

Adams County Legal Journal

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NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, May 14, 2001, at 9:00 o'clock a.m.

WRIGHT—Orphans' Court Action Number OC-24-01. The First and Final Account of Ronald H. Smith, Executor of the Estate of Mandle B. Wright, deceased, late of Butler Township, Adams County, Pennsylvania.

KRUMRINE—Orphans' Court Action Number OC-26-01. The First and Final Account of Edward Francis Staley, Executor of the Estate of Berenice E. Krumrine, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

WHITNEY—Orphans' Court Action Number OC-27-01. The First and Final Account of Larry E. Whitney and Ruth E. Garlach, Executors of the Estate of John H. Whitney, deceased, late of Franklin Township, Adams County, Pennsylvania.

ARTER—Orphans' Court Action Number OC-29-01. The First and Final Account of PNC Bank, National Association, Executor of the Estate of Hildah D. Arter a/k/a Hildah J. Arter, deceased, late of the Borough of Littlestown, Adams County, Pennsylvania.

FREEMAN—Orphans' Court Action Number OC-32-01. The First and Final Account of Allfirst Trust Company of Pennsylvania, N.A., Executor of the Estate of Elizabeth H. Freeman, deceased, late of Oxford Township, Adams County, Pennsylvania.

HAINES—Orphans' Court Action Number OC-33-01. The First and Final Account of Ethlyn C. Haines, Executrix of the Estate of Archie McKenzie Haines, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

5/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-160 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 June, 2001, 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 Lot of ground with improvements thereon, situate in the Borough of **Bendersville, Adams County, Pennsylvania**, bounded and described as follows:

BEGINNING at a post for a corner at land now or formerly of Mrs. Mary E. Hoover; thence South 28-1/2 degrees East along South Main St. 4.24 perches to a post for a corner at a 20 foot alley; thence along said alley, South 63 degrees West 8 perches to a corner at an alley; thence along said alley, North

28-1/2 degrees West 4.24 perches to a post at a corner of lands now or formerly of said Mary E. Hoover; thence along land now or formerly of said Mary E. Hoover, North 63 degrees East 8 perches to place of BEGINNING. CONTAINING 34 perches, more or less.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey E. Cramer by Deed from Robert H. Ormer and Evelyn F. Ormer, his wife dated 6/8/1990, recorded 6/8/1990, in Record Book 558, Page 160.

Premises being: 105 South Main Street, Bendersville, PA 17306

Tax Parcel No. #3-28

SEIZED and taken into execution as the property of **Jeffrey Cramer** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

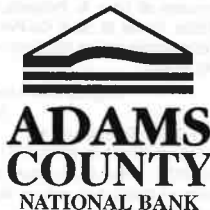
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 9, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser 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.

5/4, 11 & 18

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-60 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of June, 2001, 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 certain lots of ground, together with improvements erected thereon, situate, lying and being in Conewago Township, Adams County, Pennsylvania, known on the plat or general plan of a series of lots, streets, avenues, etc., of lands formerly of Hanover Improvement Company as Lots Nos. 1, 2, and 3 on the South side of Maple Avenue in Block No. 15, adjoining Lot No. 4 on the East, a public alley on the South, Jefferson Street on the West and Maple Avenue on the North.

The general plan aforementioned appears of record in Deed Book WW, Page 600, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

HAVING ERECTED THEREON a dwelling known as 518 Maple Avenue, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH John R. Weaver, by Marilyn J. Weaver, his Attorney-in-fact, by his Deed dated June 12, 1995 and recorded June 16, 1995 in Adams County Deed Book 1042, Page 155, granted and conveyed unto Michael A. Coan and Terri L. Vincent-Coan.

SEIZED IN EXECUTION AS THE PROPERTY OF MICHAEL A. COAN AND TERRI L. VINCENT-COAN UNDER ADAMS COUNTY JUDGMENT NO. 01-S-60.

MAP & PARCEL #8-75

SEIZED and taken into execution as the property of Michael A. Coan & Terri L. Vincent-Coan 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 25, 2001, 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.

4/27, 5/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-494 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT NO. 1

BEGINNING at a post at corner of lands of the Estate of W.A. Dutters; thence by said land South 59 degrees West, about 118 feet to the East side of South Monarch Street; thence by said Street, North 41 degrees West, about 468 feet to a corner at reserve road along land of the Littlestown Board of Trade; thence along said road, North 59 degrees East, about 118 feet to line of land of said estate; thence by same South 41 degrees East, about 465 feet to the place of BEGINNING.

TRACT NO. 2

BEGINNING at the corner of other lands of the said Littlestown Silk Company and on line of lands of the Estate of W.A. Dutters, deceased; thence by land of said estate, South 59 degrees West, 167.5 feet to a point at a public alley; thence along the East side of said alley North 41 degrees West, 468 feet to a point; thence North 59 degrees East, 167.5 feet to a corner of the aforesaid other lands of said Company; thence by lands of the said Company, South 41 degrees East, 468 feet to the place of BEGINNING. CONTAINING 78,390 Square Feet (1 Acre and 128 Perches) of land, more or less.

SEIZED and taken into execution as the property of Dale A. Roberts, Paul E.V. Foltz, David M. Belt Co-Partners T/A Foltz Architectural Millwork 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 July 2, 2001,

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.

4/27, 5/4 & 11

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Name Act, Act 1982-295, approved December 16, 1982, as amended, 54 Pa. C.S.A. §301 et seq., that on March 29, 2001, an application for registration of the fictitious name RAGGED EDGE COFFEE HOUSE was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania. The principal place of said business is 110 Chambersburg Street, Gettysburg, Pennsylvania 17325. The name and address of the person interested in said business is Philip B. Schindel, 1074 Orttanna Road, Orttanna, Pennsylvania 17353.

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

5/4

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about April 4, 2001, for the purposes of obtaining a Certificate of Incorporation of a Pennsylvania non-profit corporation to be organized under the provisions of the Pennsylvania Non-Profit Corporation Law of 1988.

The name of the corporation is POM-MERIAN EARLY MUSIC GUILD. The purpose of the corporation is to promote, educate and nurture early music events in Adams County, Pennsylvania.

Puhl, Eastman & Thrasher
Attorneys

5/4

WILSON VS. COUNTRY BUILDERS ET AL

1. If a petition to open judgment is to be successful, it must meet the following test: (1) the petition to open must be promptly filed; (2) the failure to appear or file a timely answer must be excused; and (3) the party seeking to open the judgment must show a meritorious defense. However, where the party seeking to open a judgment asserts that service was improper, a court must address this issue first before considering any other factors. If valid service has not been made, then the judgment should be opened because the court has no jurisdiction over the defendant and is without power to enter a judgment against him or her.

2. There is a strong presumption against piercing the corporate veil, and general allegations will not suffice.

3. Superior Court reminds us to balance the prejudices that will accrue upon opening judgment. The authority to take default judgments were intended to prevent dilatory defendants from unreasonably thwarting a plaintiff's claim, not to give plaintiff a means of securing judgment without the difficulties that arise in litigation. Allegations contained in the petition to open must also be considered.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 99-S-516. MARTIN G. WILSON VS. COUNTRY BUILDERS CUSTOM HOMES, INC., R. SCOTT HARTMAN & CO., AND R. SCOTT HARTMAN.

Arthur W. Boyce, Esq., for Plaintiff

Walton V. Davis, Esq., for R. Scott Hartman

Wendy Weikal-Beauchat, Esq., for Country Builders Custom Homes, Inc.

Spicer, P.J., April 18, 2000

OPINION ON PETITION TO OPEN JUDGMENT

This matter comes before the court on R. Scott Hartman's petition to open default judgment entered against him February 11, 2000. The petition to open was filed February 16, 2000 and would have been granted had it been accompanied by an answer setting forth a meritorious defense. Pa. R.C.P. 237.3 (b). However, no such answer was appended, a fact that requires us to consider relevant case law in the area. For reasons discussed, we grant the petition and open judgment.

Plaintiff filed his complaint on June 1, 1999. Although the cause of action was based upon a written agreement between plaintiff and Country Builders Custom Homes, Inc. (the corporation), plaintiff sought judgment against individual officers¹ of the corporation on the

¹Plaintiff withdrew his complaint as to Philip D. Smith after discovering that Mr. Smith filed for bankruptcy prior to the commencement of this action.

basis of allegations that 1) the corporation had been dissolved and was without assets; 2) individual defendants (a) “dominated and controlled the activities and business decisions” of the corporation ¶19, (b) were “able to obtain possession of the corporate assets for their own benefit”, ¶21, (c) “acted in such a fashion that what they did as the representatives of Custom and what they did in a personal capacity were indistinguishable.” ¶20², and (d) used the assets and properties of the corporation in their business operations. ¶21.

The court conducted a hearing on March 30, 2000 and then gave counsel leave to file additional legal argument.

Service of the original complaint was accepted on July 6, 1999, by counsel for the corporation and Hartman. Although defendants’ counsel informed plaintiff’s counsel, by letter dated August 25, 1999³, that she would be representing only the corporation, she never formally withdrew as Hartman’s counsel.

Hartman signed the corporation’s answer as president, and said he knew that former counsel would no longer represent him personally. The answer generally denied allegations relating to piercing the corporate veil⁴ and demanded proof.

According to an exhibit attached to the praecipe for judgment, plaintiff gave Hartman ten days notice of intention to take default judgment on December 30, 1999. No such notice was served on Hartman’s counsel of record, as was required by Pa. R.C.P. 237.1 (2) (ii). The praecipe was filed at 12:39 p.m., February 11, 2000. Before the judgement was posted, present counsel for Hartman filed, on the same day at 3:13 p.m., preliminary objections in the nature of a demurrer.

Supreme Court has held that deficiencies in service may be raised by a petition to open, as well as a petition to strike judgment, and said:

² The complaint repeated numbers 20 and 21, so that paragraphs read 19, 20, 21, 20, 21, 22.

³ Respondent’s exhibit 1, introduced at the hearing. The letter read “Enclosed please find the answer which I have filed on behalf of Country Builders Custom Homes, Inc. After consultation with a member of the ethics board, I will not be representing any of the other entities. However, alternate counsel is being retained and should be filing an answer with (sic) a week. If you have any questions, please do not hesitate to contact me.

⁴ Allegations about retaining assets could be interpreted as an assertion of liability on a continuation theory, but it is clear that plaintiff focuses on piercing the veil.

In contrast, a petition to open a judgment is an appeal to the equitable powers of the court. (citation omitted). It is committed to the sound discretion of the hearing court and will not be disturbed absent a manifest abuse of that discretion. *Id.* Ordinarily, if a petition to open judgment is to be successful, it must meet the following test: (1) the petition to open must be promptly filed; (2) the failure to appear or file a timely answer must be excused; and (3) the party seeking to open the judgment must show a meritorious defense. (citation omitted). However, where the party seeking to open a judgment asserts that service was improper, a court must address this issue first before considering any other factors. (citation omitted). If valid service has not been made, then the judgment should be opened because the court has no jurisdiction over the defendant and is without power to enter a judgment against him or her.

Cintas Corporation v. Lee's Cleaning Services, 549 Pa. 84, 93, 700 A.2d 915, 919 (1997).

Obviously, service did not conform to the rules. However, both Hartman and plaintiff were operating under the assumption that former counsel was no longer representing Hartman. Jurisdictional considerations are not a factor, and do not mandate for strict compliance with the rule. We, therefore, decline to base our decision upon faulty service.

Although there is a strong presumption against piercing the corporate veil, *Miller v. Brass Rail Tavern, Inc.*, Pa. Super. , 702 A.2d 1072 (1997), and general allegations will not suffice, *First Realvest, Inc. v. Avery Builders, Inc.*, 410 Pa. Super. 572, 600 A.2d 601 (1991), *Lumax Industries, Inc. v. Aultman*, 543 Pa. Super. 38, 669 A.2d 893 (1995), conclusory statements in the complaint do not excuse Hartman's lack of response. *Duckson v. Wee Wheelers, Inc.*, 423 Pa. Super. 251, 620 A.2d 1206 (1993). However, since the preliminary objections were filed the same day as judgment was entered, the basis for liability is something to consider in determining equities and prejudice. Had the objections been filed hours earlier, we would be ruling on the objections instead of considering the petition to open. Furthermore, Hartman was under the impression that the

corporation's answer adequately addressed allegations seeking to hold him personally liable.

Superior Court reminds us to balance the prejudices that will accrue upon opening judgment. The authority to take default judgments were intended to prevent dilatory defendants from unreasonably thwarting a plaintiff's claim, not to give plaintiff a means of securing judgment without the difficulties that arise in litigation. *Fink v. General Accident Insurance Co.*, 406 Pa. Super. 294, 594 A.2d 345 (1991). Hartman's prejudice, should we deny his petition, would be severe and obvious, and would far outweigh that caused to plaintiff by opening the judgment.

We must view the second prong of the test described in *Cintas, supra*, in light of Pa. R.C.P. 237.3(b). Superior Court has held that allegations contained in the petition to open must also be considered. *Himmelreich v. Hostetter Farm Supply, Inc.*, Pa. Super., 703 A.2d 478 (1997) *reargument dn.* Jan. 13, 1998. The petition stated, and Hartman testified, that the corporation was at all times properly maintained and there were no facts or circumstances that would justify piercing the corporate veil. At the very least, we think this excuses the need to explain delay. It may be sufficient, without more, to invoke the rule and mandate opening.

Plaintiff's failure to serve prior counsel with a notice of default may have deprived Hartman of a reminder that time was running out.

After considering all the circumstances present in this case, including those that might not, of themselves, justify opening judgment, we conclude that judgment should be opened and Hartman allowed to assert a defense.

ORDER

AND NOW, this 18th day of April, 2000, the judgment entered by default is opened.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-918 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, 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 Straban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the centerline of New Chester Road (T-514), which point is located at the Southwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running in the centerline of the New Chester Road (T-514) South 22 degrees 36 minutes 05 seconds West 87.08 feet to a p.k. nail in the centerline of said road; thence running in the centerline of said road and by a curve to the right the radius of which is 741.53 feet with an arc distance of 278.69 feet and a chord bearing of South 34 degrees 29 minutes 00 seconds West for a chord length of 277.05 feet to a p.k. nail in the centerline of New Chester Road; thence continuing in the centerline of New Chester Road South 47 degrees 02 minutes 45 seconds West 204.67 feet to a point in the centerline of said road at the corner of land now or formerly of Randolph Swartz; thence running by land now or formerly of Randolph Swartz and through an existing steel rod set back 22.62 feet from the start of this course North 79 degrees 16 minutes 30 seconds West 277.41 feet to an existing steel rod; thence continuing by the same North 43 degrees 11 minutes 35 seconds West 151.58 feet to an existing steel rod; thence continuing by the same, through an existing steel rod near the line (.3 feet North) 116.1 feet from the start of this course and by Armatha Ford North 62 degrees 56 minutes 35 seconds West 346.98 feet to an existing "eye" steel rod on line of land of Armatha Ford; thence running by land now or formerly of Armatha Ford North 19 degrees 32 minutes 50 seconds East 509.45 feet to a steel rod at the Northwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running by Lot No. 5 and through a steel rod set back 250 feet from the start of this course and through a steel rod set back 25 feet from the end of this course South 67 degrees 38 minutes 00 seconds East 924.53 feet to a point in the center of New Chester Road (T-514) the point and place of BEGINNING. CONTAINING 10.905 acres.

The description was taken from a draft of survey of J. Riley Redding, F.S., dated October 25, 1991 and recorded in Adams County Plat Book 61 at Page 15. The lot described is Lot No. 6 on said plan of lots.

TITLE TO SAID PREMISES IS VESTED IN Richard L. Henry and Sherry L. Henry, husband and wife by Deed from Philip Reuben Wessel, single, dated 11/9/94 recorded 11/18/94 in Record Book 966 Page 235.

PARCEL NUMBER: I-10-15D

SEIZED and taken into execution as the property of **Richard L. & Sherry L. Henry** 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 July 2, 2001, 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.

4/27, 5/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-572 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of June, 2001, 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 hereinafter certain 3 lots of ground situate, lying and being on the West side of Carlisle Street Extended, in the Township of Oxford, County of Adams, and State of Pennsylvania, bounded and described as follows:

Lot No. 1:

BEGINNING at a post on the West side of said Carlisle Street Extended; thence along property now or formerly of the Oxford Township School District, South sixty-eight and three-fourths (68 3/4) degrees West, one hundred and eighty and one-tenth (180.1) feet to a stake on the East side of a twenty (20) feet alley; thence along said alley, North twenty-three and three-fourths (23 3/4) degrees West, one hundred and sixteen (116) feet to a stake; thence along property now or formerly of John N. Hersh, formerly Grier Hersh, North six and one-fourth (6 1/4) degrees East, one hundred and eighty (180) feet to said Carlisle Street Extended; thence along said Carlisle Street Extended, South twenty-three and three-fourths (23 3/4) degrees East, one hundred and twenty-four (124) feet to the place of BEGINNING.

Subject, nevertheless, to restrictions of record.

Lot No. 2:

BEGINNING at a post on the West side of Carlisle Street Extended, at lands now or formerly of Mary Grace Stock; thence Westwardly along said lands one hundred and eighty (180) feet, more or less, to the Eastern line of a twenty (20) feet wide alley; thence Northwardly along said alley, sixty (60) feet to other lands now or formerly of the said John N. Hersh (formerly Grier Hersh); thence Eastwardly along said lands, one hundred and eighty (180) feet, more or less, to said Carlisle Street Extended; thence Southwardly, along said Carlisle Street Extended, sixty (60) feet to said post at the place of BEGINNING.

Subject, nevertheless, to restrictions of record.

Lot No. 3:

BEGINNING at a point on the West side of the State Highway aforesaid at corner of lands now or formerly of Mary Grace Stock; thence by said lands now or formerly of Mary Grace Stock North sixty-eight (68) degrees West, one hundred ninety-seven and five-tenths (197.5) feet to a point at land now or formerly of Grier Hersh; thence by the same South twenty-three and one-half (23 1/2) degrees West, nine and one-half (9 1/2) feet to a point at other land now or formerly of The L. P. Kooken Company, South sixty-eight (68) degrees East one hundred ninety-seven and one-half (197 1/2) feet, more or less, to a point on the West side of the State Highway aforesaid; thence by the West side of said State Highway, North twenty-three (23) degrees East, nine and one-half (9 1/2) feet to the point, the place of BEGINNING.

SEIZED and taken into execution as the property of **David J. Smith & Marian M. Smith** 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 25, 2001, 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.

4/20, 27, & 5/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-112 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of June, 2001, 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 Franklin Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a p.k. nail in the center line of Township Road T-364, known as New Road, which p.k. nail is located South 56 degrees 45 minutes East 57.30 feet from an existing railroad spike in the center line of said road along land now or formerly of LeRoy Baker; thence in the center of New Road, South 56 degrees 45 minutes East 170 feet to another p.k. nail in the center line of said Road; thence by other land now or formerly of Helen E. Baker, and running through a reference steel rod located 30 feet from the beginning of this line, South 62 degrees 30 minutes West 302.04 feet to a steel rod; thence by the same, North 56 degrees 45 minutes West 170 feet to a steel rod; thence along a 50 ft. strip of land now or formerly of Helen E. Baker and running through a reference steel rod located 30 feet from the end of this line, North 62 degrees 30 minutes East 302.04 feet to a p.k. nail in the center line of New Road, the place of BEGINNING. CONTAINING 1.028 ACRES.

The foregoing description was obtained from a draft of a survey made by J. Riley Redding, Registered Surveyor, trading as Adams County Surveyors, dated May 24, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 40, at page 65.

HAVING ERECTED THEREON a dwelling known as 1210 New Road, Orrtanna, Pennsylvania.

BEING THE SAME PREMISES WHICH Edwin J. Baker, by his Deed dated June 2, 1989 and recorded June 2, 1989 in Adams County Deed Book 524, Page 463, granted and conveyed unto Robert D. Trimmer and Marie E. Trimmer.

SEIZED IN EXECUTION AS THE PROPERTY OF ROBERT D. TRIMMER AND MARIE E. TRIMMER UNDER ADAMS COUNTY JUDGMENT NO. 00-S-112.

MAP & PARCEL #C9-1E

SEIZED and taken into execution as the property of Robert D. & Marie E. Trimmer 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 25, 2001, 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.

4/20, 27, & 5/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-940 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of June, 2001, 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 lot of ground situate on the northwest side of a 30-foot wide gravel road (which gravel road leads from State Highway Route 233 running from Caledonia to Pine Grove) in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of the 30-foot-wide road aforesaid at lands now or formerly of Lowell C. Heefner, said point being South 50 degrees West, 1346.5 feet from an iron pin, which iron pin is on the State Forest Boundary Line; thence by lands now or formerly of Lowell C. Heefner, and through a stake at the side of the road, North 40 degrees West, 313 feet, more or less, through a stake on the bank of a mountain creek to a point in the center of said creek; thence down said creek in a northeasterly direction for a distance of 100 feet, more or less, to a point in said creek at lands now or formerly of Jacob O. Funk; thence by said lands and through a stake on the bank of the creek, South 40 degrees East, 330 feet, more or less, through a stake on the side of the road to a point in the center line of the 30-foot-wide road aforesaid; thence in the center line of said road, South 50 degrees West, 100 feet to a point, the place of BEGINNING. CONTAINING 0.7 acre, more or less.

HAVING ERECTED THEREON a dwelling known as 124 Norris Road, Biglerville, Pennsylvania.

BEING THE SAME PREMISES WHICH Roberta L. Page, by her Deed dated April 30, 1998 and recorded May 12, 1998 in Adams County Deed Book 1578, Page 259, granted and conveyed unto Darren S. Woodring and Tiffani R. Woodring.

SEIZED IN EXECUTION AS THE PROPERTY OF DARREN S. WOODRING AND TIFFANI R. WOODRING UNDER ADAMS COUNTY JUDGMENT NO. 00-S-940.

MAP & PARCEL #C5-12

SEIZED and taken into execution as the property of Darren S. & Tiffani R. Woodring 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 25, 2001, 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.

4/20, 27, & 5/4

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 01-S-135 Action to Quiet Title

RANDALL B. INSKIP, Plaintiff v.

LEWIS G. LAMOTHE and OLA K. LAMOTHE, husband and wife, their heirs and assigns, Defendants

TO: Lewis G. Lamothe and Ola K. Lamothe, their heirs and assigns

IMPORTANT NOTICE

You are notified that an Order of Court has been entered on April 17th, 2001, directing that within thirty (30) days after this publication you shall enter an appearance and file an Answer to the Complaint or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claims set forth in the Plaintiffs' Complaint to the land described as 151 Main Street, Bendersville, Pennsylvania, further being parcel 38-B Adams County Tax Map 1, located in Bendersville Borough, Adams County, Pennsylvania.

By: John C. Zepp, III, Esq. P.O. Box 204 York Springs, PA 17372 Phone: (717) 528-8900

5/4

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 SARAH M. GROUPE, DEC'D

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

Co-Executors: Clyde L. Groupe and Leona W. Clapper; c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews

ESTATE OF MARY C. LEMMON a/k/a MARY CECELIA LEMMON, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: David E. Lemmon, 333 Boundary Avenue, Hanover, PA 17331

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

ESTATE OF CARROLL A. LIPPY a/k/a CARROLL ARTHUR LIPPY, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Carol J. Groft, Linda L. Hoke, Westley E. Lippy, Cathy L. Reisinger, Administrators c/o Linda L. Hoke, 1272 Moulstown Road N., Hanover, PA 17331

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

ESTATE OF RAYMOND B. NELL, JR., DEC'D

Late of Reading Township, Adams County, Pennsylvania

John Nell, 2575 Halle Drive, Medina, OH 44256; Kathy Ferguson, 535 W. Sycamore, Kokomo, IN 46901

Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316

ESTATE OF VIOLA E. RODGERS a/k/a VIOLA E. FUNT, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: R. Claire Wolf, 463 Upper Temple Road, Biglerville, PA 17307

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

SECOND PUBLICATION

ESTATE OF EVELYN K. HORWEDEL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Francis E. Horwedel, 19 Michael Street, Hanover, PA 17331

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

ESTATE OF FRANCES G. SWOPE a/k/a FRANCES G. ASHBAUGH, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Charles B. Ashbaugh, 200 Bradshaw Drive, Sanford, FL 32771

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

ESTATE OF C. HARRIETTE TRAVIS, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Executrix: Karen A. Sutch, 11 Aspen Trail, S.W., Fairfield, PA 17320

ESTATE OF GLADYS A. WEILAND a/k/a GLADYS S. WEILAND, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Glenn Robert Weiland, 90 Confederate Drive, Gettysburg, PA 17325; Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF SARA E. WHITE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harvey M. White, 105 South Columbus Street, Beverly Hills, FL 34465

Attorney: John A. Wolfe, Esq., 47 W. High St., Gettysburg, PA 17325

ESTATE OF CHARLES W. WOLF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator C.T.A.: Karen B. Arthur, 105 Hoke Drive, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF CATHERINE G. GEBHART, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrators: Leonard F. Gebhart, 38 Meade Avenue, Hanover, PA 17331; Robert J. Gebhart, 109 Paul Street, Hanover, PA 17331

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

ESTATE OF JACOB W. HARGET, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: John W. Harget and Nancy M. Pinkerton, 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-129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, 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 parcel of land situate in Huntington Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of Township Route 582 (Fickes School Road) at land of Richard P. Fallinger; thence in the center of the Fickes School Road North 30 degrees 54 minutes 20 seconds East, passing under an existing R.E.A., over electric line utility easement, 272.85 feet to a point at other land of Charles S. Scott, et ux; thence along land of Charles S. Scott, et ux. South 59 degrees 30 minutes 00 seconds East, passing through a set concrete monument 25.00 feet from the beginning of this course, 210.00 feet to a set concrete monument; thence along other land of Charles S. Scott, et ux, South 30 degrees 54 minutes 20 seconds West, passing under aforesaid R.E.A. easement, 272.85 to a steel pin at land of Richard P. Fallinger; thence along land of Richard P. Fallinger, North 59 degrees 30 minutes 00 seconds West, passing through a found steel pin 20.93 feet from the end of this course, 210.00 feet to a point in the center of Fickes School Road, the place of BEGINNING. CONTAINING 1.3153 acres.

SEIZED and taken into execution as the property of **Beatrice M. Price** 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 July 2, 2001, 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.

5/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, 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, more particularly bounded and described as follows:

BEGINNING at a R.R. spike in L.R. 01011 at corner of Tract No. 3 referred to on draft of survey hereinafter referred to; thence along Tract No. 3 South 51 degrees 48 minutes 00 seconds East, 479.51 feet to an iron pin; thence South 25 degrees 17 minutes 40 seconds West, 165.62 feet to a post at land of S. Eugene Witter and Earl D. Laughman; thence by land of Earl D. Laughman North 53 degrees 48 minutes 40 seconds West, 516.00 feet to a R.R. spike in the aforementioned L.R. 01011; thence along Tract No. 1 on the draft of survey hereinafter referred to North 47 degrees 15 minutes 15 seconds West, 745.76 feet to an iron pin; thence by land of Eddie E. Diveley North 60 degrees 26 minutes 15 seconds East, 181.38 feet to stones; thence North 56 degrees 09 minutes 30 seconds East, 171.38 feet to an iron pin at land of N. Beatrice Asper; thence by same South 49 degrees 54 minutes 30 seconds East 620.58 feet to a R.R. spike in L.R. 01011 aforesaid; thence in such L.R. 01011 South 37 degrees 56 minutes 20 seconds West, 190.00 feet to a R.R. spike in such L.R. 01011, the place of BEGINNING. CONTAINING 7.461 acres. Designated as Tract No. 2 on the hereinafter referred to draft of survey.

The above description was taken from draft of survey prepared by Boyer Surveys on July 18, 1975 and designated as "Property of Alda M. Sheaffer Harman and Glen F. Sheaffer - Deed Book 276, Page 287."

EXCEPTING THEREOUT AND THEREFROM:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a R.R. Spike in the center of L.R. 01011 at corner of property of Glen F. Sheaffer and Dollie V. Keefer, referred to on Survey prepared by Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979; thence South 51 degrees, 48' 00" West 479.51' along lands of Glen F. Sheaffer and Dollie V.

Keefer, to an iron pin at land of S. Eugene and Anna Mae Witter; thence South 25 degrees, 17', 40" West 165.62' along lands of S. Eugene and Anna Mae Witter, to a post; thence North 53 degrees, 48', 40" West 516.00' along lands of Earl D. Laughman to a railroad spike in such L.R. 01011; thence in and through L.R. 01011 North 37 degrees, 56', 20" East 179.55' to the place of BEGINNING. CONTAINING 1.951 acres, designated as "Lot 2" on the hereinafter referred to survey of Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979.

SEIZED and taken into execution as the property of **Alda M. Harman** 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 July 2, 2001, 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.

5/4, 11 & 18

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for BRENT GUISE FAMILY DENTISTRY, INC., were filed with the Pennsylvania Department of State Corporation Bureau on or about April 26, 2001, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Wolfe & Rice, LLC
Solicitor
47 West High Street
Gettysburg, PA 17325

5/4

Adams County Legal Journal

Vol. 42

May 11, 2001

No. 50, pp. 275-282

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-160 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 June, 2001, 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 Lot of ground with improvements thereon, situate in the Borough of Bendersville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post for a corner at land now or formerly of Mrs. Mary E. Hoover; thence South 28-1/2 degrees East along South Main St. 4.24 perches to a post for a corner at a 20 foot alley; thence along said alley, South 63 degrees West 8 perches to a corner at an alley; thence along said alley, North 28-1/2 degrees West 4.24 perches to a post at a corner of lands now or formerly of said Mary E. Hoover; thence along land now or formerly of said Mary E. Hoover, North 63 degrees East 8 perches to place of BEGINNING. CONTAINING 34 perches, more or less.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey E. Cramer by Deed from Robert H. Orner and Evelyn R. Orner, his wife dated 6/8/1990, recorded 6/8/1990, in Record Book 558, Page 160.

Premises being: 105 South Main Street, Bendersville, PA 17306

Tax Parcel No. #3-28

SEIZED and taken into execution as the property of Jeffrey Cramer 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 July 9, 2001, 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.

5/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, 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, more particularly bounded and described as follows:

BEGINNING at a R.R. spike in L.R. 01011 at corner of Tract No. 3 referred to on draft of survey hereinafter referred to; thence along Tract No. 3 South 51 degrees 48 minutes 00 seconds East, 479.51 feet to an iron pin; thence South 25 degrees 17 minutes 40 seconds West, 165.62 feet to a post at land of S. Eugene Witter and Earl D. Laughman; thence by land of Earl D. Laughman North 53 degrees 48 minutes 40 seconds West, 516.00 feet to a R.R. spike in the aforementioned L.R. 01011; thence along Tract No. 1 on the draft of survey hereinafter referred to North 47 degrees 15 minutes 15 seconds West, 745.76 feet to an iron pin; thence by land of Eddie E. Diveley North 60 degrees 26 minutes 15 seconds East, 181.38 feet to stones; thence North 56 degrees 09 minutes 30 seconds East, 171.38 feet to an iron pin at land of N. Beatrice Asper; thence by same South 49 degrees 54 minutes 30 seconds East 620.58 feet to a R.R. spike in L.R. 01011 aforesaid; thence in such L.R. 01011 South 37 degrees 56 minutes 20 seconds West, 190.00 feet to a R.R. spike in such L.R. 01011, the place of BEGINNING. CONTAINING 7.461 acres. Designated as Tract No. 2 on the hereinafter referred to draft of survey.

The above description was taken from draft of survey prepared by Boyer Surveys on July 18, 1975 and designated as "Property of Alda M. Sheaffer Harman and Glen F. Sheaffer - Deed Book 276, Page 287."

EXCEPTING THEREOUT AND THEREFROM:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a R.R. Spike in the center of L.R. 01011 at corner of property of Glen F. Sheaffer and Dollie V. Keefer, referred to on Survey prepared

by Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979; thence South 51 degrees, 48' 00" West 479.51' along lands of Glen F. Sheaffer and Dollie V. Keefer, to an iron pin at land of S. Eugene and Anna Mae Witter; thence South 25 degrees, 17', 40" West 165.62' along lands of S. Eugene and Anna Mae Witter, to a post; thence North 53 degrees, 48', 40" West 516.00' along lands of Earl D. Laughman to a railroad spike in such L.R. 01011; thence in and through L.R. 01011 North 37 degrees, 56', 20" East 179.55' to the place of BEGINNING. CONTAINING 1.951 acres, designated as "Lot 2" on the here-in referred to survey of Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979.

SEIZED and taken into execution as the property of Alda M. Harman 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 July 2, 2001, 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.

5/4, 11 & 18

INCORPORATION NOTICE

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

5/11

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

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 00-S-642
Action to Quiet Title

DENNIS R. BISHOP, Plaintiff
vs.

WILLIAM MALONE, TOBIAS MILLER,
HENRY KNOUSE, MILTON KNOUSE,
SARAH JANE KNOUSE, aka JANI
KNOUSE, ANN KNOUSE, WILLIAM
KNOUSE, GEORGE KNOUSE, DANIEL
HEIGES, ELIZABETH HEIGES, LEVI
HEIGES, HIRAM F. HEIGES, AARON
HEIGES, LENA PETERS, SARAH ORR,
LEVI MINTER, MAGDALENA MINTER,
DANIEL C. JACOBS, PETER BALL,
CATHARINE BALL, JOHN BALL,
ALOYSIUS F. BAKER, JACOB MICKLEY,
WILLIAM E. BAKER, JOHN MCDONALD,
CLIFFORD B. PRICE, JR., MARY H.
PRICE, BARRY L. SHOWERS, EDNA R.
SHOWERS, THOMAS REEVE, JOAN E.
REEVE, WAYNE E. BAKER, BARBARA
A. BAKER, JAMES A. PENNINGTON,
JOYCE R. PENNINGTON, HAROLD W.
SANDUSKY, PATRICIA A. SANDUSKY,
NANCY C. SANDUSKY KRASOWSKI,
ANDREW T. KRASOWSKI, JON
WEIRETHER, DAVID B. THOMAS,
JOSEPH H. G. BERGER, H. G. HESS
AND SUMMIT MINING CORPORATION,
their respective heirs, successors and
assigns, Defendants.

TO: William Malone, Tobias Miller,
Henry Knouse, Milton Knouse, Sarah
Jane Knouse - aka Jani Knouse, Ann
Knouse, William Knouse, George
Knouse, Levi Minter, Jacob Mickley,
William Baker, Daniel Heiges, Elizabeth
Heiges, Levi Heiges, Hiram Heiges,
Aaron Heiges, Lena Peters, Sarah Orr,
Magdalena Minter, Daniel C. Jacobs,
Aloysius F. Baker, Peter Ball, Catharine
Ball, John Ball, and their respective heirs
and/or assigns:

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE
YOU HAVE FAILED TO TAKE ACTION
REQUIRED OF YOU IN THIS CASE.
UNLESS YOU ACT WITHIN TEN (10)
DAYS FROM THE DATE OF THIS
NOTICE, A JUDGMENT MAY BE
ENTERED AGAINST YOU WITHOUT A
HEARING AND YOU MAY LOSE YOUR
PROPERTY OR OTHER IMPORTANT
RIGHTS. YOU SHOULD TAKE THIS

NOTICE TO A LAWYER AT ONCE. IF
YOU DO NOT HAVE A LAWYER OR
CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE FOLLOWING
OFFICE TO FIND OUT WHERE YOU
CAN GET LEGAL HELP.

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Telephone Number: (717) 337-9846
Toll Free: 1-888-337-9846

Puhl, Eastman & Thrasher
By /s/Edward G. Puhl, Esquire
Attorney for Plaintiff
220 Baltimore Street
Gettysburg, PA 17325

5/11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 01-S-60 issuing out of the
Court of Common Pleas of Adams
County, and to me directed, will be ex-
posed to Public Sale on Friday, the 1st
day of June, 2001, 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 certain lots of ground,
together with improvements erected
thereon, situate, lying and being in
Conewago Township, Adams County,
Pennsylvania, known on the plat or gen-
eral plan of a series of lots, streets,
avenues, etc., of lands formerly of
Hanover Improvement Company as Lots
Nos. 1, 2, and 3 on the South side of
Maple Avenue in Block No. 15, adjoining
Lot No. 4 on the East, a public alley on
the South, Jefferson Street on the West
and Maple Avenue on the North.

The general plan aforementioned
appears of record in Deed Book WW,
Page 600, in the Office of the Recorder of
Deeds of Adams County, Pennsylvania.

HAVING ERECTED THEREON a
dwelling known as 518 Maple Avenue,
Hanover, Pennsylvania.

BEING THE SAME PREMISES
WHICH John R. Weaver, by Marilyn H.
Weaver, his Attorney-in-fact, by his Deed
dated June 12, 1995 and recorded June
16, 1995 in Adams County Deed Book
1042, Page 155, granted and conveyed
unto Michael A. Coan and Terri L.
Vincent-Coan.

SEIZED IN EXECUTION AS THE
PROPERTY OF MICHAEL A. COAN
AND TERRI L. VINCENT-COAN UNDER

ADAMS COUNTY JUDGMENT NO.
01-S-60.

MAP & PARCEL #8-75

SEIZED and taken into execution as
the property of **Michael A. Coan & Terri
L. Vincent-Coan** 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 25, 2001,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions are filed thereto within 10 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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

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

4/27, 5/4 & 11

ECKERT VS. NEVELLS ET AL

1. Plaintiff filed New Matter to Defendants' Preliminary Objections. Any averments of fact contained therein must be ignored.

2. It is improper to plead new matter in an answer to preliminary objections.

3. It is well established that issues arising under a lease are to be analyzed under the law of contracts. Contracts are enforceable when parties reach a mutual agreement, exchange consideration, and have set forth the terms of their bargain with sufficient clarity.

4. It is well established that it is not essential to the validity of a lease for the purpose of binding lessees that it be signed by lessees, provided they accept the lease and act thereunder, which acceptance is generally shown by taking possession or by paying the rent.

5. Where the terms of a lease are not ambiguous, the interpretation and construction are for the court, and the court must determine the intention of the parties from the language of the lease alone.

6. There is general law in Pennsylvania that if a tenant holds over after the expiration of the term of his lease, the landlord may treat him as a tenant or a trespasser.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 99-S-176, BEVERLY A. ECKERT VS. DANIEL A.
NEVELLS AND MAHALA D. RUNKLES.

Ronald J. Gross, Esq., for Plaintiff

Wendy Weikal-Beauchat, Esq., for Defendants

Kuhn, J., June 1, 2000.

OPINION ON DEFENDANTS' PRELIMINARY OBJECTIONS

Plaintiff, Beverly A. Eckert, filed a complaint, on March 30, 1999, for the alleged breach of a residential lease and property damage. Defendants, Daniel A. Nevells and Mahala Runkles, responded on November 1, 1999, by filing Preliminary Objections Pursuant to Pa. Rule of Civil Procedure 1028(a)(4). On December 2, 1999, Plaintiff filed an Answer and New Matter to Defendants' Preliminary Objections. Defendants' Answer to Plaintiff's New Matter was filed on February 16, 2000. Both parties filed briefs and the matter is before the court for disposition in accordance with Adams C. Civ. R. 211.

In deciding on an objection in the nature of a demurrer, the Pennsylvania Supreme Court has stated that "[a] demurrer admits every well-pleaded material fact set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law." *Gekas v. Shap*, 469 Pa. 1, 5, 364 A.2d 691, 693 (1976). A demurrer is properly sustained where the

complaint indicates on its face that the plaintiff's claim cannot be sustained, and the law will not permit recovery. *Lobdell v. Leichtenberger*, 442 Pa. Super. 21, 24, 658 A.2d 399, 401 (1995) (citations omitted). If there is any doubt as to the propriety of a judgment in favor of a demurring party, it should not be entered. *Creeger Brick & Building Supply, Inc. v. Mid-State Bank and Trust Co.*, 385 Pa. Super. 30, 32-33, 560 A.2d 151, 152 (1989).

STATEMENT OF FACTS

On or about October 2, 1997, Plaintiff, Beverly A. Eckert, and Defendant, Mahala D. Runkles, signed a residential lease for property located at 44 Two Taverns Road, Littlestown, Pennsylvania 17340. (Compl. ¶ 3, Compl. Ex. A.) The lease was for one year, ending on September 30, 1998. (Compl. ¶3; Compl. Ex. A.) Both Ms. Runkles and "Dan Nevells" (presumably the same as Daniel A. Nevells, Defendant) were listed on the written lease as tenants. (Compl. Ex. A.) Because the Complaint does not seek unpaid rental during the period of the lease and because the Complaint avers that "Defendants left the 'Property'" (Compl. Ex. A. ¶ 5.), the Court infers that both defendants, at some time, took possession of the leased premises and, at least one of them, made rental payments through the year.

The lease contained the following provision:

2. Term. Term of the Lease shall be for a term of 1-year commencing on the 2[nd] day of October, 1997 and ending on Midnight of the 30th day of September, 1998. If Tenant remains in possession of the Leased Premises with the consent of the Landlord after the lease expiration date stated above, this Lease will be converted to a month-to-month Lease and each party shall have the right to terminate the Lease by giving at least one month's prior written notice to the other party.

The defendants gave no notice of their intent to stay or leave the leased premises (Compl. ¶ 4.); therefore, the Court infers that they did not seek permission to remain past the original term of the lease. The Complaint does not set forth the date on which Defendants left the leased premises although it is alleged that they did not pay rent for October or November 1998. (Compl. Ex. A ¶ 6.) The premises were re-rented in mid-November, 1998. (Compl. ¶ 6.)

Before proceeding to a discussion of the issues presented, we pause to clarify, for the parties, why certain averments have not been included. As noted, Plaintiff filed New Matter to Defendants' Preliminary Objections. Any averments of fact contained therein must be ignored. Pa.R.C.P. 1017(a) sets forth allowable pleadings which includes "a preliminary objection and an answer thereto." The Note to the rule states that "An Answer need be filed to a preliminary objection only when the preliminary objection alleges facts not of record." Here, the only fact alleged in Defendants' Preliminary Objections was that "the Defendants vacated the unit at the end of the original lease term..." (¶ 8). Plaintiff denied this averment in her Answer. In New Matter, Plaintiff went on to allege that Defendants held over past the end of the lease term (¶¶ 12, 13) and she did not know they vacated the premises until mid-October 1998 (¶ 11). However, it is improper to plead new matter in an answer to preliminary objections. *E-Z Parks v. Larson*, 91 Pa. Commw. 600, 607, 498 A.2d 1364, 1368 (1985) (n. 7). Instead of objecting to the New Matter, Defendants filed an Answer thereto.

Pa. R.C.P. 1028(c)(2) provides that if an issue of fact is raised in preliminary objections the court is to consider evidence "by depositions or otherwise." However, the note to this rule clarifies that if the preliminary objection raises a demurrer the demurrer may be determined from facts of record and no further evidence is required. Here, resolution of the demurrer can be reached without the need to consider facts alleged in Plaintiff's new matter to Defendants' preliminary objections.

LEGAL DISCUSSION

Plaintiff alleges that Defendants are liable for rental for the period October 1 through November 15, 1998 because they remained in the premises past the end of the lease term, and/or because they failed to provide Plaintiff with proper notice under Paragraph 2 of the lease.

Initially, Defendants object to Mr. Nevells being a party to this action because he did not sign the lease agreement. It is well established that issues arising under a lease are to be analyzed under the law of contracts. *Cusamano v. DiLucia, Inc.*, 281 Pa. Super. 8, 13, 421 A.2d 1120, 1122 (1980). Contracts are enforceable when parties

reach a mutual agreement, exchange consideration, and have set forth the terms of their bargain with sufficient clarity. *First Home Sav. Bank FSB v. Nernberg*, 436 Pa. Super. 377, 387, 648 A.2d 9, 15 (1994), Alloc. den. 657 A.2d 491 (citations omitted). The parties agreed on a set of terms as set forth in the lease. Ms. Runkles manifested her intent to be bound by those terms by signing the Lease. It is presumed that she occupied the premises and paid rent through September 1998. Mr. Nevells was listed as a tenant on the lease. For purposes of the demurrer it is inferred that at some point he moved into the leased premises because it is alleged that “Defendants” (which includes Mr. Nevells) left the property without notice. (Compl. ¶ 5.) The Court assumes that at least one defendant paid rent during the term of the lease because there is no claim for rent due during the lease period.

By occupying the leased premises, Mr. Nevells can be deemed to have manifested his intent to be bound by the agreement set forth in the lease on which he was listed as a tenant. Authority for this position is set forth in *Delaware Ice Co. v. Cericola et ux.*, 30 Northam. 306 (1946) where the court found lessees liable under a lease which they had not signed. The lessors signed, sealed and delivered the lease to the lessees. The lessees accepted the lease, acted under it and paid rent toward it. The court stated,

“[i]t is well established that it is not essential to the validity of a lease for the purpose of binding lessees that it be signed by lessees, provided they accept the lease and act thereunder, which acceptance is generally shown by taking possession or by paying the rent.”

30 Northam. at 310 (emphasis added).

The court cited *Grove v. Hodges*, 55 Pa. 504 (1867); *Tripp et al. v. Bishop*, 56 Pa. 424 (1868); and *Carnegie Nat. Gas Co. v. Philadelphia*, 158 Pa. 317 (1893) to support this theory.

In addition, real property can be leased by oral contract for a period of less than three years. 68 P.S. §250.201.

Although more specificity regarding the actions of Mr. Nevells might be appropriate we are dealing only with a demurrer and not a motion for a more specific pleading. Therefore, based upon the pleadings there are sufficient averments to overrule the demurrer.

Defendants' second objection relates to Plaintiff's allegation that they did not provide her with notice of their intent to stay or vacate the premises at the end of the lease term. Plaintiff contends that the " 'agreement' and Pennsylvania law" require Defendants to have provided her with 30 days' notice. Defendants argue that such notice is not required. We agree.

The paramount goal of contract interpretation is to ascertain and give effect to the parties' intent. *Gallagher v. Fiddler, Inc.*, 441 Pa. Super. 223, 226-27, 657 A.2d 31, 33 (1995), Alloc. den. 678 A.2d 365; *see also, Cusamano, supra*. "Where the terms of a lease are not ambiguous, the interpretation and construction are for the court, and the court must determine the intention of the parties from the language of the lease alone." *Cusamano*, 281 Pa. Super. at 13, 421 A.2d at 1122.

A careful review of Paragraph 2 of the lease, as set forth above, reveals that its terms are clear and unambiguous and is subject to only one interpretation. The lease expired on September 30, 1998. If the tenant remained in the premises after that date with Plaintiff's consent the lease became month-to-month and gave each party a right to terminate upon one month's prior written notice. The Complaint fails to allege that Defendants remained in the premises after September 30, 1998 or that they did so with Plaintiff's consent. Therefore, under provisions of the lease there was no further requirement for Defendants to provide Plaintiff with prior written notice.

Under Pennsylvania law, where the parties do not have an express lease agreement a landlord desirous of repossessing real property from a tenant may notify the tenant, with no less than a 15 day written notice, to vacate the premises at the end of the lease term. 68 P.S. §250.501(a) and (b). No such reciprocal notice requirements exist for a tenant. Therefore, absent express lease terms to the contrary a tenant has no duty to notify the landlord of his intent to vacate the premises at the end of the lease term.

Therefore, in this case, because the lease requires Plaintiff's permission to continue after September 30, 1998 and because the lease makes no other provision for notice from Defendants, whether they intend to remain in or quit the premises at the lease termination date, Plaintiff should have known that Defendants were vacating the premises where no such permission was given.

Plaintiff's theory appears to be that as of October 1, 1998, the lease converted to a month-to-month term. As discussed above, this theory is incorrect under the terms of the lease. For these reasons, Defendants' demurrer is well taken and will be granted.

As, of course, we will grant Plaintiff an opportunity to re-plead her complaint. Because of the averments in Plaintiff's New Matter to the preliminary objections, we anticipate that she will contend that Defendants held over to mid-October, 1998, as evidenced by leaving furnishings behind, which precluded Plaintiff from renting the premises to another tenant. Therefore, we will address this issue in the following dicta.

There is general law in Pennsylvania that if a tenant holds over after the expiration of the term of his lease, the landlord may treat him as a tenant or a trespasser. *Pettit v. Edwards*, 1908 WL 2870 (Phila. Co. 1908). In *Pettit* the parties entered into a one-year written lease for a home and garage which required either party to give three months' notice to the other prior to the end of the lease that said party did not intend to extend the lease. The tenant allegedly gave such a notice. The landlord claimed that the tenant held over after the expiration of the lease, and retained the keys. The tenant denied holding over but instead claims to have vacated the premises except for leaving behind a large car which he could not remove for four days until he had completed some repairs. The issue in the case was whether the tenant held over to the extent that he could be considered a tenant for another term.

We extract from *Pettit* the following legal principles:

1. The tenant knows the time when his lease will determine; it is his duty to move out by that time, and surrender the premises to the landlord; and if he does not, it seems reasonable to consider his conduct as evidence of his assent to continue [sic] tenant for another [term]. If he do [sic] not remove, the landlord may be materially injured. He is prevented from providing another tenant, and is left at the mercy of one who stays or goes as it suits him. It is but just, therefore, that the landlord should be at liberty to take him at his offer, and consider his remaining as an assent on his part to continue, and that such an

agreement is implied by the law in that case.” Quoting *Hemphill v. Flynn*, 2 Pa. 144 (1845).

2. “We are of the opinion that any holding over, even for a very short time, would give the landlords the right to elect to hold the appellees liable as tenants for another term...regardless of the intentions of the latter...Upon principle it would certainly seem that the actual continuance of such occupation was the best and most conclusive evidence of the intention to continue... If the tenants...kept property on the premises under such circumstances or to such an extent as induced and justified a reasonable belief that they intend to remain, or thus prevented the landlords from regaining practically full possession, such conduct would be a holding over in the eye of the law. In brief, anything done by the tenants that had the effect of keeping the landlords out of possession would be deemed an exercise of the option given the former by the lease, rather than a violation of their covenant to yield up possession at the end of the term. Whether or not there was a parol acceptance in this case of the second term, or a holding over...were matters for the consideration of the jury. The merely leaving some rubbish on the premises...or, indeed the leaving of something more valuable, would not necessarily prove that the [tenants] were still retaining possession of the premises, and keeping the [landlords] out. The question after all is, were the [landlords] in any manner excluded? If they were not, and the [tenants] had not previously agreed to stay for the second period...there can be no recovery... If they kept their property on the premises in such a way, or to such an extent as to deprive the [landlords] of possession, they would, as hereinbefore explained, be liable for the rent.” Quoting *Cairns v. Llewellyn*, 2 Pa. Super. 599 (1896).

3. “A surrender of demised premises by the tenant, in order to be effectual, so as to release him from liability for the rent, must be accepted by the lessor, and the

burden of proof is on the lessee." Quoting *Lipper v. Bouve*, 6 Pa. Super. 452 (1897).

The objections raised do not address the viability of the property damage claim so they are retained.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 1st day of June, 2000, Defendants' Preliminary Objections filed November 1, 1999, are granted. Plaintiff is granted twenty (20) days from date of mailing of this Order to file an amended complaint or suffer dismissal of her claim for lost rental. If no amended complaint is filed within said period, Defendants shall be granted an additional twenty (20) days to answer the original complaint regarding Plaintiff's property damage claim.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-679 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 June, 2001, 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 the Borough of Carroll Valley, formerly Liberty Township, Fairfield, Adams County, Pennsylvania, being Lot #211 in Section B, bounded and described as follows:

BEGINNING at a point in the center of Eagles Trail at Lot #210; thence by said lot, North 03 degrees 21 minutes 40 seconds West, 200 feet to Lot #139; thence by said lot, North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot #212; thence by said lot, South 03 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail, South 86 degrees 38 minutes 20 seconds West, 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section B Supplemental, Charmita" dated July 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 4, Page 654.

TITLE TO SAID PREMISES IS VESTED IN Kenneth A. Peare and Cheryl A. Peare, husband and wife, by Deed from John William Huntermark and Donna Marie Huntermark, husband and wife, by their attorney-in-fact, Cathy Olson, dated 4/14/1995 recorded 4/18/1995 in Record Book 1018 page 77.

Premises being: 10 Eagles Trail, Fairfield, PA 17320

Tax Parcel No. #30-68

SEIZED and taken into execution as the property of **Kenneth A. & Cheryl A. Peare** 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 July 9, 2001, 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.

5/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-918 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, 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 Straban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the centerline of New Chester Road (T-514), which point is located at the Southwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running in the centerline of the New Chester Road (T-514) South 22 degrees 36 minutes 05 seconds West 87.08 feet to a p.k. nail in the centerline of said road; thence running in the centerline of said road and by a curve to the right the radius of which is 741.53 feet with an arc distance of 278.69 feet and a chord bearing of South 34 degrees 29 minutes 00 seconds West for a chord length of 277.05 feet to a p.k. nail in the centerline of New Chester Road; thence continuing in the centerline of New Chester Road South 47 degrees 02 minutes 45 seconds West 204.67 feet to a point in the centerline of said road at the corner of land now or formerly of Randolph Swartz; thence running by land now or formerly of Randolph Swartz and through an existing steel rod set back 22.62 feet from the start of this course North 79 degrees 16 minutes 30 seconds West 277.41 feet to an existing steel rod; thence continuing by the same North 43 degrees 11 minutes 35 seconds West 151.58 feet to an existing steel rod; thence continuing by the same, through an existing steel rod near the line (.3 feet North) 116.1 feet from the start of this course and by Armatha Ford North 62 degrees 56 minutes 35 seconds West 346.98 feet to an existing "eye" steel rod on line of land of Armatha Ford; thence running by land now or formerly of Armatha Ford North 19 degrees 32 minutes 50 seconds East 509.45 feet to a steel rod at the Northwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running by Lot No. 5 and through a steel rod set back 250 feet from the start of this course and through a steel rod set back 25 feet from the end of this course South 67 degrees 38 minutes 00 seconds East 924.53 feet to a point in the center of New Chester Road (T-514) the point and place of BEGINNING. CONTAINING 10.905 acres.

The description was taken from a draft of survey of J. Riley Redding, R.S., dated October 25, 1991 and recorded in Adams County Plat Book 61 at Page 15. The lot described is Lot No. 6 on said plan of lots.

TITLE TO SAID PREMISES IS VESTED IN Richard L. Henry and Sherry L. Henry, husband and wife by Deed from Philip Reuben Wessel, single, dated 11/9/94 recorded 11/18/94 in Record Book 966 Page 235.

PARCEL NUMBER: I-10-15D

SEIZED and taken into execution as the property of **Richard L. & Sherry L. Henry** 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 July 2, 2001, 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.

4/27, 5/4 & 11

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 March 30, 2001, 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 D. R. APPLER, 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.

D. R. Appler, Inc.
25 Pine Court Drive
Abbottstown, PA 17301-9794

5/11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-206 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 June, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded and described as follows, to-wit;

BEGINNING at a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle at corner of Lot No. 73 on the draft of survey hereinafter referred to; thence along Lot No. 73 South sixty (60) degrees forty-one (41) minutes forty-one (41) seconds West, one hundred sixteen and thirty-six hundredths (116.36) feet to a point at Lot No. 67; thence along a portion of Lots Nos. 67 and 66 North thirty-five (35) degrees forty-one (41) minutes twenty-one (21) seconds West, seventy-four and forty-eight hundredths (74.48) feet to a point at corner of Lot No. 75; thence along Lot No. 75 North sixty (60) degrees forty-one (41) minutes forty-one (41) seconds East, one hundred thirty-six and forty-one hundredths (136.41) feet to a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle; thence along the Western edge of such fifty (50.00) foot right-of-way by a curve to the left, the radius of which is two hundred forty and nineteen hundredths (240.19) feet, an arc distance of seventy-five and twenty-three hundredths (75.23) feet and having a long chord bearing and distance of South twenty (20) degrees nineteen (19) minutes fifty-seven (57) seconds East, seventy-four and ninety-two hundredths (74.92) feet to a point, the place of BEGINNING.

CONTAINING 9,205.8 square feet.

Premises being: 40 Bonfield Circle, Gettysburg, PA 17325

Tax Parcel No. 9-88

SEIZED and taken into execution as the property of **William F. Walls, Jr.** 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 July 9, 2001, 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.

5/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-212 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 June, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, PA which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pa. Of a Declaration dated September 13, 1996 and recorded October 18, 1996, in Record Book 58, page 41 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 37 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

BEING A PART OF THE SAME PREMISES WHICH York Development associates by deed dated April 17, 1996 in the Recorder of Deeds Office in and for York County, Pennsylvania in Record Book 1240, page 085, granted and conveyed unto Philip R. Garland, t/d/b/a Garland Construction, Grantor herein.

ALSO BEING A PART OF THE SAME PREMISES WHICH H. John Spalding and Phyllis Spalding, by deed dated April 17, 1996 in the Recorder of Deeds Office in and for York County, Pennsylvania in Record Book 1240, Page 088, granted and conveyed unto Philip R. Garland, t/d/b/a Garland Construction, Grantor herein.

Premises being: 21 Oxford Court, New Oxford, PA 17350

Tax Parcel No. (34)5-184A

SEIZED and taken into execution as the property of **James D. Bennett a/k/a James D. Bennett, Jr. & Rebecca A. Bennett** 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 July 9, 2001, 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.

5/11, 18 & 25

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, May 14, 2001, at 9:00 o'clock a.m.

WRIGHT—Orphans' Court Action Number OC-24-01. The First and Final Account of Ronald H. Smith, Executor of the Estate of Mandle B. Wright, deceased, late of Butler Township, Adams County, Pennsylvania.

KRUMRINE—Orphans' Court Action Number OC-26-01. The First and Final Account of Edward Francis Staley, Executor of the Estate of Berenice E. Krumrine, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

WHITNEY—Orphans' Court Action Number OC-27-01. The First and Final Account of Larry E. Whitney and Ruth E. Garlach, Executors of the Estate of John H. Whitney, deceased, late of Franklin Township, Adams County, Pennsylvania.

ARTER—Orphans' Court Action Number OC-29-01. The First and Final Account of PNC Bank, National Association, Executor of the Estate of Hildah D. Arter a/k/a Hildah J. Arter, deceased, late of the Borough of Littlestown, Adams County, Pennsylvania.

FREEMAN—Orphans' Court Action Number OC-32-01. The First and Final Account of Allfirst Trust Company of Pennsylvania, N.A., Executor for the Estate of Elizabeth H. Freeman, deceased, late of Oxford Township, Adams County, Pennsylvania.

HAINES—Orphans' Court Action Number OC-33-01. The First and Final Account of Ethlyn C. Haines, Executrix of the Estate of Archie McKenzie Haines, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

5/4 & 11

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MARTIN D. ARNDT, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: Herbert M. Arndt, 2258 Coon Road, Aspers, PA 17304

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

ESTATE OF RUTH C. BARNES a/k/a RUTH V. BARNES, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Julie B. Maher, 78 North Ridge Road, Thomasville, PA 17364

ESTATE OF DONALD E. CROUSE, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Allen Crouse, 19 Main Street, Fairfield, PA 17320

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

ESTATE OF REBA J. DUTTERER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl Silex, 100 W. Pennsylvania Ave., Towson, MD 21204

ESTATE OF GRACE S. ERNST a/k/a GRACE CHRISTINA ERNST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gregory A. Ernst, 241 South Jefferson Street, Hanover, PA 17331

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

ESTATE OF THOMAS S. HALSEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Robert G. Signor, 525 Herrs Ridge Road, Gettysburg, PA 17325; Florence Oyler Lewis, 1000 Franklin Avenue, Apt. 517, Baltimore, MD 21221

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

ESTATE OF IRENE E. INSKIP, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: Anita Inskip Schulze, 5 Curtis Drive, East Berlin, PA 17316; Jack L. Inskip, 460 Moritz Rd., Orrtanna, PA 17353; Randall B. Inskip, 105 Spring Creek Circle, Gettysburg, PA 17325

ESTATE OF RUTH ROHM KARNS, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: William C. Karns, 49 Maryland Avenue, Littlestown, PA 17340

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

ESTATE OF ALICE E. KLUNK, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Terry L. Goodling, 10 Meadow View Drive, Hanover, PA 17331

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

ESTATE OF DEVON JAMES LAUGHMAN, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Administrator: Darwin J. Laughman, 15 Sherman Drive, East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq.

ESTATE OF DAVID J. RAFFENS-PERGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Madeline D. Kuhn, 200 Sanders Road, Fairfield, PA 17320

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

ESTATE OF HAZEL M. SANDERS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Sandra S. Flickinger, 302 Lincolnway East, New Oxford, PA 17350

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

SECOND PUBLICATION

ESTATE OF SARAH M. GROUPE, DEC'D

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

Co-Executors: Clyde L. Groupe and Leona W. Clapper; c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews

ESTATE OF MARY C. LEMMON a/k/a MARY CECELIA LEMMON, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: David E. Lemmon, 333 Boundary Avenue, Hanover, PA 17331

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

ESTATE OF CARROLL A. LIPPY a/k/a CARROLL ARTHUR LIPPY, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Carol J. Groft, Linda L. Hoke, Wesley E. Lippy, Cathy L. Reisinger, Administrators c/o Linda L. Hoke, 1272 Moulstown Road N., Hanover, PA 17331

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

ESTATE OF RAYMOND B. NELL, JR., DEC'D

Late of Reading Township, Adams County, Pennsylvania

John Nell, 2575 Halle Drive, Medina, OH 44256; Kathy Ferguson, 535 W. Sycamore, Kokomo, IN 46901

Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316

ESTATE OF VIOLA E. RODGERS a/k/a VIOLA E. FUNT, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: R. Claire Wolf, 463 Upper Temple Road, Biglerville, PA 17307

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

THIRD PUBLICATION

ESTATE OF EVELYN K. HORWEDEL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Francis E. Horwedel, 19 Michael Street, Hanover, PA 17331

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

(continued on page 6)

THIRD PUBLICATION (continued)

ESTATE OF FRANCES G. SWOPE
a/k/a FRANCES G. ASHBAUGH, DEC'D
Late of Cumberland Township, Adams
County, Pennsylvania

Executor: Charles B. Ashbaugh, 200
Bradshaw Drive, Sanford, FL 32771

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

ESTATE OF C. HARRIETTE TRAVIS,
DEC'D

Late of the Borough of Carroll Valley,
Adams County, Pennsylvania

Executrix: Karen A. Sutch, 11 Aspen
Trail, S.W., Fairfield, PA 17320

ESTATE OF GLADYS A. WEILAND a/k/a
GLADYS S. WEILAND, DEC'D

Late of Cumberland Township, Adams
County, Pennsylvania

Executors: Glenn Robert Weiland, 90
Confederate Drive, Gettysburg, PA
17325; Adams County National
Bank, P.O. Box 4566, Gettysburg,
PA 17325

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

ESTATE OF SARA E. WHITE, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executor: Harvey M. White, 105 South
Columbus Street, Beverly Hills, FL
34465

Attorney: John A. Wolfe, Esq., 47 W.
High St., Gettysburg, PA 17325

ESTATE OF CHARLES W. WOLF, DEC'D

Late of Cumberland Township, Adams
County, Pennsylvania

Administrator C.T.A.: Karen B. Arthur,
105 Hoke Drive, Gettysburg, PA
17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 00-S-494 issuing out of
the Court of Common Pleas of Adams
County, and to me directed, will be ex-
posed to Public Sale on Friday, the 8th
day of June, 2001, at 10:00 o'clock in the
forenoon at the Courthouse in the
Borough of Gettysburg, Adams County,
PA, the following Real Estate, viz.:

TRACT NO. 1

BEGINNING at a post at corner of
lands of the Estate of W.A. Dutters;
thence by said land South 59 degrees
West, about 118 feet to the East side of
South Monarch Street; thence by said
Street, North 41 degrees West, about
468 feet to a corner at reserve road
along land of the Littlestown Board of
Trade; thence along said road, North 59
degrees East, about 118 feet to line of
land of said estate; thence by same
South 41 degrees East, about 465 feet to
the place of BEGINNING.

TRACT NO. 2

BEGINNING at the corner of other
lands of the said Littlestown Silk
Company and on line of lands of the
Estate of W.A. Dutters, deceased;
thence by land of said estate, South 59
degrees West, 167.5 feet to a point at a
public alley; thence along the East side
of said alley North 41 degrees West, 468
feet to a point; thence North 59 degrees
East, 167.5 feet to a corner of the afore-
said other lands of said Company;
thence by lands of the said Company,
South 41 degrees East, 468 feet to the
place of BEGINNING. CONTAINING
78,390 Square Feet (1 Acre and 128
Perches) of land, more or less.

SEIZED and taken into execution as
the property of **Dale A. Roberts, Paul
E.V. Foltz, David M. Belt Co-Partners
T/A Foltz Architectural Millwork** 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 July 2, 2001,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions are filed thereto within 10 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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

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

4/27, 5/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 01-S-129 issuing out of
the Court of Common Pleas of Adams
County, and to me directed, will be ex-
posed to Public Sale on Friday, the 8th
day of June, 2001, 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 parcel of land sit-
uate in Huntingdon Township, Adams
County, Pennsylvania, more particularly
bounded and described as follows:

BEGINNING at a point in the center of
Township Route 582 (Fickes School
Road) at land of Richard P. Fallinger;
thence in the center of the Fickes School
Road North 30 degrees 54 minutes 20
seconds East, passing under an existing
R.E.A., over electric line utility easement,
272.85 feet to a point at other land of
Charles S. Scott, et ux; thence along
land of Charles S. Scott, et ux, South 59
degrees 30 minutes 00 seconds East,
passing through a set concrete monu-
ment 25.00 feet from the beginning of
this course, 210.00 feet to a set concrete
monument; thence along other land of
Charles S. Scott, et ux, South 30
degrees 54 minutes 20 seconds West,
passing under aforesaid R.E.A. ease-
ment, 272.85 to a steel pin at land of
Richard P. Fallinger; thence along land of
Richard P. Fallinger, North 59 degrees
30 minutes 00 seconds West, passing
through a found steel pin 20.93 feet from
the end of this course, 210.00 feet to a
point in the center of Fickes School
Road, the place of BEGINNING. CON-
TAINING 1.3153 acres.

SEIZED and taken into execution as
the property of **Beatrice M. Price** 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 July 2, 2001,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions are filed thereto within 10 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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

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

5/4, 11 & 18

Adams County Legal Journal

Vol. 42

May 18, 2001

No. 51, pp. 283-288

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-160 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 June, 2001, 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 Lot of ground with improvements thereon, situate in the Borough of Bendersville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post for a corner at land now or formerly of Mrs. Mary E. Hoover; thence South 28-1/2 degrees East along South Main St. 4.24 perches to a post for a corner at a 20 foot alley; thence along said alley, South 63 degrees West 8 perches to a corner at an alley; thence along said alley, North 28-1/2 degrees West 4.24 perches to a post at a corner of lands now or formerly of said Mary E. Hoover; thence along land now or formerly of said Mary E. Hoover, North 63 degrees East 8 perches to place of BEGINNING. CONTAINING 34 perches, more or less.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey E. Cramer by Deed from Robert H. Orner and Evelyn R. Orner, his wife dated 6/8/1990, recorded 6/8/1990, in Record Book 558, Page 160.

Premises being: 105 South Main Street, Bendersville, PA 17306

Tax Parcel No. #3-28

SEIZED and taken into execution as the property of **Jeffrey Cramer** 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 July 9, 2001, 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.

5/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, 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, more particularly bounded and described as follows:

BEGINNING at a R.R. spike in L.R. 01011 at corner of Tract No. 3 referred to on draft of survey hereinafter referred to; thence along Tract No. 3 South 51 degrees 48 minutes 00 seconds East, 479.51 feet to an iron pin; thence South 25 degrees 17 minutes 40 seconds West, 165.62 feet to a post at land of S. Eugene Witter and Earl D. Laughman; thence by land of Earl D. Laughman North 53 degrees 48 minutes 40 seconds West, 516.00 feet to a R.R. spike in the aforementioned L.R. 01011; thence along Tract No. 1 on the draft of survey hereinafter referred to North 47 degrees 15 minutes 15 seconds West, 745.76 feet to an iron pin; thence by land of Eddie E. Diveley North 60 degrees 26 minutes 15 seconds East, 181.38 feet to stones; thence North 56 degrees 09 minutes 30 seconds East, 171.38 feet to an iron pin at land of N. Beatrice Asper; thence by same South 49 degrees 54 minutes 30 seconds East 620.58 feet to a R.R. spike in L.R. 01011 aforesaid; thence in such L.R. 01011 South 37 degrees 56 minutes 20 seconds West, 190.00 feet to a R.R. spike in such L.R. 01011, the place of BEGINNING. CONTAINING 7.461 acres. Designated as Tract No. 2 on the hereinafter referred to draft of survey.

The above description was taken from draft of survey prepared by Boyer Surveys on July 18, 1975 and designated as "Property of Alda M. Sheaffer Harman and Glen F. Sheaffer - Deed Book 276, Page 287."

EXCEPTING THEREOUT AND THEREFROM:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a R.R. Spike in the center of L.R. 01011 at corner of property of Glen F. Sheaffer and Dollie V. Keefer, referred to on Survey prepared

by Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979; thence South 51 degrees, 48' 00" West 479.51' along lands of Glen F. Sheaffer and Dollie V. Keefer, to an iron pin at land of S. Eugene and Anna Mae Witter; thence South 25 degrees, 17', 40" West 165.62' along lands of S. Eugene and Anna Mae Witter, to a post; thence North 53 degrees, 48', 40" West 516.00' along lands of Earl D. Laughman to a railroad spike in such L.R. 01011; thence in and through L.R. 01011 North 37 degrees, 56', 20" East 179.55' to the place of BEGINNING. CONTAINING 1.951 acres, designated as "Lot 2" on the herein referred to survey of Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979.

SEIZED and taken into execution as the property of **Alda M. Harman** 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 July 2, 2001, 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.

5/4, 11 & 18

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed by CONSOLIDATED CARD & SUPPLY, INC. with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of incorporating under the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended and supplemented.

Countess Gilbert Andrews
By: John D. Flinchbaugh, Esq.
Solicitors

5/18

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-679 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 June, 2001, 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 the Borough of Carroll Valley, formerly Liberty Township, Fairfield, Adams County, Pennsylvania, being Lot #211 in Section B, bounded and described as follows:

BEGINNING at a point in the center of Eagles Trail at Lot #210; thence by said lot, North 03 degrees 21 minutes 40 seconds West, 200 feet to Lot #139; thence by said lot, North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot #212; thence by said lot, South 03 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail, South 86 degrees 38 minutes 20 seconds West, 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section B Supplemental, Charnita" dated July 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 4, Page 654.

TITLE TO SAID PREMISES IS VESTED IN Kenneth A. Peare and Cheryl A. Peare, husband and wife, by Deed from John William Huntermark and Donna Marie Huntermark, husband and wife, by their attorney-in-fact, Cathy Olson, dated 4/14/1995 recorded 4/18/1995 in Record Book 1018 page 77.

Premises being: 10 Eagles Trail, Fairfield, PA 17320

Tax Parcel No. #30-68

SEIZED and taken into execution as the property of **Kenneth A. & Cheryl A. Peare** 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 July 9, 2001, 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.

5/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-206 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 June, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle at corner of Lot No. 73 on the draft of survey hereinafter referred to; thence along Lot No. 73 South sixty (60) degrees forty-one (41) minutes forty-one (41) seconds West, one hundred sixteen and thirty-six hundredths (116.36) feet to a point at Lot No. 67; thence along a portion of Lots Nos. 67 and 66 North thirty-five (35) degrees forty-one (41) minutes twenty-one (21) seconds West, seventy-four and forty-eight hundredths (74.48) feet to a point at corner of Lot No. 75; thence along Lot No. 75 North sixty (60) degrees forty-one (41) minutes forty-one (41) seconds East, one hundred thirty-six and forty-one hundredths (136.41) feet to a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle; thence along the Western edge of such fifty (50.00) foot right-of-way by a curve to the left, the radius of which is two hundred forty and nineteen hundredths (240.19) feet, an arc distance of seventy-five and twenty-three hundredths (75.23) feet and having a long chord bearing and distance of South twenty (20) degrees nineteen (19) minutes fifty-seven (57) seconds East, seventy-four and ninety-two hundredths (74.92) feet to a point, the place of BEGINNING.

CONTAINING 9,205.8 square feet.

Premises being: 40 Bonniefield Circle, Gettysburg, PA 17325

Tax Parcel No. 9-88

SEIZED and taken into execution as the property of **William F. Walls, Jr.** 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 July 9, 2001, 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.

5/11, 18 & 25

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on April 27, 2001 by KELLER-STONEBRAKER INSURANCE, INC., a foreign corporation formed under the laws of the State of Maryland where its principal office is located at 1120 Professional Court, Hagerstown, Maryland 21740 for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Adams County.

5/18

GMAC VS. CRAWFORD

1. The party moving for summary judgment has the burden of proving there is no genuine issue of material fact. Once a motion for summary judgment has been properly supported, the burden is on the non-movant to disclose evidence that is the basis for her argument resisting summary judgment.

2. Generally, in an action of mortgage foreclosure, entry of summary judgment is proper even though defendant never admits the amount of indebtedness, where it is admitted that the mortgage is in default, the mortgagor has failed to pay interest on the obligation, and the recorded mortgage is in the specified amount.

3. Defendant may not rely on Rule 1029(c) to excuse a failure to make a specific denial when it is clear that she must know whether a particular allegation is true or false.

4. It is well established that in any mortgage foreclosure action, matters which may constitute personal liability on the part of another person are inappropriate as defenses. When a mortgaged property is owned by a husband and wife as tenants by the entirety, whether the husband or wife is responsible for the default is immaterial.

5. Defendant was duty bound to know enough to deny specifically the factual allegations of the complaint.

6. Parties are generally considered to have sufficient knowledge on which to base a specific denial.

7. As a general rule, attorney fees which are reasonable are permitted. A collection fee of five percent is not unreasonable or excessive.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 99-S-975, GMAC MORTGAGE CORPORATION OF PA.
VS. BRYAN J. CRAWFORD AND VICKI L. CRAWFORD.

Joshua B. Sears, Esq., for Plaintiff

Lynn C. Peterson, Esq., for Defendant

Spicer, P.J., June 12, 2000.

OPINION ON MOTION FOR SUMMARY JUDGMENT

Plaintiff seeks summary judgment in its action of mortgage foreclosure. The complaint¹, filed October 29, 1999, names Bryan J. Crawford and his wife Vicki L. Crawford as Defendants. For purposes of simplicity, when we refer to "defendant" we mean Vicki L. Markel. Plaintiff, GMAC Mortgage Corporation, alleged that defendants executed and delivered a mortgage to plaintiff for premises known as 60 Valley Drive, Hanover, on August 4, 1988. Plaintiff alleges that defendants have been in default since May 1, 1999.

The record is somewhat curious. On January 19, 2000, plaintiff entered default judgment against both defendants, in the amount of

¹The complaint as filed contained a notice to defend.

\$68,534.51, because neither had filed an answer. However, on March 2, 2000, plaintiff vacated its judgment as to defendant (Vicki L. Crawford,) and indicated that she filed an answer with new matter on or around January 12, 2000. However, to date, no answer has been filed with the Prothonotary.²

Plaintiff moved for Summary Judgment on March 29, 2000, and filed a supporting affidavit and numerous exhibits. It was within this collection of documents that we discovered a copy of an unfiled answer. In this answer, defendant admitted executing the mortgage, but denied any knowledge of default. She averred that she never received notice of default from mortgagee and pursuant to a separation agreement subsequently incorporated into a Decree of Divorce, her ex-husband and co-tenant and defendant Bryan Crawford was obligated to make the mortgage payments on the premises. Plaintiff filed a Reply to Defendant's New Matter on February 10, 2000. Defendant's answer is the only evidence of activity on her part in this action. She provided no counteraffidavit, filed no brief and failed to appear at oral argument scheduled for May 30, 2000.

Rule of Civil Procedure 1035.2(1) provides that any party may move for summary judgment whenever there is no genuine issue of any material fact as to a necessary element of the cause of action, or concerning any defense which could be established by additional discovery or expert report. Summary judgment may be granted only where the right is clear and free from doubt. *First Wisconsin Trust Co. v. Strausser*, 439 Pa. Super. 192, 653 A.2d 688 (1995). The party moving for summary judgment has the burden of proving there is no genuine issue of material fact. *Id.* Once a motion for summary judgment has been properly supported, the burden is on the non-movant to disclose evidence that is the basis for her argument resisting summary judgment. The rule permits entry of judgment for failure to respond to the motion, but does not require it. Pa. R.C.P. 1035.3(d).

Generally, in an action of mortgage foreclosure, entry of summary judgment is proper even though defendant never admits the

²Pa. R.C.P. 1026 provides that every pleading subsequent to the complaint shall be filed within 20 days after service of the preceding pleading An answer that is not filed within the required time period can be stricken by the court. *Francisco v. Ford Motor Co.*, 397 Pa. Super. 430, 580 A.2d 374 (1990), alloc. dn. 592 A.2d 1301. We can only surmise that defendant provided plaintiff with a copy, but never took the trouble to file the original.

amount of indebtedness, where it is admitted that the mortgage is in default, the mortgagor has failed to pay interest on the obligation, and the recorded mortgage is in the specified amount. *Landau v. Western Pennsylvania National Bank*, 445 Pa. 217, 225-26, 282 A.2d 335, 340 (1971); *Cunningham v. McWilliams*, Pa. Super., 714 A.2d 1054 (1998), *alloc. denied* 557 Pa. 653, 734 A.2d 861 (1998).

Plaintiff contends that defendant's denials to its allegations are too general and must be construed as admissions³ and therefore plaintiff is entitled to summary judgment. It is true that defendant may not rely on Rule 1029 (c) to excuse a failure to make a specific denial when it is clear that she must know whether a particular allegation is true or false. See *Cercone v. Cercone*, 254 Pa. Super. 381, 386 A.2d 1 (1978).

In paragraph 5 of the complaint, plaintiff alleges

5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 5/1/99 and each month

³Rule 1029 provides:

- (a) A responsive pleading shall admit or deny each averment of fact in the preceding pleading or any part thereof to which it is responsive. A party denying only a part of an averment shall specify so much of it as is admitted and shall deny the remainder. Admissions or denials in a responsive pleading shall refer specifically to the paragraph in which the averment admitted or denied is set forth.
- (b) Averments in a pleading to which a responsive pleading is required are admitted when not denied specifically or by necessary implication. A general denial or a demand for proof, except as provided by subdivisions (c) and (e) of this rule, shall have the effect of an admission.
- (c) A statement by a party that after reasonable investigation the party is without knowledge or information sufficient to form a belief as to the truth of an averment shall have the effect of a denial.
- (d) Averments in a pleading to which no responsive pleading is required shall be deemed to be denied.
- (e) In an action seeking monetary relief for bodily injury, death or property damage, averments in a pleading to which a responsive pleading is required may be denied generally except the following averments of fact which must be denied specifically:
 - (1) averments relating to the identity of the person by whom a material act was committed, the agency or employment of such person and the ownership, possession or control of the property or instrumentality involved;
 - (2) if a pleading seeks additional relief, averments in support of such other relief; and
 - (3) averments in preliminary objections.

thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith. A copy of such notice is attached as exhibit A.

Paragraph 5 of defendant's answer avers

5. Admitted in part, denied in part. Pursuant to a Separation Agreement dated September 19, 1989 and incorporated into a Decree of Divorce dated December 27, 1989 issued by the Court of Common Pleas of York County, Pennsylvania under case number 89-SU-04336-02D, co-defendant, Bryan Crawford was obligated to make the averred mortgage payments. After reasonable investigation answering defendant has no knowledge regarding whether the payments were made or not. Answering defendant also denies receiving any notice of default as set forth in Exhibit "A" of the Complaint.

Paragraph 6 of plaintiff's complaint alleges the total amount due including principal balance, interest, attorney's fees, late charges, cost of suit and title search.

Defendant responded in her answer:

6. Denied. After reasonable investigation answering defendant has no knowledge regarding the outstanding balance due, if any.

Additionally, by way of New Matter, defendant has pleaded the separation/divorce agreement, as alleged in paragraph 5 of the Answer, as an affirmative defense. It is well established that in any mortgage foreclosure action, matters which may constitute personal liability on the part of another person are inappropriate as defenses. 22 Standard Pennsylvania Practice 2d § 121:59. When a mortgaged property is owned by a husband and wife as tenants by the entirety, whether the husband or wife is responsible for the default is immaterial. *Signal Consumer Discount Co. v. Pirt*, 16 D&C 3d 782 (1980).

Since plaintiff was not a party to the separation agreement, it is not bound by its terms. Both mortgagors were obligated to pay the mortgage in accordance with its terms. This being so, we feel that defendant was duty bound to know enough to deny specifically the factual allegations of the complaint. Failure to do so would result in her answer being construed as an admission. *Id.*; *New York Guardian*

Mortgage Corporation v. Dietzel, 362 Pa. Super. 426, 524 A.2d 951 (1987). Parties are generally considered to have sufficient knowledge on which to base a specific denial. *Id.* Co-defendant's obligation to make the payments on the mortgage cannot be construed to affect mortgagee's rights under the instrument. We feel that defendant's denial of any knowledge of default is unavailing and that her ex-husband's dereliction can be imputed to her. Her answer may be viewed as a general denial and therefore an admission.

Even if it were otherwise, she has clearly admitted that she, herself, made no payments. Her former husband has, in default of an answer, similarly admitted that he failed to make payments. We find this sufficient reason to allow summary judgment.

As previously indicated, defendant avers she never received notice of default. Defendant, however, admits that the mortgage is not a "residential mortgage" as defined by the Loan Interest and Protection Law (Act 6), 41 P.S. § 101 et seq. "Residential mortgage" as defined by the Act is "an obligation to pay a sum of money in an original bona fide principal amount of fifty thousand dollars (\$50,000) or less, ...". The original amount of defendant's mortgage was \$67,000.00. Likewise, defendant admits that she and co-defendant are not residing in the mortgaged property. Defendant does not therefore satisfy the preliminary requirements of the Homeowner's Emergency Assistance Act (Act 91), 35 P.S. § 1680.401c(a)(1) and is not entitled to the protections afforded by the Act.

Plaintiff alleges sending notice to defendants as required by the mortgage contract. Paragraph 14 of the mortgage provides:

14. Notices. Any notices to Borrower provided for in this Security Instrument shall be given by delivering it or by mailing it by first class mail unless applicable law requires use of another method. The notice shall be directed to the Property Address or any other address Borrower designates by notice to Lender. Any notice provided for in this Security Instrument shall be deemed to have been given to Borrower or Lender when given as provided in this paragraph.

Plaintiff was not required to do any more to prove notice has been sent. Defendant has rested on her pleadings.

Paragraph 6 and 7 of plaintiff's complaint allege attorney's fees due as a result of the mortgage foreclosure action. Defendant's answer is again considered an admission, since it is in the form of a general denial. Defendant has not averred that the fees are unreasonable, but that after reasonable investigation she has no knowledge regarding the fees. Referring to the mortgage contract, paragraph 19 clearly indicates that "the lender is entitled to collect all expenses incurred in pursuing remedies associated with the default including but not limited to attorneys' fees and costs of title evidence to the extent permitted by applicable law." As a general rule, attorney fees which are reasonable are permitted. *Citicorp Mortgage, Inc. v. Morrisville Hampton Village Realty Ltd. Partnership*, 443 Pa. Super. 595, 662 A.2d 1120, *alloc. dn.* 549 Pa. 723, 402 A.2d 1058 (1997). A collection fee of five percent is not unreasonable or excessive. *Galligan v. Heath*, 260 Pa. 457, 103 A. 878 (1918); *Foulke v. Hatfield Fair Grounds Bazaar, Inc.*, 196 Pa. Super. 155, 159, 173 A.2d 703, 706 (1961).

Since we find there is no genuine issue of material fact and defendant has not responded to the motion by affidavit or otherwise, plaintiff is entitled to summary judgment as a matter of law.

ORDER

AND NOW, this 12th day of June, 2000, Summary Judgment is granted as requested in favor of Plaintiff and against Defendant.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-212 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 June, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, PA which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pa. Of a Declaration dated September 13, 1996 and recorded October 18, 1996, in Record Book 58, page 41 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 37 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

BEING A PART OF THE SAME PREMISES WHICH York Development associates by deed dated April 17, 1996 in the Recorder of Deeds Office in and for York County, Pennsylvania in Record Book 1240, page 085, granted and conveyed unto Philip R. Garland, t/d/b/a Garland Construction, Grantor herein.

ALSO BEING A PART OF THE SAME PREMISES WHICH H. John Spalding and Phyllis Spalding, by deed dated April 17, 1996 in the Recorder of Deeds Office in and for York County, Pennsylvania in Record Book 1240, Page 088, granted and conveyed unto Philip R. Garland, t/d/b/a Garland Construction, Grantor herein.

Premises being: 21 Oxford Court, New Oxford, PA 17350

Tax Parcel No. (34)5-184A

SEIZED and taken into execution as the property of **James D. Bennett a/k/a James D. Bennett, Jr. & Rebecca A. Bennett** 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 July 9, 2001, 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.

5/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2001, 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 parcel of land situate in Huntington Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of Township Route 582 (Fickes School Road) at land of Richard P. Fallinger; thence in the center of the Fickes School Road North 30 degrees 54 minutes 20 seconds East, passing under an existing R.E.A., over electric line utility easement, 272.85 feet to a point at other land of Charles S. Scott, et ux; thence along land of Charles S. Scott, et ux, South 59 degrees 30 minutes 00 seconds East, passing through a set concrete monument 25.00 feet from the beginning of this course, 210.00 feet to a set concrete monument; thence along other land of Charles S. Scott, et ux, South 30 degrees 54 minutes 20 seconds West, passing under aforesaid R.E.A. easement, 272.85 feet to a steel pin at land of Richard P. Fallinger; thence along land of Richard P. Fallinger, North 59 degrees 30 minutes 00 seconds West, passing through a found steel pin 20.93 feet from the end of this course, 210.00 feet to a point in the center of Fickes School Road, the place of BEGINNING. CONTAINING 1.3153 acres.

SEIZED and taken into execution as the property of **Beatrice M. Price** 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 July 2, 2001, 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.

5/4, 11 & 18

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 Friday, June 1, 2001, at 9:00 o'clock a.m.

MILLER—Orphans' Court Action Number OC-37-01. The First and Final Account of Todd D. Smeach and Gary Miller, Executors of the Last Will and Testament of Josephine G. Miller, deceased, late of Union Township, Adams County, Pennsylvania.

HARTMAN—Orphans' Court Action Number OC-123-00. The First and Final Account of Merial E. Heldt and Rena Susan Rebert, Administrators c.t.a. of the Last Will and Testament of Francis B. Hartman, deceased, late of Cumberland Township, Adams County, Pennsylvania.

NACE—Orphans' Court Action Number OC-39-01. The First and Final Account of Allfirst Trust Company of Pennsylvania, N.A., Executor of the Estate of Isabelle L. Nace, deceased, late of Oxford Township, Adams County, Pennsylvania.

GENTLE—Orphans' Court Action Number OC-40-01. The First and Final Account of Bernard A. Yannetti, Jr., Administrator of the Estate of Alan G. Gentle, deceased, late of the Borough of Fairfield, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

5/18 & 25

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about April 9, 2001 for the incorporation of ASSEMBLY TECHS, INC. under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of the assembly of products offered for sale in large chain retail stores, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 1230 Baltimore Pike, Gettysburg, Pennsylvania 17325.

Gary E. Hartman, Esq.
Hartman & Yannetti
Solicitor

5/18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-161 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2001, 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 Butler Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point in the center of Township Road T-348 at the northern-most corner of Lot No. 3 on said plan of lots referred to below; thence in said Township Road, North 49 degrees East 155.75 feet to a railroad spike in the center of said Road; thence by land now or formerly of Nellie M. Deckert and running through a reference pipe located 25 feet from the beginning of this line, South 41 degrees East 175 feet to a pipe; thence by the same, South 49 degrees West 155.75 feet to a point at the easternmost corner of Lot No. 3 on a plan of lots referred to below; thence by said Lot No. 3, North 41 degrees West 175 feet to a point in the center of Township Road T-348, the place of BEGINNING.

CONTAINING 27,256 square feet, and designated as Lot No. 4 on the plan of lots referred to below.

THE foregoing description was obtained from a plan of lots prepared by Adams County Surveyors, J. Riley Redding, Registered Surveyor, dated September 24, 1976, which plan of lots is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 12 at Page 25.

Premises being: 1365 Belmont Road, Gettysburg, PA 17325

Tax Parcel No. E10-90

SEIZED and taken into execution as the property of **Robert Smith & Geraldine M. Smith (deceased)** 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 August 13, 2001, 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.

5/18, 25 & 6/1

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

In re: First and Final Account of Allfirst Trust Company of Pennsylvania, and Donna N. Lippy, Co-Trustees of the Trust Under Agreement of Isabelle L. Nace, Settlor, dated December 21, 1992-Adams County Orphans' Court No. 1-98-26.

TO ALL PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the First and Final Account of Allfirst Trust Company of Pennsylvania, N.A. and Donna N. Lippy, Co-Trustees of the above captioned trust, has been filed in the Office of the Clerk of the Orphans' Court and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on June 1, 2001, at 9:00 a.m.

This Account will be available for inspection and review at the Clerk of the Court's Office, Adams County Court House, or at the Allfirst Trust Company of Pennsylvania, N.A., 13 Baltimore Street, Hanover, PA, or at the office of Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA. Objections thereto can be raised by filing same with the said Clerk of Courts or by stating same in Court, at the time of confirmation.

Peggy J. Breighner, Clerk
Stonesifer and Kelley, P.C.,
Attorney for Trustees

5/18 & 25

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on April 5, 2001, 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 **GEORGE'S ENTERPRISES, 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.

George's Enterprises, Inc.
942 Heritage Drive
Gettysburg, PA 17325-8965

5/18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-179 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on June 29, 2001 Sale Continued To: Friday, the 21st day of September, 2001, 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 along the eastern side of Gettysburg Street in the Borough of Arendtsville, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a spike in Gettysburg Street, at corner of land now or formerly of William R. Hale; thence by land of William R. Hale, North 78 degrees 55 minutes East, 141.3 feet to an iron pin; thence by the same, North 7 degrees 10 minutes East, 152 feet to an iron pin; thence by land formerly of Ernest Bushman, North 87 degrees 4 minutes West, 200 feet to a point in Gettysburg Street; thence in Gettysburg Street, South 12 degrees 30 minutes East, 192.5 feet to a spike, the place of BEGINNING.

Tax Parcel #6-98

SEIZED and taken into execution as the property of **Kitty M. Clouse** 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 October 15, 2001, 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.

5/18, 25 & 6/1

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF CHARLES ISREAL GRIM a/k/a CHARLES I. GRIM, DEC'D

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

Executors: Susan A. Spangler and Paul A. Grim, c/o Kagen, MacDonald & France, P.C., 2675 Eastern Boulevard, York, PA 17402

Attorney: Andrew F. Kagen, Esq., 2675 Eastern Boulevard, York, PA 17402

ESTATE OF SARAH E. HARNER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Barbara J. Zumbum, 243 Bollinger Road, Littlestown, PA 17340

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF STANLEY W. HULL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Louise S. Hull, 970 Mummasburg Road, Gettysburg, PA 17325

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

ESTATE OF RAYMOND W. LUCKENBAUGH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gary Luckenbaugh, 20405 Rainbowview Terrace, Montgomery Village, MD 20886; Eric Luckenbaugh, 31 Hetrick Court, Palmyra, PA 17078

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF STERLING N. MCCAUSLIN, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Maurice E. Pitzer, Jr., 859 Brysonia-Wenksville Road, Biglerville, PA 17307

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EDNA MARY SOWERS a/k/a EDNA M. SOWERS, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executors: Roger K. Sowers, 786 White Oak Tree Rd., Gardners, PA 17324; Anne M. Heller, 107 Georgetown Rd., Gardners, PA 17324; Ted E. Sowers, 339 Balltown Rd., Gardners, PA 17324

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF LESTER M. TAYLOR, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Jeffrey D. McCleaf, 1120 Center Mills Road, Aspers, PA 17304

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

SECOND PUBLICATION

ESTATE OF MARTIN D. ARNDT, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: Herbert M. Amdt, 2258 Coon Road, Aspers, PA 17304

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

ESTATE OF RUTH C. BARNES a/k/a RUTH V. BARNES, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Julie B. Maher, 78 North Ridge Road, Thomasville, PA 17364

ESTATE OF DONALD E. CROUSE, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Allen Crouse, 19 Main Street, Fairfield, PA 17320

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

ESTATE OF REBA J. DUTTERER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl Silex, 100 W. Pennsylvania Ave., Towson, MD 21204

ESTATE OF GRACE S. ERNST a/k/a GRACE CHRISTINA ERNST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gregory A. Ernst, 241 South Jefferson Street, Hanover, PA 17331

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

ESTATE OF THOMAS S. HALSEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Robert G. Signor, 525 Herrs Ridge Road, Gettysburg, PA 17325; Florence Oylar Lewis, 1000 Franklin Avenue, Apt. 517, Baltimore, MD 21221

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

ESTATE OF IRENE E. INSKIP, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: Anita Inskip Schulze, 5 Curtis Drive, East Berlin, PA 17316; Jack L. Inskip, 460 Moritz Rd., Orrtanna, PA 17353; Randall B. Inskip, 105 Spring Creek Circle, Gettysburg, PA 17325

ESTATE OF RUTH ROHM KARNS, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: William C. Karns, 49 Maryland Avenue, Littlestown, PA 17340

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

ESTATE OF ALICE E. KLUNK, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Terry L. Goodling, 10 Meadow View Drive, Hanover, PA 17331

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

ESTATE OF DEVON JAMES LAUGHMAN, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Administrator: Darwin J. Laughman, 15 Sherman Drive, East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq.

ESTATE OF DAVID J. RAFFENSBERGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Madeline D. Kuhn, 200 Sanders Road, Fairfield, PA 17320

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

(continued on page 6)

SECOND PUBLICATION (continued)

ESTATE OF HAZEL M. SANDERS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Sandra S. Flickinger, 302 Lincolnway East, New Oxford, PA 17350

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

THIRD PUBLICATION

ESTATE OF SARAH M. GROUPE, DEC'D

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

Co-Executors: Clyde L. Groupe and Leona W. Clapper; c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews

ESTATE OF MARY C. LEMMON a/k/a MARY CECELIA LEMMON, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: David E. Lemmon, 333 Boundary Avenue, Hanover, PA 17331

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

ESTATE OF CARROLL A. LIPPY a/k/a CARROLL ARTHUR LIPPY, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Carol J. Groff, Linda L. Hoke, Westley E. Lippy, Cathy L. Reisinger, Administrators c/o Linda L. Hoke, 1272 Moulstown Road N., Hanover, PA 17331

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

ESTATE OF RAYMOND B. NELL, JR., DEC'D

Late of Reading Township, Adams County, Pennsylvania

John Nell, 2575 Halle Drive, Medina, OH 44256; Kathy Ferguson, 535 W. Sycamore, Kokomo, IN 46901

Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316

ESTATE OF VIOLA E. RODGERS a/k/a VIOLA E. FUNT, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: R. Claire Wolf, 463 Upper Temple Road, Biglerville, PA 17307

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

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

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

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

vs.

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

ORDER

AND NOW, this 25th day of April, 2001, an Affidavit of Service of the Complaint with Notice to Defend having been filed, and no Answer having been made by the Defendants, William Miller and Margaret Miller, and the heirs, assigns and devisees of William Miller and Margaret Miller, and upon consideration of the Motion of the Plaintiff pursuant to Pa. R.C.P. 1066(a), it is hereby ordered that a judgment by default be entered against Defendants, William Miller and Margaret Miller, and the heirs, assigns and devisees of William Miller and Margaret Miller, and directing that the ground rent obligation affecting the premises situate at 22 East Main Street, Fairfield, Adams County, Pennsylvania, and more particularly described below, is discharged, and that William Miller and Margaret Miller, and the heirs, assigns and devisees of William Miller and Margaret Miller, are forever barred from asserting any right or interest to the collection of ground rent regarding the real property or any part thereof described as follows:

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

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

Miller, Defendants, shall fail to file an Answer within 30 days after service by publication, then the Prothonotary shall enter a final judgment on Praecipe of the Plaintiffs.

5/18

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

NOTICE

TO: KATHY ELIZABETH JONES

NO. RT-1-01(B)

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 July 12, 2001, at 9:00 a.m., prevailing time, at the Courthouse at 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

5/18, 25 & 6/1

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 April 11, 2001, pursuant to the Fictitious Name Act, setting forth that Gary E. Hartman, Bernard A. Yannetti, Jr., Irene M. Hartman and Effie L. Yannetti are the only individuals interested in a business, the character of which is the purchase and management of real property, that the designation under which the business is and will be conducted is GRAYBEARD and that the location where said business is and will be conducted is 126 Baltimore Street, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr.
Solicitor

5/18

Adams County Legal Journal

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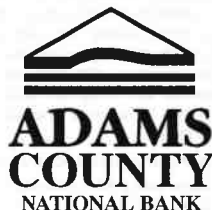
May 25, 2001

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IN THIS ISSUE

SANDERS VS. SANDERS

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)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-679 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 June, 2001, 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 the Borough of Carroll Valley, formerly Liberty Township, Fairfield, Adams County, Pennsylvania, being Lot #211 in Section B, bounded and described as follows:

BEGINNING at a point in the center of Eagles Trail at Lot #210; thence by said lot, North 03 degrees 21 minutes 40 seconds West, 200 feet to Lot #139; thence by said lot, North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot #212; thence by said lot, South 03 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail, South 86 degrees 38 minutes 20 seconds West, 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section B Supplemental, Charnita" dated July 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 4, Page 654.

TITLE TO SAID PREMISES IS VESTED IN Kenneth A. Peare and Cheryl A. Peare, husband and wife, by Deed from John William Huntermark and Donna Marie Huntermark, husband and wife, by their attorney-in-fact, Cathy Olson, dated 4/14/1995 recorded 4/18/1995 in Record Book 1018 page 77.

Premises being: 10 Eagles Trail, Fairfield, PA 17320

Tax Parcel No. #30-68

SEIZED and taken into execution as the property of **Kenneth A. & Cheryl A. Peare** 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 July 9, 2001, 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.

5/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-206 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 June, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded and described as follows, to-wit,

BEGINNING at a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle at corner of Lot No. 73 on the draft of survey hereinafter referred to; thence along Lot No. 73 South sixty (60) degrees forty-one (41) minutes forty-one (41) seconds West, one hundred sixteen and thirty-six hundredths (116.36) feet to a point at Lot No. 67; thence along a portion of Lots Nos. 67 and 66 North thirty-five (35) degrees forty-one (41) minutes twenty-one (21) seconds West, seventy-four and forty-eight hundredths (74.48) feet to a point at corner of Lot No. 75; thence along Lot No. 75 North sixty (60) degrees forty-one (41) minutes forty-one (41) seconds East, one hundred thirty-six and forty-one hundredths (136.41) feet to a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle; thence along the Western edge of such fifty (50.00) foot right-of-way by a curve to the left, the radius of which is two hundred forty and nineteen hundredths (240.19) feet, an arc distance of seventy-five and twenty-three hundredths (75.23) feet and having a long chord bearing and distance of South twenty (20) degrees nineteen (19) minutes fifty-seven (57) seconds East, seventy-four and ninety-two hundredths (74.92) feet to a point, the place of BEGINNING.

CONTAINING 9,205.8 square feet.

Premises being: 40 Bonniefield Circle, Gettysburg, PA 17325

Tax Parcel No. 9-88

SEIZED and taken into execution as the property of **William F. Walls, Jr.** 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 July 9, 2001, 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.

5/11, 18 & 25

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 4/25/01, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of AMERICAN CONTINGENCY PLANNING ASSOCIATION, with its principal place of business at 10 Boyds Schoolhouse Road, Biglerville, PA 17307. The names and addresses of the persons owning or interested in said business are Paul J. Hawthorn, residing at 10 Boyds Schoolhouse Road, Biglerville, PA 17307. The character or nature of the business is Home & Business Security, Law Enforcement/ Security Training and Personal Protection.

5/25

SANDERS VS. SANDERS

1. Foster care subsidies received by Wife are not income for the purposes of support calculations.
2. Foster care subsidies are earmarked for care of the foster children and only “[lastly]...to cover any additional household costs for having foster children placed.”
3. These (foster care) subsidies compensate for services provided by Wife in, at best, a *de minimis* and marginal fashion, and are in no way income.
4. Just as child support payments are paid by parents for the support of their children, foster care subsidies are paid by the county for support of its children, and should not be considered income and paid over to Husband as spousal support.

In the Court of Common Pleas of Adams County, Pennsylvania, Domestic Relations Court, No. 99-DR-353, KIMBERLY A. SANDERS VS. SCOTT A. SANDERS; and No. 00-DR-64, SCOTT A. SANDERS VS. KIMBERLY A. SANDERS.

Shawn P. McGlaughlin, Esq., for Plaintiff
Muriel Anne Crabbs, Esq., for Defendant
Bigham, J., June 20, 2000.

OPINION ON SCOTT SANDERS' APPEAL OF SPOUSAL SUPPORT ORDER

Scott A. Sanders (“Husband”) appealed from this Court’s March 24, 2000 Order of Support. After a *de novo* hearing on May 3, 2000, the parties were directed to submit memoranda of law by May 19, 2000, on the issue of whether foster parent subsidy payments are to be treated as income pursuant to 23 Pa.C.S. §4302 and Pa.R.C.P. 1910.16-2(a). Husband and Kimberly A. Sanders (“Wife”) have both filed memoranda¹, and the issue is now before this Court for disposition.

STATEMENT OF FACTS

On March 24, 2000, this Court entered an Order for support in favor of Wife in the amount of \$434.50 per month. The conference officer found Wife’s income to be \$713.00 per month, and Husband’s income to be \$1687.86 per month. Wife has three foster children and the conference officer found a non-taxable income of over \$3000.00 per month.

¹Wife asked that this Court disregard Husband’s memorandum because it was faxed to the Court at 10:15 p.m. on the day that the memoranda were due, where Wife mailed her memorandum by express, overnight mail to make the deadline. While the Court does not wish to sanction late filing, the Court does wish to make a most-informed and educated decision, and relies upon counsel of record to assist in the process. Pursuant to Rule of Civil Procedure 126, the Court will disregard Husband’s defect of procedure, as it does not affect any substantial rights of the parties.

LEGAL DISCUSSION

In appeals from orders granting, denying or modifying support, the Court holds a *de novo* hearing and review of the record. Pa.R.C.P. 1910.11(i).

Husband argues that the funds received by Wife as foster parent subsidies should be imputed to her as income, such that Husband himself is entitled to a favorable spousal support Order. In the alternative, Husband argues that the foster parent subsidies are a factor that merits a downward deviation as “other income in the household” per Rule 1910.16-5(a)(3). Husband points to the specific exclusion of social security and welfare payments from the definition of income. Husband also relies on the Superior Court’s decision in *Landis v. Landis*, 456 Pa.Super. 272 (1997) as permitting a court to consider social security income and to deviate from the guidelines to avoid an unjust result.

In support, Husband states that, during marriage, the couple served as foster parents and received an average of \$28,000.00 per year for the years 1996 through 2000 as compensation. Husband states that Wife even testified that some of the reimbursement funds were used for daily household expenditures” and as such, constitute “other income in the household.” Husband notes that the foster parent reimbursement form states that the reimbursement is provided in exchange for “the services” provided by the foster parents. Husband points to the \$9,540.00 received by Wife as direct Social Security Disability payments, which includes medical coverage. Husband concludes that Wife has a non-taxable income of over \$37,000.00 per year, where his net income is only \$20,000.00. The current Order requires Husband to pay to Wife 40% of the difference between their incomes, with Wife’s income being the disability payments; this amounts to \$400.00, which Husband says leaves him with a net monthly income of \$1,300.00, and elevates Wife’s monthly income to \$3,800.00.

In response, Wife argues that the funds that she receives as foster parent subsidies should not be attributed as income to her in calculating spousal support. Wife first notes that the Superior Court has stated that, where public aid is not enumerated in the Divorce Code’s definition of income, it may not be included as income, and by analogy, so may not foster care reimbursement. *Sanders v. Lott*, 428 Pa.Super. 119 (1993). By extension, Wife argues that because

foster care reimbursement is not income, it cannot be “other income of the household” for the purposes of deviation.

Last, Wife makes a series of arguments based less in statutory or common law and more in logic. Wife argues that, as foster care reimbursement is not income for IRS purposes, it should not be income for spousal support calculations. Wife argues that the reimbursement is to be used exclusively to benefit the foster children, and submits a policy statement from Adams County Children and Youth Services on use of reimbursement funds. Wife argues that, if these reimbursements were received by Wife on behalf of a child to another man as child support, the funds would not be attributed to Wife as income for the purposes of spousal support. Wife argues that, if the reimbursement is attributed to her as income or even to merit a deviation in favor of Husband, she will have to use a portion of the funds paid to her for the care of foster children by the County from County tax revenues to pay to Husband as spousal support. Wife also argues that paying spousal support based on the alleged income may make foster care unaffordable for her, to the detriment of the children in need of foster care. Last, Wife argues that, should Husband assert that Wife’s ability to care for foster children indicates an earning capacity that should be attributed to her, the matter has been litigated by the Social Security Administration. Wife notes that the parties were together at the time, and that Husband is estopped from now claiming that Wife has an earning capacity.

Rule 1910.16-2 does not make specific reference to the treatment to be afforded to foster care subsidies. Section 4302 of Title 23 likewise does not make specific reference to the treatment of foster care subsidies. For reasons set forth below, the Court is persuaded that the foster care subsidies received by Wife are not income for the purposes of support calculations.

Sanders, cited by the parties, is factually distinct and inapplicable to the case at hand, in that, in *Sanders*, the trial court incorrectly modified a father’s child support obligation where the child was already receiving welfare payments. The *Sanders* Court based its reasoning on the federal welfare policy requiring parents to reimburse the federal government for welfare monies received when child support payments are also received. It is worthy to note, however, the Superior Court conclusion that, because public aid is not enumerated in the definition of income, the court is prohibited from

considering public aid as an “unusual circumstance” permitting deviation. *Sanders* at 128. By analogy, foster care subsidies are not enumerated in the definition of income, and so should not be considered to merit a deviation.

Landis, also cited by the parties, is likewise factually distinct and inapplicable to the matter at hand. In *Landis*, the court deviated from the spousal support guidelines where the parties’ child was receiving supplemental security income and some of the SSI payments were used for household expenses. The Superior Court agreed that the SSI payments could be considered as “other income in the household” for purposes of a deviation, so as to avoid an unjust result. The Superior Court based its different outcomes in *Sanders* and *Landis* on the purpose of the government payments received; welfare payments were clearly not income per the language of the statute, but SSI payments are intended to assist those who cannot work due to disability which is “specifically incorporated into the definition of income.” *Landis* at 733. Again, by analogy, foster care subsidies are earmarked for the care of the foster children and only “[lastly] . . . to cover any additional household costs for having foster children placed,” as stated in Wife’s Exhibit A. These subsidies cover clothing, transportation, extracurricular activities, allowances, school photos, prom wear, school rings, personal hygiene items, birthday and holiday gifts and all personal items for the child. These subsidies compensate for services provided by Wife in, at best, a *de minimis* and marginal fashion, and are in no way income.

Last, the Court is most persuaded by Wife’s suggestion that, were these subsidies received as child support payments for a child to another man, they would again not be attributed to Wife as income. Just as child support payments are paid by parents for the support of their children, foster care subsidies are paid by the county for support of its children, and should not be considered income and paid over to Husband as spousal support.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 20th day of June, 2000, IT IS ORDERED that the appeal of Scott A. Sanders is denied, and that the prior support Order of this Court, dated March 24, 2000, shall remain in full force and effect.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-212 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 June, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, PA which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pa. Of a Declaration dated September 13, 1996 and recorded October 18, 1996, in Record Book 58, page 41 (together with all amendments and supplements there-to recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 37 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

BEING A PART OF THE SAME PREMISES WHICH York Development associates by deed dated April 17, 1996 in the Recorder of Deeds Office in and for York County, Pennsylvania in Record Book 1240, page 085, granted and conveyed unto Philip R. Garland, /d/b/a Garland Construction, Grantor herein.

ALSO BEING A PART OF THE SAME PREMISES WHICH H. John Spalding and Phyllis Spalding, by deed dated April 17, 1996 in the Recorder of Deeds Office in and for York County, Pennsylvania in Record Book 1240, Page 088, granted and conveyed unto Philip R. Garland, /d/b/a Garland Construction, Grantor herein.

Premises being: 21 Oxford Court, New Oxford, PA 17350

Tax Parcel No. (34)5-184A

SEIZED and taken into execution as the property of **James D. Bennett a/k/a James D. Bennett, Jr. & Rebecca A. Bennett** 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 July 9, 2001, 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.

5/11, 18 & 25

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Friday, June 1, 2001, at 9:00 o'clock a.m.

MILLER—Orphans' Court Action Number OC-37-01. The First and Final Account of Todd D. Smeach and Gary Miller, Executors of the Last Will and Testament of Josephine G. Miller, deceased, late of Union Township, Adams County, Pennsylvania.

HARTMAN—Orphans' Court Action Number OC-123-00. The First and Final Account of Merial E. Heldt and Rena Susan Rebert, Administrators c.t.a. of the Last Will and Testament of Francis B. Hartman, deceased, late of Cumberland Township, Adams County, Pennsylvania.

NACE—Orphans' Court Action Number OC-39-01. The First and Final Account of Allfirst Trust Company of Pennsylvania, N.A., Executor of the Estate of Isabelle L. Nace, deceased, late of Oxford Township, Adams County, Pennsylvania.

GENTLE—Orphans' Court Action Number OC-40-01. The First and Final Account of Bernard A. Yannetti, Jr., Administrator of the Estate of Alan G. Gentle, deceased, late of the Borough of Fairfield, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

5/18 & 25

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on May 7, 2001.

The name of the corporation is **GETTYSBURG MARINE CENTER, 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

5/25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-161 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2001, 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 Butler Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point in the center of Township Road T-348 at the northernmost corner of Lot No. 3 on said plan of lots referred to below; thence in said Township Road, North 49 degrees East 155.75 feet to a railroad spike in the center of said Road; thence by land now or formerly of Nellie M. Deckert and running through a reference pipe located 25 feet from the beginning of this line, South 41 degrees East 175 feet to a pipe; thence by the same, South 49 degrees West 155.75 feet to a point at the easternmost corner of Lot No. 3 on a plan of lots referred to below; thence by said Lot No. 3, North 41 degrees West 175 feet to a point in the center of Township Road T-348, the place of BEGINNING.

CONTAINING 27,256 square feet, and designated as Lot No. 4 on the plan of lots referred to below.

THE foregoing description was obtained from a plan of lots prepared by Adams County Surveyors, J. Riley Redding, Registered Surveyor, dated September 24, 1976, which plan of lots is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 12 at Page 25.

Premises being: 1365 Belmont Road, Gettysburg, PA 17325

Tax Parcel No. E10-90

SEIZED and taken into execution as the property of **Robert Smith & Geraldine M. Smith (deceased)** 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 August 13, 2001, 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.

5/18, 25 & 6/1

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

NOTICE

TO: KATHY ELIZABETH JONES
NO. RT-1-01(B)

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 July 12, 2001, at 9:00 a.m., prevailing time, at the Courthouse at 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

5/18, 25 & 6/1

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

In re: Adoption of HJMH, KLH, JDH
No.: RT-11-01

TO: JOSEPH EUGENE HECKARD

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to HJMH, KLH, and JDH, has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for June 14, 2001 at 8:30 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the Adoption/ 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 help.

COURT ADMINISTRATOR
ADAMS COUNTY COURTHOUSE
111-117 BALTIMORE STREET
GETTYSBURG, PENNSYLVANIA 17325
TELEPHONE NUMBER:
1-717-337-9846 OR 1-888-337-9846

5/25, 6/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-179 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on June 29, 2001 Sale Continued To: Friday, the 21st day of September, 2001, 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 along the eastern side of Gettysburg Street in the Borough of Arendtsville, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a spike in Gettysburg Street, at corner of land now or formerly of William R. Hale; thence by land of William R. Hale, North 78 degrees 55 minutes East, 141.3 feet to an iron pin; thence by the same, North 7 degrees 10 minutes East, 152 feet to an iron pin; thence by land formerly of Ernest Bushman, North 87 degrees 4 minutes West, 200 feet to a point in Gettysburg Street; thence in Gettysburg Street, South 12 degrees 30 minutes East, 192.5 feet to a spike, the place of BEGINNING.

Tax Parcel #6-98

SEIZED and taken into execution as the property of **Kitty M. Clouse** 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 October 15, 2001, 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.

5/18, 25 & 6/1

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

In re: First and Final Account of Allfirst Trust Company of Pennsylvania, and Donna N. Lippy, Co-Trustee of the Trust Under Agreement of Isabelle L. Nace, Settlor, dated December 21, 1992-Adams County Orphans' Court No. 1-98-26.

TO ALL PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the First and Final Account of Allfirst Trust Company of Pennsylvania, N.A. and Donna N. Lippy, Co-Trustees of the above captioned trust, has been filed in the Office of the Clerk of the Orphans' Court and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on June 1, 2001, at 9:00 a.m.

This Account will be available for inspection and review at the Clerk of the Court's Office, Adams County Court House, or at the Allfirst Trust Company of Pennsylvania, N.A., 13 Baltimore Street, Hanover, PA, or at the office of Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA. Objections thereto can be raised by filing same with the said Clerk of Courts or by stating same in Court, at the time of confirmation.

Peggy J. Breighner, Clerk
Stonesifer and Kelley, P.C.,
Attorney for Trustees

5/18 & 25

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF ELIZABETH F. BIXBY, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executors: Virginia F. Bixby, 6333 LaJolla Boulevard #169, LaJolla, CA 92037; Charles Andrew Bixby, 5748 Wild Berry Court, Parker, CO 80134; Sarah E. Puckett, 110 Lincoln Way West, New Oxford, PA 17350; Robert Lewis Bixby, 312 Broadway, Hanover, PA 17331

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

ESTATE OF HELEN W. JONES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Samuel L. Jones, Jr., c/o John E. Slike, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

Attorney: John E. Slike, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

ESTATE OF JOANNA N. KOONTZ, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: Donna Koontz Riley, 1221 Carolina Loop, Hillsborough, NC 27278; Gary P. Koontz, 5063 Baltimore Pike, Littlestown, PA 17340

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

SECOND PUBLICATION

ESTATE OF CHARLES ISREAL GRIM a/k/a CHARLES I. GRIM, DEC'D

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

Executors: Susan A. Spangler and Paul A. Grim, c/o Kagen, MacDonald & France, P.C., 2675 Eastern Boulevard, York, PA 17402

Attorney: Andrew F. Kagen, Esq., 2675 Eastern Boulevard, York, PA 17402

ESTATE OF SARAH E. HARNER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Barbara J. Zumbrum, 243 Bollinger Road, Littlestown, PA 17340

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF STANLEY W. HULL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Louise S. Hull, 970 Mummasburg Road, Gettysburg, PA 17325

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

ESTATE OF RAYMOND W. LUCKENBAUGH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gary Luckenbaugh, 20405 Rainbowview Terrace, Montgomery Village, MD 20886; Eric Luckenbaugh, 31 Hetrick Court, Palmyra, PA 17078

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF STERLING N. McCauslin, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Maurice E. Pitzer, Jr., 859 Brysonia-Wenksville Road, Biglerville, PA 17307

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EDNA MARY SOWERS a/k/a EDNA M. SOWERS, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executors: Roger K. Sowers, 786 White Oak Tree Rd., Gardners, PA 17324; Anne M. Heller, 107 Georgetown Rd., Gardners, PA 17324; Ted E. Sowers, 339 Balltown Rd., Gardners, PA 17324

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF LESTER M. TAYLOR, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Jeffrey D. McClellan, 1120 Center Mills Road, Aspers, PA 17304

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

THIRD PUBLICATION

ESTATE OF MARTIN D. ARNDT, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: Herbert M. Arndt, 2258 Coon Road, Aspers, PA 17304

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

ESTATE OF RUTH C. BARNES a/k/a RUTH V. BARNES, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Julie B. Maher, 78 North Ridge Road, Thomasville, PA 17364

ESTATE OF DONALD E. CROUSE, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Allen Crouse, 19 Main Street, Fairfield, PA 17320

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

ESTATE OF REBA J. DUTTERER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl Silex, 100 W. Pennsylvania Ave., Towson, MD 21204

ESTATE OF GRACE S. ERNST a/k/a GRACE CHRISTINA ERNST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gregory A. Ernst, 241 South Jefferson Street, Hanover, PA 17331

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

ESTATE OF THOMAS S. HALSEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Robert G. Signor, 525 Hersh Ridge Road, Gettysburg, PA 17325; Florence Oyler Lewis, 1000 Franklin Avenue, Apt. 517, Baltimore, MD 21221

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

ESTATE OF IRENE E. INSKIP, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: Anita Inskip Schulze, 5 Curtis Drive, East Berlin, PA 17316; Jack L. Inskip, 460 Moritz Rd., Orrtanna, PA 17353; Randall B. Inskip, 105 Spring Creek Circle, Gettysburg, PA 17325

ESTATE OF RUTH ROHM KARNS, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: William C. Karns, 49 Maryland Avenue, Littlestown, PA 17340

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

ESTATE OF ALICE E. KLUNK, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Terry L. Goodling, 10 Meadow View Drive, Hanover, PA 17331

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

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THIRD PUBLICATION (continued)

ESTATE OF DEVON JAMES LAUGHMAN, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Administrator: Darwin J. Laughman, 15 Sherman Drive, East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq.

ESTATE OF DAVID J. RAFFENSPERGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Madeline D. Kuhn, 200 Sanders Road, Fairfield, PA 17320

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

ESTATE OF HAZEL M. SANDERS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Sandra S. Flickinger, 302 Lincolnway East, New Oxford, PA 17350

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