, The First and Final Account of Nancy H. Walls, Administratrix of the Estate of George E. Walls, Jr., deceased, late of Reading Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

1/4 & 11

NOTICE  
ANNUAL MEETING

The Annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the home office located at 101 South Queen Street, in Littlestown, Pennsylvania between the hours of 1:00 and 2:00 P.M. on January 12th, 2002 to elect directors and to transact any other business properly presented.

Attest: Marilyn Q. Butt  
Secretary-Treasurer

1/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-857 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a corner at a steel pin on the West side of Pennsylvania State Legislative Route No. 01070 at Lot No. 10 on the plan of lots hereinafter referred to; thence along the West side of said State Highway, South four (4) degrees twenty-two (22) minutes East, one hundred (100) feet to a steel pin at Lot No. 8; thence binding on Lot No. 8, South eighty-five (85) degrees thirty-eight (38) minutes West, two hundred (200) feet to a point at lands now or formerly of S. Edward Murphy; thence along said lands, North four (4) degrees twenty-two (22) minutes West, one hundred (100) feet to Lot No. 10 aforesaid; thence binding on Lot No. 10, North eighty-five (85) degrees thirty-eight (38) minutes East, two hundred (200) feet to a steel pin, the place of BEGINNING. (CONTAINING 20,000 square feet and being known on a plot or plan of a series of lots laid out by S. Edward Murphy and bearing date of July 31, 1969, and recorded in Plot Book 1, page 55, and known as "Pine Grove Heights" as Lot No. 9.)

HAVING ERECTED THEREON a dwelling known as 939 Pine Grove Road, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Garry L. Miller and Bonnie L. Miller, by Deed dated December 3, 1997 and recorded December 3, 1997 in Adams County Deed Book 1485, Page 338, granted and conveyed unto Carl R. Kauffman, III.

UNDER AND SUBJECT, NEVERTHELESS, to the following restrictions, which shall be binding upon the Grantee, his heirs and assigns:

1. Each tract shall be used for residential purposes only and no improvements shall be erected or placed thereon except one private dwelling house for occupancy by not more than two families with garage appurtenant thereto. No such building shall be erected thereon unless the exterior surfaces thereof shall be of brick, stone, clapboard, aluminum, vinyl, or a combination of such materials; and such improvements shall contain a first floor of the minimum size of 768 square feet in the case of a one and one-half (1-1/2) story building.

2. No structures or improvements of any kind shall be erected upon the tract hereby conveyed within sixty (60) feet of the property line of the tract herein conveyed along Legislative Route 01070 as shown on the aforesaid plan, nor within seven and one-half (7-1/2) feet of the boundaries between this tract and Tract No. 8 and the lots adjoining thereto on either side. The restriction imposed in this paragraph shall not apply to open porches, except that no such porch shall extend within seven and one-half (7-1/2) feet of the side boundaries of the tract herein and hereby conveyed.

3. No trailer or trailers shall be placed upon the tract herein conveyed for any length of time, nor shall any garage or basement of any dwelling be used for temporary or permanent residence or occupancy.

4. No animals shall be kept or maintained upon the tract herein conveyed except one (1) domestic cat and one (1) domestic dog.

SEIZED IN EXECUTION AS THE PROPERTY OF CARL R. KAUFFMAN, III UNDER ADAMS COUNTY JUDGMENT NO. 01-S-857.

MAP & PARCEL #K17-89

SEIZED and taken into execution as the property of Carl R. Kauffman, III and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-402 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, with the appurtenances belonging thereto, situate, lying and being in the Village of Irishtown in Oxford Township, Adams County, Pennsylvania, bounded by lands now or formerly of John L. Jenkins, William S. Jenkins, Edgar L. Jenkins and the public road running through Irishtown, as follows:

BEGINNING at a stone for a corner on said public road; thence with the same North, twelve and one-fourth (12-1/4) degrees East, ten and six-tenths (10.6) perches to a corner of land now or formerly of John L. Jenkins; thence with the same North seventy-four and one-half (74-1/2) degrees West, seventeen and seven-tenths (17.7) perches to a corner of lands now or formerly of W. S. Jenkins; thence with the same South twenty-nine and one-half (29-1/2) degrees West, ten and seven-tenths (10.7) perches to a corner of lands now or formerly of Edgar L. Jenkins; thence with the same South seventy-three and one-half (73-1/2) degrees East, twenty and nine-tenths (20.9) perches to the point and place of BEGINNING. CONTAINING one (1) acre and forty-two (42) perches of land neat measure.

Being known as 890 Irishtown Road.

Tax I.D. No. J13-27

SEIZED and taken into execution as the property of Steven A. Neiderer and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.**

**FIRST PUBLICATION**

**ESTATE OF HAROLD LEE FISHER, SR., DEC'D**

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Administratrix: Billiejo A. Fisher, c/o Gates & Gates, 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, 250 York Street, Hanover, PA 17331

**ESTATE OF EVELYN G. SNIDER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Mary E. Leedy, 1160 Baltimore Pike, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

**SECOND PUBLICATION**

**ESTATE OF DONALD G. HECKENLUBER, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Executrix: Mary K. Heckenluber, 413 Heckenluber Road, Biglerville, PA 17307

Attorney: John R. White, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

**THIRD PUBLICATION**

**ESTATE OF EARL J. BRUMGARD, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Personal Representatives: Burnell Brumgard, 66 Bollinger Rd., Littlestown, PA 17340; Jean L. Good, 15 Sterling Circle, Dover, DE 19901-6117

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

**ESTATE OF NORVILLE W. ECKARD, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert Trout, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

**ESTATE OF ELIZABETH L. NICHOLS a/k/a BETTY L. NICHOLS, BETTY E. NICHOLS & BETTY L. BREAM, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Marshall H. Nichols, 11041 Treyburn Drive, Glen Allen, VA 23059

Attorney: Jesse C. Robinson, Esq., Barley, Snyder, Senft & Cohen, LLC, 126 East King Street, Lancaster, PA 17602

**ESTATE OF BETTY J. RIGGEAL, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Dorothy M. (Shindledecker) Barger a/k/a Dorothy M. Harris, 1020 North Browns Dam Drive, New Oxford, PA 17350

Attorney: John R. White, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF SARA E. STARNER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Neil Starner and Laura Starner, 1490 Coon Road, Aspers, PA 17304

Attorney: J. Ward Cooper, Esq., 4401 Carlisle Road, Gardners, PA 17324

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-892 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN property situated in the Borough of Biglerville in the County of Adams and Commonwealth of Pennsylvania, being described as follows:

BEGINNING at the intersection of Penn Street with Ditzler Avenue; thence along the northern side of Ditzler Avenue North 82 degrees 48 minutes 15 seconds West 48.19 feet to a point; thence along the northern edge of Ditzler Avenue by a curve to the right an arc distance of 31.81 feet, a radius of 12,314.32 feet, the long chord of which is North 82 degrees 52 minutes 41 seconds West 31.81 feet to a point; thence by land now or formerly of Clair F. Ditzler and wife North 6 degrees 43 minutes 50 seconds East 120.19 feet to a steel pin; thence by the same South 82 degrees 40 minutes 48 seconds East, 79.82 feet to a steel pin at the western side of Penn Street; thence along the western radius of 2126.69 feet, the long chord of which is South 6 degrees 15 minutes 11 seconds West 69.98 feet to a point; thence by the western side of Penn Street South 7 degrees 11 minutes 45 seconds West 50 feet to the intersection corner of Penn Street and Ditzler Avenue the place of BEGINNING. CONTAINING 9,637 Square Feet, neat measure.

BEING KNOWN AS 165 Penn Street, Biglerville, PA 17307

PARCEL No.: (5) 005-0013

BEING THE SAME PREMISES which Arie P. Krayo and Nancy E. Sharrak-Krayo, husband and wife, by Deed dated May 5, 1999 and recorded May 6, 1999 in the Recorder's Office in and for Adams County, Pennsylvania in Deed Book Volume 1825, Page 105, granted and conveyed unto Linda S. Russo, the mortgagor herein.

SEIZED and taken into execution as the property of **Linda S. Russo** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the

purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-880 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying, and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of public road leading from the Mummasburg Road to the Lincoln Highway, with an iron pin set back along the line; thence running by land of Emory Baker North 61 degrees West 175 feet to an iron pin; thence running by land now or formerly of James Plank North 20-1/2 degrees East 75 feet to an iron pin; thence running by land now or formerly of Charles Pfeiffer South 61 degrees East 148.5 feet to a point in the center of said road, with an iron pin set back along the line; thence running in the center of said road South 4-3/4 degrees East 82.2 feet to a point in the center of said road, with an iron pin set back along the line; the place of BEGINNING.

Map #: (9) E11-0080

BEING KNOWN AS: 298 Belmont Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Donna L. Althoff** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-972 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the South property line of Park Street where the same is intersected by the West property line of Sunset Avenue; thence running along said property line of Sunset Avenue, South 34 degrees 15 minutes West, 101.6 feet to an iron pin at corner of lot now or formerly of Fred J. Kane; thence along same, North 55 degrees 45 minutes West, 138 feet to an iron pin; thence North 34 degrees 15 minutes East, 101.6 feet to an iron pin on the South property line of Park Street; thence running along the property line of said Park Street, South 55 degrees 45 minutes East, 138 feet to a point at the intersection of Park Street and Sunset Avenue, the place of BEGINNING. (Gettysburg Borough Tax Map 12, Parcel 12)

Being known as 358 Park Street, Gettysburg, PA 17325

Property ID No. 12-12

TITLE TO SAID PREMISES IS VESTED IN Michael H. Flowers and Susan A. Flowers, husband and wife, as tenants of the estate by the entireties by deed from Dale E. Dearthoff and William K. Grover, executors of the will of Mildred D. Shover, deceased, dated 12/28/1996, recorded 1/3/1997, in Deed Book 1312, Page 313.

SEIZED and taken into execution as the property of **Michael H. & Susan A. Flowers** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/21, 28 & 1/4



# *Adams County* Legal Journal

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## **IN THIS ISSUE**

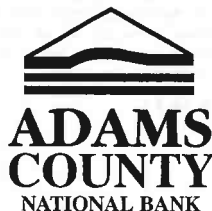
**TYLER ET AL VS. GREEN ACRES ET AL**

*This opinion continues to next issue (1/18/2002)*

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### *Commitment:*

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Adams County National Bank is  
founded and upon which we are planning  
for your future financial needs today.



Member FDIC

## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-824 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land on or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36 1/2 degrees West, 250 feet to center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36 1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

EXCEPTING, HOWEVER, THEREFROM, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McGlaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at page 1023.

ALL that certain tract of land lying, situate and being in Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes 00 seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West,

50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5 North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Rex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at page 66.

BEING THE SAME PREMISES WHICH Title acquired by a Deed dated 9/27/88, and recorded on 9/28/88 in Liber/Book 502, at page 636, made by Laura M. Dannelley.

Additional Deed from James R. Kinsley and Mary R. Kinsley to George W. Nicholas and Mary A. Nicholas dated 11/02/90 and recorded on 11/02/90, in Liber/Book 571, at page 1015.

SEIZED and taken into execution as the property of **George W. & Mary Nicholas** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-585 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Reading in the County of Adams and Commonwealth of Pennsylvania, and particularly described as follows:

MORE particularly described as Lot No. 424-a on a plan of lots of Lake Meade subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1, Page 4, and subject to all legal highways, easements, right-of-way and restrictions of record.

Map #: 37-2-38A

BEING KNOWN AS: 20 Sherman Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Roger W. Sebring & Kathy M. Sebring** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

## TYLER ET AL VS. GREEN ACRES ET AL

1. A Preliminary Objection in the nature of a demurrer will be sustained only where the pleading is clearly insufficient to establish a right to relief, and any doubt must be resolved in favor of overruling the demurrer.

2. Under Pennsylvania law, a demand for a jury trial in regard to Pennsylvania's Whistleblower Law is legally insufficient.

3. Under Pennsylvania's Whistleblower Law, an action must be commenced within 180 days of the alleged violation.

4. 42 U.S.C. 1983 ..... imposes liability for violations of federal rights protected by the Constitution, not for violations of duties of care arising out of tort law. Merely negligent conduct does not implicate due process and is not actionable under this section. Even bad faith violation of state law does not necessarily rise to the level of a viable 1983 claim.

5. .... speech of a public employee is only protected if: (1) it is a matter of public concern; and (2) the value of that expression outweighs the government's interest in the effective fulfillment of its responsibilities to the public.

6. However, there exists the public policy exception to Pennsylvania's at-will employment doctrine, which states that an employer cannot discharge an employee in violation of public policy. But, an individual discharged in violation of public policy cannot bring a common law claim for wrongful discharge where a specific statutory remedy is available.

7. In Pennsylvania, the Whistleblower Law preempts a wrongful discharge claim based upon reporting wrongdoing.

8. Punitive damages are not an available remedy under Pennsylvania's Whistleblower Law.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-1130, NANCY TYLER, ANGELA BECK AND PENELOPE SAMPLES VS. GREEN ACRES-ADAMS COUNTY NURSING HOME; COUNTY OF ADAMS; ADAMS COUNTY COMMISSIONERS, THOMAS J. WEAVER, THOMAS L. COLLINS, AND HARRY C. STOKES, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITY; COMPLETE CARE SERVICES, INC.; AND LINDA NEWCOMB.

Andrew J. Ostrowski, Esq., for Plaintiffs

Kathy Speaker MacNett, Esq., and Mathew C. Browndorf, Esq., for County Defendants

Linda T. Jacobs, Esq., and Heather A. Steinmiller, Esq., for Complete Care Services, Inc. and Linda Newcomb

Blackwell, J., August 1, 2001

## OPINION

Before the Court are the Preliminary Objections filed by both sets of Defendants. The "County Defendants" (Green Acres Nursing Home, Adams County, and the Commissioners) and the "CCS Defendants" (Complete Care Services and Linda Newcomb) raise substantially the same issues regarding Plaintiffs' substantive claims for relief based upon (1) violations of the Whistleblower Law, (2) deprivations of their First Amendment Rights, and (3) common-law claims for wrongful discharge. However, each set of Defendants filed Preliminary Objections raising subsidiary issues unique to their status in the federal law claims; "County Defendants" raise immunity issues for what are characterized as legislative acts while "CCS Defendants" raise issues based upon their status as non-governmental entities.

Plaintiffs were all employees of Adams County at Green Acres Nursing Home for several years, up until June of 2000, when their employment was terminated. Green Acres is Adams County's nursing home. In fact, Adams County owns and operates the Green Acres County Nursing Home.

Plaintiff Tyler served as Business Agent for Green Acres. Plaintiff Beck served as Director of Social Service and Admission Coordinator for Green Acres. Plaintiff Samples served as a Payroll/Account Payable Clerk for Green Acres.

Plaintiffs allege that as a result of various communications made to Green Acres' management and staff and the County Commissioners concerning the operation of the home, the care of its residents and the well-being of its employees, they were all improperly reprimanded and eventually terminated.

Plaintiffs averred that during the course of their employment, they reported (a) the unauthorized over-charging of medical assistance recipients; (b) the unauthorized over-charging of veterans benefits recipients; and (c) the fiscally irresponsible practices of the administrators (Complete Care Services) concerning patient treatment.

Plaintiffs Tyler and Samples averred that in July of 1999, during the course of a state utilization management review, they gave information and were involved in a fraud investigation of the medical assistance program concerning unauthorized surcharges to Medicare. Additionally, Plaintiff Tyler averred that she had also previously

confronted Green Acres management concerning a direction to charge medical assistance recipients for personal hygiene charges that were not authorized under the applicable regulations.

Furthermore, Plaintiff Tyler averred that during a formal grievance hearing, she disputed disciplinary action taken against her by Green Acres. She specifically informed Adams County that she believed Complete Care Services was acting to compromise the integrity of the audit trail previously established. Plaintiff Tyler averred that at a grievance hearing with the Adams County Commissioners in January of 2000, she presented them with a daily log of her involvement in the fraud investigation, including the fact of her awareness that the Commissioners had approved the unauthorized surcharge that was being investigated.

Plaintiff Beck averred that in March of 2000, she contacted the Veterans' Administration to discuss incidents of charging unauthorized services to the veterans' benefits of residents without authorization.

Plaintiffs averred that during the course of their employment with Green Acres, they were harassed, reprimanded and disciplined. Specifically, in September of 1999, Plaintiffs Tyler and Samples claim they were reprimanded and placed on probation for ninety (90) days. Plaintiffs Tyler and Samples were handed their termination notices on June 21, 2000.

Similarly, Plaintiff Beck asserts that she was disciplined in October of 1999 and June of 2000, for following improper procedures and mis-communications. Plaintiff Beck averred that she was continually harassed about personal matters and urged to end her employment. On June 27, 2000, Plaintiff Beck was handed her termination notice.

On November 22, 2000, Plaintiffs filed a three (3) Count Complaint in the Court of Common Pleas of Adams County, Pennsylvania. In Count I, Plaintiffs claim violation of Pennsylvania's Whistleblower Law, 43 P.S. §1421; in Count II, Plaintiffs claim deprivation of Plaintiffs' First Amendment Rights in violation of 42 U.S.C. §1983; in Count III, Plaintiffs claim wrongful discharge in violation of public policy.

"County Defendants" filed Preliminary Objections to Plaintiff's Complaint on December 27, 2000 and a brief in support thereof on

February 12, 2001. Also, "CCS Defendants" filed Preliminary Objections to the Complaint on January 26, 2001 and a brief in support thereof on February 12, 2001. Plaintiffs filed a brief in opposition to both sets of Defendants' Preliminary Objections on May 19, 2001.

On April 18, 2001, Judge Penny L. Blackwell of the York County Court of Common Pleas was specially assigned to preside over this case by President Judge Oscar F. Spicer of the Adams County Court of Common Pleas.

On May 25, 2001, Judge Blackwell heard Oral Argument from all parties involved, regarding the Preliminary Objections filed by the "County Defendants" and the "CCS Defendants" to the Plaintiffs' Complaint.

### LEGAL STANDARD

Preliminary Objections, the end result of which would be dismissal of a cause of action, should be sustained only in cases that are clear and free from doubt. *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, 692 A.2d 263 (Pa. Cmwlth. 1997). The test is whether it is clear from all of the facts pleaded that the pleader will be unable to prove facts legally sufficient to establish his or her right to relief. *Id.*

Pa.R.C.P. 1028(a)(4) allows any party to file Preliminary Objections to any pleading for legal insufficiency of a pleading. A Preliminary Objection in this form is commonly called a demurrer. *Lutz v. Springettsbury Twp.*, 667 A.2d 251, 253 (Pa. Cmwlth. 1995).

A Preliminary Objection in the nature of a demurrer admits as true all well and clearly pleaded material, factual averments and all inferences fairly deductible therefrom. *Banyas v. Lower Bucks Hospital*, 437 A.2d 1236 (Pa. Super. 1981); *Pennsylvania School Boards Association, Inc. v. Commonwealth Association of School Administrators, Teamsters Local 502*, 696 A.2d 859 (Pa. Cmwlth. 1997). In order to sustain a demurrer, it is essential that an opponent's pleadings indicate on its face that the claim or defense cannot be sustained. *Dominski v. Garret*, 419 A.2d 73 (Pa. Super. 1980). A demurrer should be sustained only in cases that clearly and without doubt fail to state a claim for which relief can be granted. *Id.* If the facts as pleaded state a claim for which relief may be granted or a defense may be upheld under any theory of law, then there is

February 12, 2001. Also, "CCS Defendants" filed Preliminary Objections to the Complaint on January 26, 2001 and a brief in support thereof on February 12, 2001. Plaintiffs filed a brief in opposition to both sets of Defendants' Preliminary Objections on May 19, 2001.

On April 18, 2001, Judge Penny L. Blackwell of the York County Court of Common Pleas was specially assigned to preside over this case by President Judge Oscar F. Spicer of the Adams County Court of Common Pleas.

On May 25, 2001, Judge Blackwell heard Oral Argument from all parties involved, regarding the Preliminary Objections filed by the "County Defendants" and the "CCS Defendants" to the Plaintiffs' Complaint.

### LEGAL STANDARD

Preliminary Objections, the end result of which would be dismissal of a cause of action, should be sustained only in cases that are clear and free from doubt. *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, 692 A.2d 263 (Pa. Cmwlth. 1997). The test is whether it is clear from all of the facts pleaded that the pleader will be unable to prove facts legally sufficient to establish his or her right to relief. *Id.*

Pa.R.C.P. 1028(a)(4) allows any party to file Preliminary Objections to any pleading for legal insufficiency of a pleading. A Preliminary Objection in this form is commonly called a demurrer. *Lutz v. Springettsbury Twp.*, 667 A.2d 251, 253 (Pa. Cmwlth. 1995).

A Preliminary Objection in the nature of a demurrer admits as true all well and clearly pleaded material, factual averments and all inferences fairly deductible therefrom. *Banyas v. Lower Bucks Hospital*, 437 A.2d 1236 (Pa. Super. 1981); *Pennsylvania School Boards Association, Inc. v. Commonwealth Association of School Administrators, Teamsters Local 502*, 696 A.2d 859 (Pa. Cmwlth. 1997). In order to sustain a demurrer, it is essential that an opponent's pleadings indicate on its face that the claim or defense cannot be sustained. *Dominski v. Garret*, 419 A.2d 73 (Pa. Super. 1980). A demurrer should be sustained only in cases that clearly and without doubt fail to state a claim for which relief can be granted. *Id.* If the facts as pleaded state a claim for which relief may be granted or a defense may be upheld under any theory of law, then there is

sufficient doubt to require that a demurrer be rejected. *Binswanger v. Levy*, 457 A.2d 103 (Pa. Super. 1983); *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A.2d 402 (Pa. 1985). A Preliminary Objection in the nature of a demurrer will be sustained only where the pleading is clearly insufficient to establish a right to relief, and any doubt must be resolved in favor of overruling the demurrer. *Common Cause/Pennsylvania v. Commonwealth of Pennsylvania*, 710 A.2d 108 (Pa. Cmwlth. 1998).

*Continued to next issue (1/18/2002)*



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1041 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Northerly right of way line of Abbotts Drive in the Borough of Abbottstown, Adams County, PA known and numbered as Lot No. 4 on a plan of lots for Abbotts Manor, Phase III, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 76, Page 99, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbotts Drive, at a corner of Lot No. 5 on said plan; thence extending along the said right of way line of Abbotts Drive on a line curving to the left having a radius of 225 feet, an arc distance of 85 feet, with a chord bearing North 73 degrees 44 minutes 50 seconds West 84.50 feet to a point; thence extending along Lot No. 3 of Subdivision Plan 69, Page 95 North 5 degrees 25 minutes 49 seconds East 157.95 feet to a point; thence North 70 degrees 29 minutes 11 seconds East 205.54 feet to a point; thence extending along Lot No.'s 5, 6 and 7 of Subdivision Plan Book 76, Page 99 South 27 degrees 04 minutes 33 seconds West 280.26 feet to the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Steven A. Groft and Amanda M. Godfriaux, joint tenants with full rights of survivorship by Deed from Garland Construction, Inc. dated 3/17/2000 and recorded 8/9/2000 in Record Book 2103 Page 253.

Premises being: 40 Abbotts Drive, Abbottstown, PA 17301

Tax Parcel No. 3-106

SEIZED and taken into execution as the property of **Steven A. Groft & Amanda M. Godfriaux** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-760 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a point in the centerline of Legislative Route 01030 (commonly referred to as Pine Grove Road) at lands now or formerly of H. O'Brien as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands, through an iron pin set twenty-five (25) feet from the beginning of this course, South fifty-six (56) degrees forty-five (45) minutes two (2) seconds West, two hundred seventy-four and five-tenths (274.5) feet to an iron pin (found) at lands now or formerly of P. T. Myers; thence along said last mentioned lands, North thirty-one (31) degrees thirty-two (32) minutes fifty-three (53) seconds West, one hundred (100) feet to an iron pin (set) at other lands now or formerly of Denton B. Barnhart and Doris D. Barnhart, his wife; thence along said last mentioned lands North fifty-six (56) degrees forty-four (44) minutes twenty-nine (29) seconds East, through an iron pin set twenty-five (25) feet from the terminus of this course, two hundred seventy-one and seventy-five hundredths (271.75) feet to a point in the centerline of Legislative Route 01030 aforesaid; thence along the centerline of said Legislative Route 01030, South thirty-three (33) degrees seven (7) minutes thirty-five (35) seconds East, one hundred (100) feet to a point in the centerline of said Legislative Route 01030, being the point and place of BEGINNING. Being known as Lot No. 2, Plan Book 25, Page 38.

IT BEING the same tract of land which Denton B. Barnhart and Doris D. Barnhart, his wife, by their Deed dated the 15th day of January, 1979, and recorded January 22, 1979, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 343, at page 356, granted and conveyed unto Bradley J. Topper and Erma A. Topper, his wife. The said Erma A. Topper having predeceased her spouse, title vested solely in Bradley J. Topper, by the right of survivorship, and about to be conveyed unto Mortgages herein.

Premises being: 481 Pine Grove Road, Hanover, PA 17331

Tax Parcel No. #K17-43

SEIZED and taken into execution as the property of **Michael W. Gebhart & Tammy J. Gebhart** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 14, 2002, at 9:00 o'clock a.m.

**WALLS**—Orphans' Court Action Number OC-145-01. The First and Final Account of Nancy H. Walls, Administratrix of the Estate of George E. Walls, Jr., deceased, late of Reading Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

1/4 & 11

NOTICE  
ANNUAL MEETING

The Annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the home office located at 101 South Queen Street, in Littlestown, Pennsylvania between the hours of 1:00 and 2:00 P.M. on January 12th, 2002 to elect directors and to transact any other business properly presented.

Attest: Marilyn Q. Butt  
Secretary-Treasurer

1/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-857 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a corner at a steel pin on the West side of Pennsylvania State Legislative Route No. 01070 at Lot No. 10 on the plan of lots hereinafter referred to; thence along the West side of said State Highway, South four (4) degrees twenty-two (22) minutes East, one hundred (100) feet to a steel pin at Lot No. 8; thence binding on Lot No. 8, South eighty-five (85) degrees thirty-eight (38) minutes West, two hundred (200) feet to a point at lands now or formerly of S. Edward Murphy; thence along said lands, North four (4) degrees twenty-two (22) minutes West, one hundred (100) feet to Lot No. 10 aforesaid; thence binding on Lot No. 10, North eighty-five (85) degrees thirty-eight (38) minutes East, two hundred (200) feet to a steel pin, the place of BEGINNING. (CONTAINING 20,000 square feet and being known on a plot or plan of a series of lots laid out by S. Edward Murphy and bearing date of July 31, 1969, and recorded in Plot Book 1, page 55, and known as "Pine Grove Heights" as Lot No. 9.)

HAVING ERECTED THEREON a dwelling known as 939 Pine Grove Road, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Garry L. Miller and Bonnie L. Miller, by Deed dated December 3, 1997 and recorded December 3, 1997 in Adams County Deed Book 1485, Page 338, granted and conveyed unto Carl R. Kauffman, III.

UNDER AND SUBJECT, NEVERTHELESS, to the following restrictions, which shall be binding upon the Grantee, his heirs and assigns:

1. Each tract shall be used for residential purposes only and no improvements shall be erected or placed thereon except one private dwelling house for occupancy by not more than two families with garage appurtenant thereto. No such building shall be erected thereon unless the exterior surfaces thereof shall be of brick, stone, clapboard, aluminum, vinyl, or a combination of such materials; and such improvements shall contain a first floor of the minimum size of 768 square feet in the case of a one and one-half (1-1/2) story building.

2. No structures or improvements of any kind shall be erected upon the tract

hereby conveyed within sixty (60) feet of the property line of the tract herein conveyed along Legislative Route 01070 as shown on the aforesaid plan, nor within seven and one-half (7-1/2) feet of the boundaries between this tract and Tract No. 8 and the lots adjoining thereto on either side. The restriction imposed in this paragraph shall not apply to open porches, except that no such porch shall extend within seven and one-half (7-1/2) feet of the side boundaries of the tract herein and hereby conveyed.

3. No trailer or trailers shall be placed upon the tract herein conveyed for any length of time, nor shall any garage or basement of any dwelling be used for temporary or permanent residence or occupancy.

4. No animals shall be kept or maintained upon the tract herein conveyed except one (1) domestic cat and one (1) domestic dog.

SEIZED IN EXECUTION AS THE PROPERTY OF CARL R. KAUFFMAN, III UNDER ADAMS COUNTY JUDGMENT NO. 01-S-857.

MAP & PARCEL #K17-89

SEIZED and taken into execution as the property of Carl R. Kauffman, III and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 144, No. 177, as amended. The name of the corporation is CAMPBELL FAMILY DINER, INC.

1/11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-402 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, with the appurtenances belonging thereto, situate, lying and being in the Village of Irishtown in Oxford Township, Adams County, Pennsylvania, bounded by lands now or formerly of John L. Jenkins, William S. Jenkins, Edgar L. Jenkins and the public road running through Irishtown, as follows:

BEGINNING at a stone for a corner on said public road; thence with the same North, twelve and one-fourth (12-1/4) degrees East, ten and six-tenths (10.6) perches to a corner of land now or formerly of John L. Jenkins; thence with the same North seventy-four and one-half (74-1/2) degrees West, seventeen and seven-tenths (17.7) perches to a corner of lands now or formerly of W. S. Jenkins; thence with the same South twenty-nine and one-half (29-1/2) degrees West, ten and seven-tenths (10.7) perches to a corner of lands now or formerly of Edgar L. Jenkins; thence with the same South seventy-three and one-half (73-1/2) degrees East, twenty and nine-tenths (20.9) perches to the point and place of BEGINNING. CONTAINING one (1) acre and forty-two (42) perches of land neat measure.

Being known as 890 Irishtown Road.

Tax I.D. No. J13-27

SEIZED and taken into execution as the property of Steven A. Neiderer and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-892 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN property situated in the Borough of Biglerville in the County of Adams and Commonwealth of Pennsylvania, being described as follows:

BEGINNING at the intersection of Penn Street with Ditzler Avenue; thence along the northern side of Ditzler Avenue North 82 degrees 48 minutes 15 seconds West 48.19 feet to a point; thence along the northern edge of Ditzler Avenue by a curve to the right an arc distance of 31.81 feet, a radius of 12,314.32 feet, the long chord of which is North 82 degrees 52 minutes 41 seconds West 31.81 feet to a point; thence by land now or formerly of Clair F. Ditzler and wife North 6 degrees 43 minutes 50 seconds East 120.19 feet to a steel pin; thence by the same South 82 degrees 40 minutes 48 seconds East, 79.82 feet to a steel pin at the western side of Penn Street; thence along the western radius of 2126.69 feet, the long chord of which is South 6 degrees 15 minutes 11 seconds West 69.98 feet to a point; thence by the western side of Penn Street South 7 degrees 11 minutes 45 seconds West 50 feet to the intersection corner of Penn Street and Ditzler Avenue the place of BEGINNING. CONTAINING 9,637 Square Feet, neat measure.

BEING KNOWN AS 165 Penn Street, Biglerville, PA 17307

PARCEL No.: (5) 005-0013

BEING THE SAME PREMISES which Arie P. Krayo and Nancy E. Sharrah-Krayo, husband and wife, by Deed dated May 5, 1999 and recorded May 6, 1999 in the Recorder's Office in and for Adams County, Pennsylvania in Deed Book Volume 1825, Page 105, granted and conveyed unto Linda S. Russo, the mortgagor herein.

SEIZED and taken into execution as the property of **Linda S. Russo** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/28, 1/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-880 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying, and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of public road leading from the Mummasburg Road to the Lincoln Highway, with an iron pin set back along the line; thence running by land of Emory Baker North 61 degrees West 175 feet to an iron pin; thence running by land now or formerly of James Plank North 20-1/2 degrees East 75 feet to an iron pin; thence running by land now or formerly of Charles Pfeffer South 61 degrees East 148.5 feet to a point in the center of said road, with an iron pin set back along the line; thence running in the center of said road South 4-3/4 degrees East 82.2 feet to a point in the center of said road, with an iron pin set back along the line; the place of BEGINNING.

Map #: (9) E11-0080

BEING KNOWN AS: 298 Belmont Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Donna L. Althoff** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-807 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101 at seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69 Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 34 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, PA in Record Book 1271 Page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69 Page 23.

SEIZED and taken into execution as the property of **Walter S. Stiles & Karen Jean Stiles** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 01-S-83  
Quiet Title Action

VERNON L. JUDY, SR., and PATRICIA  
A. JUDY, husband and wife, Plaintiffs  
vs.

WILLIAM MILLER and MARGARET  
MILLER, husband and wife; the heirs,  
assigns and devisees of WILLIAM  
MILLER and MARGARET MILLER,  
Defendants

AMENDED ORDER OF COURT

AND NOW, this 3rd day of December,  
2001, that the Order of April 25, 2001, in  
the above-captioned matter is hereby  
amended to provide that a judgment by  
default be entered against Defendants  
William Miller and Margaret Miller and  
the heirs, assigns and devisees of  
William Miller and Margaret Miller, and  
directing that the ground rent obligation  
affecting the premises situate at 12 East  
Main Street, Fairfield, Adams County,  
Pennsylvania and more particularly  
described below, is discharged, and that  
William Miller and Margaret Miller, the  
heirs, assigns and devisees of William  
Miller and Margaret Miller, are forever  
barred from asserting any right or interest  
to the collection of ground rent  
regarding the real property or any part  
thereof described as follows:

ALL the hereafter described lot of  
ground situate, lying and being in the  
Town of Fairfield (otherwise called  
Millerstown), in the Township of  
Hamiltonban, in the County of Adams  
and State of Pennsylvania aforesaid and  
known on the general plan of said Town  
by the number three, North easterly  
containing sixty feet front on East Main  
Street (formerly York Street) and extending  
thence by lot number two, two hundred  
and forty feet to a twelve foot alley  
thence by said alley sixty feet to lot number  
four thence by the same, two hundred  
and forty feet to East Main Street  
(formerly York Street) and thence by said  
street sixty feet to lot number two afore-  
said.

Plaintiffs shall serve a copy of this  
Amended Order upon the named  
Defendants by publication. The named  
Defendants, including the heirs, assigns  
and devisees of William Miller and  
Margaret Miller and each of them, shall  
have thirty (30) days after service of this  
Amended Order to file an Answer to the  
Complaint. In the event the named  
Defendants, and the heirs, assigns and  
devisees of William Miller and Margaret  
Miller, Defendants, shall fail to file an  
answer within thirty (30) days after

service by publication, then the  
Prothonotary shall enter a final judgment  
on Praecipe of the Plaintiffs with respect  
to this Amended Order.

BY THE COURT:  
/s/Oscar F. Spicer, P.J.

1/11

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL—ACTION  
NO. 01-S-1139

ANITA S. PEREZ, Petitioner  
vs.

ESTEVEN BEAREANA, Respondent

NOTICE

NOTICE IS HEREBY GIVEN to  
Respondent that Petitioner in the above-  
captioned matter has filed an action to  
change the name of her minor son.  
Petitioner has petitioned the Court to  
enter an Order changing the legal name  
of said minor child to her maiden name.

If you wish to object or defend you  
must enter a written appearance person-  
ally or by an 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.

For further information regarding this  
matter, please have your counsel contact  
Petitioner's attorney of record listed  
below:

Wendy Weikal-Beauchat, Esq.  
The law firm of Beauchat & Beauchat  
63 West High Street  
Gettysburg, PA 17325  
Phone: (717) 334-4515

1/11

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that  
MOFFITT CORPORATION, INC., a foreign  
business corporation will apply for a  
Certificate of Authority to do business in  
the Commonwealth of Pennsylvania  
under the provisions of the Business  
Corporation Law of 1988. The corpora-  
tion is incorporated under the laws of the  
State of Florida. The address of its principal  
office under the laws of said jurisdic-  
tion is 2457 South Third Street,  
Jacksonville Beach, FL 32250, and the  
name of its commercial registered officer  
provider in Pennsylvania is National  
Registered Agents, Inc.

1/11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,  
Judgment No. 99-S-422 issuing out of  
the Court of Common Pleas of Adams  
County, and to me directed, will be  
exposed to Public Sale on Friday, the 8th  
day of February, 2002, at 10:00 o'clock in  
the forenoon at the Courthouse in the  
Borough of Gettysburg, Adams County,  
PA, the following Real Estate, viz.:

ALL THAT CERTAIN described lot of  
ground, with improvements thereon  
erected, situate in Reading Township,  
being known as Lot No. 891 on a plan of  
lots of Lake Meade Subdivision, said  
plan being duly entered and appearing of  
record in the Office of the Recorder of  
Deeds of Adams County, Pennsylvania,  
in Plat Book 1 at page 6, and SUBJECT  
TO all legal highways, easements and  
restrictions of record.

BEING the same which Danny T.  
Howe and Pamela M. Howe, husband  
and wife, by their deed dated July 30,  
1998, and recorded in the Office of the  
Recorder of Deeds of Adams County,  
Pennsylvania, in Record Book \_\_\_\_\_,  
page \_\_\_\_\_, sold and conveyed unto  
Danny Howe, married man, one of the  
Grantors herein.

The within transfer is from husband  
and wife to husband and wife.

UNDER AND SUBJECT, NEVERTHE-  
LESS, to the same conditions, restric-  
tions, exceptions and reservations as  
exist by virtue of prior recorded instru-  
ments, deeds and conveyances.

Premises being: 28 Pleasonton Drive,  
East Berlin, PA 17316

Tax Parcel No. MAP 13, PARCEL 3

SEIZED and taken into execution as  
the property of **Danny Howe & Pamela  
M. Howe** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND  
CLAIMANTS: You are notified that a  
schedule of distribution will be filed by  
the Sheriff in his office on March 4, 2002,  
and distribution will be made in accord-  
ance with said schedule, unless excep-  
tions are filed thereto within 10 days after  
the filing thereof. Purchaser must settle  
for property on or before filing date.

ALL claims to property must be filed  
with Sheriff before sale.

As soon as the property is declared  
sold to the highest bidder 20% of the  
purchase price or all of the cost,  
whichever may be the higher, shall be  
paid forthwith to the Sheriff.

1/11, 18 & 25

## ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

## FIRST PUBLICATION

ESTATE OF STEVE BERNARD HAYES a/k/a STEVE B. HAYES, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Paul S. Hayes, 136 Furman Rd., Dillsburg, PA 17019

Attorney: David J. Lenox, Esq., Wiley, Lenox, Colgan & Marzacco, P.C., One South Baltimore St., Dillsburg, PA 17019

ESTATE OF MARY LOU KRANIAS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Ernest C. Kranias, 104 Johns Avenue, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF LINDA B. PETERS, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: George M. Peters, 7720 Oxford Road, Gardners, PA 17324

Attorney: Robert E. Campbell, Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SHIRLEY E. RESH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Bank of Hanover and Trust Company, 6 York Street, Gettysburg, PA 17325

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

ESTATE OF BLANCHE A. STAUB a/k/a BLANCHE E. STAUB, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Raphael F. Staub, 353 North Street, McSherrystown, PA 17344; Marla R. Weaver, 106 North Street, McSherrystown, PA 17344

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

## SECOND PUBLICATION

ESTATE OF HAROLD LEE FISHER, SR., DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Administratrix: Billiejo A. Fisher, c/o Gates & Gates, 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, 250 York Street, Hanover, PA 17331

ESTATE OF EVELYN G. SNIDER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Mary E. Leedy, 1160 Baltimore Pike, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

## THIRD PUBLICATION

ESTATE OF DONALD G. HECKENLUBER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Mary K. Heckenluber, 413 Heckenluber Road, Biglerville, PA 17307

Attorney: John R. White, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-750 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point on the property line of Pine Lane at corner of Lot No. 86 on the hereinafter referred to plan of lots; thence along Lot No. 86, South 43 degrees 56 minutes 51 seconds West, 114.60 feet to a point where the corners of Lots Nos. 86, 69, 70 and 85 intersect; thence along Lot No. 70, North 42 degrees 57 minutes 30 seconds West, 78 feet to a point on the property line of Walnut Lane; thence along said Walnut Lane by a curve to the left, the radius of which is 847.712 feet, an arc length of 95.13 feet, and having a long chord bearing and distance of North 43 degrees 20 minutes 7 seconds East, 95.08 feet to a point; thence by a curve to the right, the radius of which is 15 feet, an arc length of 22.87 feet and having a long chord bearing and distance of North 86 degrees 7 minutes 46 seconds East, 20.72 feet to a point on the property line of Pine Lane, aforesaid; thence along said Pine Lane by a curve to the right, the radius of which is 1,570.255 feet, an arc length of 65 feet and having a long chord bearing and distance of South 46 degrees 0 minutes 57 seconds East, 64.99 feet to a point at Lot No. 86, the point and place of BEGINNING.

CONTAINING 8,712.039 square feet or 0.200 acres

BEING Lot No. 85 on a plan of lots of Oxford Estates dated January 1983, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 37, at Page 122.

SUBJECT, NEVERTHELESS, to the restrictions contained in prior deed of conveyance.

SEIZED and taken into execution as the property of **William E. & Lisa Rae Earle** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/98 and recorded 10/8/98 in Record Book 1677, Page 231.

Premises being: 416 Heritage Drive, Gettysburg, PA 17325

Tax Parcel No. 4-26

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

# *Adams County* Legal Journal

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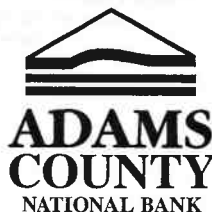
## IN THIS ISSUE

TYLER ET AL VS. GREEN ACRES ET AL

*This opinion continued from last issue (1/11/2002)  
and will conclude in next issue (1/25/2002)*

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Our Trust Department  
makes a business of caring  
for other people's property.



Member FDIC

Designated for the Publication of Court and other Legal Notices. Published every Friday by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

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**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-760 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a point in the centerline of Legislative Route 01030 (commonly referred to as Pine Grove Road) at lands now or formerly of H. O'Brien as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands, through an iron pin set twenty-five (25) feet from the beginning of this course, South fifty-six (56) degrees forty-five (45) minutes two (2) seconds West, two hundred seventy-four and five-tenths (274.5) feet to an iron pin (found) at lands now or formerly of P. T. Myers; thence along said last mentioned lands, North thirty-one (31) degrees thirty-two (32) minutes fifty-three (53) seconds West, one hundred (100) feet to an iron pin (set) at other lands now or formerly of Denton B. Barnhart and Doris D. Barnhart, his wife; thence along said last mentioned lands North fifty-six (56) degrees forty-four (44) minutes twenty-nine (29) seconds East, through an iron pin set twenty-five (25) feet from the terminus of this course, two hundred seventy-one and seventy-five hundredths (271.75) feet to a point in the centerline of Legislative Route 01030 aforesaid; thence along the centerline of said Legislative Route 01030, South thirty-three (33) degrees seven (7) minutes thirty-five (35) seconds East, one hundred (100) feet to a point in the centerline of said Legislative Route 01030, being the point and place of BEGINNING. Being known as Lot No. 2, Plan Book 25, Page 38.

IT BEING the same tract of land which Denton B. Barnhart and Doris D. Barnhart, his wife, by their Deed dated the 15th day of January, 1979, and recorded January 22, 1979, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 343, at page 356, granted and conveyed unto Bradley J. Topper and Erma

A. Topper, his wife. The said Erma A. Topper having predeceased her spouse, title vested solely in Bradley J. Topper, by the right of survivorship, and about to be conveyed unto Mortgagees herein.

Premises being: 481 Pine Grove Road, Hanover, PA 17331

Tax Parcel No. #K17-43

SEIZED and taken into execution as the property of **Michael W. Gebhart & Tammy J. Gebhart** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about December 5, 2001 for the incorporation of **GETTYSBURG LAND AND CATTLE COMPANY, INC.** under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of real estate development and sale and transfer of livestock, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 126 Baltimore Street, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr., Esq.  
Hartman & Yannetti  
Solicitor

1/18

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-585 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Reading in the County of Adams and Commonwealth of Pennsylvania, and particularly described as follows:

MORE particularly described as Lot No. 424-a on a plan of lots of Lake Meade subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1, Page 4, and subject to all legal highways, easements, right-of-way and restrictions of record.

Map #: 37-2-38A

BEING KNOWN AS: 20 Sherman Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Roger W. Sebring & Kathy M. Sebring** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18



DISCUSSION

Both sets of Defendants filed separate Preliminary Objections to the Plaintiffs' Complaint. The Court shall first deal with Preliminary Objections of the "County Defendants".

**A. WHETHER PLAINTIFFS' DEMAND FOR A JURY TRIAL IN REGARD TO THE CLAIMS BASED UPON PENNSYLVANIA'S WHISTLEBLOWER LAW AND WRONGFUL DISCHARGE ARE LEGALLY INSUFFICIENT?**

"County Defendants" contend that Plaintiffs' demand for a jury trial, in regard to Pennsylvania's Whistleblower Law and Wrongful Discharge, is legally insufficient. When a plaintiff demands a jury trial, the Court must look to the statute itself to determine if a plaintiff is entitled to have a jury review his/her claims. See *Wertz v. Chapman Twp.*, 709 A.2d 428, 431 (Pa. Cmwlth. 1998). The Whistleblower Law grants a right to a person to bring a civil action in a court. 43 P.S. §1423. However, the use of the word "court" in a statute does not grant a right to a jury trial. *Wertz*, supra, at 431. Under Pennsylvania law, a demand for a jury trial in regard to Pennsylvania's Whistleblower Law is legally insufficient. See *Wilhelm v. Borough of Braddock*, 28 D&C4th 211 (1996); *Clark v. Lancaster City Housing Authority*, 14 D&C4th 411 (1992). The Plaintiffs even admit that they are not entitled to a jury trial under the Whistleblower Law. Therefore, the Preliminary Objections in the nature of a demurrer by the "County Defendants" to Plaintiffs' demand for a jury trial regarding the claim under Pennsylvania's Whistleblower Law are **GRANTED** because Plaintiffs are not entitled to a jury trial under the Whistleblower Statute. All other Preliminary Objections regarding Plaintiffs' demand for a jury trial are **REFUSED**. The Court shall allow Plaintiffs' demand for a jury trial under the other claims to remain. We may need to bifurcate and try the claims separately; however, the Court shall deal with this issue at the appropriate time.

**B. WHETHER PLAINTIFFS' CLAIM FOR VIOLATION OF PENNSYLVANIA'S WHISTLEBLOWER LAW IS LEGALLY INSUFFICIENT?**

"County Defendants" contend that Plaintiffs' claim for violation of Pennsylvania's Whistleblower Law is legally insufficient for (1)

failure to properly plead good faith reporting; (2) failure to plead a causal connection between the allegations of good faith reporting and the allegations of discrimination, retaliation, threatened discharge or discharge; and (3) for failure to plead acts within the 180-day time limit.

The Pennsylvania Whistleblower Law offers protection for employees of a public body who have made reports of waste and/or wrongdoing being committed by their employer. 43 P.S. §1421. The intent of the law is to protect employees from retaliation who make good faith efforts to alert authorities about governmental waste and wrongdoing. *Rodgers v. Pennsylvania Dept. of Corrections*, 659 A.2d 63, 66 (Pa. Cmwlth. 1995). For purposes of testing legal sufficiency of the Complaint in ruling upon Preliminary Objections in the nature of a demurrer, the Court must accept as true all well-pleaded allegations of material fact as well as all reasonable inferences deductible therefrom.

In the present case, Plaintiffs have alleged that they made reports concerning unauthorized surcharges to Medicare, fraudulent conduct in the medical assistance program, incidents of charging unauthorized services to the veterans' benefits of residents and matters relating to the administration and operation of Green Acres and the health and well-being of the staff and residents. Clearly, these are the types of matters that are protected by the Whistleblower Law. Plaintiffs have made allegations tracking the language of the Law and providing some specifics in regard to what they observed and how they reported it. They have alleged the ultimate facts that they reported specific types of wrongdoing and that they were chastised and otherwise adversely affected as a direct result of their actions.

The "County Defendants" argue that the Plaintiffs' alleged reports were not made in good faith because they were made for their personal benefit and/or with malice. These conclusions regarding the Plaintiffs' state of mind and motives are factual conclusion which are improper in the context of Preliminary Objections.

Furthermore, the argument of the "County Defendants" regarding the lack of causal connection is flawed. Plaintiffs allege facts and surrounding circumstances demonstrating that their good faith reports were followed by progressively more severe consequences, ultimately leading to their termination. A demurrer is not proper

when the allegations cast doubt on the causal relation. Further factual details are readily subject to discovery, and these legal issues may be decided in the course of litigation.

Finally, the "County Defendants" assert that Plaintiffs' claims occurring 180 days prior to the date they filed their Complaint must be time barred. Under Pennsylvania's Whistleblower Law, an action must be commenced within 180 days of the alleged violation. *O'Rourke v. Pennsylvania Dept. of Corrections*, 730 A.2d 1039 (Pa. Cmwlth. 1999). The 180-day time limit is mandatory and the courts have no discretion to extend it. *Id.*

Plaintiffs filed their Complaint on November 22, 2000, and a Praecipe to reinstate the Complaint on December 13, 2000. Plaintiffs Tyler and Samples were terminated on June 21, 2000, while Plaintiff Beck was terminated on June 27, 2000. Clearly, the Plaintiffs filed their Complaint within the applicable 180-day time limit from the date of their termination. The Court refuses to bar any of the Plaintiffs' claims from any alleged acts of discrimination, retaliation, threatened discharge or discharge occurring 180 days prior to November 22, 2000 at this stage of litigation.

We cannot conclude with certainty that the law permits no recovery under the allegations pled regarding the Plaintiffs' claim for violation of Pennsylvania's Whistleblower Law. Therefore, the Preliminary Objections of the "County Defendants" are **REFUSED**.

**C. WHETHER PLAINTIFFS' CLAIM FOR VIOLATION OF THEIR FIRST AMENDMENT RIGHTS PURSUANT TO 42 U.S.C. §1983 IS LEGALLY INSUFFICIENT?**

The "County Defendants" contend the Plaintiffs' Complaint is legally insufficient under 42 U.S.C. §1983 for (1) failure to properly plead egregious conduct; (2) because of the applicability of immunity to the discretionary, legislative acts of the Commissioners; and (3) because of the lack of specificity in the Complaint regarding these allegations.

42 U.S.C. §1983 states in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom, usage, of any State...subjects or causes to be subjected, any citizen of the United States or

other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

To state a cause of action under Section 1983, Plaintiffs must demonstrate that the "County Defendants", acting under color of state law, deprived them of a right, privilege, or immunity secured by the Constitution. 42 U.S.C. 1983. Section 1983 imposes liability for violations of federal rights protected by the Constitution, not for violations of duties of care arising out of tort law. *Garris v. Rowland*, 678 F.2d 1271 (5th Cir. 1982); *Baker v. McCollan*, 443 U.S. 137 (1979). Merely negligent conduct does not implicate due process and is not actionable under this section. *Id.*; see also *Amsden v. Moran*, 904 F.2d 748 (1st Cir. 1990). Even bad faith violation of state law does not necessarily rise to the level of a viable Section 1983 claim. See *Amsden*, *supra*, at 757.

Thus, Section 1983 has three basic elements for personal capacity suits: (1) Action under color of law; (2) Acts by a person within the context of Section 1983; and (3) Actions caused a deprivation of federal rights. A Section 1983 plaintiff must meet a heightened standard and make specific allegations of unconstitutional conduct. *Bartholomew v. Fischl*, 782 F.2d 1148 (3rd Cir. 1986). Thus, vague assertions by a plaintiff that defendant violated their First Amendment rights are insufficient.

Assuming that the "County Defendants" action was under color of law, we must turn our attention to the other two prongs of Section 1983. In order to show that the "County Defendants" deprived the Plaintiffs of their First Amendment Right of the United States Constitution, Plaintiffs must show that they engaged in protected speech which was a substantial or motivating factor in the termination of their employment, and that the same action would not have been taken in the absence of the protected activity. See *Johnson v. Lincoln University*, 776 F.2d 443, 450 (3rd Cir. 1985); *Trotman v. Board of Trustees of Lincoln University*, 635 F.2d 216, 224-225 (3rd Cir. 1980). Plaintiffs fail to plead facts to establish any of these criteria.

The expressive rights of public employees are more restricted than those of public citizens who are not in an employment relationship

with the government. *Connick v. Myers*, 461 U.S. 138, 147 (1983). In *Connick*, the United States Supreme Court held that speech of a public employee is only protected if: (1) it is a matter of public concern; and (2) the value of that expression outweighs the government's interest in the effective and efficient fulfillment of its responsibilities to the public. *Id.* at 147-151.

Plaintiffs allege various conduct that arguably amounts to speech. They argue that their speech, in this case, related to the health, safety, and welfare of the staff and residents of Green Acres and that Plaintiffs specifically intended to promote the quality and reliability of the services that their employer performed. However, Plaintiffs fail to allege facts as to the form of the speech on which the Court can rely to determine whether the speech is protected. See *Connick*, supra, at 148. Furthermore, Plaintiffs fail to specify a causal connection between the alleged speech and the adverse employment action. Therefore, Plaintiffs fail to demonstrate how the "County Defendants" deprived them of a First Amendment Right. Since Section 1983 Plaintiffs must meet a heightened level of specificity and Plaintiffs have not met that heightened level, the Court must dismiss Plaintiff's Section 1983 claim.

Thus, the Preliminary Objections of the "County Defendants" to Plaintiffs' claim under 42 U.S.C. §1983 are **GRANTED** and Plaintiffs' claim under Section 1983 is dismissed regarding the "County Defendants".

#### **D. WHETHER PLAINTIFFS' CLAIM FOR WRONGFUL DISCHARGE IS LEGALLY INSUFFICIENT?**

The "County Defendants" assert that Plaintiffs' claim for wrongful discharge is legally insufficient because (1) a statutory remedy such as Pennsylvania's Whistleblower Law precludes a cause of action for wrongful discharge and (2) Plaintiffs have failed to plead a proper public policy exception to the at-will employment doctrine. However, Plaintiffs argue that their termination was based upon reports relating to health, safety, and welfare of the staff and residents of Green Acres and a termination of employment under such circumstances falls within the public policy exception to the employment at-will doctrine.

Although generally an employer can discharge an employee with or without cause, that right is not absolute. *Spierling v. First Am.*

*Health Serv., Inc.*, 737 A.2d 1250, 1253 (Pa. Super. 1999). Under Pennsylvania law, an employee without a clear contract to the contrary is called an at-will employee and can be discharged at any time, for any or no reason, and there is no cause of action for the discharge of an at-will employee. *Geary v. United States Steel Corp.*, 319 A.2d 174 (Pa. 1974); *Sharp v. BW/IP International, Inc.*, 991 F.Supp. 451 (E.D. Pa. 1998). However, there exists the public policy exception to Pennsylvania's at-will employment doctrine, which states that an employer cannot discharge an employee in violation of public policy. See *Spierling*, supra, at 1253.

But, an individual discharged in violation of public policy cannot bring a common law claim for wrongful discharge where a specific statutory remedy is available. *Jaques v. Akzo Int'l Salt, Inc.*, 619 A.2d 748, 753 (Pa. Super. 1993). The statutory remedy preempts the wrongful discharge claim. *Id.* The Plaintiffs' success with the statutory remedy is irrelevant in the preemption analysis. *Id.*

In Pennsylvania, the Whistleblower Law preempts a wrongful discharge claim based upon reporting wrongdoing. See *Perry v. Tioga City*, 649 A.2d 186, 188 (Pa. Cmwlth. 1994). In *Perry v. Tioga City*, supra, the Court held:

To advance the public interest, the General Assembly enacted the Whistleblower Law to provide public employees with protection against retaliation for reporting wrongdoing. It is the sole and exclusive remedy by which such claim can be brought.

Plaintiffs base their wrongful discharge claim on their reporting of wrongdoing and their subsequent termination due to their reports. However, this claim is preempted by Pennsylvania's Whistleblower Law. As previously stated, individuals discharged in violation of public policy cannot bring a common law claim for wrongful discharge where a specific statutory remedy is available. Plaintiffs have the Whistleblower Law available to them as a specific statutory remedy for their termination. Thus, the Whistleblower Law preempts the Plaintiffs' wrongful discharge claim based upon allegations that the Plaintiffs were terminated in violation of public policy for reporting wrongdoing.

Therefore, the Preliminary Objections of the "County Defendants" to Plaintiffs' claim for wrongful discharge are

**GRANTED** and Plaintiffs' claim for wrongful discharge against the "County Defendants" is dismissed.

**E. WHETHER PLAINTIFFS' CLAIMS AGAINST GREEN ACRES-ADAMS COUNTY NURSING HOME AND ADAMS COUNTY COMMISSIONERS ARE LEGALLY INSUFFICIENT FOR FAILURE TO PLEAD SEPARATE AND DISTINCT ENTITIES?**

"County Defendants" argue that Plaintiffs' Complaint includes a laundry list of eight Defendants, some of whom are misidentified as separate Defendants. The Complaint lists Green Acres as an entity separate and apart from the County. The Complaint also names the County and the County Commissioners as Defendants, and then names the individual County Commissioners by proper and surname as Defendants in their individual and official capacities.

The law is clear that Defendants must be separate persons or entities. Green Acres is not a separate entity, and thus is not an appropriate Defendant. Green Acres does not exist separate from the County. The individuals named in their official capacities are synonymous with the County Commissioners. The County Commissioners are simply the governing board for the County. The same persons cannot be named as Defendants twice in the same capacity. Additionally, the County Commissioners in their individual capacities are also stricken as Defendants in this matter. It is well established that Commissioners acting within the scope of their official responsibilities are not liable. Having dismissed all claims against the "County Defendants" except the Plaintiffs' claim for violation of Pennsylvania's Whistleblower Law against Adams County, all other "County Defendants" are dismissed from this case.

Furthermore, without any claim except for the Whistleblower Law violation, Plaintiffs are not entitled to punitive damages against the "County Defendants". Punitive damages are not an available remedy under Pennsylvania's Whistleblower Law. See *Rankin v. Gordon*, 963 F.Supp. 463 (3rd Cir. 1997). Thus, any claim or request for punitive damages against the "County Defendants" is dismissed.

Therefore, the Preliminary Objections of the "County Defendants" are **GRANTED** and Plaintiffs shall re-caption this case with "Green Acres-Adams County Nursing Home; Adams County Commissioners; Thomas J. Weaver, Thomas L. Collins, and Harry C.

Stokes, Individually and in their Official Capacity” stricken as Defendants. Thus, the remaining named Defendants shall be: (1) County of Adams and (2) the “CCS Defendants”, consisting of Complete Care Services, Inc. and Linda Newcomb.

*Continued to next issue (1/25/2002)*



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1041 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Northerly right of way line of Abbotts Drive in the Borough of Abbottstown, Adams County, PA known and numbered as Lot No. 4 on a plan of lots for Abbotts Manor, Phase III, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 76, Page 99, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbotts Drive, at a corner of Lot No. 5 on said plan; thence extending along the said right of way line of Abbotts Drive on a line curving to the left having a radius of 225 feet, an arc distance of 85 feet, with a chord bearing North 73 degrees 44 minutes 50 seconds West 84.50 feet to a point; thence extending along Lot No. 3 of Subdivision Plan 69, Page 95 North 5 degrees 25 minutes 49 seconds East 157.95 feet to a point; thence North 70 degrees 29 minutes 11 seconds East 205.54 feet to a point; thence extending along Lot No.'s 5, 6 and 7 of Subdivision Plan Book 76, Page 99 South 27 degrees 04 minutes 33 seconds West 280.26 feet to the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Steven A. Groft and Amanda M. Godfriaux, joint tenants with full rights of survivorship by Deed from Garland Construction, Inc. dated 3/17/2000 and recorded 8/9/2000 in Record Book 2103 Page 253.

Premises being: 40 Abbotts Drive, Abbottstown, PA 17301

Tax Parcel No. 3-106

SEIZED and taken into execution as the property of **Steven A. Groft & Amanda M. Godfriaux** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-880 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying, and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of public road leading from the Mummasburg Road to the Lincoln Highway, with an iron pin set back along the line; thence running by land of Emory Baker North 61 degrees West 175 feet to an iron pin; thence running by land now or formerly of James Plank North 20-1/2 degrees East 75 feet to an iron pin; thence running by land now or formerly of Charles Pieffer South 61 degrees East 148.5 feet to a point in the center of said road, with an iron pin set back along the line; thence running in the center of said road South 4-3/4 degrees East 82.2 feet to a point in the center of said road, with an iron pin set back along the line; the place of BEGINNING.

Map #: (9) E11-0080

BEING KNOWN AS: 298 Belmont Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Donna L. Althoff** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-807 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101 et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69 Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 34 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, PA in Record Book 1271 Page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69 Page 23.

SEIZED and taken into execution as the property of **Walter S. Stiles & Karen Jean Stiles** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-750 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point on the property line of Pine Lane at corner of Lot No. 86 on the hereinafter referred to plan of lots; thence along Lot No. 86, South 43 degrees 56 minutes 51 seconds West, 114.60 feet to a point where the corners of Lots Nos. 86, 69, 70 and 85 intersect; thence along Lot No. 70, North 42 degrees 57 minutes 30 seconds West, 78 feet to a point on the property line of Walnut Lane; thence along said Walnut Lane by a curve to the left, the radius of which is 847.712 feet, an arc length of 95.13 feet, and having a long chord bearing and distance of North 43 degrees 20 minutes 7 seconds East, 95.08 feet to a point; thence by a curve to the right, the radius of which is 15 feet, an arc length of 22.87 feet and having a long chord bearing and distance of North 86 degrees 7 minutes 46 seconds East, 20.72 feet to a point on the property line of Pine Lane, aforesaid; thence along said Pine Lane by a curve to the right, the radius of which is 1,570.255 feet, an arc length of 65 feet and having a long chord bearing and distance of South 46 degrees 0 minutes 57 seconds East, 64.99 feet to a point at Lot No. 86, the point and place of BEGINNING.

CONTAINING 8,712.039 square feet or 0.200 acres

BEING Lot No. 85 on a plan of lots of Oxford Estates dated January 1983, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 37, at Page 122.

SUBJECT, NEVERTHELESS, to the restrictions contained in prior deed of conveyance.

SEIZED and taken into execution as the property of William E. & Lisa Rae Earle and to be sold by me

Raymond W. Newman-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/98 and recorded 10/8/98 in Record Book 1677, Page 231.

Premises being: 416 Heritage Drive, Gettysburg, PA 17325

Tax Parcel No. 4-26

SEIZED and taken into execution as the property of George H. Simeone & Jodi F. Simeone and to be sold by me

Raymond W. Newman-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-422 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN described lot of ground, with improvements thereon erected, situate in Reading Township, being known as Lot No. 891 on a plan of lots of Lake Meade Subdivision, said plan being duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at page 6, and SUBJECT TO all legal highways, easements and restrictions of record.

BEING the same which Danny T. Howe and Pamela M. Howe, husband and wife, by their deed dated July 30, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book \_\_\_\_\_, page \_\_\_\_\_, sold and conveyed unto Danny Howe, married man, one of the Grantors herein.

The within transfer is from husband and wife to husband and wife.

UNDER AND SUBJECT, NEVERTHELESS, to the same conditions, restrictions, exceptions and reservations as exist by virtue of prior recorded instruments, deeds and conveyances.

Premises being: 28 Pleasonton Drive, East Berlin, PA 17316

Tax Parcel No. MAP 13, PARCEL 3

SEIZED and taken into execution as the property of Danny Howe & Pamela M. Howe and to be sold by me

Raymond W. Newman-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1080 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being on the West side of Route 94 in Reading Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the State Highway to lands of C. Edgar King; thence by said lands and through a steel pin at the side of said highway, South 57 degrees 20 minutes West, 162.5 feet to a steel pin; thence continuing by lands of C. Edgar King and Leroy G. Little, North 67 degrees 27 minutes West, 516 feet to a 12-inch elm; thence by lands of Leroy G. Little and through a steel pin; North 32 degrees 20 minutes East, 423.9 feet to a steel pin; thence continuing by lands of same South 24 degrees 3 minutes East, 74 feet to a steel pin; thence continuing by the same, North 73 degrees East, 197.9 feet thru a steel pin at the side of the highway to a point in the center of said State Highway; thence by the center of said State Highway South 20 degrees East, 488.8 feet to a point, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Maybelle E. Jacoby by Deed from Anthony J. Batoha and Margaret M. Batoha, husband and wife, etal dated 12/8/84 and recorded 12/11/84 in Record Book 391 Page 1058.

Premises being: 5736 Carlisle Pike, New Oxford, PA 17350

Tax Parcel No. J7-29

SEIZED and taken into execution as the property of **Maybelle E. Jacoby** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1062 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO CERTAIN tracts of land situated, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows:

TRACT No. 1

BEGINNING at a point in the center of Deep Hollow Drive at Lot No. 92; thence by said Lot, South 21 degrees 19 minutes West, 200 feet to Lot No. 100; thence by said Lot, North 68 degrees 41 minutes, 100 feet to Lot No. 94; thence by said Lot, North 21 degrees 19 minutes East, 200 feet to a point in the center of said Deep Hollow Drive; thence in said Deep Hollow Drive, South 68 degrees 41 minutes East, 100 feet to the place of BEGINNING.

TRACT No. 2

BEGINNING at a point in the center of Deep Hollow Drive at Lot No. 93; thence by said Lot, South 21 degrees 19 minutes West, 200 feet to Lot No. 99; thence by said Lot, North 68 degrees 41 minutes West, 100 feet to Lot No. 95; thence by said Lot, North 21 degrees 19 minutes East, 200 feet to a point in the center of said Deep Hollow Drive; thence in said Deep Hollow Drive, South 68 degrees 41 minutes East, 100 feet to the place of BEGINNING.

Tax Parcel # (43) 012-0045

Being known as 11 Deep Hollow Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Robert G. Sprenkle & Pamela M. Sprenkle** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1115 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, being Lot No. 50 in Section BB, bounded and described as follows:

BEGINNING at a point in the center of Sour Mash Trail at Lot No. 49; thence by said lot South 24 degrees 29 minutes 20 seconds East, 225 feet to land now or formerly of Albert Dente; thence by said land South 65 degrees 30 minutes 40 seconds West, 100 feet to Lot No. 51; thence by said lot North 24 degrees 29 minutes 20 seconds West, 225 feet to a point in the center of said Sour Mash Trail; thence in said Sour Mash Trail North 65 degrees 30 minutes 40 seconds East, 100 feet to the place of BEGINNING. The above description was taken from a plan of lots labeled "Section BB, Chamita" dated December 6, 1969, prepared by Gordon L. Brown, F.S., and recorded in Adams County Plat Book 1 at Page 62.

Being known as 50 Sour Mash Trail, Fairfield, PA 17320

Property ID No. (18)BBO-0050

TITLE TO SAID PREMISES IS VESTED IN Kathleen Marie Alexander a/k/a Kathleen M. Alexander by Deed from Billie Dickerson and Dorice M. Dickerson, husband and wife, dated 1/24/1997, recorded 1/27/1997, in Deed Book 1321, Page 171.

SEIZED and taken into execution as the property of **Kathleen Marie Alexander a/k/a Kathleen M. Alexander** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-877 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with improvements situate thereon located in the Borough of New Oxford, Adams County, Commonwealth of Pennsylvania identified as Tract No. 1 pursuant to a final plan for Robinson's Home, Inc. by Worley Surveying, said Plan being dated March 12, 1993 and bearing File No. C-1285 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 576, Page 607 and as more particularly described as follows to wit:

BEGINNING at a point at the right-of-way lines located at the Northwest corner of Lincoln Way West (S.R. 0030) and North Bolton Street and thence extending from said point along Lincoln Way West (S.R. 0030), South Seventy-One degrees, Fifty minutes, Forty-Seven seconds West (S 71 degrees 50' 47" W) Eighty-Eight and Fifty-Eight One Hundredths (88.58') feet to a point at lands now or formerly of Joseph N. Masslofsky; thence extending along said lands of Joseph N. Masslofsky, North Eighteen degrees, Thirty-one minutes, Three seconds West (N 18 degrees 31' 03" W) One Hundred Eighty and Seventy One-Hundredths (180.70') feet to a point at Tract No. 2 of said plan; thence extending along said Tract No. 2, North Seventy-One degrees, Zero minutes, Zero seconds East (71 degrees 00' 00" E) a distance of Ninety and Seven One-Hundredths (90.07') feet to a point at the right-of-way line at North Bolton Street; thence extending along said right-of-way line at North Bolton Street, South Eighteen degrees, Two minutes, Fifty-four seconds East (S 18 degrees 02' 54" E) a distance of One Hundred Eighty-Two and Three One-Hundredths (182.03') feet to a point and place of BEGINNING. CONTAINING 16,199 Square feet, more or less.

Tax Parcel #4-19

SEIZED and taken into execution as the property of **Joseph B. Robinson & Grace M. Robinson** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-143 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of Conewago Drive at Lot No. 11 as shown on the hereinafter described subdivision plan; thence along said right-of-way line by a curve to the right, the radius of which is two hundred seventy (270.00) feet with an arc length of eleven and seventy-four hundredths (11.74) feet and a long chord bearing and distance of North twelve (12) degrees eighteen (18) minutes forty-seven (47) seconds East, eleven and seventy-four (11.74) feet to a point on the right-of-way line of Conewago Drive; thence further along said right-of-way of Conewago Drive, North thirteen (13) degrees thirty-three (33) minutes thirty (30) seconds East, one hundred and fifty-nine hundredths (100.59) feet to a point at lands now or formerly of the Corporation of the Roman Catholic Clergymen; thence along lands now or formerly of the Roman Catholic Clergymen, North seventy-three (73) degrees thirty (30) minutes zero (00) seconds East, one hundred twenty-seven and nine hundredths (127.09) feet to a point at Lot No. 6 as shown on the hereinafter described subdivision plan; thence along Lot Nos. 6 and 7 as shown on the hereinafter described subdivision plan, South thirteen (13) degrees thirty-three (33) minutes thirty (30) seconds West, one hundred seventy and ninety-eight hundredths (170.98) feet through a forty (40) foot sanitary sewer easement to a point where Lots Nos. 8 and 11 (as shown on the hereinafter described subdivision plan) meet; thence along Lot No. 11 North seventy-six (76) degrees twenty-six (26) minutes thirty (30) seconds West, one hundred nine and seventy-four hundredths (109.74) feet to a point, the place of BEGINNING.

BEING Lot No. 12 on the Final Plan of Samuel R. Sneeringer, dated March 8, 1990, recorded in the Recorder of Deeds Office in and for Adams County, Pennsylvania, in Plat Book 55, page 60.

SUBJECT to a sanitary sewer line and a storm sewer line as shown on the above-referenced subdivision plan.

UNDER AND SUBJECT to the restrictions attached hereto and made a part hereof.

BEING the same premises which Samuel R. Sneeringer, as a single man, by Deed dated October 18, 1993 and recorded on October 18, 1993 at Deed Book Volume 793, Page 220 and recorded in the Recorder's Office of Adams County, granted and conveyed to Terry L. Mallette and Brenda M. Mallette.

Kimberly J. Hong, Esq.  
2718 Koppers Building  
436 7th Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

SEIZED and taken into execution as the property of **Terry L. Mallette & Brenda M. Mallette** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on December 20, 2001 Articles of Incorporation were filed for LINDA S. WAGNER, INC. with the Department of State of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Business Corporation Law of 1988. The location of its registered office is 990 Forrest Drive, Abbottstown, PA 17301.

Jane M. Alexander, Esq.  
Solicitor

1/18

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.**

**FIRST PUBLICATION**

**ESTATE OF MARGUERITE E. HOSTETTER, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executrices: Sherry E. Dennis, 1125 Irishtown Road, New Oxford, PA 17350; Deanna L. Shorb, 1414 Summer Street, Grinnell, IA 50112

Attorney: Keith A. Hassler, Attorney at Law, 9 North Beaver Street, York, PA 17401

**ESTATE OF HAROLD W. MENGES, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Clair F. Menges, 6329 York Road, Spring Grove, PA 17362; Robert E. Menges, 4575 York Road, New Oxford, PA 17350

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

**ESTATE OF MARIE G. RISER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

George Riser, 1306 Irishtown Road, New Oxford, PA 17350; Anita Buie, 7 Bemberton Drive, East Berlin, PA 17316

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

**SECOND PUBLICATION**

**ESTATE OF STEVE BERNARD HAYES a/k/a STEVE B. HAYES, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Executor: Paul S. Hayes, 136 Furman Rd., Dillsburg, PA 17019

Attorney: David J. Lenox, Esq., Wiley, Lenox, Colgan & Marzzacco, P.C., One South Baltimore St., Dillsburg, PA 17019

**ESTATE OF MARY LOU KRANIAS, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Ernest C. Kranias, 104 Johns Avenue, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 220 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF LINDA B. PETERS, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executor: George M. Peters, 7720 Oxford Road, Gardners, PA 17324

Attorney: Robert E. Campbell, Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF SHIRLEY E. RESH, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Bank of Hanover and Trust Company, 6 York Street, Gettysburg, PA 17325

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

**ESTATE OF BLANCHE A. STAUB a/k/a BLANCHE E. STAUB, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Raphael F. Staub, 353 North Street, McSherrystown, PA 17344; Marla R. Weaver, 106 North Street, McSherrystown, PA 17344

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

**THIRD PUBLICATION**

**ESTATE OF HAROLD LEE FISHER, SR., DEC'D**

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Administratrix: Billiejo A. Fisher, c/o Gates & Gates, 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, 250 York Street, Hanover, PA 17331

**ESTATE OF EVELYN G. SNIDER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Mary E. Leedy, 1160 Baltimore Pike, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-908 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point on the southern right-of-way line of Sycamore Lane, a sixty (60) feet wide right-of-way, at corner of Lot No. 111 on the subdivision plan hereinafter referred to; thence along Lot No. 111, South thirty (30) degrees twenty-three (23) minutes fifty (50) seconds West, one hundred fifteen (115) feet to a point at lands now or formerly of St. Vincent DePaul Cemetery; thence along said last mentioned lands, North fifty-nine (59) degrees thirty-six (36) minutes ten (10) seconds West, sixty-five and twenty-two hundredths (65.22) feet to a point at Lot No. 113 on the subdivision plan hereinafter referred to; thence along Lot No. 113, North thirty (30) degrees twenty-three (23) minutes fifty (50) seconds East, one hundred fifteen (115) feet to a point on the southern right-of-way line of Sycamore Lane; thence along the southern right-of-way line of Sycamore Lane, South fifty-nine (59) degrees thirty-six (36) minutes ten (10) seconds East, sixty-five and twenty-two hundredths (65.22) feet to a point at Lot No. 111, the point and place of BEGINNING.

CONTAINING 7,500 square feet and being Lot No. 112 on final subdivision plan prepared for Dillers Village, Phase II, by Donald E. Worley, Registered Surveyor, dated April 29, 1987, designated as File No. G-93, which said subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 47, page 22 (erroneously described in prior deed as Plan Book 17, page 22).

BEING the same premises which Vernon W. Armacost and Doris C. Armacost, by Deed dated January 24, 2000 and recorded in the Office of the Recorder of Deeds of Adams County on February 7, 2000, in Deed Book Volume 1998, Page 159, granted and conveyed unto Stephen A. Patterson and Gilda M. Patterson.

Grenen & Birsic, P.C.  
By: /s/Kristine M. Faust, Esq.  
Attorneys for Plaintiff  
One Gateway Center, Nine West  
Pittsburgh, PA 15222  
(412) 281-7650

Parcel No. 08-009-0287-000

SEIZED and taken into execution as the property of **Stephen A. Patterson & Gilda M. Patterson** and to be sold by me Raymond W. Newman-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

COMPLAINT IN MORTGAGE  
FORECLOSURE  
NO. 01-S-1211

In Re: National City Mortgage Co., et al v. Gary K. Armstrong and Wanda J. Armstrong n/k/a Wanda Loessel, and Terry L. Schill

Attorney for Plaintiff: Louis P. Vitti, Esq., Louis P. Vitti & Associates, P.C., 916 Fifth Ave., Pgh., PA 15219. (412) 281-1725.

YOU HAVE BEEN NAMED as Defendants in a civil action instituted by National City Mortgage Co. against you in this Court. This action has been instituted to foreclose on a Mortgage dated October 27, 1994, and recorded in the Recorder's Office of Adams County in Mortgage Book Volume 960, page 42, on November 2, 1994.

You are hereby notified to plead to the above-referenced Complaint within twenty (20) days from the date of publication of this Notice or a judgment will be entered against you.

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 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 notice to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help

**LAWYER REFERRAL SERVICE:**

County Referral Service  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, PA 17325

(717) 334-6781, Ext. 213

1/18

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW  
NO. 01-S-1223

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

CENDANT MORTGAGE CORPORATION,  
F/K/A PHH MORTGAGE SERVICES CORPORATION, Plaintiff

vs.

THOMAS E. GLADWELL, Defendant

NOTICE

TO: Thomas E. Gladwell:

YOU ARE HEREBY NOTIFIED that on December 18, 2001, Plaintiff, Cendant Mortgage Corporation, F/K/A PHH Mortgage Services Corporation, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County, Pennsylvania, docketed to No. 01-S-1223. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 162 York Street, Gettysburg, PA 17325, whereupon your property would be sold by the Sheriff of Adams County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

You have been sued in Court. 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 Judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money, the property or other rights important to you.

You should take this notice to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

ADAMS COUNTY COURT  
ADMINISTRATOR  
Adams County Courthouse  
Gettysburg, PA 17325  
(717) 334-6781, Ext. 213

Frank Federman  
Attorney for Plaintiff  
Federman & Phelan, L.L.P.  
One Penn Center, Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000

1/18

# Adams County Legal Journal

Vol. 43

January 25, 2002

No. 35, pp. 194-197

## IN THIS ISSUE

### TYLER ET AL VS. GREEN ACRES ET AL

*This opinion continued from last two issues (1/11/2002 & 1/18/2002)  
and concludes in this issue*

#### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-824 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of March, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

#### TRACT NO. 3

BEGINNING at the railroad spike at the center line in the intersection of Legislative Route 01006, Pa Legislative Route 531 and Township Road T-530; thence in said Pa. Legislative Route 531, North 19 degrees 15 minutes East, 91.63 feet to a railroad spike; thence by land now or formerly of Sherman S. Speelman and wife, North 57 degrees 47 minutes 50 seconds East, 77.58 feet to an iron pin; thence by same, South 80 degrees 4 minutes 20 seconds East, 141 feet to an iron pin at land now or formerly of Clarence Speelman; thence by said land of Clarence Speelman, South 6 degrees 49 minutes 40 seconds West, 134.14 feet to a railroad spike in the center line of Township Road T-530; thence in said Township Road North 82 degrees 17 minutes West, 220.8 feet to a railroad

spike located in the intersection of Legislative Route 01006, PA Legislative Route 531 and Township Road T-530, the place of BEGINNING.

CONTAINING 27,066 Square Feet.

The above description was taken from a Sub-division Plan dated August 27, 1975, and prepared by Boyer-Price Surveys, Inc. and recorded in Adams County Plat Book 10 at page 22, designating the above as Parcel B.

Title of Record for Tract No. 3 appears to be vested in Francis W. Mastrouni and Grace M. Mastrouni, husband and wife, by Deed Dated 7/27/1981 and Recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on 7/27/1981 in Deed Book 358 Page 341.

SEIZED and taken into execution as the property of **Francis W. Mastrouni & Grace M. Mastrouni** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 1, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/25, 2/1 & 8

#### INCORPORATION 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, on or about October 12, 2001, for the purposes of obtaining a Certificate of Incorporation of a Pennsylvania non-profit corporation to be organized under the provisions of the Pennsylvania Non-Profit Corporation Law of 1988.

The name of the corporation is THE NATIONAL CENTER FOR CIVIL WAR PHOTOGRAPHY. The purpose of the corporation is the restoration, preservation and exhibition of Civil War Era photographs.

Puhl, Eastman & Thrasher  
Attorneys

1/25

Designated for the Publication of Court and other Legal Notices. Published every Friday by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-760 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a point in the centerline of Legislative Route 01030 (commonly referred to as Pine Grove Road) at lands now or formerly of H. O'Brien as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands, through an iron pin set twenty-five (25) feet from the beginning of this course, South fifty-six (56) degrees forty-five (45) minutes two (2) seconds West, two hundred seventy-four and five-tenths (274.5) feet to an iron pin (found) at lands now or formerly of P. T. Myers; thence along said last mentioned lands, North thirty-one (31) degrees thirty-two (32) minutes fifty-three (53) seconds West, one hundred (100) feet to an iron pin (set) at other lands now or formerly of Denton B. Barnhart and Doris D. Barnhart, his wife; thence along said last mentioned lands North fifty-six (56) degrees forty-four (44) minutes twenty-nine (29) seconds East, through an iron pin set twenty-five (25) feet from the terminus of this course, two hundred seventy-one and seventy-five hundredths (271.75) feet to a point in the centerline of Legislative Route 01030 aforesaid; thence along the centerline of said Legislative Route 01030, South thirty-three (33) degrees seven (7) minutes thirty-five (35) seconds East, one hundred (100) feet to a point in the centerline of said Legislative Route 01030, being the point and place of BEGINNING. Being known as Lot No. 2, Plan Book 25, Page 38.

IT BEING the same tract of land which Denton B. Barnhart and Doris D. Barnhart, his wife, by their Deed dated the 15th day of January, 1979, and recorded January 22, 1979, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 343, at page 356, granted and conveyed unto Bradley J. Topper and Erma A. Topper, his wife. The said Erma A. Topper having predeceased her spouse,

title vested solely in Bradley J. Topper, by the right of survivorship, and about to be conveyed unto Mortgagors herein.

Premises being: 481 Pine Grove Road, Hanover, PA 17331

Tax Parcel No. #K17-43

SEIZED and taken into execution as the property of **Michael W. Gebhart & Tammy J. Gebhart** and to be sold by me

Raymond W. Newman-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1041 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Northerly right of way line of Abbotts Drive in the Borough of Abbottstown, Adams County, PA known and numbered as Lot No. 4 on a plan of lots for Abbotts Manor, Phase III, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 76, Page 99, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbotts Drive, at a corner of Lot No. 5 on said plan; thence extending along the said right of way line of Abbotts Drive on a line curving to the left having a radius of 225 feet, an arc distance of 85 feet, with a chord bearing North 73 degrees 44 minutes 50 seconds West 84.50 feet to a point; thence extending along Lot No. 3

of Subdivision Plan 69, Page 95 North 5 degrees 25 minutes 49 seconds East 157.95 feet to a point; thence North 70 degrees 29 minutes 11 seconds East 205.54 feet to a point; thence extending along Lot No.'s 5, 6 and 7 of Subdivision Plan Book 76, Page 99 South 27 degrees 04 minutes 33 seconds West 280.26 feet to the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Steven A. Groft and Amanda M. Godfriaux, joint tenants with full rights of survivorship by Deed from Garland Construction, Inc. dated 3/17/2000 and recorded 8/9/2000 in Record Book 2103 Page 253.

Premises being: 40 Abbotts Drive, Abbottstown, PA 17301

Tax Parcel No. 3-106

SEIZED and taken into execution as the property of **Steven A. Groft & Amanda M. Godfriaux** and to be sold by me

Raymond W. Newman-Sheriff Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

NOTICE

NOTICE IS HEREBY GIVEN that Bandy L. Jarosz intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 20th day of February, 2002, and that she intends to practice law as an Associate Attorney at the Law Offices of Karen J. Clark-Oyler and Ralph D. Oyler, County of Adams, 31 South Washington Street, Gettysburg, Pennsylvania.

1/25, 2/1 & 8



The Court must now turn its attention to the Preliminary Objections filed by the "CCS Defendants". The "CCS Defendants" consist of Complete Care Services, who contracted with Adams County to operate Green Acres, and Linda Newcomb, who was employed by Complete Care Services to assist in performing that service.

**A. WHETHER PLAINTIFFS' CLAIM FOR VIOLATION OF PENNSYLVANIA'S WHISTLEBLOWER LAW IS LEGALLY INSUFFICIENT?**

As previously stated in the discussion of the Preliminary Objections of the "County Defendants" regarding Plaintiffs' claim for violation of Pennsylvania's Whistleblower Law, the Plaintiffs have stated a claim upon which relief may be granted under the Whistleblower Law. The Plaintiffs have alleged the requisite elements to establish a claim upon which relief can be granted against the "CCS Defendants".

The Whistleblower Law prohibits a public employer from taking adverse action against an employee. While the Court has some doubts as to Plaintiffs' allegation that Complete Care Services is a public body, we shall permit the Plaintiffs to have an opportunity to conduct discovery in order to articulate the precise dynamics of the relationship between Complete Care Services and Adams County. This legal issue can and will be decided during the course of litigation.

The "CCS Defendants" also assert that certain portions of Plaintiffs' claims under the Whistleblower Law are time-barred. As we previously discussed, the Court refuses to dismiss any of the alleged time-barred portions of the Plaintiffs' Whistleblower claims at this early stage of litigation.

Therefore, the Preliminary Objections of the "CCS Defendants" are **REFUSED** in regards to Plaintiffs' claim for violation of the Whistleblower Law.

**B. WHETHER PLAINTIFFS' CLAIM FOR VIOLATION OF THEIR FIRST AMENDMENT RIGHTS PURSUANT TO 42 U.S.C. §1983 IS LEGALLY INSUFFICIENT?**

To state a cause of action under Section 1983, Plaintiffs must demonstrate that the "CCS Defendants", acting under color of state law, deprived them of a right, privilege or immunity secured by the Constitution. 42 U.S.C. §1983. Plaintiffs' vague assertions that the "CCS Defendants" violated their First Amendment rights are insufficient.

Initially, a Section 1983 plaintiff must allege that defendant was acting under color of state law. *Rendell-Baker v. Kohn*, 457 U.S. 830, 835 (1982). The Court fails to see how the “CCS Defendants” acted under color of law. Acts of private entities who contract with the government do not become acts of the government by reason of their significant or even total engagement in performing public contracts. *Id.* at 838. Even if a private individual is engaged in performing services for the government, the court must determine whether such private individual’s actions are fairly attributable to the state. *Id.*

In *Black v. Indiana Area School District*, 985 F.2d 707 (3rd Cir. 1993), the Third Circuit concluded that a bus contractor and its employees were not acting under color of state law. Their actions were not attributable to the state because a service contract does not create a symbiotic relationship between the state and its independent contractor nor were the defendants exercising power traditionally exclusively reserved to the state. *Id.* at 709-711.

Complete Care Services is a private entity in the business of operating nursing homes. Complete Care Services contracted with Adams County to operate Green Acres and to assist in performing that service, Complete Care Services employed Linda Newcomb. However, such contractual relationships are insufficient to establish that any actions of the “CCS Defendants” were fairly attributable to the state. Thus, the Plaintiffs have not shown that the “CCS Defendants” were acting under color of state law and cannot be liable under Section 1983.

Therefore, the Preliminary Objections of the “CCS Defendants” to the Plaintiffs’ claim under 42 U.S.C. §1983 are **GRANTED** and Plaintiffs’ claim under Section 1983 against the “CCS Defendants” is dismissed.

### **C. WHETHER PLAINTIFFS’ CLAIM FOR WRONGFUL DISCHARGE IS LEGALLY INSUFFICIENT?**

An individual discharged in violation of public policy cannot bring a common law claim for wrongful discharge where a specific statutory remedy is available. *Jaques*, supra, at 753. In Pennsylvania, the Whistleblower Law preempts a wrongful discharge claim based upon the reporting of wrongdoing. *Perry*, supra, at 188. Based on our previous discussion in the Court’s ruling upon the Preliminary Objections of the “County Defendants” to Plaintiffs’

claim for wrongful discharge, the Preliminary Objections of the “CCS Defendants” are **GRANTED** and Plaintiffs’ claim for wrongful discharge against the “CCS Defendants” is similarly dismissed.

**D. WHETHER PLAINTIFFS’ REQUEST FOR PUNITIVE DAMAGES IS LEGALLY INSUFFICIENT?**

Plaintiffs allege in their Complaint that the Defendants are jointly and/or severally liable for punitive damages. The “CCS Defendants” argue that the Plaintiffs’ requests for punitive damages should be dismissed they are legally insufficient. A request for punitive damages is not an independent cause of action. *Feingold v. Southeastern Pa. Transp. Auth.*, 517 A.2d 1270, 1276 (Pa. 1986). The Court must look to the underlying claim to determine whether punitive damages are available. *Id.* at 580.

The Whistleblower Law states, “a person who alleges a violation of this act may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both.” 43 P.S. §1424(a). In *Rankin v. Gordon*, 963 F.Supp. 463 (3rd Cir. 1997), the Third Circuit interpreted this section and concluded that punitive damages are not an available remedy under the Whistleblower Law. *Rankin*, supra, at 479.

Having dismissed all claims against the “CCS Defendants” except the claim for violation of Pennsylvania’s Whistleblower Law, we find that the Plaintiffs have failed to allege that the “CCS Defendants” engaged in outrageous conduct. Assuming, arguendo, that the Plaintiffs alleged the requisite facts for punitive damages, such a remedy does not exist under the Whistleblower Law.

Therefore, the Preliminary Objections of the “CCS Defendants” are **GRANTED** and Plaintiffs’ request for punitive damages is dismissed.

**E. WHETHER PLAINTIFFS’ DEMAND FOR A JURY TRIAL UNDER THE WHISTLEBLOWER LAW IS LEGALLY INSUFFICIENT?**

As previously stated in our discussion of the same Preliminary Objections of the “County Defendants”, the Plaintiffs are not entitled to a jury trial under Pennsylvania’s Whistleblower Law. Any claim for a jury trial under the Whistleblower Law is legally insufficient. Additionally, the Plaintiffs’ admit to the fact that they are not entitled to a jury trial for their claims under the Whistleblower Law. Therefore, the Preliminary Objections of the “CCS Defendants” to

Plaintiffs' demand for a jury trial are **GRANTED**. Any demand for a jury trial in regards to Plaintiffs' claim against the "CCS Defendants" under the Whistleblower Law is dismissed.

Accordingly, we shall enter the following Order.

#### ORDER

AND NOW, TO WIT, this 1st day of August, 2001, the Preliminary Objections of the "County Defendants" (Green Acres-Adams County Nursing Home; County of Adams; Adams County Commissioners, Thomas J. Weaver, Thomas L. Collins, and Harry C. Stokes, Individually and in their Official Capacity) are **Refused** as to the Plaintiffs' claim under the Whistleblower Law. The Preliminary Objections of the "County Defendants" are **Granted** as follows:

1. Plaintiffs' demand for a jury trial under Pennsylvania's Whistleblower Law is dismissed;
2. Plaintiffs' claim for violation of their First Amendment rights pursuant to 42 U.S.C. §1983 is dismissed;
3. Plaintiffs' claim for wrongful discharge is dismissed;
4. Plaintiffs' request for punitive damages is dismissed;
5. Plaintiffs' claims against Green Acres-Adams County Nursing Home and the Adams County Commissioners, Individually and in their Official Capacity, are dismissed. Furthermore, Plaintiffs shall re-caption this case with the County of Adams, Complete Care Services, Inc., and Linda Newcomb as the only remaining Defendants.

The Preliminary Objections of the "CCS Defendants" (Complete Care Services, Linda Newcomb) are **Refused** as to the Plaintiffs' claim under the Whistleblower Law. The Preliminary Objections of the "CCS Defendants" are **Granted** as follows:

1. Plaintiffs' claim for violation of their First Amendment rights pursuant to 42 U.S.C. §1983 is dismissed;
2. Plaintiffs' claim for wrongful discharge is dismissed;
3. Plaintiffs' request for punitive damages is dismissed;
4. Plaintiffs' demand for a jury trial under Pennsylvania's Whistleblower Law is dismissed.

The Prothonotary shall provide notice of this Opinion and Order as required by law.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-296 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101 et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Land Development Plan dated October 6, 1995, last revised December 14, 1994 and recorded in Book 69, page 23 (together with all amendments and supplements thereto recorded on or before the date hereto) being all designated in such plan as Unit No. 14 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, page 34.

TITLE TO SAID PREMISES IS VESTED IN Kerry L. Snyder and Sharon F. Snyder, their heirs and assigns by Deed from Philip R. Garland t/d/b/a Garland Construction dated 8/10/1998 recorded 8/26/1998 in Record Book 1648 Page 165.

Premises being: 42 Fiddler Drive, New Oxford, PA 17350

Tax Parcel # 1-52-014

SEIZED and taken into execution as the property of **Kerry L. Snyder & Sharon F. Snyder** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/25, 2/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-807 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101 et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69 Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 34 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, PA in Record Book 1271 Page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69 Page 23.

SEIZED and taken into execution as the property of **Walter S. Stiles & Karen Jean Stiles** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-422 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN described lot of ground, with improvements thereon erected, situate in Reading Township, being known as Lot No. 891 on a plan of lots of Lake Meade Subdivision, said plan being duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at page 6, and SUBJECT TO all legal highways, easements and restrictions of record.

BEING the same which Danny T. Howe and Pamela M. Howe, husband and wife, by their deed dated July 30, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book \_\_\_\_\_, page \_\_\_\_\_, sold and conveyed unto Danny Howe, married man, one of the Grantors herein.

The within transfer is from husband and wife to husband and wife.

UNDER AND SUBJECT, NEVERTHELESS, to the same conditions, restrictions, exceptions and reservations as exist by virtue of prior recorded instruments, deeds and conveyances.

Premises being: 28 Pleasonton Drive, East Berlin, PA 17316

Tax Parcel No. MAP 13, PARCEL 3

SEIZED and taken into execution as the property of **Danny Howe & Pamela M. Howe** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1080 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being on the West side of Route 94 in Reading Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the State Highway to lands of C. Edgar King; thence by said lands and through a steel pin at the side of said highway, South 57 degrees 20 minutes West, 162.5 feet to a steel pin; thence continuing by lands of C. Edgar King and Leroy G. Little, North 67 degrees 27 minutes West, 516 feet to a 12-inch elm; thence by lands of Leroy G. Little and through a steel pin; North 32 degrees 20 minutes East, 423.9 feet to a steel pin; thence continuing by lands of same South 24 degrees 3 minutes East, 74 feet to a steel pin; thence continuing by the same, North 73 degrees East, 197.9 feet thru a steel pin at the side of the highway to a point in the center of said State Highway; thence by the center of said State Highway South 20 degrees East, 488.8 feet to a point, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Maybelle E. Jacoby by Deed from Anthony J. Batoha and Margaret M. Batoha, husband and wife, etal dated 12/8/84 and recorded 12/11/84 in Record Book 391 Page 1058.

Premises being: 5736 Carlisle Pike, New Oxford, PA 17350

Tax Parcel No. J7-29

SEIZED and taken into execution as the property of **Maybelle E. Jacoby** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1062 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO CERTAIN tracts of land situated, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows:

TRACT No. 1

BEGINNING at a point in the center of Deep Hollow Drive at Lot No. 92; thence by said Lot, South 21 degrees 19 minutes West, 200 feet to Lot No. 100; thence by said Lot, North 68 degrees 41 minutes, 100 feet to Lot No. 94; thence by said Lot, North 21 degrees 19 minutes East, 200 feet to a point in the center of said Deep Hollow Drive; thence in said Deep Hollow Drive, South 68 degrees 41 minutes East, 100 feet to the place of BEGINNING.

TRACT No. 2

BEGINNING at a point in the center of Deep Hollow Drive at Lot No. 93; thence by said Lot, South 21 degrees 19 minutes West, 200 feet to Lot No. 99; thence by said Lot, North 68 degrees 41 minutes West, 100 feet to Lot No. 95; thence by said Lot, North 21 degrees 19 minutes East, 200 feet to a point in the center of said Deep Hollow Drive; thence in said Deep Hollow Drive, South 68 degrees 41 minutes East, 100 feet to the place of BEGINNING.

Tax Parcel # (43) 012-0045

Being known as 11 Deep Hollow Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Robert G. Sprenkle & Pamela M. Sprenkle** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1115 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, being Lot No. 50 in Section BB, bounded and described as follows:

BEGINNING at a point in the center of Sour Mash Trail at Lot No. 49; thence by said lot South 24 degrees 29 minutes 20 seconds East, 225 feet to land now or formerly of Albert Dente; thence by said land South 65 degrees 30 minutes 40 seconds West, 100 feet to Lot No. 51; thence by said lot North 24 degrees 29 minutes 20 seconds West, 225 feet to a point in the center of said Sour Mash Trail; thence in said Sour Mash Trail North 65 degrees 30 minutes 40 seconds East, 100 feet to the place of BEGINNING. The above description was taken from a plan of lots labeled "Section BB, Chamita" dated December 6, 1969, prepared by Gordon L. Brown, R.S., and recorded in Adams County Plat Book 1 at Page 62.

Being known as 50 Sour Mash Trail, Fairfield, PA 17320

Property ID No. (18)BBO-0050

TITLE TO SAID PREMISES IS VESTED IN Kathleen Marie Alexander a/k/a Kathleen M. Alexander by Deed from Billie Dickerson and Dorice M. Dickerson, husband and wife, dated 1/24/1997, recorded 1/27/1997, in Deed Book 1321, Page 171.

SEIZED and taken into execution as the property of **Kathleen Marie Alexander a/k/a Kathleen M. Alexander** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-877 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with improvements situate thereon located in the Borough of New Oxford, Adams County, Commonwealth of Pennsylvania identified as Tract No. 1 pursuant to a final plan for Robinson's Home, Inc. by Worley Surveying, said Plan being dated March 12, 1993 and bearing File No. C-1285 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 576, Page 607 and as more particularly described as follows to wit:

BEGINNING at a point at the right-of-way lines located at the Northwest corner of Lincoln Way West (S.R. 0030) and North Bolton Street and thence extending from said point along Lincoln Way West (S.R. 0030), South Seventy-One degrees, Fifty minutes, Forty-Seven seconds West (S 71 degrees 50' 47" W) Eighty-Eight and Fifty-Eight One Hundredths (88.58') feet to a point at lands now or formerly of Joseph N. Masslofsky; thence extending along said lands of Joseph N. Masslofsky, North Eighteen degrees, Thirty-one minutes, Three seconds West (N 18 degrees 31' 03" W) One Hundred Eighty and Seventy One-Hundredths (180.70') feet to a point at Tract No. 2 of said plan; thence extending along said Tract No. 2, North Seventy-One degrees, Zero minutes, Zero seconds East (71 degrees 00' 00" E) a distance of Ninety and Seven One-Hundredths (90.07') feet to a point at the right-of-way line at North Bolton Street; thence extending along said right-of-way line at North Bolton Street, South Eighteen degrees, Two minutes, Fifty-four seconds East (S 18 degrees 02' 54" E) a distance of One Hundred Eighty-Two and Three One-Hundredths (182.03') feet to a point and place of BEGINNING. CONTAINING 16.199 Square feet, more or less.

Tax Parcel #4-19

SEIZED and taken into execution as the property of **Joseph B. Robinson & Grace M. Robinson** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-855 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Latimore Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a railroad spike set in the centerline of Pennsylvania L.R. 01008, Stoney Point Road; thence along lands now or formerly of Richard E. Anderson, North sixty-seven (67) degrees eighteen (18) minutes ten (10) seconds East, four hundred fifty and zero hundredths (450.00) feet passing through a concrete marker set twenty-eight and seventy-six hundredths (28.76) feet from the beginning of this course to a concrete marker set; thence along same, South twenty-two (22) degrees forty-one (41) minutes fifty (50) seconds East, one hundred sixty and zero hundredths (160.00) feet to a point in the centerline of Mud Run; thence in Mud Run, South sixty-three (63) degrees ten (10) minutes zero (00) seconds West, four hundred and zero hundredths (400.00) feet to a point; thence by same, South six (06) degrees thirty-eight (38) minutes twelve (12) seconds East, one hundred twenty-five and seventy-six hundredths (125.76) feet to a point; thence by same, South seventeen (17) degrees fifty-three (53) minutes thirty (30) seconds West, ninety and zero hundredths (90.00) feet to a point in the centerline of a twenty (20) foot wide private right-of-way; thence in said right-of-way, South eighty-seven (87) degrees thirty-four (34) minutes thirty (30) seconds West, one hundred twelve and zero hundredths (112.00) feet passing through a rebar set forty and zero hundredths (40.00) feet from the end of this course to a railroad spike set in the centerline of Pennsylvania L.R. 01008, Stoney Point Road; thence in Pennsylvania L.R. 01008, Stoney Point Road, on a curve to the right, said curve having a radius of two thousand eight hundred sixty-four and ninety hundredths (2864.93) feet and an arc distance of four hundred fifty-nine and eighty-one hundredths (459.81) feet; the chord bearing being North two (02) degrees ten (10) minutes twenty-

two and five-tenths (22.5) seconds East, four hundred fifty-nine and thirty-two hundredths (459.32) feet to a railroad spike set in the centerline of Pennsylvania L.R. 01008, Stoney Point Road, the point and place of BEGINNING. CONTAINING 2.890 acres, more or less.

The above description was taken from a plan of lots prepared by John R. Williams, P.L.S., dated March 15, 1983, and recorded in Plat Book 38, page 10.

HAVING ERECTED THEREON a dwelling known as 3061 Stoney Point Road, East Berlin, Pennsylvania.

BEING THE SAME PREMISES WHICH Kevin S. Anderson and Judie A. Anderson by Deed dated April 23, 1996 and recorded May 1, 1996 in Adams County Deed Book 1186, Page 75, granted and conveyed unto Kevin S. Anderson and Judie A. Anderson.

SEIZED IN EXECUTION AS THE PROPERTY OF KEVIN S. ANDERSON AND JUDIE A. ANDERSON UNDER ADAMS COUNTY JUDGMENT NO. 01-S-855.

MAP & PARCEL #K4-39A

SEIZED and taken into execution as the property of **Judie A. Anderson & Kevin S. Anderson** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/25, 2/1 & 8

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State for GOLDEN LOTUS, INC., which has been incorporated under the Pennsylvania Business Corporation Law of 1988.

Samuel F. Meisenhelder  
Law Offices of Donald L. Reihart  
York, PA

1/25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-143 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of Conewago Drive at Lot No. 11 as shown on the hereinafter described subdivision plan; thence along said right-of-way line by a curve to the right, the radius of which is two hundred seventy (270.00) feet with an arc length of eleven and seventy-four hundredths (11.74) feet and a long chord bearing and distance of North twelve (12) degrees eighteen (18) minutes forty-seven (47) seconds East, eleven and seventy-four (11.74) feet to a point on the right-of-way line of Conewago Drive; thence further along said right-of-way of Conewago Drive, North thirteen (13) degrees thirty-three (33) minutes thirty (30) seconds East, one hundred and fifty-nine hundredths (100.59) feet to a point at lands now or formerly of the Corporation of the Roman Catholic Clergymen; thence along lands now or formerly of the Roman Catholic Clergymen, North seventy-three (73) degrees thirty (30) minutes zero (00) seconds East, one hundred twenty-seven and nine hundredths (127.09) feet to a point at Lot No. 6 as shown on the hereinafter described subdivision plan; thence along Lot Nos. 6 and 7 as shown on the hereinafter described subdivision plan, South thirteen (13) degrees thirty-three (33) minutes thirty (30) seconds West, one hundred seventy and ninety-eight hundredths (170.98) feet through a forty (40) foot sanitary sewer easement to a point where Lots Nos. 8 and 11 (as shown on the hereinafter described subdivision plan) meet; thence along Lot No. 11 North seventy-six (76) degrees twenty-six (26) minutes thirty (30) seconds West, one hundred nine and seventy-four hundredths (109.74) feet to a point, the place of BEGINNING.

BEING Lot No. 12 on the Final Plan of Samuel R. Sneeringer, dated March 8, 1990, recorded in the Recorder of Deeds Office in and for Adams County, Pennsylvania, in Plat Book 55, page 60.

SUBJECT to a sanitary sewer line and a storm sewer line as shown on the above-referenced subdivision plan.

UNDER AND SUBJECT to the restrictions attached hereto and made a part hereof.

BEING the same premises which Samuel R. Sneeringer, as a single man, by Deed dated October 18, 1993 and recorded on October 18, 1993 at Deed

Book Volume 793, Page 220 and recorded in the Recorder's Office of Adams County, granted and conveyed to Terry L. Mallette and Brenda M. Mallette.

Kimberly J. Hong, Esq.  
2718 Koppers Building  
436 7th Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

SEIZED and taken into execution as the property of **Terry L. Mallette & Brenda M. Mallette** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 4, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-908 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point on the southern right-of-way line of Sycamore Lane, a sixty (60) feet wide right-of-way, at corner of Lot No. 111 on the subdivision plan hereinafter referred to; thence along Lot No. 111, South thirty (30) degrees twenty-three (23) minutes fifty (50) seconds West, one hundred fifteen (115) feet to a point at lands now or formerly of St. Vincent DePaul Cemetery; thence along said last mentioned lands, North fifty-nine (59) degrees thirty-six (36) minutes ten (10) seconds West, sixty-five and twenty-two hundredths (65.22) feet to a point at Lot No. 113 on the subdivision plan hereinafter referred to; thence along Lot No. 113, North thirty (30) degrees twenty-three (23) minutes fifty (50) seconds East, one hundred fifteen (115) feet to a point on the southern right-of-way line of Sycamore Lane; thence along the southern right-of-way line of Sycamore Lane, South fifty-nine (59) degrees thirty-

six (36) minutes ten (10) seconds East, sixty-five and twenty-two hundredths (65.22) feet to a point at Lot No. 111, the point and place of BEGINNING.

CONTAINING 7,500 square feet and being Lot No. 112 on final subdivision plan prepared for Dillers Village, Phase II, by Donald E. Worley, Registered Surveyor, dated April 29, 1987, designated as File No. G-93, which said subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 47, page 22 (erroneously described in prior deed as Plan Book 17, page 22).

BEING the same premises which Vernon W. Armacost and Doris C. Armacost, by Deed dated January 24, 2000 and recorded in the Office of the Recorder of Deeds of Adams County on February 7, 2000, in Deed Book Volume 1998, Page 159, granted and conveyed unto Stephen A. Patterson and Gilda M. Patterson.

Grenen & Birsic, P.C.  
By: /s/Kristine M. Faust, Esq.  
Attorneys for Plaintiff  
One Gateway Center, Nine West  
Pittsburgh, PA 15222  
(412) 281-7650

Parcel No. 08-009-0287-000

SEIZED and taken into execution as the property of **Stephen A. Patterson & Gilda M. Patterson** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/18, 25 & 2/1



## ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

## FIRST PUBLICATION

## ESTATE OF ELIZABETH A. BEALING, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Michael Bealing, 5828 Ambau Road, Spring Grove, PA 17362

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331

## ESTATE OF WANDA L. COOK, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Executrix: Karen L. Middleton, 345 Flagstone Drive, Myrtle Beach, SC 29588

## ESTATE OF GERTRUDE L. PLOUSE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Elizabeth C. Monahan, 315 McKinley Avenue, Norwood, PA 19074

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

## SECOND PUBLICATION

## ESTATE OF MARGUERITE E. HOSTETTER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executrices: Sherry E. Dennis, 1125 Irishtown Road, New Oxford, PA 17350; Deanna L. Shorb, 1414 Summer Street, Grinnell, IA 50112

Attorney: Keith A. Hassler, Attorney at Law, 9 North Beaver Street, York, PA 17401

## ESTATE OF HAROLD W. MENGES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Clair F. Menges, 6329 York Road, Spring Grove, PA 17362; Robert E. Menges, 4575 York Road, New Oxford, PA 17350

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

## ESTATE OF MARIE G. RISER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

George Riser, 1306 Irishtown Road, New Oxford, PA 17350; Anita Buie, 7 Bemberton Drive, East Berlin, PA 17316

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

## THIRD PUBLICATION

## ESTATE OF STEVE BERNARD HAYES a/k/a STEVE B. HAYES, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Paul S. Hayes, 136 Furman Rd., Dillsburg, PA 17019

Attorney: David J. Lenox, Esq., Wiley, Lenox, Colgan & Marzacco, P.C., One South Baltimore St., Dillsburg, PA 17019

## ESTATE OF MARY LOU KRANIAS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Ernest C. Kranias, 104 Johns Avenue, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 220 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF LINDA B. PETERS, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: George M. Peters, 7720 Oxford Road, Gardners, PA 17324

Attorney: Robert E. Campbell, Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF SHIRLEY E. RESH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Bank of Hanover and Trust Company, 6 York Street, Gettysburg, PA 17325

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

## ESTATE OF BLANCHE A. STAUB a/k/a BLANCHE E. STAUB, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Raphael F. Staub, 353 North Street, McSherrystown, PA 17344; Marla R. Weaver, 106 North Street, McSherrystown, PA 17344

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-932 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 11, as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania in Record Book 1271, page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record including (but not limited to) those contained in instruments recorded in the aforesaid Recorder's Office in Record Book 69, Page 23.

TOGETHER with the limited common elements appurtenant as more fully shown of Plan 1271, Page 34.

HAVING ERECTED THEREON a dwelling known as 28 Fiddlers Drive, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Philip R. Garland T/D/B/A Garland Construction by Deed dated October 12, 1999 and recorded October 20, 1999 in Adams County Deed Book 1937, Page 265, granted and conveyed unto Linda R. Hall.

SEIZED IN EXECUTION AS THE PROPERTY OF LINDA R. HALL UNDER ADAMS COUNTY JUDGMENT NO. 01-S-932.

MAP & PARCEL #1-52-11

SEIZED and taken into execution as the property of **Linda R. Hall** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 18, 2002, and distribution will be made in accordance with said schedule, unless excep-

tions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/25, 2/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-712 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of March, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Union Township, Adams County, Pennsylvania bounded and described as follows, to wit:

BEGINNING for a point on the edge of a public right of way known as Creek View Drive and at Lot 11 of the hereinafter referred to Final Plan; thence along Lot No. 11 North eighty (80) degrees fourteen (14) minutes fifty-nine (59) seconds East nine hundred seventy-four and sixty-six one-hundredths (974.66) feet to a point at lands now or formerly of Hanover Shoe Farms, Inc.; thence along lands now or formerly of Hanover Shoe Farms, Inc. South twenty (20) degrees forty (40) minutes seventeen (17) seconds West nine hundred forty-four and seventeen one-hundredths (944.17) feet to a point at lands now or formerly of Catherine J. Jenkins and Mary B. Wivell; thence along lands now or formerly of Catherine J. Jenkins and Mary B. Wivell South sixty-three (63) degrees eighteen (18) minutes thirteen (13) seconds West one hundred eighty-eight and ninety-five one-hundredths (188.95) feet to a point at Lot No. 9 of the hereinafter referred to Final Plan; thence along Lot No. 9 North twenty-four (24) degrees fifty (50) minutes fifty-four (54) seconds West five hundred eighteen and eighty-two one-hundredths (518.82) feet to a point at Lot No. 8; thence along Lot No. 8 North forty-two (42) degrees fifty-four (54) minutes forty-three (43) seconds West three hundred eighty and no one-hundredths (380.00) feet to a point right-of-way as Creek View Drive, thence along the edge of Creek View Drive by a curve to the left having a radius of sixty and no one-hundredths (60.00) feet, having a long chord bearing and distance of South eighteen (18) degrees forty (40) minutes eight (08) seconds West fifty-seven and eleven one-hundredths (57.11) feet; for an arc distance of fifty-nine and fifty-two one-hundredths (59.52) feet to a point, the place of BEGINNING.

Premises being: 25 Creekview Drive, Littlestown, PA 17340

Tax Parcel # (41)K16-0057

SEIZED and taken into execution as the property of **Dean M. McGlone & Cathy M. McGlone** and to be sold by me

Raymond W. Newman-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 1, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/25, 2/1 & 8