

Adams County Legal Journal

Vol. 43

March 1, 2002

No. 40, pp. 220-225

IN THIS ISSUE

REAMER VS. KIEHL ET AL

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1204 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road T-351 at the Southeastern corner of Lot No. 11, now or formerly owned by Olmer B. Spence and Virgie E. Spence, husband and wife; thence by said Lot No. 11 and through a steel pin located 35 feet from the beginning point, North 3 degrees 45 minutes 18 seconds West, 280 feet to a steel pin; thence by other land of Olmer B. Spence, Clark E. Spence, and Edward H. Spence, co-partners, trading as SPECO, North 86 degrees 14 minutes 42 seconds East, 100 feet to a steel pin; thence by Lot No. 13, now or formerly owned by Stephen L. Rebert and Susan K. Rebert, husband and wife, South 3 degrees 45 minutes 18 seconds East, 279.28 feet through a steel pin set back 35 feet from the end of this course to a point in the center of said Township Road T-351; thence in and along the center of said Township Road T-351, South 85 degrees 33 minutes 19 seconds West, 60 feet to a point in the center of said Township Road; thence continuing in the center of said Township Road, South 86 degrees 14 minutes 42 seconds West,

40 feet to the point in the center of said Township Road T-351, the place of BEGINNING. CONTAINING 27,978 Square Feet.

The description herein was taken from a draft of survey made January 19, 1972, by J. H. Rife, R. E., File No. D-152, on which said lot is designated as Lot No. 12, which draft was approved as Final Plan of Subdivision of SPECO and recorded in the Office of the Recorder of Deeds of Adams County, PA in Plat Book 2 at Page 12.

Premises being: 249 Poplar Springs, Orrtanna, PA 17353

Tax Parcel No. #C11-56

SEIZED and taken into execution as the property of **Russell L. Lowe a/k/a L. Russell Lowe & Deborah L. Lowe** 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 May 6, 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.

3/1, 8 & 15

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-2-02-(A)

NOTICE

To: MICHAEL SHANE BREWER, SR.
No. RT-2-02-(A)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 5, 2002, at 2:00 p.m., prevailing time, at the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact 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.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846,
or 1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

3/1, 8 & 15

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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.

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

Business Office - 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1156 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 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 tract of land situate, lying and being in Berwick Township, Adams County, Pennsylvania more particularly described as follows:

BEGINNING at an iron pipe found along the Southern edge of Race Track Road (T-505) at the Northeast corner of land now or formerly of Lloyd C. Laughman; thence crossing said Race Track Road North 66 degrees 28 minutes 30 seconds East, 83.15 feet to a steel pin found on line of land now or formerly of Mildred M. Spangler; thence by said Spangler land South 13 degrees 55 minutes 15 seconds East, 17.80 feet to a point in the center of said Race Track Road; thence continuing in the center of said road North 88 degrees 56 minutes 30 seconds East 170.44 feet to a point at the Northwest corner of land now or formerly of Russell G. Neiderer, thence by said Neiderer land and through an angle iron found 27.22 feet from the beginning of this course South 13 degrees 38 minutes 45 seconds East, 315.43 feet to an angle iron; thence continuing by the same and through a concrete monument found 5.75 feet from the beginning of the course South 80 degrees 25 minutes 00 seconds West 232.22 feet to a concrete monument found; thence continuing by the same South 81 degrees 21 minutes 38 seconds West, 29.88 feet to an "X" cut in rock found at corner of land now or formerly of Lloyd C. Laughman; thence by said Laughman land North 11 degrees 25 minutes 40 seconds West, 337.30 feet to an iron pin along the Southern edge of Race Track Road (T-505), the place of BEGINNING.

CONTAINING 1.960 Acres.

The above description was taken from a plan of right of way prepared by John R. Williams P.L.S.

SUBJECT NEVERTHELESS, to a reservation of right of way bounded and described as follows:

BEGINNING at a point in the center of Race Track Road (T-505) at the

Northwest corner of land now or formerly of Russell G. Neiderer; thence by said Neiderer land and through an angle iron found 27.22 feet from the beginning of this course South 13 degrees 38 minutes 45 seconds East 315.43 feet to an angle iron found; thence by the same and through a concrete monument set 5.75 feet from the beginning of this course South 80 degrees 25 minutes 00 seconds West, 232.22 feet to a concrete monument found; thence by other land now or formerly of Jay S. Bange, et al. North 40 degrees 51 minutes 55 seconds East, 210.80 feet to an iron pin; thence continuing by the same North 13 degrees 38 minutes 45 seconds West, 190.00 feet to a point in the center of said Race Track Road; thence continuing in the center of said road North 88 degrees 56 minutes 30 seconds East, 61.48 feet to a point in the center of Race Track Road (T-505), the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey A. Jacoby, Sr. By Deed from Jay S. Bange, his attorney-in-fact and Julia A. Bange a/k/a Julia Ann Bange, unmarried by Jason J. Bange her attorney-in-fact, dated 2/11/1999, recorded 3/5/1999, in Record Book 1779, Page 207.

Premises being: 515 Race Track Road, Abbottstown, PA 17301

Tax Parcel No. Map #L11 Parcel #58

SEIZED and taken into execution as the property of Jeffrey A. Jacoby, Sr. 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 15, 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.

2/22, 3/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1165 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th 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 TRACT of land situate, lying and being in the village of Mummasburg, Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

Located along the Southwest side of Baltimore Street, the same being known on the general plan of the village of Mummasburg as contained in the atlas of Adams County, Pennsylvania, published 1872, as Town Lot No. 55, said lot being bounded on the Southeast by a public alley, bounded on the Southwest by a public alley; bounded on the Northwest by Town Lot No. 56, now or formerly of Lizzie Trimmer; and on the Northeast by Baltimore Street.

Parcel ID# (120) E10-0032

BEING KNOWN AS: 2502 Mummasburg Rd., Gettysburg, PA 17325

SEIZED and taken into execution as the property of Dale W. McDannell, Joyce P. McDannell & Brian P. McDannell 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 8, 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.

2/15, 22 & 3/1

REAMER VS. KIEHL ET AL

1. Although the Rule [RCP 2001(a)] does not define "real party in interest" the generally accepted definition of the term is that the real party in interest is the person who has the power to discharge the claim upon which suit is brought and to control the prosecution of the action brought to enforce rights arising under the claims.

2. A prescriptive easement is a right to use another's property which is not inconsistent with the owner's rights and which is acquired by a use that is open, notorious, and uninterrupted for a period of twenty-one (21) years.

3. It is well settled in Pennsylvania that a mortgage, although a form of conveyance of title, is in reality only a security for payment of money or performance of other collateral contract. As between the parties it is a conveyance so far as is necessary to enforce it as a security. Although the mortgagor remains the real owner of the mortgaged property, the mortgagee is entitled to its possession, to be held as security until his debt is paid.

4. It follows that if a mortgagee, like a mortgagor, has a right to possession of real estate he has an interest in securing access to said real estate, otherwise, he would not be able to exercise his right to possession.

5. Therefore, we conclude that a mortgagee has a right to pursue a claim for a prescriptive easement but not a petition to open a private road.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 97-S-426, G. RANDY REAMER VS. E. ROBERT KIEHL AND MARGARET E. KIEHL, HUSBAND AND WIFE, HELENA M. DUGGAN (LEMP), A WIDOW, JOHN LEMP, JR., AND JAMES F. LEMP, HARRY ROOD AND MARILEE K. ROOD.

Bernard A. Yannetti, Jr., Esq., for Plaintiff
Edward G. Puhl, Esq., for Defendants Kiehl
John A. Wolfe, Esq., for Defendants Rood
Kuhn, J., July 11, 2001

MEMORANDUM OPINION

The above captioned matter involves an action in equity wherein Plaintiff, G. Randy Reamer, on October 17, 1997, filed a Complaint seeking an easement or right-of-way across lands of Defendants, E. Robert and Margaret E. Kiehl, John and Susan Lemp, Jr., Helena M. Duggan (Lemp) and James F. Lemp, to land owned by him in Hamiltonban Township. More specifically, Plaintiff was seeking an easement by necessity (Count I) and an easement by prescription (Count II). A pre-trial conference set for February 24, 1999, was continued. The Court and counsel conducted a view on March 8, 1999.

On or about May 14, 1999, the real estate owned by Helena M. Duggan (Lemp), John Lemp, Jr., Susan Lemp and James F. Lemp was sold to Harry and Marilee K. Rood. On June 3, 1999, the Roods

moved to be joined as defendants, which motion was granted the following day.

The case was again set for a pre-trial conference on August 4, 1999, during which the Court was advised that Plaintiff and the Kiehls were attempting to effectuate a settlement. At the same time, Plaintiff withdrew Count I. The conference was continued to October 13, 1999. On that date, another continuance was granted for settlement purposes. In addition, Plaintiff was granted leave to amend to include a petition to open a private road pursuant to 36 P.S. §2731.

Pursuant to the Petition to Open Private Road, a Board of View was appointed. The Board of View hearing was scheduled for January 24, 2001. Two days later, the Board was advised that Plaintiff had sold his real estate to a third party on December 26, 2000. Subsequently, on February 2, 2001, the Kiehls and the Roods petitioned for dismissal of the action because Plaintiff had conveyed the real estate to which he was seeking access. It was further alleged that Plaintiff concealed the conveyance from his counsel and the Board when he testified. No answer was filed.

A hearing on the Petition to Dismiss was held on March 5, 2001. The facts alleged in the petition were not disputed. Counsel were given leave to file a legal memorandum on the issue of whether Plaintiff has a sufficient legal interest in the property as a mortgage holder to pursue the claims in the Complaint as a plaintiff.

Rule 2002(a) of the Rules of Civil Procedure provides that actions shall be prosecuted in the name of the real party in interest. Although the Rule does not define "real party in interest"

the generally accepted definition of the term is that the real party in interest is the person who has the power to discharge the claim upon which suit is brought and to control the prosecution of the action brought to enforce rights arising under the claims.

Clark v. Cambria County Board of Assessment Appeals, 747 A.2d 1242, 1246 (Pa. Comlth. Ct. 2000), footnote 9.

The only two counts remaining are the one for easement by prescription and the petition to open the private road. We have not been presented with any case nor has our research revealed any case authorizing a mortgagee to pursue either of these remedies. Therefore, we shall examine some general principles of law for guidance.

As stated in *Soderberg v. Weisel*, 687 A.2d 839, 842 (Pa. Super. 1997), a prescriptive easement

Is a right to use another's property which is not inconsistent with the owner's rights and which is acquired by a use that is open, notorious, and uninterrupted for a period of twenty-one (21) years.

This easement arises from use of real estate and the holder of the easement acquires only a right to use the easement not title thereto.

In this case, prior to December 26, 2000, Plaintiff was pursuing the prescriptive easement in his role as fee simple owner of the proposed dominant parcel. The purpose of pursuing the litigation was to legally secure access across the proposed servient estate to his property. Before that issue was resolved, Plaintiff sold his fee simple interest and took a purchase money mortgage. Plaintiff's memorandum states that as mortgagee he has an interest in the value of the mortgaged property. That argument bears little weight here because Plaintiff took the mortgage at a time when the right to the easement was in question. The value of the mortgaged property would not be diminished by virtue of a dismissal of Count I based on procedural deficiencies rather than a dismissal based upon the merits.

More compelling from Plaintiff's standpoint is a mortgagee's right to possession of the mortgaged property. In *Winthrop v. Arthur v. Binns, Inc.*, 50 A.2d 718 (Pa. Super. 1947) the court noted that,

It is well settled in Pennsylvania that a mortgage, although a form of conveyance of title, is in reality only a security for payment of money or performance of other collateral contract. As between the parties it is a conveyance so far as is necessary to enforce it as a security. Although the mortgagor remains the real owner of the mortgaged property, the mortgagee is entitled to its possession, to be held as security until his debt is paid.

50 A.2d at 719.

This mortgage, in fact, states in pertinent part that

"the Mortgagor do [sic] hereby grant, bargain, sell, release, convey and confirm unto the Mortgagee, his heirs and assigns . . . All that tract of land . . . to have and to hold the same and the real estate hereinbefore conveyed,

unto the Mortgagee, his heirs and assigns forever . . . Provided Always, Nevertheless, that if the Mortgagor shall pay unto the Mortgagee the Principal and the interest thereon in the manner and at the times specified in said Note . . . then this Mortgage shall become null and void to all intents and purposes.”

It follows that if a mortgagee, like a mortgagor, has a right to possession of real estate he has an interest in securing access to said real estate, otherwise, he would not be able to exercise his right to possession.

Proceedings to open a private road pursuant to 36 P.S. §2731 may be initiated by any person “for a road from [his] respective lands . . . to a highway . . .”

Defendants have called our attention to two cases which, although not exactly on point, they claim support their position. The first case, *Knoll v. New York, Chicago & St. Louis Railway Co.*, 121 Pa. 467, 15 A.571 (1888), addresses the rights of a mortgagee to proceed as plaintiff in a claim for damages for diminution of the value of the mortgaged property by virtue of the construction of a railroad adjacent to the property. The court noted that as a lien creditor the mortgagee “has the right to prevent the depreciation of the property . . . by the commission of waste thereon.” 121 Pa. at 473, 15 A. at 572, but that the owner has the sole right to recover damages for diminution in property value caused by acts beyond the confines of the real estate. Defendants contend that if a mortgagee has no right to seek damages for diminution in property value in such case a mortgagee, such as Plaintiff, would also be precluded from pursuing an action that would enhance the property’s value by means of a judicially declared right-of-way or private road.

In the second case, *In Re: Laying Out and Opening A Private Road*, 592 A.2d 343 (Pa. Super. 1991), an issue was first raised on appeal whether the plaintiff, Aldinger, was entitled to pursue the action. Aldinger had sought and was granted the right to open a private road. It appeared that before the damages had been paid and while the appeal was pending, Aldinger sold the property to be benefited. The case was remanded to the trial court with instructions that “If Aldinger is no longer a party in interest to the petition, it must be dismissed.” 592 A.2d at 348.

Unfortunately, these cases offer little guidance. *Knoll* is not helpful because the mortgagee herein is not seeking damages for diminution of the property's value nor is he seeking directly to enhance the property's value. Instead, he seeks access to the property in order to exercise his right of possession. Opening a Private Road offers no assistance because that plaintiff had clearly divested himself of all interest in the property. Here, Plaintiff has retained an interest as mortgagee.

Defendants also argue that a mortgagee should not be entitled to pursue an action to open a private road because, if successful, he would be straddling the titled owner of the dominant estate to pay damages and the cost of maintenance. However, that argument fails because requirements to maintain the road and to pay damages are imposed upon the person at whose request the road is opened. 36 P.S. §2735 and §2736. Although not stated in the statute, it would follow that if the action is pursued by a mortgagee and not joined by the owner of the dominant estate that the road, once opened, would revert to the owner of the servient estate once the interest of the mortgagee had been satisfied because at that point he would have no further right to possession.

More compelling, however, is the language in §2731, which designates which persons may petition to open a private road. The petitioner includes a person seeking a road from his "respective lands" to a highway. The rules of statutory construction lead the court to the conclusion that the petitioner must be the titled owner.¹ Because a mortgagee only has a security interest in the real estate, it would seem illogical to suggest that the dominant estate would be referred to as his "respective lands."

Therefore, we conclude that a mortgagee has a right to pursue a claim for a prescriptive easement but not a petition to open a private road. However, the original action was brought by Plaintiff in his capacity as titled owner not as mortgagee. That having been said, we must decide whether dismissal or some other remedy is appropriate. Technically, at the present time, Plaintiff can only pursue this case in his capacity as mortgagee. In order to do so, he should petition for joinder and give Defendants an opportunity to respond to that

¹The statute also allows a lessee to petition to open a private road.

request. He can not intervene on either count because, at present, there is not a pending action by the titled owner to which he can intervene.

In addition, it has come to our attention, in an unsolicited manner, that Michael R. Clark, the current owner of the property purportedly signed a "Power of Attorney" on December 26, 2000, granting to Plaintiff the power to act on his behalf in "any litigation" regarding the real estate. In order for Plaintiff to act in a representative capacity, it must be so noted in the caption and the pleading.

Therefore, we will grant Defendant's motion to dismiss but grant Plaintiff 20 days to amend the pleadings to note the capacity in which he is acting.

Defendants' petition also requested counsel fees. That issue was not specifically addressed at the hearing. Further disposition of the issue of fees will be scheduled at the request of either party.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 11th day of July, 2001, in consideration of the Petition to Dismiss filed February 2, 2001, the above captioned action is hereby dismissed unless within twenty (20) days of the date of this Order Plaintiff files an appropriate pleading detailing the capacity within which he is currently pursuing this matter.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1152 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th 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 those two lots of ground situate, lying and being in Tyrone Township, Adams County, Pennsylvania, which are bounded and described as follows:

LOT #1 BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #7 South 32-1/2 degrees East 160 feet to a post at a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #5 North 32-1/2 degrees West 160 feet to a post, the place of BEGINNING. Said lot contains 8000 square feet of land and is known as Lot #6 on the South side of the Bendersville Public Road.

LOT #2 BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #6 South 32-1/2 degrees East 160 feet to a post at a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #4 North 32-1/2 degrees West 160 feet to the place of BEGINNING. Said lot contains 8000 square feet of land and is known as Lot #5 on the South side of the Bendersville Road.

BEING the same premises which Ruth E. Motter, by Deed dated December 20, 1995 and recorded in the Office of the Recorder of Deeds of Adams County on December 21, 1995, in Deed Book Volume 1125, Page 225, granted and conveyed unto Christopher R. Strawsburg and Tammy L. Strawsburg, Husband and Wife.

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.: (40) G04-0066

SEIZED and taken into execution as the property of **Christopher R. Strawsburg & Tammy L. Strawsburg** 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 8, 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.

2/15, 22 & 3/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1219 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 ground situate on the North side of Main Street in the Borough of McSherrystown, Adams County, Pennsylvania, which is bounded and described as follows:

BEGINNING at a stake at Main Street aforesaid at lands now or formerly of Robert E. Hart; thence by Main Street in a Southwesterly direction for a distance of forty (40) feet to a stake at other lands in a Northwesterly direction for a distance of one hundred ninety-nine (199) feet, more or less, to a stake at a public alley; thence by same in a Northeasterly direction for a distance of forty (40) feet to a stake at lands now or formerly of Robert E. Hart aforesaid; thence by the same in a Southeasterly direction for a distance of two hundred two (202) feet two (2) inches to a stake at Main Street aforesaid, the place of BEGINNING.

Tax Parcel #08-018-011

Being known as 629 Main Street, McSherrystown, PA 17344

SEIZED and taken into execution as the property of **Fred W. Fraim** 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 May 6, 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.

3/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1010 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 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 tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, being Lot No. 3 of High Fields, more particularly bounded and described as follows, to-wit:

BEGINNING at a point in Pa. Rt. 234, Buchanan Valley Road, at Lot No. 4; thence by said lot and through an existing shed South 44 degrees 02 minutes 15 seconds East, 110.5 feet to a point; thence continuing by said lot South 36 degrees 50 minutes 45 seconds East, 752.13 feet to a steel pin set at Lot No. 7; thence by said lot South 52 degrees 06 minutes 40 seconds West, 318.63 feet to a steel pin set back 17.13 feet from the end of this course, North 38 degrees 03 minutes 30 seconds West, 827.66 feet to a point in said Pa. Rt. 234, Buchanan Valley Road; thence in said Pa. Rt. 234, Buchanan Valley Road, North 46 degrees 08 minutes 30 seconds East, 324.75 feet to the place of BEGINNING.

CONTAINING 6.339 Acres.

The above description was taken from a draft of survey dated October 24, 1988, prepared by Boyer Surveys, and recorded in Adams County Plat Book 51 at Page 83.

SEIZED and taken into execution as the property of **Brian W. Reynolds, Sr. & Debra L. Reynolds** 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 15, 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.

2/22, 3/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-N-671 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 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.:

Description of Real Estate located at 281 California Road, Littlestown, PA 17340:

Tract No. 1: BEGINNING at a point in the California Road Township Road No. T-428, said point being 9 feet West of the center of said road; thence along lands of Vernon Snyder and a private land North 62 degrees West 1110.45 feet to an iron pin; thence by said lands of Vernon Snyder North 16 degrees 55 minutes 35 seconds East 396 feet to an iron pin; thence by the same South 61 degrees 46 minutes 50 seconds East 1148.40 feet, said last mentioned line being along the Metropolitan Edison service line; thence running in and along said California Road, Township Road No. T-428, South 22 degrees 20 minutes West 386.10 feet to a point, the place of BEGINNING. CONTAINING 10.0162 Acres.

Tract No. 2: BEGINNING at a railroad spike 10 feet West of the center line of Township Road T-428 at corner of land now or formerly of William E. Groomes; thence by said land of William E. Groomes, and passing through an existing iron pin set back 15.0 feet from the last mentioned point, North 62 degrees 00 minutes 00 seconds West, 1,148.40 feet to an existing iron pin at corner of land now or formerly of Luther Speelman; thence by said land of Luther Speelman, North 17 degrees 08 minutes 32 seconds East, 192.02 feet to an iron pin at corner of land now or formerly of R. Glenn Snyder; thence by said land of R. Glenn Snyder, South 62 degrees 00 minutes 00 seconds East, and passing through an existing iron pin set back 15.0 feet from the next mentioned point, 1,161.42 feet to a railroad spike 10 feet West of the center line of Township Road T-428; thence in and along said Township Road T-428, South 21 degrees 00 minutes 00 seconds West, 190.00 feet to a railroad spike, the place of BEGINNING. CONTAINING 5.000 Acres.

SEIZED and taken into execution as the property of Harrison R. Cecil 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 15, 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.

2/22, 3/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1042 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 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 the Borough of Carroll Valley, Adams County, Pennsylvania, being Lot No. 167 in Section W, as described on a plan of lots labeled "Section W of Charnita, Inc." dated January 3, 1970, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book 1 at Page 66.

HAVING ERECTED THEREON a dwelling known as 7 Yvonne Trail, Carroll Valley, Pennsylvania.

BEING THE SAME PREMISES WHICH Scott B. Harris and Mary F. Harris by Deed dated January 20, 1999 and recorded January 29, 1999 in Adams County Deed Book 1755, Page 88, granted and conveyed unto Jeffrey J. Harris and Thrasa A. Harris.

SEIZED in execution as the property of Jeffrey J. Harris and Thrasa A. Harris under Adams County Judgment No. 01-S-1042.

MAP & PARCEL #22-173

SEIZED and taken into execution as the property of Thrasa A. Harris & Jeffrey J. Harris 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 15, 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.

2/15, 22 & 3/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-979 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 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 following described lot of ground situate, lying and being in Franklin Township, County of Adams, Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at stones in line of the land now or formerly of John Lives; thence by lands now or formerly of Jacob Mickle, North 60 degrees East, 80.4 perches to a stone; thence South 52 degrees East, 1.3 perches to a locust tree; thence South 32 degrees West, 90 perches to a stone; thence North 32 degrees West, 43.2 perches to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Robert E. Fritts and Holly N. Fritts, his wife by reason of the following:

BEING the same premises which Emma Ruth Hamrick, by Waitman B. Samples, Jr., Attorney-in-Fact by Deed dated 1/16/1997 and recorded 1/17/1997 in the County of Allegheny in Record Book 1318 Page 32 conveyed unto Robert E. Fritts and Holly N. Fritts, his wife.

AND THE SAID Robert E. Fritts and Holly N. Fritts, sellers and J. Terrence Shaffer and Susan P. Shaffer, buyers have entered into an Installment Sale Agreement dated 5/30/1997 and recorded 6/2/1997.

Premises being: 1391 Mount Carmel Road, Orrtanna, PA 17353

Tax Parcel No. B12-8

SEIZED and taken into execution as the property of Robert E. Fritts & Holly N. Fritts 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 15, 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.

2/22, 3/1 & 8

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 BILLY E. LARMER, DEC'D**
Late of Germany Township, Adams County, Pennsylvania
Shirley B. Lefler, 911 Barlow-Greenmount Rd., Gettysburg, PA 17325
- ESTATE OF GENEVIEVE J. TRESSLER, DEC'D**
Late of the Borough of Hanover, York County, Pennsylvania
Executor: George W. Adams, 1240 Pleasure Road, Lancaster, PA 17601
Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331
- ESTATE OF RUTH J. ZEPP, DEC'D**
Late of Straban Township, Adams County, Pennsylvania
Executors: Glenn A. Zepp, 1160 Old Harrisburg Road, Gettysburg, PA 17325; Martha J. Zepp, 50 Ridgeview Drive, Leola, PA 17540
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325
- ESTATE OF PATRICIA B. TISHLER, DEC'D**
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executors: Allan C. Stam, III, 293 Baker Hill Rd., Lyme, NH 03768; Cynthia L. Stam, 293 Baker Hill Rd., Lyme, NH 03768
Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

SECOND PUBLICATION

- ESTATE OF ETHEL G. CAREY, DEC'D**
Late of Latimore Township, Adams County, Pennsylvania
Joan A. Carey, 2665 Cranberry Road, York Springs, PA 17372
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF R. VAUGHN LEFEVER a/k/a REUBEN VAUGHN LEFEVER, DEC'D**
Late of Hamiltonban Township, Adams County, Pennsylvania
Executors: Stephanie A. Greineder & Vaughn Paul LeFever, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331
Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331
- ESTATE OF ROBERT A. MACASKILL, DEC'D**
Late of Cumberland Township, Adams County, Pennsylvania
Linda S. MacAskill, 200 Hills Drive, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF MARJORIE S. SCHWARTZ, DEC'D**
Late of Straban Township, Adams County, Pennsylvania
Co-Executors: J. William Schwartz, 158 E. Water Street, Gettysburg, PA 17325; Stephen S. Schwartz, 174 E. Water Street, Gettysburg, PA 17325
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

- ESTATE OF REBECCA E. GUISE, DEC'D**
Late of Huntington Township, Adams County, Pennsylvania
Co-Executors: Paul R. Guise, 366 Buttonwood Road, York Springs, PA 17372; Douglas A. Guise, 7100 Old Harrisburg Road, York Springs, PA 17372
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372
- ESTATE OF VIVIAN D. MILLER, DEC'D**
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Betty Tuckey, P.O. Box 194, Arendtsville, PA 17303-0194
Attorney: Stephen F. Tuckey, Esq., 562 Race St., Harrisburg, PA 17104-1646
- ESTATE OF ARLINE E. NEIDERER, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Executors: Richard J. Neiderer, 117 Friendly Drive, Hanover, PA 17331; Donald J. Neiderer, 1013 Shafer Drive, Hanover, PA 17331
- ESTATE OF MARY P. WERTZ, DEC'D**
Late of Butler Township, Adams County, Pennsylvania
Executor: Russell M. Wertz, 915 Heidersburg Rd., Aspers, PA 17304
Attorney: Robert E. Campbell, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF THELMA KINSEL WILSON, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Executor: Sue Ann Grady, 103 Cranbrook Dr., Dover, PA 17315

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1220 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 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 lot or tract of land situate on the Southerly right of way line of Abbotts Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania known and numbered as Lot No. 25 on a plan of lots for Abbotts Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plat 73, Page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Abbotts Drive, at a corner of Lot No. 26 of a final plan of lots for Abbotts Manor Phase I, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plat Book 69, Page 95; thence extending along the said right of way line of Abbotts Drive on a line curving to the left having a radius of 220 feet, an arc distance of 86.42 feet with a chord bearing North 64 degrees 43 minutes 09 seconds East 85.87 feet to a point, at a corner of Lot No. 24 on plan of lots for Abbotts Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Record Book 73, Page 43; thence extending along the said Lot No. 24 South 36 degrees 32 minutes 03 seconds East 145.44 feet in a point; thence South 62 degrees 30 minutes 00 seconds West 135.80 feet to a point; thence extending along the aforementioned Lot No. 26 North 17 degrees 01 minutes 50 seconds West 149.45 feet to the point and place of BEGINNING.

Premises being: 180 Abbotts Drive, Abbottstown, PA 17301

Tax Parcel No. (1) 005-0053

SEIZED and taken into execution as the property of **Ricky Sheely & Robin Sheely** 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 15, 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.

2/15, 22 & 3/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1312 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern side of Meadow Lane, formerly Toddes Lane (the first street West of and parallel to the Gettysburg-Biglerville State Highway, Route 34) at its intersection with the Southern side of North Avenue; thence along the Southern side of North Avenue, North 78 degrees 30 minutes East 219 feet to a steel pin; thence along Lot No. 1, now or formerly of Russell Murray, South 11 degrees 30 minutes East 100 feet; thence by Lot No. 20, South 78 degrees 30 minutes West 219 feet to a point on the Eastern side of Meadow Lane; thence along the Eastern side of Meadow Lane, North 11 degrees 30 minutes West 100 feet to the point, the place of BEGINNING.

THE foregoing description is taken from a Plan of Development made April 17, 1961, by Wilbur V. Redding, R.E., as revised, on which said lot is designated as Lot No. 21.

TITLE TO SAID PREMISES IS VESTED IN Willie J. Smith, single and Suzanne R. Lovett, as joint tenants with right of survivorship by Deed from Kent Yager and Margarita Elorriaga, his wife dated 3/31/2000 and recorded 4/12/2000 in Record Book 2029 Page 300.

Premises being: 30 North Avenue, Gettysburg, PA 17325

Tax Parcel No. F11-50A

SEIZED and taken into execution as the property of **Willie J. Smith & Suzanne R. Lovett** 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 May 6, 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.

3/1, 8 & 15

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 25, 2002, an Application for Registration of Fictitious Name of MOHR COMMUNICATIONS, the address of the principal place of business being 25 Tree Top Trail, Fairfield, Pennsylvania 17320. The name and address of the entity who is a party to said registration is: Mohr Enterprises, Inc., 25 Tree Top Trail, Fairfield, Pennsylvania 17320.

Puhl, Eastman & Thrasher
Attorneys

3/1

Adams County Legal Journal

Vol. 43

March 8, 2002

No. 41, pp. 226-231

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1147 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Conewago Township, Adams County, Pennsylvania, being known as Lot No. 13, Granny Estates, bounded and described in accord with a final subdivision plan prepared by Donald E. Worley, R.S., dated March 2, 1977, and revised March 28, 1977, File No. C-312, as follows:

BEGINNING at a point on the South side of a fifty (50) foot wide street known as Stevens Street at the eastern corner of Lot No. 12; thence along the South side of said Stevens Street South fifty-six (56) degrees one (01) minute fifteen (15) seconds East, ninety-eight and twelve hundredths (98.12) feet to a point at the intersection of Stevens Street and Sandy Court; thence along a curve to the right the radius of which is twenty-five (25) feet for an arc distance of thirty-nine and twenty-seven hundredths (39.27) feet, having a chord bearing and distance of South eleven (11) degrees one (01) minute fifteen (15) seconds East, thirty-five and thirty-six hundredths (35.36) feet to a point; thence along the North side of said Sandy Court and along a curve to the right the radius of which is two hundred seventy-one and ninety-five hundredths (271.95) feet for an arc distance of one hundred forty-six and seven hundredths (146.07) feet, having a chord bearing and distance of South forty-nine (49) degrees twenty-two (22) minutes zero (00) seconds West, one hundred forty-four and thirty-two hundredths (144.32) feet to a point on the North side of said Sandy Court; thence along the North side of said Sandy Court South sixty-four (64) degrees forty-five (45) minutes fifteen (15) seconds West, fifty-six and eighty-one hundredths (56.81) feet to a point at the eastern corner of Lot No. 14; thence along said Lot No. 14 North thirty-eight (38) degrees fifty-eight (58) minutes seventeen (17) seconds West, ninety-one and twenty-one hundredths (91.21) feet to a point at the southern corner of Lot No. 12; thence along said Lot No. 12 North forty-three (43) degrees thirty-three (33) minutes forty-one (41) seconds East, one hundred eighty-eight and

eighty-six hundredths (188.86) feet to a point on the South side of said Stevens Street the point and place of BEGINNING. CONTAINING 24,387 square feet. This is Lot No. 13 on said plan.

IT BEING the same tract of land which James R. Meckley and Donna E. Meckley, husband and wife, by their deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, granted and conveyed unto William R. Wierman and Linda D. Wierman, husband and wife, Mortgagors Herein.

Premises being: 11 Sandy Court, Hanover, PA 17331

Tax Parcel No. 12-99

SEIZED and taken into execution as the property of **William R. Wierman a/k/a William R. Wileman & Linda D. Wierman** 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 May 6, 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.

3/8, 15 & 22

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for CARRIERS PLUS, INC. were filed with the Department of State of the Commonwealth of Pennsylvania on January 11, 2002, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker, Guthrie & Yingst
Solicitor

3/8

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-2-02-(A)

NOTICE

To: MICHAEL SHANE BREWER, SR.
No. RT-2-02-(A)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 5, 2002, at 2:00 p.m., prevailing time, at the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact 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.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846,
or 1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

3/1, 8 & 15

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania for BRESCO SALES, INC., on February 20, 2002, for a business corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 21, 1988, P.L. 1444 #177. The purpose for which the corporation has been organized is to have unlimited power to engage in and do any lawful act concerning act and all lawful business for which corporations may be organized under the Pennsylvania Business Corporation Law.

3/8

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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.

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336
Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1156 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 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 tract of land situate, lying and being in Berwick Township, Adams County, Pennsylvania more particularly described as follows:

BEGINNING at an iron pipe found along the Southern edge of Race Track Road (T-505) at the Northeast corner of land now or formerly of Lloyd C. Laughman; thence crossing said Race Track Road North 66 degrees 28 minutes 30 seconds East, 83.15 feet to a steel pin found on line of land now or formerly of Mildred M. Spangler; thence by said Spangler land South 13 degrees 55 minutes 15 seconds East, 17.80 feet to a point in the center of said Race Track Road; thence continuing in the center of said road North 88 degrees 56 minutes 30 seconds East 170.44 feet to a point at the Northwest corner of land now or formerly of Russell G. Neiderer, thence by said Neiderer land and through an angle iron found 27.22 feet from the beginning of this course South 13 degrees 38 minutes 45 seconds East, 315.43 feet to an angle iron; thence continuing by the same and through a concrete monument found 5.75 feet from the beginning of the course South 80 degrees 25 minutes 00 seconds West 232.22 feet to a concrete monument found; thence continuing by the same South 81 degrees 21 minutes 38 seconds West, 29.88 feet to an "X" cut in rock found at corner of land now or formerly of Lloyd C. Laughman; thence by said Laughman land North 11 degrees 25 minutes 40 seconds West, 337.30 feet to an iron pin along the Southern edge of Race Track Road (T-505), the place of BEGINNING.

CONTAINING 1.960 Acres.

The above description was taken from a plan of right of way prepared by John R. Williams P.L.S.

SUBJECT NEVERTHELESS, to a reservation of right of way bounded and described as follows:

BEGINNING at a point in the center of Race Track Road (T-505) at the

Northwest corner of land now or formerly of Russell G. Neiderer; thence by said Neiderer land and through an angle iron found 27.22 feet from the beginning of this course South 13 degrees 38 minutes 45 seconds East 315.43 feet to an angle iron found; thence by the same and through a concrete monument set 5.75 feet from the beginning of this course South 80 degrees 25 minutes 00 seconds West, 232.22 feet to a concrete monument found; thence by other land now or formerly of Jay S. Bange, et al. North 40 degrees 51 minutes 55 seconds East, 210.80 feet to an iron pin; thence continuing by the same North 13 degrees 38 minutes 45 seconds West, 190.00 feet to a point in the center of said Race Track Road; thence continuing in the center of said road North 88 degrees 56 minutes 30 seconds East, 61.48 feet to a point in the center of Race Track Road (T-505), the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey A. Jacoby, Sr. By Deed from Jay S. Bange, his attorney-in-fact and Julia A. Bange a/k/a Julia Ann Bange, unmarried by Jason J. Bange her attorney-in-fact, dated 2/11/1999, recorded 3/5/1999, in Record Book 1779, Page 207.

Premises being: 515 Race Track Road, Abbottstown, PA 17301

Tax Parcel No. Map #L11 Parcel #58

SEIZED and taken into execution as the property of **Jeffrey A. Jacoby, Sr.** 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 15, 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.

2/22, 3/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1219 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 ground situate on the North side of Main Street in the Borough of McSherrystown, Adams County, Pennsylvania, which is bounded and described as follows:

BEGINNING at a stake at Main Street aforesaid at lands now or formerly of Robert E. Hart; thence by Main Street in a Southwesterly direction for a distance of forty (40) feet to a stake at other lands in a Northwesterly direction for a distance of one hundred ninety-nine (199) feet, more or less, to a stake at a public alley; thence by same in a Northeasterly direction for a distance of forty (40) feet to a stake at lands now or formerly of Robert E. Hart aforesaid; thence by the same in a Southeasterly direction for a distance of two hundred two (202) feet two (2) inches to a stake at Main Street aforesaid, the place of BEGINNING.

Tax Parcel #08-018-011

Being known as 629 Main Street, McSherrystown, PA 17344

SEIZED and taken into execution as the property of **Fred W. Fraim** 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 May 6, 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.

3/1, 8 & 15

TATE ET AL VS. SWAN LAKE STABLES ET AL

1. A preliminary objection on the grounds of legal insufficiency admits all well pleaded material facts as well as reasonable inferences deducible therefrom, with all doubts resolved against the moving party. Such an objection will be sustained only if it appears with certainty that the law permits no recovery under the facts pleaded.

2. Generally, to employ 42 U.S.C. §1983 as a remedy a plaintiff must show: 1) a person deprived him of a federal right; and 2) the person who deprived him acted under color or state or territorial law.

3. Exactly what the phrase "under color of state law" means has been grappled with for many years. It has been said that "the issue is not whether the state was involved in some way in the relevant events, but whether the action taken may be fairly attributed to the state itself," and "whether the state provided a mantle of authority that enhanced the power of the harm-causing individual actor."

4. A private individual may be regarded as acting under color or state law in certain circumstances. Additionally, an act under color of state law does not necessarily require that an individual be an officer of the state, but may include a willful participant in joint activity with a state or its agents.

5. Clearly the constables may be considered state actors. Misuse of power, possessed by virtue of a state law and made possible only because a wrongdoer is clothed with such authority is action under color of law.

6. Attorneys are not regarded as acting under color of state law simply by virtue of instituting or taking part in actions in state courts. However, it is not beyond reason that an attorney may be found to be acting under color of state law if a particular course of action taken goes beyond the typical scope of representation.

7. Pennsylvania has adopted the definition of the tort of invasion of privacy as promulgated by the Restatement (Second) of Torts §652B-E. It has been said that invasion of privacy is not one tort, but four analytically distinct causes: 1) intrusion upon seclusion; 2) publicity given to private life; 3) appropriation of name or likeness; and 4) publicity placing a person in false light.

8. The phrase "one's home is one's castle" implies a person's greatest sense of privacy is found in his home. Certainly any intrusion on this privacy would be highly offensive to a reasonable person.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-305, WILLIAM M. TATE, JR. AND STEPHANIE M. GREEN VS. SWAN LAKE STABLES, INC.; DR. WILLIAM R. BAST; JOANNE S. BAST, HIS WIFE; THOMAS H. HAGER, CONSTABLE; THOMAS H. DACHEUX, CONSTABLE; ANDREW H. DOWLING, ESQ.

Robert S. Mirin, Esq., for Plaintiffs

Andrew Dowling, Esq., for Swan Lake Stables, Inc., Dr. William R. Bast, Joanne S. Bast

Kathryn L. Simpson, Esq., for Swan Lake Stables, Inc., Dr. William R. Bast, Joanne S. Bast, and Andrew H. Dowling

John R. White, Esq., local counsel for Swan Lake Stables, Inc., Dr. William R. Bast, Joanne S. Bast, and Andrew H. Dowling

John J. McNally, III, Esq., for Swan Lake Stables, Inc., Dr. William R. Bast, Joanne S. Bast
Jered L. Hock, Esq., for Constables Hager and Dacheux
Spicer, P.J., July 23, 2001

OPINION ON DEFENDANTS' PRELIMINARY OBJECTIONS

Plaintiffs in this action are individuals named William M. Tate, Jr. and Stephanie M. Green and will be collectively and individually referred to as plaintiffs. Defendants include several individuals as well as a corporation, but only individuals are involved in objections before the court. Defendants will be referred to by last names. Thus, Dr. William R. Bast and his wife, Joanne S. Bast will be identified as Dr. and Mrs. Bast. Andrew H. Dowling, Esq. will be referred to as Dowling and Thomas H. Dacheux and Thomas H. Hager as Dacheux and Hager, respectively.

On May 7, 2001, plaintiffs filed their amended complaint¹ seeking *inter alia* compensatory damages from all defendants for alleged deprivation of civil rights (count III) and trespass (count V). Count IV — invasion of privacy, does not include defendant Dowling. Preliminary objections were filed on behalf of the Basts and Dowling to count III and IV in the nature of a demurrer.² Defendants Dacheux and Hager filed preliminary objections to count IV in the nature of a demurrer and in the alternative, motion for more specific pleading for counts IV and V.

To summarize the facts: Plaintiff Tate was employed by defendant, Dr. Bast, as a horse manager/trainer. As part of this employment arrangement, Tate and Green resided in property owned by the Basts. The complaint alleges that on or about December 9, 2000, Bast, his wife and two armed constables, Dacheux and Hager, at the direction of Attorney Dowling entered the Tate/Green residence by force. It is averred that defendants drilled out locks on the doors, entered the premises and removed items personal in nature. Thereafter, plaintiffs were allowed limited access to the premises that remained guarded by the armed constables. Plaintiffs contend this

¹ Pursuant to a stipulation agreement of all parties to this action, Count I — Replevin and Count II — Dissolution of Partnership were severed in whole from Counts III, IV and V.

² Defendants have not argued demurrers to Count V and we do not consider them.

action was taken under color of office and laws, and without any court authority, hearing or due process.

Count III — Deprivation of Civil Rights

Demurring to count III, defendants argue state action is an essential element for a civil rights claim under 42 U.S.C. § 1983³, and that no state action was involved here. In addition defendants contend that Dowling's involvement in the event was purely as counsel to the Basts and inclusion of Dowling as a defendant is a tactic to diminish counsel's effectiveness. Plaintiffs answer that express state action is not necessary where a person acts under color of law; and Dowling's involvement extended beyond the typical attorney-client relationship.

A preliminary objection on the grounds of legal insufficiency admits all well pleaded material facts as well as reasonable inferences deducible therefrom, with all doubts resolved against the moving party. *Morris v. Powers*, 156 Pa. Cmwlth. 577, 628 A.2d 525 (1993). The only issue to be resolved is whether the facts of the pleadings are sufficient to entitle claimant to relief. Such an objection will be sustained only if it appears with certainty that the law permits no recovery under the facts pleaded. *Id.*

We begin by acknowledging our duty to entertain a section 1983 action. *Murtagh v. County of Berks*, 535 Pa. 50, 634 A.2d 179 (1993) *cert. dn.* 511 U.S. 1017, 114 S.Ct. 1397, 128 L.Ed.2d 71 (1994)(citing *Maine v. Thiboutot*, 448 U.S. 1, 100 S.Ct. 2502, 65 L.Ed.2d 555 (1980)). Federal law defines rights of and defenses in such action. *Id.*

Section 1983 does not create any substantive rights, but provides a vehicle or device by which a citizen may challenge conduct by a state actor that deprives him of civil rights. *Balent v. City of Wilkes-Barre*, 542 Pa. 555, 669 A.2d 309 (1995). Generally, to employ 42 U.S.C. § 1983 as a remedy a plaintiff must show: 1) a person

³42 U.S.C.A. § 1983 provides:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, 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. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

deprived him of a federal right; and 2) the person who deprived him acted under color of state or territorial law.⁴ 42 U.S.C.A. § 1983; *Johnson v. Desmond*, 441 Pa. Super. 632, 658 A.2d 375 (1995) *alloc.dn.* 543 Pa. 713, 672 A.2d 308 (1995). Apparently the federally based civil right is obvious from the pleadings because no party has addressed this element.

Exactly what the phrase “under color of state law” means has been grappled with for many years. It has been said that “the issue is not whether the state was involved in some way in the relevant events, but whether the action taken may be fairly attributed to the state itself [,]” and “whether the State provided a mantle of authority that enhanced the power of the harm-causing individual actor.” *Uniontown Newspapers, Inc. v. Roberts*, Pa. Cmwlth. 2001 WL 579809 (citing *Groman v. Township of Manalapan*, 47 F3d 628, 638 (3rd Cir. 1995)). Therefore, a private individual may be regarded as acting under color of state law in certain circumstances. Additionally, an act under color of state law does not necessarily require that an individual be an officer of the state, but may include a willful participant in joint activity with a state or its agents. *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 26 L.Ed. 2d 142, 90 S.Ct. 1598 (1970).

Clearly the constables may be considered state actors.⁵ Constables’ authority to act is statutorily provided. 13 Pa.C.S.A. § 1 et seq. (1998). Misuse of power, possessed by virtue of a state law and made possible only because a wrongdoer is clothed with such authority is action under color of law. *Lugar v. Edmonson Oil Company*, 457 U.S. 922, 102 S.Ct. 2744, 73 L.Ed.2d 482 (1982). As for an attorney, the waters are more murky. Attorneys are not regarded as acting under color of state law simply by virtue of instituting or taking part in actions in state courts. *Tunheim v. Bowman*, 366 F.Supp. 1395 (D.C. Nev. 1973). However, it is not beyond reason that an attorney may be found to be acting under color of state law if a particular course of action taken goes beyond the typical scope of representation. See *Bowdoin v. Oriel*, 2001 WL 134800 (E.D. Pa. 2000). See also *Electronic Laboratory Supply v. Cullen*, Pa. Super. ,

⁴ The terms “state action” and “under color of state law” are often used interchangeably.

⁵ See also *Abbott v. Latshaw*, 164 F.3d 141 (3rd Cir. 1998).

712 A.2d 304 (1998)(attorney was not immune from suit for wrongful use of process merely because he was counsel to the party). In this case it is alleged that an attorney directed the unlawful entry by the armed constables and others into the home of the plaintiff by drilling out the locks. We find this sufficient.

Count IV — Invasion of Privacy

All defendants have demurred to count IV — invasion of privacy. Counsel for the Basts and Dowling argue Dowling did not enter the premises or touch the items referred to and therefore plaintiffs have failed to state a claim against him.⁶ Counsel for Hager and Dacheux argue that plaintiffs have failed to allege facts legally sufficient to support a cause of action for invasion of privacy. Specifically, defendants contend the pleading lacks the essential element of showing any intrusion was substantial and would be highly offensive to the ordinary reasonable person.

Pennsylvania has adopted the definition of the tort of invasion of privacy as promulgated by the Restatement (Second) of Torts § 652B -E. *Culver by Culver v. Port Allegany Reporter Argus*, 409 Pa. Super. 401, 598 A.2d 54 (1991) *alloc. dn.* 533 Pa. 600, 617 A.2d 1274 (1992). It has been said that invasion of privacy is not one tort, but four analytically distinct causes: 1) intrusion upon seclusion; 2) publicity given to private life; 3) appropriation of name or likeness; and 4) publicity placing a person in false light. *Id.* We are dealing with invasion of privacy — intrusion upon seclusion. Section 652B provides:

One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.

Comment b. The invasion may be by physical intrusion into a place in which plaintiff has secluded himself, as when the defendant forces his way into the plaintiff's room in a hotel or insists over the plaintiff's objection in entering his home.....

⁶Dowling is not named as a defendant to count IV. Amended Complaint p.9.

Our review of the first paragraph of count IV indicates that incorporated therein are paragraphs 1 through 33. As such we conclude that plaintiffs have sufficiently made out a claim for invasion of privacy. Plaintiffs aver defendants intentionally and physically intruded upon their seclusion by drilling out locks and entering their home. After entering and searching the property, private papers were confiscated. Plaintiffs further allege that during this invasion and subsequent thereto, the constables were armed with handguns and threatened plaintiffs with armed force if they attempted to enter or interfere with the removal of items. The phrase "one's home is one's castle" implies a person's greatest sense of privacy is found in his home. Certainly any intrusion on this privacy would be highly offensive to a reasonable person.

Defendants Hager and Dacheux in the alternative motion for more specific pleading as to count IV and V. They argue that plaintiffs' generalized allegations fail to inform them sufficiently of material facts by referring to "agents" without specifically identifying them. We disagree. In analyzing this motion we must determine whether the complaint clearly, completely and accurately informs the defendants of the specific basis on which recovery is sought, so that they may prepare a response and know upon what grounds to make a defense. *Paz v. Com., Department of Corrections*, 135 Pa. Cmwlth. 162, 580 A.2d 452 (1990), *alloc. dn.* 615 A.2d 341. Referring to paragraph 27 incorporated by reference into Count IV and V, plaintiffs have identified Defendants Hager and Dacheux as agents for the Basts and thereafter describe the actions taken by them. We find the complaint provides defendants with enough facts to frame a proper answer and prepare a defense.

Accordingly, the attached order is entered.

ORDER

AND NOW, this 23rd day of July, 2001, defendants' preliminary objections to counts III, IV and V are denied. They shall have 20 days in which to file an answer.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-N-671 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 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.:

Description of Real Estate located at 281 California Road, Littlestown, PA 17340:

Tract No. 1: BEGINNING at a point in the California Road Township Road No. T-428, said point being 9 feet West of the center of said road; thence along lands of Vernon Snyder and a private land North 62 degrees West 1110.45 feet to an iron pin; thence by said lands of Vernon Snyder North 16 degrees 55 minutes 35 seconds East 396 feet to an iron pin; thence by the same South 61 degrees 46 minutes 50 seconds East 1148.40 feet, said last mentioned line being along the Metropolitan Edison service line; thence running in and along said California Road, Township Road No. T-428, South 22 degrees 20 minutes West 386.10 feet to a point, the place of BEGINNING. CONTAINING 10.0162 Acres.

Tract No. 2: BEGINNING at a railroad spike 10 feet West of the center line of Township Road T-428 at corner of land now or formerly of William E. Groomes; thence by said land of William E. Groomes, and passing through an existing iron pin set back 15.0 feet from the last mentioned point, North 62 degrees 00 minutes 00 seconds West, 1,148.40 feet to an existing iron pin at corner of land now or formerly of Luther Speelman; thence by said land of Luther Speelman, North 17 degrees 08 minutes 32 seconds East, 192.02 feet to an iron pin at corner of land now or formerly of R. Glenn Snyder; thence by said land of R. Glenn Snyder, South 62 degrees 00 minutes 00 seconds East, and passing through an existing iron pin set back 15.0 feet from the next mentioned point, 1,161.42 feet to a railroad spike 10 feet West of the center line of Township Road T-428; thence in and along said Township Road T-428, South 21 degrees 00 minutes 00 seconds West, 190.00 feet to a railroad spike, the place of BEGINNING. CONTAINING 5.000 Acres.

SEIZED and taken into execution as the property of **Harrison R. Cecil** 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 15, 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.

2/22, 3/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1288 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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 situate in Mount Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1014 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, Pennsylvania, in Miscellaneous Book 4 at page 778, and SUBJECT TO all legal highways, easements, rights of way and restrictions of record.

BEING the same which James H. Delaney, Jr. and Connie Delaney, husband and wife, by their deed dated April 14, 1982 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 362 at page 409, granted and conveyed unto James H. Delaney, Jr., the Defendant herein.

TOGETHER WITH rights and SUBJECT TO restrictions, conditions and agreement as referred to in the above-recited deed and contained in Deed Book 257 at page 402.

Improved with a 2-story brick and aluminum residential dwelling with an attached 2-car garage.

SEIZED and taken into execution as the property of **James H. Delaney, Jr. & The United States of America** 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 May 13, 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.

3/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1010 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 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 tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, being Lot No. 3 of High Fields, more particularly bounded and described as follows, to-wit:

BEGINNING at a point in Pa. Rt. 234, Buchanan Valley Road, at Lot No. 4; thence by said lot and through an existing shed South 44 degrees 02 minutes 15 seconds East, 110.5 feet to a point; thence continuing by said lot South 36 degrees 50 minutes 45 seconds East, 752.13 feet to a steel pin set at Lot No. 7; thence by said lot South 52 degrees 06 minutes 40 seconds West, 318.63 feet to a steel pin set back 17.13 feet from the end of this course, North 38 degrees 03 minutes 30 seconds West, 827.66 feet to a point in said Pa. Rt. 234, Buchanan Valley Road; thence in said Pa. Rt. 234, Buchanan Valley Road, North 46 degrees 08 minutes 30 seconds East, 324.75 feet to the place of BEGINNING.

CONTAINING 6.339 Acres.

The above description was taken from a draft of survey dated October 24, 1988, prepared by Boyer Surveys, and recorded in Adams County Plat Book 51 at Page 83.

SEIZED and taken into execution as the property of **Brian W. Reynolds, Sr. & Debra L. Reynolds** 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 15, 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.

2/22, 3/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1312 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern side of Meadow Lane, formerly Toddes Lane (the first street West of and parallel to the Gettysburg-Biglerville State Highway, Route 34) at its intersection with the Southern side of North Avenue; thence along the Southern side of North Avenue, North 78 degrees 30 minutes East 219 feet to a steel pin; thence along Lot No. 1, now or formerly of Russell Murray, South 11 degrees 30 minutes East 100 feet; thence by Lot No. 20, South 78 degrees 30 minutes West 219 feet to a point on the Eastern side of Meadow Lane; thence along the Eastern side of Meadow Lane, North 11 degrees 30 minutes West 100 feet to the point, the place of BEGINNING.

THE foregoing description is taken from a Plan of Development made April 17, 1961, by Wilbur V. Redding, R.E., as revised, on which said lot is designated as Lot No. 21.

TITLE TO SAID PREMISES IS VESTED IN Willie J. Smith, single and Suzanne R. Lovett, as joint tenants with right of survivorship by Deed from Kent Yager and Margarita Elorriaga, his wife dated 3/31/2000 and recorded 4/12/2000 in Record Book 2029 Page 300.

Premises being: 30 North Avenue, Gettysburg, PA 17325

Tax Parcel No. F11-50A

SEIZED and taken into execution as the property of **Willie J. Smith & Suzanne R. Lovett** 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 May 6, 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.

3/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-519 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a p.k. nail located in Township Route T-428 (Bowers Road) at the Southwestern corner of Lot No. 2 on the subdivision plan referred to below; thence by said Lot No. 2 and running through a steel rod located 25 feet from the beginning of this line, South 73 degrees 31 minutes 00 seconds East, 232.09 feet to a steel rod at land of Ray Edward Reichart; thence by said land of Reichart, South 16 degrees 29 minutes 00 seconds West, 206.45 feet to a steel rod at Lot No. 4 as shown on the subdivision plan referred to below; thence by said Lot No. 4 and running through a steel rod located 25 feet from the end of this line, North 73 degrees 31 minutes 00 seconds West, 232.09 feet to a p.k. nail located in Township Route T-428 (Bowers Road); thence in said Township Route T-428, North 16 degrees 29 minutes 00 seconds East, 206.45 feet to a p.k. nail, the place of BEGINNING.

CONTAINING 1.100 acres, and being known as Lot No. 3 on the subdivision plan referred to below.

TITLE TO SAID PREMISES IS VESTED IN Ronald G. Reese and Jacqueline Reese, his wife by Deed from Charles E. Vance and Virginia H. Vance, his wife dated 4/30/98 and recorded 5/7/98 in Record Book 1575 Page 173.

Tax Parcel: H16-51B

SEIZED and taken into execution as the property of **Ronald G. Reese & Jacqueline Reese** 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 May 6, 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.

3/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-979 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 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 following described lot of ground situate, lying and being in Franklin Township, County of Adams, Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at stones in line of the land now or formerly of John Lives; thence by lands now or formerly of Jacob Mickleby, North 60 degrees East, 80.4 perches to a stone; thence South 52 degrees East, 1.3 perches to a locust tree; thence South 32 degrees West, 90 perches to a stone; thence North 32 degrees West, 43.2 perches to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Robert E. Fritts and Holly N. Fritts, his wife by reason of the following:

BEING the same premises which Emma Ruth Hamrick, by Waitman B. Samples, Jr., Attorney-in-Fact by Deed dated 1/16/1997 and recorded 1/17/1997 in the County of Allegheny in Record Book 1318 Page 32 conveyed unto Robert E. Fritts and Holly N. Fritts, his wife.

AND THE SAID Robert E. Fritts and Holly N. Fritts, sellers and J. Terrence Shaffer and Susan P. Shaffer, buyers have entered into an Installment Sale Agreement dated 5/30/1997 and recorded 6/2/1997.

Premises being: 1391 Mount Carmel Road, Orrtanna, PA 17353

Tax Parcel No. B12-8

SEIZED and taken into execution as the property of **Robert E. Fritts & Holly N. Fritts** 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 15, 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.

2/22, 3/1 & 8

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 JANE W. COLE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: James A. Cole, 540 Gun Club Road, Biglerville, PA 17307

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF ETHEL E. KOLLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gary L. Koller, c/o 42 North Duke Street, York, PA 17401

Attorney: Bruce C. Bankenstein, Esq., 42 North Duke Street, York, PA 17401

ESTATE OF ETHEL E. KROUT, DEC'D

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

Co-Executors: Marcine E. Hoff & Norine E. Balek, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF FRANCIS J. MENCHHEY, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executor: Rodney A. Menchey, 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 EUGENE H. MILLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Susan J. Farrelly, 790 Edge Grove Road, Hanover, PA 17331

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

ESTATE OF DOROTHY K. PALMER a/k/a DOROTHY C. PALMER a/k/a DOROTHY R. PALMER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Faye Schuck, 405 Fulton Street, Hanover, PA 17331; Donna Kesecker, 10926 Gaywood Drive, Hagerstown, MD 21740

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JACOB I. SHEADS a/k/a J. M. SHEADS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Michael T. Sheads, 151 Branch Circle, East Berlin, PA 17316; Stephen M. Sheads, 380 Hykes Mill Road, Manchester, PA 17345; Peter T. Sheads, 135 Kime Avenue, Bendersville, PA 17306

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAULINE L. SPONSELLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Wayne L. Sponseller, c/o Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

Attorney: Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

SECOND PUBLICATION

ESTATE OF BILLY E. LARMER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Shirley B. Lefler, 911 Barlow-Greenmount Rd., Gettysburg, PA 17325

ESTATE OF GENEVIEVE J. TRESSLER, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executor: George W. Adams, 1240 Pleasure Road, Lancaster, PA 17601

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

ESTATE OF RUTH J. ZEPP, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Glenn A. Zepp, 1160 Old Harrisburg Road, Gettysburg, PA 17325; Martha J. Zepp, 50 Rldgeview Drive, Leola, PA 17540

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF ETHEL G. CAREY, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Joan A. Carey, 2665 Cranberry Road, York Springs, PA 17372

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF R. VAUGHN LEFEVER a/k/a REUBEN VAUGHN LEFEVER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: Stephanie A. Greineder & Vaughn Paul LeFever, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF ROBERT A. MACASKILL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Linda S. MacAskill, 200 Hills Drive, Gettysburg, PA 17325

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

ESTATE OF MARJORIE S. SCHWARTZ, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: J. William Schwartz, 158 E. Water Street, Gettysburg, PA 17325; Stephen S. Schwartz, 174 E. Water Street, Gettysburg, PA 17325

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PATRICIA B. TISHLER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Allan C. Stam, III, 293 Baker Hill Rd., Lyme, NH 03768; Cynthia L. Stam, 293 Baker Hill Rd., Lyme, NH 03768

Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1204 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road T-351 at the Southeastern corner of Lot No. 11, now or formerly owned by Olmer B. Spence and Virgie E. Spence, husband and wife; thence by said Lot No. 11 and through a steel pin located 35 feet from the beginning point, North 3 degrees 45 minutes 18 seconds West, 280 feet to a steel pin; thence by other land of Olmer B. Spence, Clark E. Spence, and Edward H. Spence, co-partners, trading as SPECO, North 86 degrees 14 minutes 42 seconds East, 100 feet to a steel pin; thence by Lot No. 13, now or formerly owned by Stephen L. Rebert and Susan K. Rebert, husband and wife, South 3 degrees 45 minutes 18 seconds East, 279.28 feet through a steel pin set back 35 feet from the end of this course to a point in the center of said Township Road T-351; thence in and along the center of said Township Road T-351, South 85 degrees 33 minutes 19 seconds West, 60 feet to a point in the center of said Township Road; thence continuing in the center of said Township Road, South 86 degrees 14 minutes 42 seconds West, 40 feet to the point in the center of said Township Road T-351, the place of BEGINNING. CONTAINING 27,978 Square Feet.

The description herein was taken from a draft of survey made January 19, 1972, by J. H. Rife, R. E., File No. D-152, on which said lot is designated as Lot No. 12, which draft was approved as Final Plan of Subdivision of SPECO and recorded in the Office of the Recorder of Deeds of Adams County, PA in Plat Book 2 at Page 12.

Premises being: 249 Poplar Springs, Orrtanna, PA 17353

Tax Parcel No. #C11-56

SEIZED and taken into execution as the property of **Russell L. Lowe a/k/a L. Russell Lowe & Deborah L. Lowe** 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 May 6, 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.

3/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-685 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a railroad spike in the center line of Township Road T-304 (Newman Road) at land now or formerly of Eugene Ojanen; thence in the center line of such Township Road South 42 degrees 30 minutes 30 seconds West 150.00 feet to a railroad spike; thence in the center line of such last mentioned Township Road South 47 degrees 52 minutes 40 seconds West 150.00 feet to a railroad spike; thence along land now or formerly of Pennsylvania Department of Forestry and now or formerly of Wilbur Cook and through an iron pin at existing stone pile North 60 degrees 00 minutes 00 seconds West 1064.00 feet to an existing iron pin at land now or formerly of the said Eugene Ojanen; thence by same North 45 degrees 11 minutes 35 seconds East 299.67 feet to an iron pin; thence by land now or formerly of Eugene Ojanen South 80 degrees 00 minutes 00 seconds East 1064.00 feet to a railroad spike in the center line of Township Road T-304, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN **Larry N. Weaver, Jr.** and **Carrie A. Weaver**, his wife by Deed from **Walter M. Yatta** and **Susan H. Yatta**, his wife dated 11/26/97, recorded 12/2/97, in Record Book 1484, Page 112.

Premises being: 115 Newman Road, Orrtanna, PA 17353

Tax Parcel No. #(12) B10-0001A

SEIZED and taken into execution as the property of **Larry N. Weaver, Jr. & Carrie A. Weaver** 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 May 6, 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.

3/8, 15 & 22

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 29, 2002, pursuant to the Fictitious Name Act, setting forth that **Tim Guise, Timothy J. Biggins, Tony Rice, Kevin Miller, Andrew Hansen, George Guise, Thomas I. Leedy** and **Thomas E. Leedy** are the only individuals interested in a business, the character of which is the ownership and leasing of real property for hunting purposes, that the designation under which the business is and will be conducted is **LL HUNTING CLUB** and that the location where said business is and will be conducted is **4 Edward Court, McKnightstown, PA 17343.**

Bernard A. Yannetti, Jr.
Solicitor

3/8

Adams County **Legal Journal**

Vol. 43

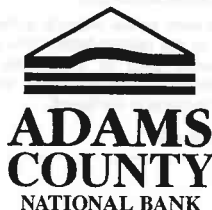
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COMMONWEALTH VS. WAGAMAN

**Adams County National Bank's
commitment to its communities is
more than a fleeting promise.
It is a tradition founded upon our
more than 130 years of service to
the individuals, businesses and
organizations in these communities.**



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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.

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

Business Office - 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1219 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 ground situate on the North side of Main Street in the Borough of McSherrystown, Adams County, Pennsylvania, which is bounded and described as follows:

BEGINNING at a stake at Main Street aforesaid at lands now or formerly of Robert E. Hart; thence by Main Street in a Southwesterly direction for a distance of forty (40) feet to a stake at other lands in a Northwesterly direction for a distance of one hundred ninety-nine (199) feet, more or less, to a stake at a public alley; thence by same in a Northeasterly direction for a distance of forty (40) feet to a stake at lands now or formerly of Robert E. Hart aforesaid; thence by the same in a Southeasterly direction for a distance of two hundred two (202) feet two (2) inches to a stake at Main Street aforesaid, the place of BEGINNING.

Tax Parcel #08-018-011

Being known as 629 Main Street, McSherrystown, PA 17344

SEIZED and taken into execution as the property of Fred W. Fraim 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 May 6, 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.

3/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1329 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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, bounded and described as follows:

Fronting along the North side of the public highway leading from Emmitsburg to Waynesboro, and adjoining land now or formerly of Clarence Cline on the North; lands now or formerly of John Warren on the East and lands now or formerly of Mrs. Simon Cline on the West.

BEING the same tract of land which Jeremiah E. Cline, administrator of the Estate of Wayne L. Cline, deceased, by deed dated August 19, 1997, and recorded August 20, 1997, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book 1426, Page 223, granted & conveyed unto Laurretta Cline.

TITLE TO SAID PREMISES IS VESTED IN Laurretta Cline & Jeremiah Cline by deed from Laurretta Cline dated 9/24/99 recorded 10/13/99 in the County of Adams in Deed Book 1931 Page 345.

SEIZED and taken into execution as the property of Laurretta Cline & Jeremiah Cline 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 May 13, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1183 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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.:

Situate in Huntington Twp., Adams Cty., Cmwltth of PA. Being k/a Lot No. 7 in a Final Subdivision Plan for J. Paul Lehman, dated 9/26/1995, Plat Book 68, pg. 35. HET a dwg. k/a 525 Willow Lane, York Springs, PA 17372. Parcel # (22) H05-0053A. DBV 2123, pg. 336.

SEIZED and taken into execution as the property of Larry E. Griffie 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 May 13, 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.

3/15, 22 & 29

COMMONWEALTH VS. WAGAMAN

1. First, when interpreting a statute, a court's primary object is to ascertain the legislative intent, and "the primary method of determining the meaning of a statute is simply to look at the plain and unambiguous meaning of that statute as written." In addition, penal provisions are to be strictly construed. However, that principle does not necessarily "require that words of a criminal statute be given their narrowest meaning ..."

2. Probation is not official detention. Therefore, it cannot be said that Defendant failed to "return" to (go back to) official detention at the end of that period of supervision.

3. Although Defendant's failure to report to Phase I from Phase III, as directed, constituted a basis for revocation and re-sentence, it does not satisfy the elements of escape as that crime has been defined by the Legislature ...

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-381-01, COMMONWEALTH VS. STEPHEN WILLIAM WAGAMAN.

Paul Dean, Esq., Assistant District Attorney, for Commonwealth
Jeffery M. Cook, Esq., for Defendant

Kuhn, J., August 13, 2001

MEMORANDUM OPINION

The issue before the Court is whether a person who is placed in Phase III (probation) under an intermediate punishment sentence and is directed to report to Phase I (jail) on a date certain, but fails to do so can be charged with the crime of escape. We conclude that such a charge is not proper and must be dismissed.

Prior to November 22, 2000, Defendant was serving an intermediate punishment sentence in a case docketed at CC-165-00. On that date, he was revoked from his sentence and re-sentenced to 36 months of intermediate punishment. He was released into Phase III (probation) and directed to report to the Adams County Prison on December 6, 2000. Defendant failed to appear and was apprehended on December 13, 2000. His sentence was again revoked and he was re-sentenced to a period of incarceration of 11-1/2 – 36 months.

On May 18, 2001, Defendant filed a Motion to Quash in the above matter, alleging that he could not legally be charged with escape because he was not in "official detention".

The crime of Escape is defined, in pertinent part, as
§5.21. Escape

- (a) Escape — A person commits an offense if he unlawfully removes himself from official detention or fails to return to official detention following temporary leave granted for a specific or limited purpose.

...

- (e) Definition — As used in this section, the phrase “official detention” means arrest, detention in any facility for custody of persons under charge or conviction of crime or alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes; but the phrase does not include supervision of probation or parole, or constraint incidental to release on bail.

Without question, while Defendant was in Phase III (probation) he was not in official detention. Therefore, the specific issue in this case is whether in failing to report to jail, under the circumstances sub judice, Defendant “fails to return to official detention following temporary leave.” Research conducted by counsel and the Court has uncovered no case on point.

We begin our analysis by examining several principles derived from the Statutory Construction Act of 1972. First, when interpreting a statute, a court’s primary object is to ascertain the legislative intent, 1 Pa. C.S.A. §1921(a), and “the primary method of determining the meaning of a statute is simply to look at the plain and unambiguous meaning of that statute as written.” *Commonwealth v. Snyder*, 560 A.2d 165, 169 (Pa. Super. 1989). In addition, penal provisions are to be strictly construed. 1 Pa. C.S.A. §1928(b)(1). However, that principle does not necessarily “require that words of a criminal statute be given their narrowest meaning” *Commonwealth v. Dukatos*, 708 A.2d 510, 512 (Pa. Super. 1998).

There can be no dispute that incarceration in the Adams County Prison constitutes “official detention” as used in the statute. The more precise question here is whether Defendant failed to “return” to “official detention following temporary leave granted for a specific purpose or limited period.” The word “return” involves the act of going back to a place, *Webster’s New Collegiate Dictionary*, 1979, and suggests that one had been there previously. Thus, one who is in official detention and who is granted a furlough may be charged with escape if he fails to “return” to official detention. *Commonwealth v.*

Smith, 340 A.2d 537 (Pa. Super. 1975). A person who is sentenced to jail but granted a furlough before reporting to prison is in “official detention” when the sentence is entered but is granted temporary leave. Therefore, if he fails to report to prison as directed, he has failed to “return” to official detention. Likewise, an inmate in prison who fails to “return” from work release is guilty of escape. *Commonwealth v. Brown*, 396 A.2d 377 (Pa. Super. 1978). Here, Defendant was not in official detention at the time he was placed in Phase III because as of the entry of the sentence, he was on probation. As noted above, probation is not official detention. Therefore, it cannot be said that Defendant failed to “return” to (go back to) official detention at the end of that period of supervision.

The crime of escape as set forth in §5121 was derived from Section 242.6 of the Model Penal Code (see 10 Uniform Laws Annotated, Master Edition). Section 5121 has not been amended since it became effective on June 6, 1973. Intermediate punishment is a sentencing alternative authorized by 42 Pa. C.S.A. §9721(a)(6) and §9763, and made effective July 1, 1991. Thus, intermediate punishment was not a sentencing alternative when the crime of escape was enacted in its current form. If the Legislature intended for escape to apply any time a person fails to report to jail as directed by the Court, it could have easily accomplished that task by so stating. Instead, the Legislature used the word “return”. Perhaps the Legislature did not contemplate this type of situation or perhaps it intentionally chose to ignore the possibility. Nevertheless, it is not the Court’s role to add verbiage where it does not exist or to add meaning not clearly intended.

Without further guidance, we are simply forced to conclude that although Defendant’s failure to report to Phase I from Phase III, as directed, constituted a basis for revocation and re-sentence, it does not satisfy the elements of escape as that crime has been defined by the Legislature in §5121. Accordingly, we are compelled to grant Defendant’s motion.

ORDER OF COURT

AND NOW, this 13th day of August, 2001, Defendant’s Motion to Quash, filed May 18, 2001, is granted and the charges of violating 18 Pa. C.S.A. §5121 are dismissed. Costs to be paid by the County of Adams.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1312 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern side of Meadow Lane, formerly Toddes Lane (the first street West of and parallel to the Gettysburg-Biglerville State Highway, Route 34) at its intersection with the Southern side of North Avenue; thence along the Southern side of North Avenue, North 78 degrees 30 minutes East 219 feet to a steel pin; thence along Lot No. 1, now or formerly of Russell Murray, South 11 degrees 30 minutes East 100 feet; thence by Lot No. 20, South 78 degrees 30 minutes West 219 feet to a point on the Eastern side of Meadow Lane; thence along the Eastern side of Meadow Lane, North 11 degrees 30 minutes West 100 feet to the point, the place of BEGINNING.

THE foregoing description is taken from a Plan of Development made April 17, 1961, by Wilbur V. Redding, R.E., as revised, on which said lot is designated as Lot No. 21.

TITLE TO SAID PREMISES IS VESTED IN Willie J. Smith, single and Suzanne R. Lovett, as joint tenants with right of survivorship by Deed from Kent Yager and Margarita Elorriaga, his wife dated 3/31/2000 and recorded 4/12/2000 in Record Book 2029 Page 300.

Premises being: 30 North Avenue, Gettysburg, PA 17325

Tax Parcel No. F11-50A

SEIZED and taken into execution as the property of **Willie J. Smith & Suzanne R. Lovett** 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 May 6, 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.

3/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-519 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a p.k. nail located in Township Route T-428 (Bowers Road) at the Southwestern corner of Lot No. 2 on the subdivision plan referred to below; thence by said Lot No. 2 and running through a steel rod located 25 feet from the beginning of this line, South 73 degrees 31 minutes 00 seconds East, 232.09 feet to a steel rod at land of Ray Edward Reichart; thence by said land of Reichart, South 16 degrees 29 minutes 00 seconds West, 206.45 feet to a steel rod at Lot No. 4 as shown on the subdivision plan referred to below; thence by said Lot No. 4 and running through a steel rod located 25 feet from the end of this line, North 73 degrees 31 minutes 00 seconds West, 232.09 feet to a p.k. nail located in Township Route T-428 (Bowers Road); thence in said Township Route T-428, North 16 degrees 29 minutes 00 seconds East, 206.45 feet to a p.k. nail, the place of BEGINNING.

CONTAINING 1.100 acres, and being known as Lot No. 3 on the subdivision plan referred to below.

TITLE TO SAID PREMISES IS VESTED IN Ronald G. Reese and Jacqueline Reese, his wife by Deed from Charles E. Vance and Virginia H. Vance, his wife dated 4/30/98 and recorded 5/7/98 in Record Book 1575 Page 173.

Tax Parcel: H16-51B

SEIZED and taken into execution as the property of **Ronald G. Reese & Jacqueline Reese** 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 May 6, 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.

3/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1288 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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 situate in Mount Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1014 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, Pennsylvania, in Miscellaneous Book 4 at page 778, and SUBJECT TO all legal highways, easements, rights of way and restrictions of record.

BEING the same which James H. Delaney, Jr. and Connie Delaney, husband and wife, by their deed dated April 14, 1982 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 362 at page 409, granted and conveyed unto James H. Delaney, Jr., the Defendant herein.

TOGETHER WITH rights and SUBJECT TO restrictions, conditions and agreement as referred to in the above-recited deed and contained in Deed Book 257 at page 402.

Improved with a 2-story brick and aluminum residential dwelling with an attached 2-car garage.

SEIZED and taken into execution as the property of **James H. Delaney, Jr. & The United States of America** 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 May 13, 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.

3/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1204 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road T-351 at the Southeastern corner of Lot No. 11, now or formerly owned by Olmer B. Spence and Virgie E. Spence, husband and wife; thence by said Lot No. 11 and through a steel pin located 35 feet from the beginning point, North 3 degrees 45 minutes 18 seconds West, 280 feet to a steel pin; thence by other land of Olmer B. Spence, Clark E. Spence, and Edward H. Spence, co-partners, trading as SPECO, North 86 degrees 14 minutes 42 seconds East, 100 feet to a steel pin; thence by Lot No. 13, now or formerly owned by Stephen L. Rebert and Susan K. Rebert, husband and wife, South 3 degrees 45 minutes 18 seconds East, 279.28 feet through a steel pin set back 35 feet from the end of this course to a point in the center of said Township Road T-351; thence in and along the center of said Township Road T-351, South 85 degrees 33 minutes 19 seconds West, 60 feet to a point in the center of said Township Road; thence continuing in the center of said Township Road, South 86 degrees 14 minutes 42 seconds West, 40 feet to the point in the center of said Township Road T-351, the place of BEGINNING. CONTAINING 27,978 Square Feet.

The description herein was taken from a draft of survey made January 19, 1972, by J. H. Rife, R. E., File No. D-152, on which said lot is designated as Lot No. 12, which draft was approved as Final Plan of Subdivision of SPECO and recorded in the Office of the Recorder of Deeds of Adams County, PA in Plat Book 2 at Page 12.

Premises being: 249 Poplar Springs, Orrtanna, PA 17353

Tax Parcel No. #C11-56

SEIZED and taken into execution as the property of **Russell L. Lowe a/k/a L. Russell Lowe & Deborah L. Lowe** 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 May 6, 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.

3/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-685 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a railroad spike in the center line of Township Road T-304 (Newman Road) at land now or formerly of Eugene Ojanen; thence in the center line of such Township Road South 42 degrees 30 minutes 30 seconds West 150.00 feet to a railroad spike; thence in the center line of such last mentioned Township Road South 47 degrees 52 minutes 40 seconds West 150.00 feet to a railroad spike; thence along land now or formerly of Pennsylvania Department of Forestry and now or formerly of Wilbur Cook and through an iron pin at existing stone pile North 60 degrees 00 minutes 00 seconds West 1064.00 feet to an existing iron pin at land now or formerly of the said Eugene Ojanen; thence by same North 45 degrees 11 minutes 35 seconds East 299.67 feet to an iron pin; thence by land now or formerly of Eugene Ojanen South 80 degrees 00 minutes 00 seconds East 1064.00 feet to a railroad spike in the center line of Township Road T-304, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN **Larry N. Weaver, Jr.** and **Carrie A. Weaver**, his wife by Deed from **Walter M. Yatta** and **Susan H. Yatta**, his wife dated 11/26/97, recorded 12/2/97, in Record Book 1484, Page 112.

Premises being: 115 Newman Road, Orrtanna, PA 17353

Tax Parcel No. #(12) B10-0001A

SEIZED and taken into execution as the property of **Larry N. Weaver, Jr. & Carrie A. Weaver** 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 May 6, 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.

3/8, 15 & 22

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-2-02-(A)

NOTICE

To: **MICHAEL SHANE BREWER, SR.**
No. RT-2-02-(A)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 5, 2002, at 2:00 p.m., prevailing time, at the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact 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.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325

Telephone number: 717-337-9846,
or 1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

3/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1201 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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 the Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a concrete nail in the right-of-way limits of Township Road T-394 at corner of land now or formerly of Fred Hartman; thence by said land North 74 degrees 14 minutes 00 seconds West, 331.45 feet to an iron pipe at land now or formerly of Pitzer Bros. Fruit Farms, Inc.; thence by same North 36 degrees 20 minutes 30 seconds East, 288.00 feet to an iron pipe; thence by same South 88 degrees 11 minutes 00 seconds East, 305.65 feet to a spike in the right-of-way limits of Township Road T-394; thence in same South 30 degrees 34 minutes 30 seconds West, 103.15 feet to a point; thence in same South 25 degrees 06 minutes 30 seconds West 246.85 feet to a concrete nail, the place of BEGINNING.

CONTAINING 2.1100 acres.

BEING THE SAME premises which John T. Sterling, III and Denise A. Sterling, f/k/a Denise A. Breighner, husband and wife, by their Deed dated August 12, 1993, and recorded on August 13, 1993 in the Recorder of Deeds Office in and for Adams County in Adams County Record Book 766, Page 36, granted and conveyed unto Ray C. Gee and Beatrice M. Gee, husband and wife, the Defendants herein.

SEIZED and taken into execution as the property of **Ray C. Gee & Beatrice M. Gee** 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 May 13, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1043 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Huntington Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point east of the center line of Georgetown Road at corner of land now or formerly of William Arnold; thence in said Georgetown Road, South 04 degrees 47 minutes 45 seconds East, 160.19 feet to railroad spike found at corner of land now or formerly of David Kaas, corner of land now or formerly of Barry E. Heller and corner of Lot No. 8 on the hereinafter referred to plan of lots; thence by said Lot No. 8, passing through a point set back 32.29 feet from the last mentioned point, North 88 degrees 31 minutes 00 seconds West, 557.79 feet to a point at corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1, North 09 degrees 33 minutes 40 seconds East, 310.01 feet to a stone found on line of land now or formerly of Robert Weidner; thence by said land of Robert Weidner and passing through a reference point set back 25.04 feet from the next mentioned point, North 81 degrees 57 minutes 30 seconds East, 478.16 feet to a railroad spike in the center line of Georgetown Road; thence in said Georgetown Road, South 07 degrees 05 minutes 35 seconds East, 13.20 feet to a point; thence continuing in same, South 04 degrees 47 minutes 45 seconds East, 11.80 feet to a railroad spike in the center line of said Georgetown Road at corner of land now or formerly of William Arnold; thence by said land of William Arnold, and passing through a point set back 24.73 feet from the last mentioned point, South 81 degrees 57 minutes 30 seconds West, 331.67 feet to a steel pin found; thence continuing by same, South 06 degrees 39 minutes 00 seconds East, 191.84 feet to a concrete monument found; thence by same, and passing through a concrete monument found set back 18.75 feet from the next mentioned point, North 83 degrees 21 minutes 00 seconds East, 325.10 feet to a point in said Georgetown Road, the point and place of BEGINNING.

Tax Parcel #22-G-3-131

Being known as 140 Georgetown Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Gary A. Shultz & Diane M. Riley** 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 May 20, 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.

3/15, 22 & 29

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 February 13, 2002, for the purpose of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Law of 1988, P.L. 1444, No. 177, as amended. The name of the corporation is GETTYSBURG CHILIES BASKETBALL CLUB, INC., with a registered office of the corporation being 64 East Broadway, Gettysburg, PA 17325.

Wilcox & James
David K. James, III, Esq.
234 Baltimore Street
Gettysburg, PA 17325

3/15

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 February 13, 2002, for the purpose of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Law of 1988, P.L. 1444, No. 177, as amended. The name of the corporation is PENN TREE, INC., with a registered office of the corporation being 900 New Road, Orrtanna, PA 17353.

Wilcox & James
David K. James, III, Esq.
234 Baltimore Street
Gettysburg, PA 17325

3/15

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 Wednesday, March 27, 2002, at 9:00 o'clock a.m.

SMITH—Orphans' Court Action Number OC-10-02. The First and Final Account of Michael J. Smith and Brian F. Smith, Co-Executors of the Estate of Henry W. Smith, deceased, late of Conewago Township, Adams County, Pennsylvania.

FELIX—Orphans' Court Action Number OC-93-01. The First and Final Account of Robert E. Felix, Administrator of the Estate of Edgar E. Felix, deceased, late of Cumberland Township, Adams County, Pennsylvania.

LAWRENCE—Orphans' Court Action Number OC-12-02. The First and Final Account of Patricia A. Deamer, Executrix of the Estate of Genevieve G. Lawrence a/k/a Genevieve E. Lawrence, deceased, late of Conewago Township, Adams County, Pennsylvania.

FAIR—Orphans' Court Action Number OC-14-02. The First and Final Account of Ann Elizabeth Walton, Executrix of the Estate of Pauline G. Fair, deceased, late of Huntington Township, Adams County, Pennsylvania.

SMITH—Orphans' Court Action Number OC-65-01. The First and Final Account of Thomas B. Redding, Jr., Administrator d.b.n.c.t.a. of the Estate of Mary R. Smith a/k/a Mary P. Smith, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

SPANGLER—Orphans' Court Action Number OC-20-02. The First and Final Account of Mary Elizabeth Spangler, Executrix of the Estate of Melvin E. Spangler, deceased, late of the Borough of Littlestown, Adams County, Pennsylvania.

WARNER—Orphans' Court Action Number OC-21-02. The First and Final Account of Lydia F. Warner, Executor of the Estate of E. Burnell Warner a/k/a Elmer Burnell Warner, deceased, late of the Borough of Littlestown, Adams County, Pennsylvania.

ANDERSON—Orphans' Court Action Number OC-23-02. The First and Final Account of Carla Anderson, Administrator of the Estate of William F. Anderson, Sr., deceased, late of Straban Township, Adams County, Pennsylvania.

Flickinger—Orphans' Court Action Number OC-24-02. The First and Final Account of PNC Bank, National Association, Agent for Frederick W. Flickinger, Executor of the Estate of

Josephine S. Flickinger, a/k/a Josephine L. Flickinger, deceased, late of Straban Township, Adams County, Pennsylvania, annexed thereto: The First and Final Account of PNC Bank, National Association and Frederick W. Flickinger, surviving Trustees of the Fourth Amended and Restated Declaration of Trust of Josephine S. Flickinger dated April 28, 1997.

Peggy J. Breighner
Clerk of Courts

3/15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1147 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Conewago Township, Adams County, Pennsylvania, being known as Lot No. 13, Granny Estates, bounded and described in accord with a final subdivision plan prepared by Donald E. Worley, R.S., dated March 2, 1977, and revised March 28, 1977, File No. C-312, as follows:

BEGINNING at a point on the South side of a fifty (50) foot wide street known as Stevens Street at the eastern corner of Lot No. 12; thence along the South side of said Stevens Street South fifty-six (56) degrees one (01) minute fifteen (15) seconds East, ninety-eight and twelve hundredths (98.12) feet to a point at the intersection of Stevens Street and Sandy Court; thence along a curve to the right the radius of which is twenty-five (25) feet for an arc distance of thirty-nine and twenty-seven hundredths (39.27) feet, having a chord bearing and distance of South eleven (11) degrees one (01) minute fifteen (15) seconds East, thirty-five and thirty-six hundredths (35.36) feet to a point; thence along the North side of said Sandy Court and along a curve to the right the radius of which is two hundred seventy-one and ninety-five hundredths (271.95) feet for an arc distance of one hundred forty-six and seven hundredths (146.07) feet, having a chord bearing and distance of South forty-nine (49) degrees twenty-two (22) minutes zero (00) seconds West, one hundred forty-four and thirty-two hundredths (144.32) feet to a point on the North side of said Sandy Court; thence along the North side of said Sandy Court South sixty-four (64) degrees forty-five (45) minutes fifteen (15) seconds West, fifty-six and eighty-one hundredths (56.81) feet to a point at the eastern corner of Lot No. 14; thence along said Lot No. 14 North thirty-eight (38) degrees fifty-eight (58) minutes seventeen (17) seconds West, ninety-one and twenty-one hundredths (91.21) feet to a point at the southern

corner of Lot No. 12; thence along said Lot No. 12 North forty-three (43) degrees thirty-three (33) minutes forty-one (41) seconds East, one hundred eighty-eight and eighty-six hundredths (188.86) feet to a point on the South side of said Stevens Street the point and place of BEGINNING. CONTAINING 24,387 square feet. This is Lot No. 13 on said plan.

IT BEING the same tract of land which James R. Meckley and Donna E. Meckley, husband and wife, by their deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, granted and conveyed unto William R. Wierman and Linda D. Wierman, husband and wife, Mortgagees Herein.

Premises being: 11 Sandy Court, Hanover, PA 17331

Tax Parcel No. 12-99

SEIZED and taken into execution as the property of William R. Wierman a/k/a William R. Wileman & Linda D. Wierman 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 May 6, 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.

3/8, 15 & 22

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State for the Commonwealth of Pennsylvania for the purpose of obtaining a Certificate of Organization of a proposed limited liability corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania, as amended. The name of the corporation is GETTYSBURG GRANITE, LLC.

The registered office is 1431 Water Street, Fairfield, PA 17320.

Salzmann, DePaulis, Fishman &
Morgenthal, P.C.
Ann F. DePaulis, Esq.
455 Phoenix Drive, Suite A
Chambersburg, PA 17201

3/15

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 JOSEPH B. BOLLINGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Lillian B. Bollinger, c/o The Brethren Home, 2990 Carlisle Pike, New Oxford, PA 17350

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF GEORGE R. CARPENTER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: James S. Carpenter, 143 Gettysburg Road, Littlestown, PA 17340; Jacqueline A. Moose, 129 Gettysburg Road, Littlestown, PA 17340

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

ESTATE OF PIERRE W. FONTAINE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Andre P. Fontaine, 7717 Epsilon Drive, Rockville, MD 20855

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF EMMA A. LEPPA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Alta M. Leppa, The Brethren Home Community, 2990 Carlisle Pike, New Oxford, PA 17350

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

ESTATE OF WELDON B. SHANK, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Pauline B. Shank, 448 Waynesboro Pike, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby & Sheffer, P.O. Box 215, Fairfield, PA 17320

ESTATE OF JANET V. SMALL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Thomas F. Small, Jr., 107 Lark Circle, York, PA 17404; Cynthia A. Small, 155 Windbriar Lane, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF JANE W. COLE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: James A. Cole, 540 Gun Club Road, Biglerville, PA 17307

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF ETHEL E. KOLLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gary L. Koller, c/o 42 North Duke Street, York, PA 17401

Attorney: Bruce C. Bankenstein, Esq., 42 North Duke Street, York, PA 17401

ESTATE OF ETHEL E. KROUT, DEC'D

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

Co-Executors: Marcine E. Hoff & Norine E. Balek, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF FRANCIS J. MENCHEY, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executor: Rodney A. Menchey, 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 EUGENE H. MILLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Susan J. Farrelly, 790 Edge Grove Road, Hanover, PA 17331

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

ESTATE OF DOROTHY K. PALMER a/k/a DOROTHY C. PALMER a/k/a DOROTHY R. PALMER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Faye Schuck, 405 Fulton Street, Hanover, PA 17331; Donna Kesecker, 10926 Gaywood Drive, Hagerstown, MD 21740

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JACOB I. SHEADS a/k/a J. M. SHEADS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Michael T. Sheads, 151 Branch Circle, East Berlin, PA 17316; Stephen M. Sheads, 380 Hykes Mill Road, Manchester, PA 17345; Peter T. Sheads, 135 Kirne Avenue, Bendersville, PA 17306

Attorney: Chester G. Schuitz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAULINE L. SPONSELLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Wayne L. Sponseller, c/o Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

Attorney: Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

THIRD PUBLICATION

ESTATE OF BILLY E. LARMER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Shirley B. Lefler, 911 Barlow-Greenmount Rd., Gettysburg, PA 17325

ESTATE OF GENEVIEVE J. TRESSLER, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executor: George W. Adams, 1240 Pleasure Road, Lancaster, PA 17601

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Strike, Hanover, PA 17331

ESTATE OF RUTH J. ZEPP, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Glenn A. Zepp, 1160 Old Harrisburg Road, Gettysburg, PA 17325; Martha J. Zepp, 50 Ridgeview Drive, Leola, PA 17540

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1289 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 two (2) tracts of land, with improvements thereon erected, known as 586 Woods Road, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to-wit:

TRACT NO. 1: BEGINNING for a corner at a railroad spike set in the center line of Township Road 506 (commonly known as Woods Road), at the north-westernmost corner of Lot 2 as shown on the hereinafter referred to Subdivision Plan; thence in and along the centerline of Township Road 506 (Woods Road) and also along said Lot 2, the following two (2) courses and distances: (1) South sixty-five (65) degrees forty-six (46) minutes East, one hundred forty-three and thirty-eight hundredths (143.38) feet to a railroad spike; (2) South fifty-two (52) degrees twenty-two (22) minutes East, seventy-seven and eighty-one hundredths (77.81) feet to a steel pin set at lands now or formerly of Roy Stamer, previous Grantor, as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Roy Stamer, the following three (3) courses and distances: (1) through a steel pin set twenty-five (25) feet from the beginning of this course, South forty-two (42) degrees fifty-six (56) minutes West, seventy-five and six-tenths (75.6) feet to a steel pin; (2) South seventy-four (74) degrees thirty (30) minutes West, one hundred nineteen and six-tenths (119.6) feet to a steel pin; (3) North forty-seven (47) degrees twenty-two (22) minutes West, one hundred thirty-six and two hundredths (136.02) feet to a steel pin at lands now or formerly of Anne M. Wolf, et al, as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Anne M. Wolf, et al, North thirty-six (36) degrees fifteen (15) minutes East, one hundred twenty-five and ninety-one hundredths (125.91) feet to a steel pin the point and place of BEGINNING.

THE above description is taken from a Subdivision Plan prepared by George M. Wildasin, R.P.L.S., dated November 16, 1977, revised March 1, 1986, and recorded in the Adams County, Pennsylvania, Recorder of Deeds' Office in Plat Book 44, page 32, and designated thereon as Lot 1.

TRACT NO. 2: BEGINNING at a steel pin at corner of lands now or formerly of Abbie M. Runk and lands now or formerly of Nelson Wolf; thence by lands now or formerly of Abbie M. Runk, South

forty-seven (47) degrees twenty-two (22) minutes East, one hundred thirty-six and two hundredths (136.02) feet to a steel pin at corner of lands now or formerly of Abbie M. Runk; thence continuing by lands now or formerly of Abbie M. Runk, North seventy-four (74) degrees thirty (30) minutes East, one hundred nineteen and six-tenths (119.6) feet to a steel pin at corner of lands now or formerly of Abbie M. Runk at lands now or formerly of Grantor herein; thence by said lands, South forty-two (42) degrees fifty-six (56) minutes West, six hundred twelve and six-tenths (612.6) feet to a steel pin; thence North two (2) degrees thirty-two (32) minutes West, nineteen and ninety-five hundredths (19.95) feet to a steel pin; thence North twenty-two (22) degrees fifteen (15) minutes East, three hundred sixty-five and sixty-four hundredths (365.64) feet, passing by lands now or formerly of Nelson Wolf, to a steel pin at corner of lands now or formerly of Wolf and lands now or formerly of Runk; thence by said lands now or formerly of Wolf, North seventeen (17) degrees East, one hundred twelve and two-tenths (112.2) feet to a steel pin at corner of lands now or formerly of Wolf and lands now or formerly of Runk; thence by same, North thirty-six (36) degrees fifteen (15) minutes East, fifty-three and thirty-seven hundredths (53.37) feet to a steel pin at lands now or formerly of Wolf and lands now or formerly of Runk, the place of BEGINNING.

THE above description was taken from a draft of survey prepared by George M. Wildasin, P.E., dated November 16, 1977, which is recorded in Plat Book 19, page 34, in the Adams County, Pennsylvania, Recorder of Deeds' Office.

IT BEING the same two (2) tracts of land which Mark L. Stamer, by his Deed dated February 24, 1992 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 616, page 250, granted and conveyed unto Mark L. Stamer and Crissie L. Stamer, a/k/a incorrectly as Chrissie L. Stamer, GRANTORS HEREIN.

586 Woods Road, Abbottstown, PA 17301.

Tax Parcel K-10-13

SEIZED and taken into execution as the property of **Mark L. Stamer** 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 May 20, 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.

3/15, 22 & 29

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of a Fictitious Name has been filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on February 5, 2002, pursuant to the Fictitious Name Act, Act No. 1982-295, setting forth that Knoebel, Picarelli, Inc. of 327 Baltimore Street, Gettysburg, Pennsylvania 17325, is the only entity engaged or interested in a business, the character of which is for the purpose of Civil Engineering, Planning and Consulting, and that the name, style and designation under which said business is and will be conducted is KPI TECHNOLOGY, and the principal office or place of business is 327 Baltimore Street, Gettysburg, Pennsylvania 17325.

Miller & Shultis, P.C.
Solicitor

3/15

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 February 5, 2002, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is KUHLE CONSTRUCTION SERVICES, INC.

The purpose for which the corporation has been organized is: The corporation shall have unlimited power to engage in and do any law act concerning any or all lawful business for which corporations may be organized under the Pennsylvania Business Corporation Law.

Kuhl Construction Services, Inc.
P.O. Box 216
York Springs, PA 17372

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Adams County Legal Journal

Vol. 43

March 22, 2002

No. 43, pp. 235-238

IN THIS ISSUE

WYNDHAM DEVELOPMENT ET AL VS. LYNN LEE CONSTRUCTION

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 02-SU-42
Action to Quiet Title

HAROLD W. PRUY and KRISTINE R.
PRUY, husband and wife, Plaintiffs
vs.

INEZ THEW HILL, Trustee for
FRANCES THEW HILL, her heirs,
administrators, successors and assigns,
Defendant

NOTICE

TO: INEZ THEW HILL, Trustee for
FRANCES THEW HILL, her heirs,
administrators, successors and assigns,

YOU ARE NOTIFIED that an Order
has been entered on March 8, 2002,
directing that within thirty (30) days after
this publication, you shall commence an
Action in Ejectment or other appropriate
action against the Plaintiffs above to
assert any claim you may have in and to
the lands herein described or be forever
barred from asserting any right, lien, title
or interest inconsistent with the interest
or claim set forth in Plaintiffs' Complaint
with respect to the land herein described:

*ALL that tract of land situate, lying and
being in Carroll Valley Borough, Adams
County, Pennsylvania, more particularly
bounded and described as follows:*

BEGINNING at a point in the center of
Pigeon Trail at Lot No. 26; thence by said
lot, South 24 degrees 14 minutes 43 seconds
West, 225 feet to Lot No. 38;
thence by said lot and by Lot No. 37,
North 65 degrees 45 minutes 17 seconds
West 120 feet to Lot No. 28; thence
by said lot, North 24 degrees 14 minutes
23 seconds East, 225 feet to a point in
the center of said Pigeon Trail; thence in
said Pigeon Trail, South 65 degrees 45
minutes 17 seconds East, 120 feet to the
place of BEGINNING.

The above description was taken from
a plan of lots labeled "Section P of
Chamita, Inc.", dated August 11, 1969,
prepared Evans, Hagan & Holdefer, and
recorded in Adams County Plat Book 1 at
Page 52, being designated as Lot No. 27
thereon.

BEING THE SAME which Chamita,
Inc., by deed dated October 31, 1969
and recorded in the Office of the
Recorder of Deeds of Adams County,
Pennsylvania, in Deed Book 279 at Page
198, sold and conveyed unto Inez Thew
Hill, trustee for Frances Thew Hill; and
BEING THE SAME which the Adams
County Tax Claim Bureau, by their deed
dated December 26, 1991, and recorded
in the aforementioned office in Record
Book 609 at Page 962, sold and con-
veyed unto James Roy McHenry; and
BEING THE SAME which James Roy
McHenry, unmarried, by deed dated
October 15, 1999, and recorded in the

aforementioned office in Record Book
1935 at Page 112, sold and conveyed
unto Lawrence E. McGlaughlin; and
BEING THE SAME which Lawrence E.
McGlaughlin and D. Juene McGlaughlin,
husband and wife, by deed dated
November 1, 1999, and recorded in the
aforementioned office in Record Book
1951 at Page 71, sold and conveyed
unto Lawrence E. McGlaughlin; and
BEING THE SAME which Lawrence E.
McGlaughlin and D. Juene McGlaughlin,
husband and wife, by deed dated
November 10, 2000 and recorded in the
aforementioned office in Record Book
2164 at Page 64, sold and conveyed
unto Allen Beckett Construction; and
BEING THE SAME which Allen Beckett
Construction, by deed dated April 30,
2001 and recorded in the aforemen-
tioned office in Record Book 2274 at
Page 162, sold and conveyed unto
Harold W. Pruy and Kristine R. Pruy,
husband and wife, Plaintiffs herein.

Hartman & Yannetti
Bernard A. Yannetti, Esq.
Attorney for Plaintiffs
126 Baltimore Street
Gettysburg, PA 17325
717-334-3105

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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.

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

Business Office - 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336
Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1279 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at a 50 foot wide right of way at lands now or formerly of George Bostien; thence by said lands, North 18 degrees 6 minutes 30 seconds West, 685.07 feet to an iron pin in stone wall; thence continuing by said lands, South 87 degrees 58 minutes 30 seconds East, 218.19 feet to an iron pin in stone wall at Lot No. 2; thence by said lot, South 16 degrees 46 minutes 50 seconds East, 494.38 feet to a pipe; thence continuing by Lot No. 2, South 29 degrees 33 minutes 35 seconds West, 188.28 feet to a pipe in said 50 foot wide right of way; thence in said 50 foot wide right of way, South 73 degrees 1 minute 50 seconds West, 54.46 feet to the place of BEGINNING.

CONTAINING 2.752 acres.

The above description was taken from a draft of survey dated January 3, 1978, prepared by Adams County Surveyors.

BEING the same tract of land which Horner C. Spring, Administrator of the Estate of Ronald L. Spring, Deceased, by Deed dated August 22, 1989 and recorded on August 22, 1989 in and for Adams County, in Deed Book Volume 531, Page 791, granted and conveyed unto John L. Haley and Marcia E. Haley, Husband and Wife, Tenants by the Entireties.

Parcel No.: (25)C17-19

SEIZED and taken into execution as the property of **John L. Haley & Marcia E. Haley** 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 May 20, 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.

3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1183 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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.:

Situate in Huntington Twp., Adams Cty., Cmwlth of PA. Being k/a Lot No. 7 in a Final Subdivision Plan for J. Paul Lehman, dated 9/26/1995, Plat Book 68, pg. 35. HET a dwg. k/a 525 Willow Lane, York Springs, PA 17372. Parcel # (22) H05-0053A. DBV 2123, pg. 336.

SEIZED and taken into execution as the property of **Larry E. Griffie** 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 May 13, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1329 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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, bounded and described as follows:

Fronting along the North side of the public highway leading from Emmitsburg to Waynesboro, and adjoining land now or formerly of Clarence Cline on the North; lands now or formerly of John Warren on the East and lands now or formerly of Mrs. Simon Cline on the West.

BEING the same tract of land which Jeremiah E. Cline, administrator of the Estate of Wayne L. Cline, deceased, by deed dated August 19, 1997, and recorded August 20, 1997, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book 1426, Page 223, granted & conveyed unto Laurretta Cline.

TITLE TO SAID PREMISES IS VESTED IN Laurretta Cline & Jeremiah Cline by deed from Laurretta Cline dated 9/24/99 recorded 10/13/99 in the County of Adams in Deed Book 1931 Page 345.

SEIZED and taken into execution as the property of **Laurretta Cline & Jeremiah Cline** 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 May 13, 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.

3/15, 22 & 29

WYNDHAM DEVELOPMENT ET AL VS. LYNN LEE CONSTRUCTION

1. Normally, we prefer defendants to rely upon discovery to gain detail as to damages. However, the complaint must allege some basis for the demand.
2. Supreme Court recognized that contracts to convey an estate in real property have been traditionally regarded as enforceable in equity by a buyer.
3. Because we deal with a claim that involves an automatic right to have an estate in land conveyed, there is no need for us to examine particular facts and weigh equities. Plaintiff was (therefore) not required to allege that no adequate remedy of law exists.
4. A constructive trust arises when a person who holds title to property is subject to a legal duty to convey it to another because he would be unjustly enriched if he were permitted to retain title. The necessity for the trust may arise from circumstances evidencing fraud, duress, undue influence or mistake. The controlling factor is whether imposition is necessary to prevent unjust enrichment. Entitlement must be established by direct, clear, precise and convincing evidence.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-508, WYNDHAM DEVELOPMENT, LLC, AND KNUDSEN BUILDING COMPANY, INC., TRADING AS KNUDSEN HOMES, VS. LYNN LEE CONSTRUCTION CO., INC.

Samuel A. Gates, Esq., for Plaintiffs

Henry O. Heiser, III, Esq., and Fred L. Coover, Esq., for Defendant
Spicer, P.J., August 17, 2001

OPINION ON PRELIMINARY OBJECTIONS

In their complaint, filed June 28, 2001, plaintiffs identify themselves as a Maryland Limited Liability Company and a Maryland corporation, both registered to do business in Pennsylvania. The complaint, ¶3 states that defendant “represents itself to be a Maryland Corporation with its principal offices in Finksburg, Maryland.” For purposes of considering preliminary objections to the complaint, the court ignores technical distinctions and points of origin. We will refer to plaintiffs in the singular and defendant as defendant.

Plaintiff alleges that defendant purchased 35.256 acres of land in Union Township and subdivided the property into 59 residential lots. Negotiations began envisioning the purchase and development of these lots by plaintiff. Plaintiff was required to advertise, promptly purchase three lots numbered 184, 224 and 226, as well as to construct and staff a model home on lot 184. Although conveyance of these three lots was accomplished, further negotiations that included listing lots and prices failed to result in a formal written agreement.

Plaintiff alleges that defendant has negotiated with a third party for the sale of remaining lots.

Plaintiff requests specific performance, in Count I; the imposition of a constructive trust in Count II; and money damages of \$1,500,000.00, plus attorney's fees, in Count III.

Plaintiff has not filed a brief, as required by Adams County local rule 211. Nonetheless, the court will not summarily grant the objections. Instead, we will consider them in light of current law.

1. Attorney's fees.

Defendant is correct in arguing that attorney fees are allowable only by agreement or statute. There is no agreement and no statutory provision in 42 Pa.C.S.A. §2503 or elsewhere authorizes recovery. The demand for attorney fees is stricken from the complaint.

2. Specificity of damages.

Normally, we prefer defendants to rely upon discovery to gain detail as to damages. However, the complaint must allege some basis for the demand. This complaint requires a great many inferences to identify possible justification for damages. Basically, all that we have been told is that plaintiff advertised and staffed a model home. That would hardly justify a million and a half dollars in damages. Using the great deal of discretion in determining the amount of detail, *In Re Barnes Foundaton*, 443 Pa. Super. 369, 661 A.2d 889 (1995); alloc. denied 542 Pa. 654, 668 A.2d 1119 (1995), we determine that defendant is entitled to more. Plaintiff is required to file a more specific complaint.

3. Entitlement to specific performance.

Defendant argues that the lack of an averment that no adequate remedy of law exists dooms the request for specific performance. Interestingly, defendant cites *Petry v Tanglwood Lakes, Inc.*, 514 Pa. 51, 522 A.2d 1053 (1987) as authority for its position. Generally, the argument is valid, but not in the case of plaintiffs seeking to acquire an interest in land. In that case, Supreme Court recognized that contracts to convey an estate in real property have been traditionally regarded as enforceable in equity by a buyer. *Payne v Clark*, 409 Pa. 557, 187 A.2d 769 (1963). The court, however, questioned the right of sellers to invoke the aid of equity, citing *Trachtenberg v. Sibarco Stations, Inc.* 477 Pa. 517, 384 A.2d 1209 (1978), and said that entitlement to specific performance when there is no such automatic

right must be decided on particular facts presented to the court. Because we deal with a claim that involves an automatic right to have an estate in land conveyed, there is no need for us to examine particular facts and weigh equities. Plaintiff was not required to allege that no adequate remedy of law exists.

4. Entitlement to a constructive trust.

A constructive trust arises when a person who holds title to property is subject to a legal duty to convey it to another because he would be unjustly enriched if he were permitted to retain title. The necessity for the trust may arise from circumstances evidencing fraud, duress, undue influence or mistake. The controlling factor is whether imposition is necessary to prevent unjust enrichment. Entitlement must be established by direct, clear, precise and convincing evidence. *Hercules v. Jones*, 415 Pa. Super 449, 609 A.2d 837 (1999). Superior Court upheld the imposition of a constructive trust to protect an owner of a one half interest in coal leases from having her share of royalties in checking and savings accounts disposed of or encumbered.

We have read the two cases cited by defendant to support its argument that failure to allege unjust enrichment dooms plaintiff's request for a constructive trust. Neither persuades us to accept defendant's position. A disgruntled parent sued her son in *Kohr v. Kohr*, 271 Pa. Super 321, 413 A.2d 687 (1979), alleging that she expended considerable funds to construct her son's home. Her action was dismissed because she did not prove that the son expressly promised to retain his mother's property in trust. Furthermore, the court found that the son had not been unjustly enriched because he made and attempted to perform an agreement to support her.

In *Yohe v. Yohe*, 466 Pa. 405, 353 A.2d 417 (1976), a husband sought to force his wife to reconvey property he deeded her without reading the deed. Supreme Court reversed the entry of a nonsuit and remanded for a new trial.

Neither case stands for the proposition that the absence of an allegation of unjust enrichment dooms a request for a constructive trust as a matter of law.

We suppose confusion might arise in this area because a plaintiff generally needs to prove fraud, mistake, duress or undue influence to establish a duty to convey. In the case before us, however, plaintiff

bases the duty on a contract. If it can establish the right to specific performance, it may be entitled to the remedy of a constructive trust. *Hercules v. Jones*, supra.

The attached order shall be entered.

ORDER

And now, this 17TH day of August, 2001, plaintiffs' demand for attorney fees is stricken from the complaint. Defendant is directed to file either an amendment to the complaint or an amended complaint with more specific pleading with respect to Count III. All other preliminary objections are dismissed.

Plaintiffs shall have twenty days in which to file amendment. Defendant shall have twenty days thereafter to file a responsive pleading.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-519 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a p.k. nail located in Township Route T-428 (Bowers Road) at the Southwestern corner of Lot No. 2 on the subdivision plan referred to below; thence by said Lot No. 2 and running through a steel rod located 25 feet from the beginning of this line, South 73 degrees 31 minutes 00 seconds East, 232.09 feet to a steel rod at land of Ray Edward Reichart; thence by said land of Reichart, South 16 degrees 29 minutes 00 seconds West, 206.45 feet to a steel rod at Lot No. 4 as shown on the subdivision plan referred to below; thence by said Lot No. 4 and running through a steel rod located 25 feet from the end of this line, North 73 degrees 31 minutes 00 seconds West, 232.09 feet to a p.k. nail located in Township Route T-428 (Bowers Road); thence in said Township Route T-428, North 16 degrees 29 minutes 00 seconds East, 206.45 feet to a p.k. nail, the place of BEGINNING.

CONTAINING 1.100 acres, and being known as Lot No. 3 on the subdivision plan referred to below.

TITLE TO SAID PREMISES IS VESTED IN Ronald G. Reese and Jacqueline Reese, his wife by Deed from Charles E. Vance and Virginia H. Vance, his wife dated 4/30/98 and recorded 5/7/98 in Record Book 1575 Page 173.

Tax Parcel: H16-51B

SEIZED and taken into execution as the property of **Ronald G. Reese & Jacqueline Reese** 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 May 6, 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.

3/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1201 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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 the Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a concrete nail in the right-of-way limits of Township Road T-394 at corner of land now or formerly of Fred Hartman; thence by said land North 74 degrees 14 minutes 00 seconds West, 331.45 feet to an iron pipe at land now or formerly of Pitzer Bros. Fruit Farms, Inc.; thence by same North 36 degrees 20 minutes 30 seconds East, 288.00 feet to an iron pipe; thence by same South 88 degrees 11 minutes 00 seconds East, 305.65 feet to a spike in the right-of-way limits of Township Road T-394; thence in same South 30 degrees 34 minutes 30 seconds West, 103.15 feet to a point, thence in same South 25 degrees 06 minutes 30 seconds West 246.85 feet to a concrete nail, the place of BEGINNING.

CONTAINING 2.1100 acres.

BEING THE SAME premises which John T. Sterling, III and Denise A. Sterling, f/k/a Denise A. Breighner, husband and wife, by their Deed dated August 12, 1993, and recorded on August 13, 1993 in the Recorder of Deeds Office in and for Adams County in Adams County Record Book 766, Page 36, granted and conveyed unto Ray C. Gee and Beatrice M. Gee, husband and wife, the Defendants herein.

SEIZED and taken into execution as the property of **Ray C. Gee & Beatrice M. Gee** 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 May 13, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1288 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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 situate in Mount Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1014 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, Pennsylvania, in Miscellaneous Book 4 at page 778, and SUBJECT TO all legal highways, easements, rights of way and restrictions of record.

BEING the same which James H. Delaney, Jr. and Connie Delaney, husband and wife, by their deed dated April 14, 1982 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 362 at page 409, granted and conveyed unto James H. Delaney, Jr., the Defendant herein.

TOGETHER WITH rights and SUBJECT TO restrictions, conditions and agreement as referred to in the above-cited deed and contained in Deed Book 257 at page 402.

Improved with a 2-story brick and aluminum residential dwelling with an attached 2-car garage.

SEIZED and taken into execution as the property of **James H. Delaney, Jr. & The United States of America** 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 May 13, 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.

3/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-685 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a railroad spike in the center line of Township Road T-304 (Newman Road) at land now or formerly of Eugene Ojanen; thence in the center line of such Township Road South 42 degrees 30 minutes 30 seconds West 150.00 feet to a railroad spike; thence in the center line of such last mentioned Township Road South 47 degrees 52 minutes 40 seconds West 150.00 feet to a railroad spike; thence along land now or formerly of Pennsylvania Department of Forestry and now or formerly of Wilbur Cook and through an iron pin at existing stone pile North 60 degrees 00 minutes 00 seconds West 1064.00 feet to an existing iron pin at land now or formerly of the said Eugene Ojanen; thence by same North 45 degrees 11 minutes 35 seconds East 299.67 feet to an iron pin; thence by land now or formerly of Eugene Ojanen South 80 degrees 00 minutes 00 seconds East 1064.00 feet to a railroad spike in the center line of Township Road T-304, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Larry N. Weaver, Jr. and Carrie A. Weaver, his wife by Deed from Walter M. Yatta and Susan H. Yatta, his wife dated 11/26/97, recorded 12/2/97, in Record Book 1484, Page 112.

Premises being: 115 Newman Road, Ortanna, PA 17353

Tax Parcel No. #(12) B10-0001A

SEIZED and taken into execution as the property of **Larry N. Weaver, Jr. & Carrie A. Weaver** 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 May 6, 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.

3/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1336 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at a 50 foot wide right of way at lands now or formerly of George Bostien; thence by said lands, North 18 degrees 6 minutes 30 seconds West, 685.07 feet to an iron pin in stone wall; thence continuing by said lands, South 87 degrees 58 minutes 30 seconds East, 218.19 feet to an iron pin in stone wall at Lot No. 2; thence by said lot, South 16 degrees 46 minutes 50 seconds East, 484.38 feet to a pipe; thence continuing by Lot No. 2, South 29 degrees 33 minutes 35 seconds West, 188.28 feet to a pipe in said 50 foot wide right of way; thence in said 50 foot wide right of way, South 73 degrees 1 minute 50 seconds West, 54.46 feet to the place of BEGINNING. CONTAINING 2.752 acres.

The above description was taken from a draft of survey dated January 3, 1978, prepared by Adams County Surveyors, recorded in Plat Book 23 at page 11.

Premises being: 18 Skyline Trail, Fairfield, PA 17320

Tax Parcel No. C17-19

SEIZED and taken into execution as the property of **John L. Haley & Marcia E. Haley** 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 May 20, 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.

3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

Premises being: 210 Goodyear Road, Gardners, PA 17324

Tax Parcel No. #H2-27A

SEIZED and taken into execution as the property of **Fred J. Rogers & Melissa A. Rogers** 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 May 20, 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.

3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1043 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point east of the center line of Georgetown Road at corner of land now or formerly of William Arnold; thence in said Georgetown Road, South 04 degrees 47 minutes 45 seconds East, 160.19 feet to railroad spike found at corner of land now or formerly of David Kaas, corner of land now or formerly of Barry E. Heller and corner of Lot No. 8 on the hereinafter referred to plan of lots; thence by said Lot No. 8, passing through a point set back 32.29 feet from the last mentioned point, North 88 degrees 31 minutes 00 seconds West, 557.79 feet to a point at corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1, North 09 degrees 33 minutes 40 seconds East, 310.01 feet to a stone found on line of land now or formerly of Robert Weidner; thence by said land of Robert Weidner and passing through a reference point set back 25.04 feet from the next mentioned point, North 81 degrees 57 minutes 30 seconds East, 478.16 feet to a railroad spike in the center line of Georgetown Road; thence in said Georgetown Road, South 07 degrees 05 minutes 35 seconds East, 13.20 feet to a point; thence continuing in same, South 04 degrees 47 minutes 45 seconds East, 11.80 feet to a railroad spike in the center line of said Georgetown Road at corner of land now or formerly of William Arnold; thence by said land of William Arnold, and passing through a point set back 24.73 feet from the last mentioned point, South 81 degrees 57 minutes 30 seconds West, 331.67 feet to a steel pin found; thence continuing by same, South 06 degrees 39 minutes 00 seconds East, 191.84 feet to a concrete monument found; thence by same, and passing through a concrete monument found set back 18.75 feet from the next mentioned point, North 83 degrees 21 minutes 00 seconds East, 325.10 feet to a point in said Georgetown Road, the point and place of BEGINNING.

Tax Parcel #22-G-3-131

Being known as 140 Georgetown Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Gary A. Shultz & Diane M. Riley** 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 May 20, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-4 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Germany Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1

BEGINNING at a point five feet Northeast of the center line of the State Highway from Gettysburg to Littlestown at Southwest corner of lot now or formerly of George M. Scott, said point being South 71.30 degrees East 304 feet from the intersection of the center line of the public road to White Hall; thence along the said highway and parallel to the center line, North 71.30 degrees West 100 feet to a point; thence by other land now or formerly of Hobson D. Crouse North 20.15 degrees East 225 feet; thence by the same South 71.30 degrees East 100 feet to the northwest corner of lot now or formerly of George M. Scott; thence by said lot South 20.15 degrees West 225 feet to the place of BEGINNING.

TRACT NO. 2

BEGINNING at a point in U.S. Route 140 at other land now or formerly of Elmer Shanks and Anna W. Shanks; thence in said U.S. Route 140, North 71 degrees 30 minutes West, 50 feet to a point at other lands now or formerly of Pauline E. Crouse; thence leaving said U.S. Route 140 and by other lands now or formerly of Pauline E. Crouse and passing through a steel pin (said steel pin being North 18 degrees 30 minutes East 18.50 feet from the last mentioned point), North 18 degrees 30 minutes East 225 feet to a steel pin at lands now or formerly of Raymond Reynolds; thence by said lands now or formerly of Raymond Reynolds South 71 degrees 30 minutes

East 50 feet to a steel pin at other lands now or formerly of Elmer Shanks and Anna W. Shanks; thence by said other lands now or formerly of Elmer Shanks and Anna W. Shanks South 18 degrees 30 minutes West 225 feet to a point in U.S. Route 140, the place of BEGINNING.

TRACT NO. 2: THE ABOVE DESCRIPTION was obtained from a draft of survey dated March 31, 1972 and prepared by Donald E. Worley, Registered Surveyor.

Premises being: 4822 Baltimore Pike, Littlestown, PA 17340

Tax Parcel No. 1-16-60

SEIZED and taken into execution as the property of **William D. Lemaster & Robynn M. Fraley** 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 May 20, 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.

3/22, 29 & 4/5

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 February 21, 2002.

The name of the corporation is STEVE BUCKLEY'S PLUMBING & HEATING, INC.

The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

John R. White
Campbell & White
112 Baltimore Street
Gettysburg, PA 17325
Attorneys for the Corporation

3/22

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 Wednesday, March 27, 2002, at 9:00 o'clock a.m.

SMITH—Orphans' Court Action Number OC-10-02. The First and Final Account of Michael J. Smith and Brian F. Smith, Co-Executors of the Estate of Henry W. Smith, deceased, late of Conewago Township, Adams County, Pennsylvania.

FELIX—Orphans' Court Action Number OC-93-01. The First and Final Account of Robert E. Felix, Administrator of the Estate of Edgar E. Felix, deceased, late of Cumberland Township, Adams County, Pennsylvania.

LAWRENCE—Orphans' Court Action Number OC-12-02. The First and Final Account of Patricia A. Deamer, Executrix of the Estate of Genevieve G. Lawrence a/k/a Genevieve E. Lawrence, deceased, late of Conewago Township, Adams County, Pennsylvania.

FAIR—Orphans' Court Action Number OC-14-02. The First and Final Account of Ann Elizabeth Walton, Executrix of the Estate of Pauline G. Fair, deceased, late of Huntington Township, Adams County, Pennsylvania.

SMITH—Orphans' Court Action Number OC-65-01. The First and Final Account of Thomas B. Redding, Jr., Administrator d.b.n.c.t.a. of the Estate of Mary R. Smith a/k/a Mary P. Smith, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

SPANGLER—Orphans' Court Action Number OC-20-02. The First and Final Account of Mary Elizabeth Spangler, Executrix of the Estate of Melvin E. Spangler, deceased, late of the Borough of Littlestown, Adams County, Pennsylvania.

WARNER—Orphans' Court Action Number OC-21-02. The First and Final Account of Lydia F. Warner, Executor of the Estate of E. Burnell Warner a/k/a Elmer Burnell Warner, deceased, late of the Borough of Littlestown, Adams County, Pennsylvania.

ANDERSON—Orphans' Court Action Number OC-23-02. The First and Final Account of Carla Anderson, Administrator of the Estate of William F. Anderson, Sr., deceased, late of Straban Township, Adams County, Pennsylvania.

FLICKINGER—Orphans' Court Action Number OC-24-02. The First and Final Account of PNC Bank, National Association, Agent for Frederick W. Flickinger, Executor of the Estate of

Josephine S. Flickinger, a/k/a Josephine L. Flickinger, deceased, late of Straban Township, Adams County, Pennsylvania, annexed thereto: The First and Final Account of PNC Bank, National Association and Frederick W. Flickinger, surviving Trustees of the Fourth Amended and Restated Declaration of Trust of Josephine S. Flickinger dated April 28, 1997.

Peggy J. Breighner Clerk of Courts

3/15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1147 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of April, 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 Conewago Township, Adams County, Pennsylvania, being known as Lot No. 13, Granny Estates, bounded and described in accord with a final subdivision plan prepared by Donald E. Worley, R.S., dated March 2, 1977, and revised March 28, 1977, File No. C-312, as follows:

BEGINNING at a point on the South side of a fifty (50) foot wide street known as Stevens Street at the eastern corner of Lot No. 12; thence along the South side of said Stevens Street South fifty-six (56) degrees one (01) minute fifteen (15) seconds East, ninety-eight and twelve hundredths (98.12) feet to a point at the intersection of Stevens Street and Sandy Court; thence along a curve to the right the radius of which is twenty-five (25) feet for an arc distance of thirty-nine and twenty-seven hundredths (39.27) feet, having a chord bearing and distance of South eleven (11) degrees one (01) minute fifteen (15) seconds East, thirty-five and thirty-six hundredths (35.36) feet to a point; thence along the North side of said Sandy Court and along a curve to the right the radius of which is two hundred seventy-one and ninety-five hundredths (271.95) feet for an arc distance of one hundred forty-six and seven hundredths (146.07) feet, having a chord bearing and distance of South forty-nine (49) degrees twenty-two (22) minutes zero (00) seconds West, one hundred forty-four and thirty-two hundredths (144.32) feet to a point on the North side of said Sandy Court; thence along the North side of said Sandy Court South sixty-four (64) degrees forty-five (45) minutes fifteen (15) seconds West, fifty-six and eighty-one hundredths (56.81) feet to a point at the eastern corner of Lot No. 14; thence along said Lot No. 14 North thirty-eight (38) degrees fifty-eight (58) minutes seventeen (17) seconds West, ninety-one and twenty-one hundredths (91.21) feet to a point at the southern

corner of Lot No. 12; thence along said Lot No. 12 North forty-three (43) degrees thirty-three (33) minutes forty-one (41) seconds East, one hundred eighty-eight and eighty-six hundredths (188.86) feet to a point on the South side of said Stevens Street the point and place of BEGINNING. CONTAINING 24,387 square feet. This is Lot No. 13 on said plan.

IT BEING the same tract of land which James R. Meckley and Donna E. Meckley, husband and wife, by their deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, granted and conveyed unto William R. Wierman and Linda D. Wierman, husband and wife, Mortgagors Herein.

Premises being: 11 Sandy Court, Hanover, PA 17331

Tax Parcel No. 12-99

SEIZED and taken into execution as the property of William R. Wierman a/k/a William R. Wileman & Linda D. Wierman 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 May 6, 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.

3/8, 15 & 22

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on February 13, 2002, a certificate was filed under the Fictitious Name Act approved December 16, 1982, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Michael E. Stogdale and Jason J. Jumper are the only persons owning or interested in a business, the character of which is moving, general hauling and contract deliveries and that the name, style and designation under which said business is and will be conducted is ALLCOAST COMPANY.

Alan M. Cashman, Esq. Solicitor

3/22

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 ESTELLA R. APPELMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: PNC Bank, NA, 4242 Carlisle Pike, Camp Hill, PA 17011

Attorney: Clayton R. Wilcox, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF NIOMA M. BECKER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Personal Representatives: Shirley W. Staub, 8295 Blooming Grove Road, Glenville, PA 17329; Linda Wallach Miller, 27 Three Point Garden Road, East Stroudsburg, PA 18301

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

ESTATE OF ALDA M. CHRONISTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Elven L. Chronister, Jr., 249 Locust St., Hanover, PA 17331; Peggy M. Bear, 240 Cavalry Field Rd., Gettysburg, PA 17325

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

ESTATE OF ALFRED L. GILBERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Thomas M. Gilbert, 34 West Mountaintop Dr., Orrtanna, PA 17353

ESTATE OF RICHARD P. JOHNSTON, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Susan E. Johnston, 5104 Fairfield Rd., Fairfield, PA 17320

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

ESTATE OF WALTER KIESSLING, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrators: Patricia K. Ziegler, 236 York Street, Gettysburg, PA 17325; Judy M. Prillaman, 3010 Mummasburg Rd., Gettysburg, PA 17325; Donald W. Kiessling, 345 Seven Stars Rd., Gettysburg, PA

17325; Peggy M. Reeher, 993 Mt. Hope Rd., Fairfield, PA 17320

Attorney: Chester G. Schultz, Esq., 145 Baltimore St., Gettysburg, PA 17325

ESTATE OF WILLIAM C. SHOWALTER, JR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Allfirst Trust Company of Pennsylvania, N.A. (Formerly Farmers Bank and Trust Company), 13 Baltimore St., Hanover, PA 17331

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF JOSEPH B. BOLLINGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Lillian B. Bollinger, c/o The Brethren Home, 2990 Carlisle Pike, New Oxford, PA 17350

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF GEORGE R. CARPENTER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: James S. Carpenter, 143 Gettysburg Road, Littlestown, PA 17340; Jacqueline A. Moose, 129 Gettysburg Road, Littlestown, PA 17340

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

ESTATE OF PIERRE W. FONTAINE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Andre P. Fontaine, 7717 Epsilon Drive, Rockville, MD 20855

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF EMMA A. LEPPA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Alta M. Leppo, The Brethren Home Community, 2990 Carlisle Pike, New Oxford, PA 17350

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

ESTATE OF WELDON B. SHANK, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Pauline B. Shank, 448 Waynesboro Pike, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby & Sheffer, P.O. Box 215, Fairfield, PA 17320

ESTATE OF JANET V. SMALL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Thomas F. Small, Jr., 107 Lark Circle, York, PA 17404; Cynthia A. Small, 155 Windbriar Lane, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF JANE W. COLE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: James A. Cole, 540 Gun Club Road, Biglerville, PA 17307

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF ETHEL E. KOLLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gary L. Koller, c/o 42 North Duke Street, York, PA 17401

Attorney: Bruce C. Bankenstein, Esq., 42 North Duke Street, York, PA 17401

ESTATE OF ETHEL E. KROUT, DEC'D

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

Co-Executors: Marcine E. Hoff & Norine E. Balek, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF FRANCIS J. MENCHEY, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executor: Rodney A. Menchey, c/o Gates & Gates, 250 York Street, Hanover, PA 17331

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

(continued on page 8)

THIRD PUBLICATION (continued)**ESTATE OF EUGENE H. MILLER, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Susan J. Farrelly, 790 Edge Grove Road, Hanover, PA 17331

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

ESTATE OF DOROTHY K. PALMER a/k/a DOROTHY C. PALMER a/k/a DOROTHY R. PALMER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Faye Schuck, 400 Fulton Street, Hanover, PA 17331; Donna Kesecker, 10926 Gaywood Drive, Hagerstown, MD 21740

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JACOB I. SHEADS a/k/a J. M. SHEADS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Michael T. Sheads, 151 Branch Circle, East Berlin, PA 17316; Stephen M. Sheads, 380 Hykes Mill Road, Manchester, PA 17345; Peter T. Sheads, 135 Kime Avenue, Bendersville, PA 17306

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAULINE L. SPONSELLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Wayne L. Sponseller, c/o Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

Attorney: Richard R. Reilly, Esq., 56 S. Duke Street, York, PA 17401-1402

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1289 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 two (2) tracts of land, with improvements thereon erected, known as 586 Woods Road, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to-wit:

TRACT NO. 1: BEGINNING for a corner at a railroad spike set in the center line of Township Road 506 (commonly known as Woods Road), at the northwesternmost corner of Lot 2 as shown on the hereinafter referred to Subdivision

Plan; thence in and along the centerline of Township Road 506 (Woods Road) and also along said Lot 2, the following two (2) courses and distances: (1) South sixty-five (65) degrees forty-six (46) minutes East, one hundred forty-three and thirty-eight hundredths (143.38) feet to a railroad spike; (2) South fifty-two (52) degrees twenty-two (22) minutes East, seventy-seven and eighty-one hundredths (77.81) feet to a steel pin set at lands now or formerly of Roy Stamer, previous Grantor, as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Roy Stamer, the following three (3) courses and distances: (1) through a steel pin set twenty-five (25) feet from the beginning of this course, South forty-two (42) degrees fifty-six (56) minutes West, seventy-five and six-tenths (75.6) feet to a steel pin; (2) South seventy-four (74) degrees thirty (30) minutes West, one hundred nineteen and six-tenths (119.6) feet to a steel pin; (3) North forty-seven (47) degrees twenty-two (22) minutes West, one hundred thirty-six and two hundredths (136.02) feet to a steel pin at lands now or formerly of Anne M. Wolf, et al, as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Anne M. Wolf, et al, North thirty-six (36) degrees fifteen (15) minutes East, one hundred twenty-five and ninety-one hundredths (125.91) feet to a steel pin the point and place of BEGINNING.

THE above description is taken from a Subdivision Plan prepared by George M. Wildasin, R.P.L.S., dated November 16, 1977, revised March 1, 1986, and recorded in the Adams County, Pennsylvania, Recorder of Deeds' Office in Plat Book 44, page 32, and designated thereon as Lot 1.

TRACT NO. 2: BEGINNING at a steel pin at corner of lands now or formerly of Abbie M. Runk and lands now or formerly of Nelson Wolf; thence by lands now or formerly of Abbie M. Runk, South forty-seven (47) degrees twenty-two (22) minutes East, one hundred thirty-six and two hundredths (136.02) feet to a steel pin at corner of lands now or formerly of Abbie M. Runk; thence continuing by lands now or formerly of Abbie M. Runk, North seventy-four (74) degrees thirty (30) minutes East, one hundred nineteen and six-tenths (119.6) feet to a steel pin at corner of lands now or formerly of Abbie M. Runk at lands now or formerly of Grantor herein; thence by said lands, South forty-two (42) degrees fifty-six (56) minutes West, six hundred twelve and six-tenths (612.6) feet to a steel pin; thence North two (2) degrees thirty-two (32) minutes West, nineteen and ninety-five hundredths (19.95) feet to a steel pin; thence North twenty-two (22) degrees fifteen (15) minutes East, three hundred sixty-five and sixty-four hundredths (365.64) feet, passing by lands now or formerly of Nelson Wolf, to a steel

pin at corner of lands now or formerly of Nelson Wolf and lands now or formerly of Runk; thence by said lands now or formerly of Wolf, North seventeen (17) degrees East, one hundred twelve and two-tenths (112.2) feet to a steel pin at corner of lands now or formerly of Wolf and lands now or formerly of Runk; thence by same, North thirty-six (36) degrees fifteen (15) minutes East, fifty-three and thirty-seven hundredths (53.37) feet to a steel pin at lands now or formerly of Wolf and lands now or formerly of Runk, the place of BEGINNING.

THE above description was taken from a draft of survey prepared by George M. Wildasin, P.E., dated November 16, 1977, which is recorded in Plat Book 19, page 34, in the Adams County, Pennsylvania, Recorder of Deeds' Office.

IT BEING the same two (2) tracts of land which Mark L. Stamer, by his Deed dated February 24, 1992 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 616, page 250, granted and conveyed unto Mark L. Stamer and Crissie L. Stamer, a/k/a incorrectly as Chrissie L. Stamer, GRANTORS HEREIN.

586 Woods Road, Abbottstown, PA 17301.

Tax Parcel K-10-13

SEIZED and taken into execution as the property of **Mark L. Stamer** 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 May 20, 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.

3/15, 22 & 29

Adams County Legal Journal

Vol. 43

March 29, 2002

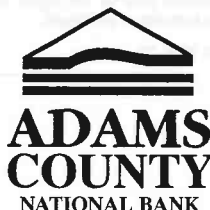
No. 44, pp. 239-248

IN THIS ISSUE

COLLINS ESTATE ET AL VS. GETTYSBURG HOSPITAL ET AL

This opinion continues to next issue (4/5/2002)

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



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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.

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

Business Office - 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336
Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1279 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at a 50 foot wide right of way at lands now or formerly of George Bostien; thence by said lands, North 18 degrees 6 minutes 30 seconds West, 685.07 feet to an iron pin in stone wall; thence continuing by said lands, South 87 degrees 58 minutes 30 seconds East, 218.19 feet to an iron pin in stone wall at Lot No. 2; thence by said lot, South 16 degrees 46 minutes 50 seconds East, 484.38 feet to a pipe; thence continuing by Lot No. 2, South 29 degrees 33 minutes 35 seconds West, 188.28 feet to a pipe in said 50 foot wide right of way; thence in said 50 foot wide right of way, South 73 degrees 1 minute 50 seconds West, 54.46 feet to the place of BEGINNING.

CONTAINING 2.752 acres.

The above description was taken from a draft of survey dated January 3, 1978, prepared by Adams County Surveyors.

BEING the same tract of land which Homer C. Spring, Administrator of the Estate of Ronald L. Spring, Deceased, by Deed dated August 22, 1989 and recorded on August 22, 1989 in and for Adams County, in Deed Book Volume 531, Page 791, granted and conveyed unto John L. Haley and Marcia E. Haley, Husband and Wife, Tenants by the Entireties.

Parcel No.: (25)C17-19

SEIZED and taken into execution as the property of **John L. Haley & Marcia E. Haley** 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 May 20, 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.

3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1183 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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.:

Situate in Huntington Twp., Adams County, Pa. Being k/a Lot No. 7 in a Final Subdivision Plan for J. Paul Lehman, dated 9/26/1995, Plat Book 68, pg. 35. HET a dwg. k/a 525 Willow Lane, York Springs, PA 17372. Parcel # (22) H05-0053A. DBV 2123, pg. 336.

SEIZED and taken into execution as the property of **Larry E. Grifffe** 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 May 13, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1329 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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, bounded and described as follows:

Fronting along the North side of the public highway leading from Ermsburg to Waynesboro, and adjoining land now or formerly of Clarence Cline on the North; lands now or formerly of John Warren on the East and lands now or formerly of Mrs. Simon Cline on the West.

BEING the same tract of land which Jeremiah E. Cline, administrator of the Estate of Wayne L. Cline, deceased, by deed dated August 19, 1997, and recorded August 20, 1997, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book 1426, Page 223, granted & conveyed unto Laurretta Cline.

TITLE TO SAID PREMISES IS VESTED IN **Laurretta Cline & Jeremiah Cline** by deed from **Laurretta Cline** dated 9/24/99 recorded 10/13/99 in the County of Adams in Deed Book 1931 Page 345.

SEIZED and taken into execution as the property of **Laurretta Cline & Jeremiah Cline** 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 May 13, 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.

3/15, 22 & 29

COLLINS ESTATE ET AL VS. GETTYSBURG HOSPITAL ET AL

1. General agency principles apply to hospitals and physicians ... but ... Plaintiff has the burden of proving the existence of an agency relationship between the hospital and an agent. In order to establish actual agency between a physician and a hospital, it must be shown that the hospital controlled or had the right to control the physical conduct of the physician in the performance of his work.

2. The theory of ostensible agency was first adopted in Pennsylvania in (1980). Ostensible agency is based upon Section 429 of the Restatement (Second) of Torts, which provides:

One who employs an independent contractor to perform services for another which are accepted in the reasonable belief that the services are being rendered by the employer or by his servants, is subject to liability for physical harm caused by the negligence of the contractor in supplying such services, to the same extent as though the employer were supplying them himself or by his servants.

3. Two factors relevant to a finding of ostensible agency in a particular case are 1) whether the patient looks to the institution rather than the individual physician for care, and 2) whether the hospital "holds out" the physician as its employee. The second factor is met when the hospital acts or omits to act in some way which leads the patient to a reasonable belief he is being treated by the hospital or one of its employees.

4. Corporate negligence is a doctrine under which the hospital is liable if it fails to uphold the proper standard of care owed the patient, which is to ensure the patient's safety and well-being while at the hospital.

5. For a hospital to be liable under a theory of corporate negligence it must be shown that "the hospital had actual or constructive knowledge of the defect or procedures which created the harm" and that "the hospital's negligence must have been a substantial factor in bringing about the harm to the injured party."

6. Hospital corporate liability does not impose strict liability and is not triggered every time some harm comes to a patient in a hospital setting. Also, more must be shown than the negligent act of a person for whom the hospital is responsible. It is the breach of the corporate duty that is at issue and not whether its agent or employee erred.

7. Because the duty to uphold the proper standard of care runs directly from the hospital to the patient, an injured party need not rely on the negligence of a third-party, such as a doctor or nurse, to establish a cause of action in corporate negligence. A cause of action for corporate negligence arises from the policies, actions or inaction of the institution itself rather than the specific acts of individual hospital employees.

8. A cause of action for hospital corporate negligence must be supported by expert testimony that the hospital deviated from the accepted standard of care and that the deviation was a substantial factor in causing the plaintiff's injuries, unless there is an obvious casual connection between the alleged negligent act and the injury.

9. The doctrine of *res ipsa loquitur* was first adopted in Pennsylvania in (1974) and applied to medical malpractice cases ... The doctrine is defined in Section 328(D) of the Restatement (Second) of Torts.

10. One must be cautious, however, in applying the doctrine (of *res ipsa loquitur*) for it "is neither a rule of procedure nor one of substantive tort law ... it is only a shorthand expression for circumstantial proof of negligence - a rule of evidence."

11. This theory (of alternate liability) was adopted in Pennsylvania and it can only be a basis for liability where there is a showing that there was a group negligence on the part of several defendants but where it could not be established which of those defendants was personally responsible for the injuries incurred.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 95-S-507, JOHN COLLINS, AS ADMINISTRATOR OF THE ESTATE OF JOHANNA COLLINS, AND INDIVIDUALLY IN HIS OWN RIGHT VS. GETTYSBURG HOSPITAL AND SATISH A. SHAH, M.D.

Joseph L. Messa, Jr., Esq., for Plaintiff
Evan Black, Esq., for Defendant Hospital
Michael M. Badowski, Esq., for Defendant Shah
Kuhn, J., August 27, 2001

OPINION PURSUANT TO MOTION FOR SUMMARY
JUDGMENT FILED BY DEFENDANT,
GETTYSBURG HOSPITAL

Before this Court is a Motion for Summary Judgment filed by Gettysburg Hospital. Based upon the following analysis, the Court grants the motion.

This litigation followed the untimely death of Johanna Collins on July 22, 1993, of complications from Hepatitis B. The action commenced June 5, 1995. Eventually, an Amended Complaint was filed on October 30, 1996, which set forth a claim for Wrongful Death (Count I) and a Survival Action (Count II) against all defendants, a claim for Vicarious Liability/Agency (Count III) and Corporate Liability (Count IV) against Gettysburg Hospital, and a claim of Negligence (Count V) against Satish A. Shah, M.D.

Our Superior Court has recently set forth the standard for summary judgment as follows:

Initially, we note that our standard for reviewing a grant of summary judgment is well settled.

[S]ummary judgment is properly entered where the pleadings, depositions, answers to interrogatories, and admissions, together with affidavits demonstrate that no genuine, triable issue of fact exists and that the moving

party is entitled to judgment as a matter of law. Pa.R.Civ.P. 1035(b). The court must examine the record in the light most favorable to the non-moving party and resolve all doubts against the moving party. Moreover, the burden is on the moving party to prove that no genuine issue of material fact exists. *Accu-Weather v. Prospect Communications, supra* (citing *Overly v. Kass*, 382 Pa.Super. 108, 111, 554 A.2d 970, 972 (1989))....

Long v. Yingling, ___ Pa. Super. ___, 700 A.2d 508, 512 (1997), Alloc. den. 725 A.2d 182 (citations omitted).

Viewing the record in a light most favorable to Plaintiff, the following background is relevant. Decedent, Johanna Collins was born March 14, 1955. On June 4, 1992, at age 37, she had a mammogram, which revealed a mass on her left breast not seen in a 1987 study. There was a family history of breast cancer. A biopsy performed by Dr. Frederick Lorenzo on December 22, 1992, indicated intraductal carcinoma. Lab tests done on Decedent six days prior to the biopsy revealed no indication of the presence of Hepatitis B. On three occasions in early 1993 (January 25, February 2, February 7) Decedent donated blood for use during surgery for a radical left mastectomy to be performed at Georgetown University Hospital by Dr. Marie Pennanen on February 22, 1993. Each unit tested negative for Hepatitis B. Two units of that blood were ultimately used during the surgery.

On or about March 26, 1993, Decedent referred herself to Dr. Shah and came under his care for chemotherapy treatment. He recommended Cytosan, Adriamycin, and 5FU (CAF) chemotherapy. On April 3, 1993, Decedent had normal liver function studies done which indicated the absence of hepatitis. On April 7, 1993, Dr. Henry Maxwell inserted a Grushong port into Decedent at the Gettysburg Hospital. The port was to be used for administering chemotherapy. In preparation for this procedure, there was some pre-operative blood work done which revealed that Decedent's liver enzymes were normal. Chemotherapy treatments were administered at Dr. Shah's office on April 12, May 3, May 24 and June 14.

On April 19, 1993, Decedent complained to Dr. Shah of nausea, mild fever and chills. She was advised that she could be suffering from the flu or reacting to the chemotherapy. On June 14, Decedent

complained to Dr. Shah of achiness, tiredness, cough, and dry mucus membranes. A liver profile was performed and the results were received by Dr. Shah two days later. The profile revealed elevated liver functions, specifically elevated levels of aminotransferases to greater than 10 times the normal values. Nevertheless, on June 18, Dr. Shah wrote to Dr. Lorenzo that "Overall, the patient is doing very well . . ." He fails to mention Decedent's symptoms or the abnormal liver blood tests. On June 22, Dr. Shah gave Decedent Neupogen. On June 23, Decedent was complaining to Dr. Shah of lethargy, congestion, sneezing and tightness in her chest and throat. The following day, she returned to Dr. Shah with the same complaints.

On June 24, 1993, Dr. Shah admitted Decedent to the Gettysburg Hospital. A CT scan revealed no evidence of metastatic disease to her liver. Dr. Shah requested Dr. Rajesh Bajaj to see Decedent as a gastroenterology and hepatology consultant. Dr. Bajaj first saw Decedent on June 25, and the following day he diagnosed her with acute Hepatitis B. She remained in the hospital until June 28, when she was discharged by either Dr. Shah, Dr. Bajaj, or both of them.

On June 30, 1993, Decedent appeared at the Gettysburg Hospital Emergency Room confused, disoriented, incoherent and jaundiced. The following day she was transferred to Georgetown University Hospital where she was diagnosed with fulminate hepatic failure and gastrointestinal bleeding secondary to acute Hepatitis B. It was determined that she needed a liver transplant.

On July 6, 1993, Decedent was transferred to University of Pittsburgh Presbyterian Hospital in critical condition because of hepatic failure and hepatic coma. A liver biopsy revealed submassive necrosis of the liver. She died 17 days later before a transplant could be accomplished. The cause of death was massive hepatic necrosis complicated by acute hemorrhagic pancreatitis, renal failure and sepsis from acute Hepatitis B.

Plaintiff has produced the report of several experts. Briefly, these reports are as follows:

1. Dr. Donna Glover issued a seven-page report dated August 3, 1998. She indicated that Hepatitis B virus (HBV) is usually observed 29-43 days after parenteral exposure and 67-82 days after oral exposure. She also noted that "immunosuppressive therapy may increase the risk of hepatitis, enhance the development of the carrier state, and

reactivate HBV infections in asymptomatic chronic carriers.” She opines that by June 14, 1993, when Decedent was taking longer to recover and with abnormal liver function studies that Dr. Shah should have realized Decedent was experiencing severe toxicity from chemotherapy and that she would require Neupogen. Dr. Glover contends that Dr. Shah’s delay in providing Decedent with Neupogen until June 22 “was a deviation in standard medical practice” and caused Decedent “to have severe immunosuppression and neutropenia which allowed her hepatitis progress [sic] to liver failure.”

Dr. Glover also reported that on June 25, 1993, Dr. Shah gave Decedent Tylenol for liver pain. This, according to Dr. Glover, “was a deviation in standard medical practice” because Tylenol is toxic to the liver. Furthermore, because of Decedent’s worsening liver functions, Dr. Glover believes that she should not have been discharged from Gettysburg Hospital on June 28, 1993.

2. Dr. Santiago J. Munoz, Head of the Division of Hepatology and Medical Director of the Liver Transplant Program at the Albert Einstein Medical Center in Philadelphia, Pennsylvania, issued a three-page report dated September 29, 1998, and supplemented February 6, 2001. He initially stated that “Exposure to this hepatitis virus (HBV) must have occurred within three months preceding the beginning of Mrs. Collins’ symptoms. Exposure to HBV prior to April of 1993 would be considered very unlikely to result in acute hepatitis B in June of 1993, since the incubation period of hepatitis B rarely exceeds three months. Furthermore, Mrs. Collins tested negative for the hepatitis B surface antigen in January of 1993.” Subsequently, he clarified the incubation period to be between 30 and 180 days with the “vast majority” being in the 30 to 90 day range. Because Decedent was being treated with immunosuppressant drugs, it was “likely” that the incubation period for her was shorter. He opined that because Decedent had no other risk factors for the acquisition of HBV other than the intravenous chemotherapy injections in Dr. Shah’s office and the insertion of the port at the Gettysburg Hospital during the incubation period that these “constitute the most likely sources” of Decedent’s hepatitis infection.

In addition, Dr. Munoz opined that the delay in diagnosis of Decedent’s hepatitis by Dr. Shah, especially in consideration of the elevated liver blood tests in a patient undergoing chemotherapy was not “consistent with standard medical practice.” He also concluded

that discharging Decedent from the hospital on June 28 in light of her condition was "very inappropriate." He concluded that, "the delay in diagnosis and the lack of awareness of the potentially fatal prognosis of acute hepatitis B in the setting of chemotherapy contributed to diminish the chances of survival of this patient."

3. Dr. Bonnie Ashby, a clinical assistant professor of medicine at Thomas Jefferson University and infectious disease specialist, issued general opinions on September 30, 1998, in response to interrogatories and supplemented those opinions with a more detailed report dated April 27, 2000.

Dr. Ashby's initial report simply stated as follows:

The following medical opinions are held to a reasonable degree of medical certainty.

Johanna Collins was not a chronic carrier of Hepatitis B.

Johanna Collins' Hepatitis B infection was acute.

Johanna Collins' chemo-therapeutic treatments predisposed her to the onset of fulminant liver failure.

Johanna Collins' hepatitis infection was acquired through the placement of the mediport catheter or the administration of the chemotherapy.

There was a delay in the diagnosis and treatment of Johanna Collins' hepatitis.

The delay in the diagnosis and treatment of Johanna Collins' hepatitis lessened her chances for survival.

In her April, 2000 report she opined that Decedent's death "due to hepatitis B was the direct result of deviations in the standard of medical care in the medical care given to her at some time between her breast biopsy in late 1992 and the Spring of 1993, both at Gettysburg Hospital and the office of Dr. Shah." She noted that hepatitis B can be transmitted through a very small amount of contaminated fluid, a minor contamination of a needle, a medication, or a surgical instrument, and that possible sources include multidose medical vials, injections, and contact by technicians and medical personnel. She further stated that "this type of infection due to medical treatment does not occur in the absence of deviation from the standard care."

As noted above, Count III of the Amended Complaint alleges that Gettysburg Hospital is vicariously liable for the negligence of its

“agents (actual, apparent, ostensible) including but limited to, its physicians, residents, interns, nurses, and other allied support medical services personnel . . .” The only agent expressly identified was Dr. Shah. Specifically, Paragraph 42 avers that the Hospital’s agents were negligent for:

- a) Failing to use sterile procedures thereby exposing Johanna Collins to the Hepatitis B infection;
- b) Failing to properly train and supervise personnel under its control in the proper procedure for sterilization and control of infectious disease;
- c) Failing to implement and/or enforce hospital protocols, policies, and standard procedures regarding the prevention of transmission of infectious disease and proper methods of sterilization;
- d) Failing to properly and timely diagnose and treat Plaintiff’s decedent, Johanna Collins;
- e) Failing to timely take diagnostic tests of Johanna Collins, which were indicated due to the signs and symptoms with which she presented to the hospital;
- f) Improperly discharging Johanna Collins on June 28, 1993, when Defendant knew or should have known of the infectious process, which ultimately led to her death;
- g) Disregarding hospital protocols, policies, and standard procedures regarding proper methods and practices to be utilized in the care of a patient diagnosed with Hepatitis B.

The main thrust of the motion for summary judgment as it relates to Count III is the hospital’s contention that Plaintiff has not established that any of hospital’s agents are liable for the harm caused Decedent. Gettysburg Hospital acknowledges that general agency principles apply to hospitals and physicians. *Simons v. St. Clair Memorial Hospital*, 481 A.2d 870, 873 (Pa. Super. 1984), but also points out that Plaintiff has the burden of proving the existence of an agency relationship between the hospital and an agent. *Scott v. Purcell*, 415 A.2d 56, 60 (Pa. 1980) (n. 8). In order to establish actual agency between a physician and a hospital, it must be shown that the hospital controlled or had the right to control the physical conduct of the physician in the performance of his work. *Simons v. St. Clair Memorial Hospital, supra.*, 481 A.2d at 874. There is no

evidence in the record of any actual agency between the hospital and anyone directly related to Decedent's care at the hospital during the relevant time period. The only persons specifically identified, in the record before the Court, as having medical involvement with Decedent while at Gettysburg Hospital are Dr. Lorenzo in December, 1992, Dr. Maxwell in April, 1993, and Drs. Shah and Bajaj in June, 1993. Based upon Plaintiff's position that the hepatitis incubation period would not exceed three months, it does not appear that Plaintiff is even remotely suggesting that acts of Dr. Lorenzo in any manner bind the hospital in this case. There is nothing in the record presently that indicates that the other identified physicians were anything except independent physicians with hospital privileges.

Indeed, Plaintiff appears to be relying upon the concept of an ostensible agency. The theory of ostensible agency was first adopted in Pennsylvania in *Capan v. Divine Providence Hospital*, 430 A.2d 647 (Pa. Super. 1980). Normally, an employer is not liable for the torts committed by an independent contractor in his employ. Ostensible agency is based upon Section 429 of the Restatement (Second) of Torts, which provides:

One who employs an independent contractor to perform services for another which are accepted in the reasonable belief that the services are being rendered by the employer or by his servants, is subject to liability for physical harm caused by the negligence of the contractor in supplying such services, to the same extent as though the employer were supplying them himself or by his servants.

Thus, a physician who holds independent contractor status with a hospital may, nevertheless, be considered an agent of the hospital with respect to a patient. *Simons, supra.*, 481 A.2d at 873. Two factors relevant to a finding of ostensible agency in a particular case are 1) whether the patient looks to the institution rather than the individual physician for care, and 2) whether the hospital "holds out" the physician as its employee. The second factor is met when the hospital acts or omits to act in some way which leads the patient to a reasonable belief he is being treated by the hospital or one of its employees. 430 A.2d at 649.

In *Capan* the decedent appeared at the hospital's emergency room because of a severe nosebleed. After being admitted, he developed

delirium tremens and became violent. Several days later, when decedent again became violent in his room, the nursing staff summoned Dr. Pollice who was on call to cover emergencies. The doctor administered medication to calm the decedent who later that evening experienced cardiac arrest and died. An issue in the case was whether Dr. Pollice was an employee of the hospital when he treated the decedent. Superior Court stated that a jury could have reasonably determined both factors to be present; specifically that Dr. Pollice was treating the decedent as "house physician" rather than as his personal physician and that the hospital held Dr. Pollice out as its employee.

Here, Gettysburg Hospital argues that Decedent commenced her involvement with Dr. Shah at his office and as her personal physician. While that certainly may be true, our examination of the hospital's liability is not limited to whether Dr. Shah is an agent of the hospital. Instead, based upon the allegations of negligence set forth in Paragraph 42, we must also determine whether Dr. Maxwell was an employee or agent of the hospital when the Grushong port was inserted into Decedent and whether Dr. Bajaj was an employee or agent of the hospital when examining and discharging Decedent from the hospital. We have been presented with no information other than the bare allegations mentioned in this Opinion about the involvement of Drs. Maxwell and Bajaj.

When responding to a motion for summary judgment Pa. R.C.P. 1035.3 provides, in pertinent part, that

- (a) The adverse party may not rest upon the mere allegations or denials of the pleadings but must file a response . . . identifying
 - (1) one or more issues of fact arising from evidence in the record controverting evidence cited in support of the motion . . . , or
 - (2) evidence in the record establishing the facts essential to the cause of action . . . which the motion cites as not having been produced.

We have carefully examined Plaintiff's responses to the motion for summary judgment and frankly can find no evidence or factual issue supporting Plaintiff's position that Drs. Shah, Maxwell or Bajaj were agents of the hospital.

Plaintiff argues that the expert reports clearly identify the insertion of the Grushong port at Gettysburg Hospital as one of two most

likely sources for Decedent's hepatitis and that hepatitis is not contracted in a medical setting in the absence of negligence. Plaintiff also argues that Drs. Shah and Bajaj provided services to Decedent while she was in the hospital. These arguments, however, miss the mark. The issue before the Court respecting Count III is not whether there is sufficient evidence of negligence but whether there is evidence of agency. We do not believe that *Capan* was intended to be read as supporting the proposition that if a physician sees a patient in a hospital setting that no further evidence is necessary to establish ostensible agency. We believe more is required but that the record available to the Court does not provide more.

Accordingly, we are compelled to grant the hospital's motion for summary judgment as to Count III.

Count IV of the Amended Complaint alleges corporate liability on the part of Gettysburg Hospital. Specifically, Plaintiff avers that the hospital breached its nondelegable duty to Decedent to render reasonable, competent, proper, adequate and appropriate medical and diagnostic care, advice, services and treatment (Para. 47); to use reasonable care in the maintenance of safe and adequate facilities (Para. 48); to select and retain only competent physicians (Para. 49); to oversee all persons practicing medicine in the hospital (Para. 50); and to formulate, adopt, and enforce adequate rules and policies to ensure quality care for patients (Para. 51).

Continued to next issue (4/5/2002)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-22 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 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 in Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located in Schoolhouse Road (Township Route T-566) at corner of Tract #1 set forth on the subdivision plan referred to below: thence by said Tract #1, and running through a reference iron pin located 94.41 feet from the beginning of this line, North 12 degrees 56 minutes 50 seconds West, 404.26 feet to an iron pin; thence by same, North 83 degrees 12 minutes 10 seconds East, 464.17 feet to a railroad spike located in the aforementioned Schoolhouse Road; thence in said Schoolhouse Road, and by land now or formerly of Philip H. Tarpley, South 09 degrees 37 minutes 20 seconds East, 223.73 feet to an existing post on the East side of the aforementioned road; thence continuing by same, and in the aforementioned Schoolhouse Road, South 60 degrees 45 minutes 00 seconds West 467.31 feet to an iron pin in road, the place of BEGINNING. CONTAINING 3.272 acres, and being designated as Tract No. 3 on the subdivision plan prepared by Marian Anne Jones by Boyer-Price Surveys Inc. dated August 21, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 7 at Page 22.

Being known as 310 Rock Valley Road, Aspers, PA 17304

Property ID No.: H6-24C

TITLE TO SAID PREMISES IS VESTED IN James Craig Johnson and Sandra Lee Johnson AKA Sandra R. Johnson, husband and wife, as tenants by the entireties by deed from Samuel B. Stoner and Alana M. Stoner, husband and wife, dated 10/31/1997, recorded 11/06/1997, in Deed Book 1470, Page 131.

SEIZED and taken into execution as the property of **James Craig Johnson & Sandra Lee Johnson a/k/a Sandra R. Johnson** 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 June 3, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1336 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at a 50 foot wide right of way at lands now or formerly of George Bostien; thence by said lands, North 18 degrees 6 minutes 30 seconds West, 685.07 feet to an iron pin in stone wall; thence continuing by said lands, South 87 degrees 58 minutes 30 seconds East, 218.19 feet to an iron pin in stone wall at Lot No. 2; thence by said lot, South 16 degrees 46 minutes 50 seconds East, 484.38 feet to a pipe; thence continuing by Lot No. 2, South 29 degrees 33 minutes 35 seconds West, 188.28 feet to a pipe in said 50 foot wide right of way; thence in said 50 foot wide right of way, South 73 degrees 1 minute 50 seconds West, 54.46 feet to the place of BEGINNING. CONTAINING 2.752 acres.

The above description was taken from a draft of survey dated January 3, 1978, prepared by Adams County Surveyors, recorded in Plat Book 23 at page 11.

Premises being: 18 Skyline Trail, Fairfield, PA 17320

Tax Parcel No. C17-19

SEIZED and taken into execution as the property of **John L. Haley & Marcia E. Haley** 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 May 20, 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.

3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1201 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of April, 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 the Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a concrete nail in the right-of-way limits of Township Road T-394 at corner of land now or formerly of Fred Hartman; thence by said land North 74 degrees 14 minutes 00 seconds West, 331.45 feet to an iron pipe at land now or formerly of Pitzer Bros. Fruit Farms, Inc.; thence by same North 36 degrees 20 minutes 30 seconds East, 288.00 feet to an iron pipe; thence by same South 88 degrees 11 minutes 00 seconds East, 305.65 feet to a spike in the right-of-way limits of Township Road T-394; thence in same South 30 degrees 34 minutes 30 seconds West, 103.15 feet to a point; thence in same South 25 degrees 06 minutes 30 seconds West 246.85 feet to a concrete nail, the place of BEGINNING.

CONTAINING 2.1100 acres.

BEING THE SAME premises which John T. Sterling, III and Denise A. Sterling, f/k/a Denise A. Breighner, husband and wife, by their Deed dated August 12, 1993, and recorded on August 13, 1993 in the Recorder of Deeds Office in and for Adams County in Adams County Record Book 766, Page 36, granted and conveyed unto Ray C. Gee and Beatrice M. Gee, husband and wife, the Defendants herein.

SEIZED and taken into execution as the property of **Ray C. Gee & Beatrice M. Gee** 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 May 13, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1043 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point east of the center line of Georgetown Road at corner of land now or formerly of William Arnold; thence in said Georgetown Road, South 04 degrees 47 minutes 45 seconds East, 160.19 feet to railroad spike found at corner of land now or formerly of David Kaas, corner of land now or formerly of Barry E. Heller and corner of Lot No. 8 on the hereinafter referred to plan of lots; thence by said Lot No. 8, passing through a point set back 32.29 feet from the last mentioned point, North 88 degrees 31 minutes 00 seconds West, 557.79 feet to a point at corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1, North 09 degrees 33 minutes 40 seconds East, 310.01 feet to a stone found on line of land now or formerly of Robert Weidner; thence by said land of Robert Weidner and passing through a reference point set back 25.04 feet from the next mentioned point, North 81 degrees 57 minutes 30 seconds East, 478.16 feet to a railroad spike in the center line of Georgetown Road; thence in said Georgetown Road, South 07 degrees 05 minutes 35 seconds East, 13.20 feet to a point; thence continuing in same, South 04 degrees 47 minutes 45 seconds East, 11.80 feet to a railroad spike in the center line of said Georgetown Road at corner of land now or formerly of William Arnold; thence by said land of William Arnold, and passing through a point set back 24.73 feet from the last mentioned point, South 81 degrees 57 minutes 30 seconds West, 331.67 feet to a steel pin found; thence continuing by same, South 06 degrees 39 minutes 00 seconds East, 191.84 feet to a concrete monument found; thence by same, and passing through a concrete monument found set back 18.75 feet from the next mentioned point, North 83 degrees 21 minutes 00 seconds East, 325.10 feet to a point in said Georgetown Road, the point and place of BEGINNING.

Tax Parcel #22-G-3-131

Being known as 140 Georgetown Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Gary A. Shultz & Diane M. Riley** 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 May 20, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-4 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 Germany Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1

BEGINNING at a point five feet Northeast of the center line of the State Highway from Gettysburg to Littlestown at Southwest corner of lot now or formerly of George M. Scott, said point being South 71.30 degrees East 304 feet from the intersection of the center line of the public road to White Hall; thence along the said highway and parallel to the center line, North 71.30 degrees West 100 feet to a point; thence by other land now or formerly of Hobson D. Crouse North 20.15 degrees East 225 feet; thence by the same South 71.30 degrees East 100 feet to the northwest corner of lot now or formerly of George M. Scott; thence by said lot South 20.15 degrees West 225 feet to the place of BEGINNING.

TRACT NO. 2

BEGINNING at a point in U.S. Route 140 at other land now or formerly of Elmer Shanks and Anna W. Shanks; thence in said U.S. Route 140, North 71 degrees 30 minutes West, 50 feet to a point at other lands now or formerly of Pauline E. Crouse; thence leaving said U.S. Route 140 and by other lands now or formerly of Pauline E. Crouse and passing through a steel pin (said steel pin being North 18 degrees 30 minutes East 18.50 feet from the last mentioned point), North 18 degrees 30 minutes East 225 feet to a steel pin at lands now or formerly of Raymond Reynolds; thence by said lands now or formerly of Raymond Reynolds South 71 degrees 30 minutes

East 50 feet to a steel pin at other lands now or formerly of Elmer Shanks and Anna W. Shanks; thence by said other lands now or formerly of Elmer Shanks and Anna W. Shanks South 18 degrees 30 minutes West 225 feet to a point in U.S. Route 140, the place of BEGINNING.

TRACT NO. 2: THE ABOVE DESCRIPTION was obtained from a draft of survey dated March 31, 1972 and prepared by Donald E. Worley, Registered Surveyor.

Premises being: 4822 Baltimore Pike, Littlestown, PA 17340

Tax Parcel No. 1-16-60

SEIZED and taken into execution as the property of **William D. Lemaster & Robynn M. Fraley** 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 May 20, 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.

3/22, 29 & 4/5

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 25, 2002, an Application for Registration of Fictitious Name of BIG DOG GAME CALLS, the address of the principal place of business being 307 Torway Road, Gardners, Pennsylvania 17324. The name and address of the person who is a party to said registration is: Douglas C. Horick, 307 Torway Road, Gardners, Pennsylvania 17324.

Puhl, Eastman & Thrasher
Attorneys

3/29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1289 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 two (2) tracts of land, with improvements thereon erected, known as 586 Woods Road, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to-wit:

TRACT NO. 1: BEGINNING for a corner at a railroad spike set in the center line of Township Road 506 (commonly known as Woods Road), at the northwesternmost corner of Lot 2 as shown on the hereinafter referred to Subdivision Plan; thence in and along the centerline of Township Road 506 (Woods Road) and also along said Lot 2, the following two (2) courses and distances: (1) South sixty-five (65) degrees forty-six (46) minutes East, one hundred forty-three and thirty-eight hundredths (143.38) feet to a railroad spike; (2) South fifty-two (52) degrees twenty-two (22) minutes East, seventy-seven and eighty-one hundredths (77.81) feet to a steel pin set at lands now or formerly of Roy Stamer, previous Grantor, as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Roy Stamer, the following three (3) courses and distances: (1) through a steel pin set twenty-five (25) feet from the beginning of this course, South forty-two (42) degrees fifty-six (56) minutes West, seventy-five and six-tenths (75.6) feet to a steel pin; (2) South seventy-four (74) degrees thirty (30) minutes West, one hundred nineteen and six-tenths (119.6) feet to a steel pin; (3) North forty-seven (47) degrees twenty-two (22) minutes West, one hundred thirty-six and two hundredths (136.02) feet to a steel pin at lands now or formerly of Anne M. Wolf, et al, as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Anne M. Wolf, et al, North thirty-six (36) degrees fifteen (15) minutes East, one hundred twenty-five and ninety-one hundredths (125.91) feet to a steel pin the point and place of BEGINNING.

The above description is taken from a Subdivision Plan prepared by George M. Wildasin, R.P.L.S., dated November 16, 1977, revised March 1, 1986, and recorded in the Adams County, Pennsylvania, Recorder of Deeds' Office in Plat Book 44, page 32, and designated thereon as Lot 1.

TRACT NO. 2: BEGINNING at a steel pin at corner of lands now or formerly of Abbie M. Runk and lands now or formerly of Nelson Wolf; thence by lands now or

formerly of Abbie M. Runk, South forty-seven (47) degrees twenty-two (22) minutes East, one hundred thirty-six and two hundredths (136.02) feet to a steel pin at corner of lands now or formerly of Abbie M. Runk; thence continuing by lands now or formerly of Abbie M. Runk, North seventy-four (74) degrees thirty (30) minutes East, one hundred nineteen and six-tenths (119.6) feet to a steel pin at corner of lands now or formerly of Abbie M. Runk at lands now or formerly of Grantor herein; thence by said lands, South forty-two (42) degrees fifty-six (56) minutes West, six hundred twelve and six-tenths (612.6) feet to a steel pin; thence North two (2) degrees thirty-two (32) minutes West, nineteen and ninety-five hundredths (19.95) feet to a steel pin; thence North twenty-two (22) degrees fifteen (15) minutes East, three hundred sixty-five and sixty-four hundredths (365.64) feet, passing by lands now or formerly of Nelson Wolf, to a steel pin at corner of lands now or formerly of Nelson Wolf and lands now or formerly of Runk; thence by said lands now or formerly of Wolf, North seventeen (17) degrees East, one hundred twelve and two-tenths (112.2) feet to a steel pin at corner of lands now or formerly of Wolf and lands now or formerly of Runk; thence by same, North thirty-six (36) degrees fifteen (15) minutes East, fifty-three and thirty-seven hundredths (53.37) feet to a steel pin at lands now or formerly of Wolf and lands now or formerly of Runk, the place of BEGINNING.

THE above description was taken from a draft of survey prepared by George M. Wildasin, P.E., dated November 16, 1977, which is recorded in Plat Book 19, page 34, in the Adams County, Pennsylvania, Recorder of Deeds' Office.

IT BEING the same two (2) tracts of land which Mark L. Stamer, by his Deed dated February 24, 1992 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 616, page 250, granted and conveyed unto Mark L. Stamer and Crissie L. Stamer, a/k/a incorrectly as Chrissie L. Stamer, GRANTORS HEREIN.

586 Woods Road, Abbottstown, PA 17301.

Tax Parcel K-10-13

SEIZED and taken into execution as the property of **Mark L. Stamer** 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 May 20, 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.

3/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1355 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 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 situate, lying and being in Latimore Township, Adams County, Pennsylvania, being more particularly bounded and described as follows, to wit:

BEING Lot No. 1173 of the Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "I" at Page 21, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING the same premises which Paul J. Bart and Billie J. Bart, his wife, by their deed dated May 26, 1999 and recorded in the Adams County Recorder of Deeds Office in Book 1845, Page 0059, granted and conveyed unto Paul J. Bart, Grantor herein.

UNDER AND SUBJECT, NEVERTHELESS, to all restrictions, reservations, conditions, covenants, easements and rights of way of prior record.

And the said grantor hereby covenant and agrees that will warrant specially the property hereby conveyed.

Tax Parcel # (24) 9-63

SEIZED and taken into execution as the property of **Robert D. Hudson** 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 June 3, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-39 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 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 in Bonneauville Borough, Adams County, Pennsylvania, and more specifically described as follows, to wit:

LOT 34:

BEGINNING at a point at the only common corner of Lots 34, 35 and Southeastern edge of Ash Drive on the Plan described below; thence along Southeastern edge of Ash Drive, the following four courses and distances: (1) North 39 degrees 19 minutes 14 seconds East, 12.76 feet to a pin; (2) by a curve to the right, with a radius of 125.00 feet for an arc distance of 39.65 feet to a pin; (3) by a curve to the left, with a radius of 175.00 feet for an arc distance of 25.35 feet to a pin; (4) South 88 degrees 14 minutes 34 seconds East, 34.77 feet to a pin set on the Southwestern edge of a 30 foot wide right-of-way; thence along the Southwestern edge of said right-of-way, South 50 degrees 43 minutes 52 seconds East, 50.07 feet to a pin set at the corner of lands now or formerly of David Yealy; thence along the Northwestern edge of said lands, South 39 degrees 15 minutes 38 seconds West, 97.57 feet to a point at the corner of Lot 35 of said Plan; thence along the Northeastern edge of Lot 35, North 50 degrees 40 minutes 46 seconds West, 90.11 feet to a point on the Southeastern edge of Ash Drive, the point and place of BEGINNING. CONTAINING 7,913 square feet.

THE above description, being known as Lot 34, was taken from a plan of lots entitled "Final Plan Section Two - History Ridge", prepared by Worley Surveying dated November 11, 1992 and revised August 24, 1993, File No. C-1264, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 64, Page 70, on April 21, 1994.

TITLE TO SAID PREMISES IS VESTED IN Lawrence H. Lawson and Linda Y. Lawson, husband and wife by Deed from James A. Orndorff and Brenda C. Orndorff dated 6/25/96 and recorded 6/28/96 in Record Book 1218, Page 220.

Premises being: 2 Ash Drive, Littlestown, PA 17340

Tax Parcel No. Map 9, Parcel 117

SEIZED and taken into execution as the property of **Lawrence H. & Linda Y. Lawson** 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 June 3, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1142 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 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 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 point in the center line of a public road at lands now or formerly of Fred N. Farnham and Elizabeth M. Farnham, his wife; thence along said last mentioned lands, South sixty-eight (68) degrees, twenty (20) minutes East, three hundred thirty-two and four-tenths (332.4) feet to a stake at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South twenty-six (26) degrees West, one hundred forty-three and eight-tenths (143.8) feet to a pin at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South seventy-five (75) degrees West, one hundred seventy-five (175) feet to a point in the center line of the public road first above mentioned; thence along and with the center line of said public road, North fourteen (14) degrees, thirty (30) minutes West, three hundred (300) feet to the point and place of BEGINNING.

SUBJECT to the following covenants and restrictions which will be applicable to the above described tract of land, the above named grantee as well as her predecessors and successors in title:

1. No commercial garage, filling station, service station, parking lot or used car lot shall be established or maintained on the tract of land hereinabove conveyed nor shall any portion of said tract of land be used as a parking space or storage for used or junk motor vehicles, or parts thereof, nor shall said tract of land be used for the storage of salvaged or junked materials or new materials.

2. No mobile home, trailer home or permanent RV home shall be maintained as a residence on the above described tract of land.

Being known as 1282 Pine Grove Street, Hanover, PA 17331

Property ID Parcel-34 Map K 18

TITLE TO SAID PREMISES IS VESTED IN Dale Wolfe and Nancy Wolfe, husband and wife, by deed from Diane M. Frock, single woman, dated 4/26/00, recorded 5/12/00, in Deed Book 2048, Page 158.

SEIZED and taken into execution as the property of **Dale & Sandra Wolfe** 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 June 3, 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.

3/29, 4/5 & 12

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 MARY D. ARNSBERGER a/k/a MARY W. ARNSBERGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Wayne H. Arnsberger, 321 S. Baltimore Street, Mt. Holly Springs, PA 17065

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF CHARLES E. BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Robert E. Baker, 741 Dogwood Terrace, Boiling Springs, PA 17007; Theodore E. Baker, 1356 Goodyear Rd., Gardeners, PA 17324

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

ESTATE OF ELIZABETH BREAM a/k/a ELIZABETH SANDOE BREAM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executrices: Connie B. Lowe, 121 Emerson Drive, Carlisle, PA 17013; Kathie B. Heller, 1017 Dry Wells Road, Quarryville, PA 17566

Attorney: Walton V. Davis, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF LLOYD BREAM a/k/a LLOYD PHILIP BREAM a/k/a LLOYD PHILLIP BREAM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executrices: Connie B. Lowe, 121 Emerson Drive, Carlisle, PA 17013; Kathie B. Heller, 1017 Dry Wells Road, Quarryville, PA 17566

Attorney: Walton V. Davis, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF DEBRA E. FRAZER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: James E. Williams, 36 Lakeview Drive, Gettysburg, PA 17325

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

ESTATE OF GEORGE N. HIPPEL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ruth Ann Burke, 4040 Farm Drive, York, PA 17402

Attorney: Dale A. Achenbach, Esq.

ESTATE OF ALMENA S. HOKE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Anna R. Moul, 701 Menges Mills Road, Spring Grove, PA 17362

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF AUDREY KIRBY a/k/a AUDREY B. KIRBY, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Sandra G. Hager, P.O. Box 275, South Mountain, PA 17261

Attorney: Timothy W. Misner, Esq., 39 South Broad Street, Waynesboro, PA 17268-1610

ESTATE OF BETTY L. LIPPY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Mr. Michael T. Lippy, 132 East King Street, Littlestown, PA 17340; Ms. Judith Carole Baughman, 326-1 East King Street, Littlestown, PA 17340; Ms. Peggy Annette Senseney, 201 Lumber Street, Littlestown, PA 17340; Ms. Melanie Beth Neiderer, 383 Basehoar School Road, Littlestown, PA 17340

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ROBERT K. PETERS, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF MARY ELLEN SARGEANT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Lincoln Square, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF WILLIAM H. SHUGARS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Joan Diane Colvin, 80 Lake Meade Drive, East Berlin, PA 17316; Linda J. Hogan, 4905 Sweet Air Road, Baldwin, MD 21013

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

ESTATE OF KATHLEEN B. SMITH a/k/a KATHLEEN B. HOMBACH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: C. Joyce Greenholt, 2845 Michener Drive, Lancaster, PA 17601; Paul L. Wheeler, Jr., 1338 Broadway, Hanover, PA 17331

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

ESTATE OF JACOB F. STAMBAUGH, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Cheryl L. Kress a/k/a Cheryl L. DeGroot, 198 Green Ridge Road, New Oxford, PA 17350

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF CURVIN R. STUDY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Gladys Bechtel, 665 Harney Road, Littlestown, PA 17340; Charlotte Irene Bechtel Wolf, 3239 Harney Road, Apt. C, Taneytown, MD 21787

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF ESTELLA R. APPLEMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: PNC Bank, NA, 4242 Carlisle Pike, Camp Hill, PA 17011

Attorney: Clayton R. Wilcox, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF NIOMAM. BECKER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Personal Representatives: Shirley W. Staub, 8295 Blooming Grove Road, Glenville, PA 17329; Linda Wallach Miller, 27 Three Point Garden Road, East Stroudsburg, PA 18301

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

(continued on page 8)

SECOND PUBLICATION (continued)

ESTATE OF ALDA M. CHRONISTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Elven L. Chronister, Jr., 249 Locust St., Hanover, PA 17331; Peggy M. Bear, 240 Cavalry Field Rd., Gettysburg, PA 17325

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

ESTATE OF ALFRED L. GILBERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Thomas M. Gilbert, 34 West Mountaintop Dr., Orrianna, PA 17353

ESTATE OF RICHARD P. JOHNSTON, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Susan E. Johnston, 5104 Fairfield Rd., Fairfield, PA 17320

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

ESTATE OF WALTER KIESSLING, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrators: Patricia K. Ziegler, 236 York Street, Gettysburg, PA 17325; Judy M. Prillaman, 3010 Mummasburg Rd., Gettysburg, PA 17325; Donald W. Kiessling, 345 Seven Stars Rd., Gettysburg, PA 17325; Peggy M. Reecher, 993 Mt. Hope Rd., Fairfield, PA 17320

Attorney: Chester G. Schultz, Esq., 145 Baltimore St., Gettysburg, PA 17325

ESTATE OF WILLIAM C. SHOWALTER, JR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Allfirst Trust Company of Pennsylvania, N.A. (Formerly Farmers Bank and Trust Company), 13 Baltimore St., Hanover, PA 17331

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF JOSEPH B. BOLLINGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Lillian B. Bollinger, c/o The Brethren Home, 2990 Carlisle Pike, New Oxford, PA 17350

Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF GEORGE R. CARPENTER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: James S. Carpenter, 143 Gettysburg Road, Littlestown, PA 17340; Jacqueline A. Moose, 129 Gettysburg Road, Littlestown, PA 17340

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

ESTATE OF PIERRE W. FONTAINE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Andre P. Fontaine, 7717 Epsilon Drive, Rockville, MD 20855

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF EMMA A. LEPPA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Alta M. Leppo, The Brethren Home Community, 2990 Carlisle Pike, New Oxford, PA 17350

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

ESTATE OF WELDON B. SHANK, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Pauline B. Shank, 448 Waynesboro Pike, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby & Sheffer, P.O. Box 215, Fairfield, PA 17320

ESTATE OF JANET V. SMALL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Thomas F. Small, Jr., 107 Lark Circle, York, PA 17404; Cynthia A. Small, 155 Windbriar Lane, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 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 ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

Premises being: 210 Goodyear Road, Gardners, PA 17324

Tax Parcel No. #H2-27A

SEIZED and taken into execution as the property of **Fred J. Rogers & Melissa A. Rogers** 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 May 20, 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.

3/22, 29 & 4/5