

Adams County Legal Journal

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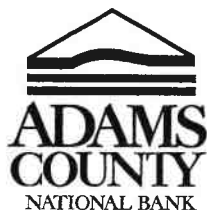
April 7, 2006

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ABENDSCHEIN VS. PNC FINANCIAL

Strong.
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Dedicated to Quality.
Customer Service.
Dependable.
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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-953
Action to Quiet Title

LAWRENCE E. MCGLAUGHLIN & D.
JUENE MCGLAUGHLIN, Plaintiffs

vs.

JAMES F. HERBERT & MARY D. HERBERT, their respective executors, heirs and/or assigns, Defendants

ORDER OF COURT

AND NOW, this 17th day of March, 2006, it appearing that a Complaint with Notice to Defend was filed hereon on August 31, 2005, and that the same was served upon Defendants, James F. Herbert & Mary D. Herbert, by publication pursuant to Order of Court dated January 4, 2006, on date set forth in the attached Motion; and it further appearing that no appearance of record nor answer or other pleading has been filed on behalf of Defendants within the time allotted by law for the same, and therefore, upon motion of John A. Wolfe, Esq., Wolfe and Rice, LLC, attorneys for Plaintiffs.

IT IS HEREBY ORDERED AND DIRECTED that judgment by default be and the same is hereby entered in favor of Plaintiffs, Lawrence E. McGlaughlin and D. Juene McGlaughlin, and against Defendants, James F. Herbert and Mary D. Herbert, their respective executors, heirs and/or assigns.

AND IT IS FURTHER ORDERED AND DIRECTED that the said Defendants be and the same hereby are forever barred from asserting any right, title, interest or claim inconsistent with the right, title, interest and claim of Plaintiffs as set forth in the Complaint with respect to the land herein described:

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Lot No. 140 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Rist Trail at Lot No. 139; thence by said lot North 25 degrees 30 minutes 6 seconds West, 174.97

feet to Lot No. 138; thence by said lot North 64 degrees 29 minutes 54 seconds East, 138.40 feet to a point in the center of Kelly Trail; thence in said Kelly Trail South 53 degrees 23 minutes 56 seconds East, 56.85 feet to a point; thence continuing in said Kelly Trail South 25 degrees 30 minutes 6 seconds East, 124.73 feet to a point in the intersection of Kelly Trail and Rist Trail; thence in said Rist Trail South 64 degrees 29 minutes 54 seconds West, 165 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section AA, Charnita" dated October 21, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 59.

Unless the same Defendants shall within thirty (30) days after publication of this Order commence an action in Ejectment or other appropriate action to assert any claim they may have against the Plaintiffs herein; and upon the failure of the Defendants to commence such action against the Plaintiffs within thirty (30) days after said publication, the Prothonotary of Adams County, Pennsylvania is directed upon praecipe of the Plaintiffs to enter final judgment herein in favor of Plaintiffs and against Defendants pursuant to Pa.R.C.P. No. 1066 (b) (1) and to cause a true and attested copy of this Order and such final judgment to be recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania, the same to be indexed in the name of the Defendants, James F. Herbert and Mary D. Herbert, their respective heirs, executors, administrators, successors and assigns, as GRANTORS and the names of the Plaintiffs, Lawrence E. McGlaughlin and D. Juene McGlaughlin, GRANTEES.

BY THE COURT,
/s/Michael A. George, Judge

4/7

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-3-06(A)

NOTICE

TO: DUSTIN ANDREW CLOUSER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 27, 2006, at 9:00 a.m., prevailing time, IN Conference Room 411 on the 4th Floor of the Adams County 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
Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

4/7, 13 & 21

NOTICE

NOTICE IS HEREBY GIVEN that MARK D. GRIM, JR., ESQ., intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of June, 2006, and that he is serving as the District Court Administrator of Adams County, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325.

4/7, 13 & 21

ABENDSCHEIN VS. PNC FINANCIAL

1. The Employee Retirement Income Act of 1974 (“ERISA”) confers exclusive jurisdiction in the Federal District Court for all civil actions brought by a fiduciary.
2. Whether an individual’s actions render him a fiduciary subject to ERISA should be determined by a federal district court under uniform federal law.
3. Our courts have determined all ERISA plans should be interpreted by Federal Courts to ensure uniformity for individuals who deal with ERISA plans.
4. Courts have interpreted the remedies afforded under ERISA to be exclusive of any state-law cause of action that duplicates, supplements, or supplants ERISA.
5. The mere fact that the state law cause of action affords additional remedies beyond those allowed by ERISA does not take the claim outside of ERISA’s civil enforcement scheme.
6. The two instances when state courts have concurrent jurisdiction with the Federal District Court for ERISA claims are when a civil action is brought by a participant or beneficiary of an ERISA plan or by a State seeking to enforce a child support order.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 04-S-1318. EDWARD J.
ABENDSCHEIN, TRUSTEE OF THE NEW WAY PACKAGING
MACHINERY, INC. VS. PNC FINANCIAL SERVICES GROUP,
INC., AND PNC BANK, N.A.

John M. Crabbs, Esq., for Plaintiff
Geoffrey S. Shuff, Esq. and Brian C. Caffrey, Esq., for Defendants
Bigam, J., August 16, 2005

OPINION

STATEMENT OF FACTS

Edward J. Abendschein, (hereinafter referred to as “Plaintiff”), is the President and Chief Executive of New Way Packaging Machinery, Inc. (hereinafter referred to as “New Way”). Plaintiff is also the trustee of New Way’s pension plan, a plan under the terms of the Employee Retirement Income Security Act of 1974 (hereinafter referred to as “ERISA”). PNC Financial Services Group, Inc., (hereinafter referred to as “PNC Bank”), and PNC BANK, National Association, (hereinafter referred collectively as “Defendants”) has been the primary banking institution for Plaintiff and New Way. Plaintiff has several different accounts with Defendants including a capital account and an account specifically for the New Way pension plan.

The current dispute arises over a series of transactions between Plaintiff and Defendants beginning in December of 2000. On December 31, 2000 Plaintiff applied and received a \$100,000 loan from Defendants. On August 30, 2001, Plaintiff contacted Defendants and asked for the \$100,000 loan to be repaid from New Way's capital payment account. Allegedly, Defendants repaid the loan not from the capital payment account but from the pension plan account. Plaintiff requested Defendants reimburse the pension plan account and pay off the \$100,000 loan from the capital payment account. Defendants did not comply with Plaintiff's request and hence a Complaint was filed on December 30, 2004, with the following counts: 1) wrongful transaction prohibited by ERISA, 2) creation of an excise tax, and 3) common law conversion.¹

The time to answer the Complaint was extended, by agreement of the parties until May 6, 2005. On May 10, 2005, Defendants filed Preliminary Objections alleging: 1) lack of subject matter jurisdiction, 2) federal preemption of Count 3, 3) demurrer, and 4) failure to conform to rule of Court. Plaintiff responded by filing an Amended Complaint on May 23, 2005. The Amended Complaint was captioned to include both PNC Financial and PNC Bank and included the following counts: 1) conversion by PNC Bank, 2) conversion by PNC Financial, 3) breach of contract by PNC Bank, 4) breach of contract by PNC Financial, 5) tortuous breach of contract by PNC Financial, and 6) tortuous breach of contract by PNC Bank.

On June 14, 2005 Defendants again filed Preliminary Objections including: 1) lack of subject matter jurisdiction, 2) federal preemption of all counts of the Amended Complaint, 3) demurrer as to counts 3, 4, 5 and 6 requests for exemplary damages, 4) demurrer to all counts of the Amended Complaint due to insufficiency of allegations of exemplary damages, 5) demurrer as to counts 5 and 6 of the Amended Complaint as no tortuous breach of contract action exists in Pennsylvania, 6) demurrer as to counts 4 and 5 of the Amended Complaint as for failure to state a claim upon which relief may be granted as to the judgment for excise taxes, 7) failure to conform to rule of court, Pa.R.C.P. 1019(i) for failing to attach the written agreements between the parties, and 9) failure to conform to rule of court,

¹The Court notes that the original Complaint is captioned with PNC Financial as the only Defendant. Also, the counts in the Complaint are not labeled and the Court has assigned the names for the three (3) counts based on the allegations contained.

Pa.R.C.P. 1024(c), as the Amended Complaint is verified by Plaintiff's counsel not Plaintiff.

The Court issued an Order on June 27, 2005, directing Plaintiff to file and serve on Defendants a response and reply brief. The June 27, 2005 Order also advised the parties that the Court would decide the issue on briefs and no oral argument would be scheduled.

LEGAL DISCUSSION

Presently, before the Court are several Preliminary Objections raised by Defendants. One of Defendant's Preliminary Objections and the threshold issue is whether or not Plaintiff's action must be removed to Federal Court based on the fact that the Federal District Courts have exclusive jurisdiction over claims brought by a fiduciary under ERISA. The Court finds that the Federal District Court does have jurisdiction over Plaintiff's claims and therefore the remaining Preliminary Objections will not be addressed by the Court at this time.

Section 1132(e)(1), Jurisdiction, of ERISA provides in relevant part:

Except for actions under subsection (a)(1)(B) of this section, the district courts of the United States shall have exclusive jurisdiction of civil actions under this subchapter brought by the Secretary or by a participant, beneficiary, fiduciary, or any other person referred to in section 1021(f)(1) of this title. State courts shall have concurrent jurisdiction of actions under paragraphs (1)(B) and (7) of subsection (a) of this section. **29 USCA § 1132(e)(1).**

The Employee Retirement Income Act of 1974 ("ERISA") confers exclusive jurisdiction in the Federal District Court for all civil actions brought by a fiduciary. A fiduciary has been defined as a trustee under ERISA. **29 USCA § 1002(14)(A).** Whether an individual's actions render him a fiduciary subject to ERISA should be determined by a federal district court under uniform federal law. *Bunt v. Pension Mortgage Associates, Inc.*, 666 A.2d 1091, 1096 (Pa. Super. 1995). In *Bunt* the state court dismissed claims brought by a trustee of a pension plan because the complaint related to a pension plan subject to ERISA. The Court made it clear that Congress and our courts have determined all ERISA plans should be interpreted by Federal Courts to ensure uniformity for individuals who deal with

ERISA plans. *Id.* At 1095-96, citing *Shaw v. Delta Air Lines, Inc.*, 463 U.S. 85 (1983); *Goldberg v. Caplan*, 419 A.2d 653 (Pa. Super. 1980).

Plaintiff, Edward Abendschein, is the trustee of New Way's pension plan. Plaintiff bringing suit as a trustee of New Way's pension plan is a "fiduciary" under ERISA. **See 29 USCA § 1002 (14)(A)**. Plaintiff is seeking to recover damages against the defendants for loss of funds allegedly improperly taken from New Way's pension plan account. The pension plan account is a plan under the terms of ERISA. ERISA provides the governing law regulating transactions between fiduciaries and other parties under Section 1106(b) of Title 29 of the United States Code. ERISA affords remedies for a fiduciary under Section 1132(a)(3) of Title 29, which include:

- (A) to enjoin any act or practice which violates any provision of this subchapter or the terms of the plan, or (B)
- to obtain other appropriate equitable relief (i) to redress such violations or (ii) to enforce any provisions of this subchapter or terms of the plan **29 USCA § 1132(a)(3)**.

Therefore, ERISA is the governing law to determine the rights of New Way's trustee with regard to the deductions taken from an ERISA pension plan account. The Federal District Court has exclusive jurisdiction over any and all claims raised by the trustee of New Way's pension plan.

Plaintiff argues his "claim" is not under ERISA based on his interpretation of *Aetna Health Inc. v. Davila*, 542 U.S. 200, 124 S.Ct. 2488 (2004).

In *Davila*, the Court determined claims brought by a participant and beneficiary of an ERISA employee benefit plan were "within the scope of" ERISA and completely pre-empted by federal law, thus removing the case to federal district court. *Id.* at 2502. The state law claims were viewed as duplicative and supplemental of the civil enforcement scheme and exclusive remedies afforded under ERISA. *Id.* at 2495. Courts have interpreted the remedies afforded under ERISA to be exclusive of "any state-law cause of action that duplicates, supplements, or supplants ERISA". *Id.* **See, Pilot Life Ins. Co. v. Dedeaux**, 481 U.S. 41, 107 S.Ct. 1549 (1987); **See also, Ingersoll-Rand Co. v. McClendon**, 498 U.S. 133, 143-145, 111 S.Ct. 478 (1990). Courts will look to the substance over the form of a claim to

determine if it is pre-empted by ERISA. *Id.* At 2498, *See, Allis-Chambers Corp. v Lueck*, 471 U.S. 202, 211, 105 S.Ct. 1904 (1985). The mere fact that state law cause of action affords additional remedies beyond those allowed by ERISA does not take the claim outside of ERISA's civil enforcement scheme. *Id.* At 2499.

Even though plaintiff characterizes the "wrong" addressed in *Davila* to be distinguishable from the present facts, both cases involve an ERISA employee benefit plan. The remedies sought by the plaintiff do not change the substance of their claim. The plaintiff's claim is brought as a trustee of a pension plan under the terms of ERISA. A trustee is entitled to bring a civil action under ERISA and obtain appropriate relief for any violations to the plan. **29 USCA § 1132(a)(3)**. ERISA's jurisdictional provision within their civil enforcement scheme explicitly provides federal district courts shall have exclusive jurisdiction of all civil actions brought by a fiduciary absent two limited exceptions when states have concurrent jurisdiction. **29 USCA § 1132(e)(1)**.

The two instances when state courts have concurrent jurisdiction with the Federal District Court for ERISA claims are when a civil action is brought by a participant or beneficiary of an ERISA plan or by a State seeking to enforce a child support order. **29 USCA § 1132(e)(1); § 1132(a)(1)(B); § 1132(7)**. Plaintiff has brought suit as a trustee of an ERISA account seeking damages for funds allegedly improperly deducted from New Way's pension plan. Therefore, plaintiff's claim should have been brought in Federal District Court.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 16th day of August 2005, in consideration of Defendant's Preliminary Objections Requesting Dismissal for lack of subject matter jurisdiction IT IS ORDERED THAT, Defendant's preliminary objection on this basis is sustained because claims brought by the plaintiff acting as a fiduciary of a pension plan are governed by the Employee Retirement Income Security Act, 29 U.S.C. Section 1001, et. seq. entitling the Federal District Court to exclusive jurisdiction of all claims.

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-945
Action to Quiet Title

LAWRENCE E. McGLAUGHLIN & D.
JUENE McGLAUGHLIN, Plaintiffs
vs.

STANLEY O. ADAMS & MARGARITA G.
ADAMS, their respective executors,
heirs and/or assigns, Defendants

ORDER OF COURT

AND NOW, this 17th day of March, 2006, it appearing that a Complaint with Notice to Defend was filed hereon on August 31, 2005, and that the same was served upon Defendants, Stanley O. Adams and Margarita G. Adams, by publication pursuant to Order of Court dated January 4, 2006, on date set forth in the attached Motion; and it further appearing that no appearance of record nor answer or other pleading has been filed on behalf of Defendants within the time allotted by law for the same, and therefore, upon motion of John A. Wolfe, Esq., Wolfe and Rice, LLC, attorneys for Plaintiffs.

IT IS HEREBY ORDERED AND DIRECTED that judgment by default be and the same is hereby entered in favor of Plaintiffs, Lawrence E. McGlaughlin and D. Juene McGlaughlin, and against Defendants, Stanley O. Adams and Margarita G. Adams, their respective executors, heirs and/or assigns.

AND IT IS FURTHER ORDERED AND DIRECTED that the said Defendants be and the same hereby are forever barred from asserting any right, title, interest or claim inconsistent with the right, title, interest and claim of Plaintiffs as set forth in the Complaint with respect to the land herein described:

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Lot No. 229 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Goetz Trail at Lot No. 230; thence by said lot South 14 degrees 10 minutes 42 seconds West, 203.25 feet to Lot No. 209; thence by said lot and by Lot No. 208 North 74 degrees 32 minutes 20 seconds West, 118.03 feet to Lot No. 228; thence by said lot North 14 degrees 10 minutes 32 seconds East, 200.61 feet to a point in the center of said Goetz Trail; thence in said Goetz Trail South 75 degrees 49 minutes 18 seconds East, 118 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section

AA, Charnita" dated October 21, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 59.

Unless the same Defendants shall within thirty (30) days after publication of this Order commence an action in Ejectment or other appropriate action to assert any claim they may have against the Plaintiffs herein; and upon the failure of the Defendants to commence such action against the Plaintiffs within thirty (30) days after said publication, the Prothonotary of Adams County, Pennsylvania is directed upon praecipe of the Plaintiffs to enter final judgment herein in favor of Plaintiffs and against Defendants pursuant to Pa.R.C.P. No. 1066 (b) (1) and to cause a true and attested copy of this Order and such final judgment to be recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania, the same to be indexed in the names of the Defendants, Stanley O. Adams and Margarita G. Adams, their respective heirs, executors, administrators, successors and assigns, as GRANTORS and the name of the Plaintiffs, Lawrence E. McGlaughlin and D. Juene McGlaughlin, GRANTEEES.

BY THE COURT,
/s/Michael A. George, Judge

4/7

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-948
Action to Quiet Title

LAWRENCE E. McGLAUGHLIN & D.
JUENE McGLAUGHLIN, Plaintiffs
vs.

WILLIAM T. HAINES & CAROL HAINES,
their respective executors, heirs and/or
assigns, Defendants

ORDER OF COURT

AND NOW, this 17th day of March, 2006, it appearing that a Complaint with Notice to Defend was filed hereon on August 31, 2005, and that the same was served upon Defendants, William T. Haines and Carol Haines, by publication pursuant to Order of Court dated January 4, 2006, on date set forth in the attached Motion; and it further appearing that no appearance of record nor answer or other pleading has been filed on behalf of Defendants within the time allotted by law for the same, and therefore, upon motion of John A. Wolfe, Esq., Wolfe and Rice, LLC, attorneys for Plaintiffs.

IT IS HEREBY ORDERED AND DIRECTED that judgment by default be and the same is hereby entered in favor of Plaintiffs, Lawrence E. McGlaughlin

and D. Juene McGlaughlin, and against Defendants, William T. Haines and Carol Haines, their respective executors, heirs and/or assigns.

AND IT IS FURTHER ORDERED AND DIRECTED that the said Defendants be and the same hereby are forever barred from asserting any right, title, interest or claim inconsistent with the right, title, interest and claim of Plaintiffs as set forth in the Complaint with respect to the land herein described:

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Lot No. 99 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Strausbaugh Trail at Lot No. 100; thence by said lot South 44 degrees 42 minutes 15 seconds West, 198.89 feet to Lot No. 72; thence by said lot North 57 degrees 58 minutes 17 seconds West, 112.32 feet to Lot No. 98; thence by said lot North 36 degrees 36 minutes 4 seconds East, 205.92 feet to a point in the center of said Strausbaugh Trail; thence in said Strausbaugh Trail South 53 degrees 23 minutes 56 seconds East, 140 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section AA, Charnita" dated October 21, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 59.

Unless the same Defendants shall within thirty (30) days after publication of this Order commence an action in Ejectment or other appropriate action to assert any claim they may have against the Plaintiffs herein; and upon the failure of the Defendants to commence such action against the Plaintiffs within thirty (30) days after said publication, the Prothonotary of Adams County, Pennsylvania is directed upon praecipe of the Plaintiffs to enter final judgment herein in favor of Plaintiffs and against Defendants pursuant to Pa.R.C.P. No. 1066 (b) (1) and to cause a true and attested copy of this Order and such final judgment to be recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania, the same to be indexed in the name of the Defendants, William T. Haines and Carol Haines, their respective heirs, executors, administrators, successors and assigns, as GRANTORS and the names of the Plaintiffs, Lawrence E. McGlaughlin and D. Juene McGlaughlin, GRANTEEES.

BY THE COURT,
/s/Michael A. George, Judge

4/7

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-954
Action to Quiet Title

LAWRENCE E. McGLAUGHLIN & D.
JUENE McGLAUGHLIN, Plaintiffs

vs.

LEONARD CRANE RENNIE, JR., his
respective executors, heirs and/or
assigns, Defendant

ORDER OF COURT

AND NOW, this 17th day of March, 2006, it appearing that a Complaint with Notice to Defend was filed on August 31, 2005, and that the same was served upon Defendant, Leonard Crane Rennie, Jr., by publication pursuant to Order of Court dated January 4, 2006, on date set forth in the attached Motion; and it further appearing that no appearance of record nor answer or other pleading has been filed on behalf of Defendant within the time allotted by law for the same, and therefore, upon motion of John A. Wolfe, Esq., Wolfe and Rice, LLC, attorneys for Plaintiffs.

IT IS HEREBY ORDERED AND DIRECTED that judgment by default be and the same is hereby entered in favor of Plaintiffs, Lawrence E. McGlaughlin and D. Juene McGlaughlin, and against Defendant, Leonard Crane Rennie, Jr., his respective executors, heirs and/or assigns.

AND IT IS FURTHER ORDERED AND DIRECTED that the said Defendants be and the same hereby are forever barred from asserting any right, title, interest or claim inconsistent with the right, title, interest and claim of Plaintiffs as set forth in the Complaint with respect to the land herein described:

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Lot No. 140 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Rist Trail at Lot No. 139; thence by said lot North 25 degrees 30 minutes 6 seconds West, 174.97 feet to Lot No. 138; thence by said lot North 64 degrees 29 minutes 54 seconds East, 138.40 feet to a point in the center of Kelly Trail; thence in said Kelly Trail South 53 degrees 23 minutes 56 seconds East, 56.85 feet to a point; thence continuing in said Kelly Trail South 25 degrees 30 minutes 6 seconds East, 124.73 feet to a point in the intersection of Kelly Trail and Rist Trail; thence in said Rist Trail South 64 degrees 29 minutes 54 seconds West, 165 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section AA, Charnita" dated October 21, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 59.

Unless the same Defendant shall within thirty (30) days after publication of this Order commence an action in Ejectment or other appropriate action to assert any claim they may have against the Plaintiffs herein; and upon the failure of the Defendant to commence such action against the Plaintiffs within thirty (30) days after said publication, the Prothonotary of Adams County, Pennsylvania is directed upon praecipe of the Plaintiffs to enter final judgment herein in favor of Plaintiffs and against Defendant pursuant to Pa.R.C.P. No. 1066 (b) (1) and to cause a true and attested copy of this Order and such final judgment to be recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania, the same to be indexed in the name of the Defendant, Leonard Crane Rennie, Jr., his respective heirs, executors, administrators, successors and assigns, as GRANTORS and the names of the Plaintiffs, Lawrence E. McGlaughlin and D. Juene McGlaughlin, GRANTEES.

BY THE COURT,
/s/Michael A. George, Judge

4/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on February 8, 2006 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 AARON S. MYERS, 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.

Aaron S. Myers, Inc.
630 Cashman Road
New Oxford, PA 17350

4/7

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-3-06(B)

NOTICE

TO: CRYSTAL MOFFITT CLOUSER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 27, 2006, at 9:00 a.m., prevailing time, IN Conference Room 411 on the 4th Floor of the Adams County 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
Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

4/7, 13 & 21

NOTICE

A petition has been presented by Merle E. Wolf, spouse of DIANE LOUISE WOLF, to the Court of Common Pleas of Adams County, Pennsylvania, for a determination that DIANE LOUISE WOLF is now deceased. A hearing on the petition shall be held before the Honorable Robert Bigham, Judge, on Wednesday, May 31, 2006, at 8:30 A.M. in Court Room #3, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325.

All parties having an interest in the matter shall be present at the hearing, prepared to present testimony and evidence concerning the matter at issue.

G. Steven McKonly, Esq.
119 Baltimore Street
Hanover, PA 17331
(717) 637-8828

4/7, 13, 21 & 28

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MARY JANE BOYER, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania
Clyde A. Boyer, P.O. Box 297, Arendtsville, PA 17303
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HEDY A. MEHMAN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DONALD MARL MOLL, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
Administrator: Beth A. Poppiti, 601 Rosedale Road, Kennett Square, PA 19348
Attorney: Nathan C. Wolf, Esq., Attorney-at-Law, Wolf and Wolf, 10 West High St., Carlisle, PA 17013

ESTATE OF JANE ELIZABETH PRIEST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executrix: Marilyn Paris, 313 So. 17th St., Reading, PA 19602

ESTATE OF ELAINE E. STOKER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
Co-Executors: Janice S. Gibson, P.O. Box 612, Fayetteville, PA 17222; John W. Stoker, Jr., 516 First Street, Carlisle, PA 17013
Attorney: John E. Eberhardt, Jr., Esq., 207 Lakemont Park Boulevard, Altoona, PA 16602

SECOND PUBLICATION

ESTATE OF WAYNE R. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
Executrix: Cheryl A. Swisher, HC 61 Box 75, Capon Bridge, WV 26711
Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF ELVA A. BARNES, DEC'D

Late of Germany Township, Adams County, Pennsylvania
Michael A. Barnes, 4762 Baltimore Pike, Littlestown, PA 17340
Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF RAYMOND T. HAWKINS, DEC'D

Late of Highland Township, Adams County, Pennsylvania
Executrix: Sandy S. Hawkins, 125 Glenwood Drive, Gettysburg, PA 17325
Attorney: Wendy Weikal-Beauchat, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF JOHN E. LONES, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Kirsten O'Connor, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Richard A. Blakely, Esq., c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

ESTATE OF JAMES A. NOEL, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executor: Veronica A. Linebaugh, c/o 135 North George Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

ESTATE OF ANNA J. TAUSCHER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
Executrix: Stephanie Appler, 2136 Herbert Avenue, Westminster, MD 21157
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ROGER G. WELLMAN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
Victoria Adams, 45 Stayman Way, Littlestown, PA 17340
Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

Adams County Legal Journal

Vol. 47

April 13, 2006

No. 47, pp. 286-291

IN THIS ISSUE

MEADOWBROOK COMMONS VS. S & A

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-99 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin in the intersection of the State Highway running from Arendtsville to the Lincoln Highway and the State Highway running to Camp Nawakwa; thence in the State Highway running to Camp Nawakwa and by land now or formerly of The C. H. Musselman Company South 84 degrees 8 minutes East 404.2 feet to an iron pin; thence leaving said last mentioned Highway and running along land now or formerly of Elmer H. Heller South 13 degrees 46 minutes East 197.7 feet to a black oak stump; thence by the same South 39 degrees 37 minutes West 602 feet to an iron pin and stones at or near the Western edge of the State Highway running from Arendtsville to the Lincoln Highway; thence in said last mentioned

State Highway and by land now or formerly of The C. H. Musselman Company North 5 degrees 16 minutes West 700 feet to an iron pin, the place of BEGINNING. CONTAINING 4 Acres and 41 Perches, more or less.

The description of the tract of land hereby conveyed was obtained from a draft of survey made on April 13, 1956 by LeRoy H. Winebrenner, County Surveyor.

Vesting Information:

Vested by Special Warranty Deed dated 8/5/99, given by Glenn R. Heller and Marie A. Heller, husband and wife to Nora L. Bachman recorded 8/5/99 in Book 1890 Page 16.

Tax Parcel (29) D06-0027

Premises Being: 475 Nawakwa Road, Biglerville, PA 17307

SEIZED and taken into execution as the property of **Nora L. Bachman a/k/a Nora L. Patterson** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, PA of an application for registration under the Fictitious Names Act. The name of the business is BOW-MAC RACING PRODUCTS with its principal place of business at 1463 Hilltown Road, Biglerville, PA 17307. The owner of the business is Bow-Mac Racing Products, a partnership consisting of Minnie A. Caskey and Charles E. Bowers of 1463 Hilltown Road, Biglerville, PA 17307, and Michelle J. Pritt and Ronald L. Pritt of 31 Schofield Road, East Berlin, PA 17316.

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

4/13

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1355 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows to wit:

BEGINNING at a stake at a twenty (20) feet drive way on the centerline of Lot No. 12, as land now or formerly of Mary Myers; thence by the same and through the center of Lot No. 12, North 13 degrees West, one hundred thirty-nine and two hundredths (139.02) feet to a stake at Conewago Creek; thence along said creek, North 77 degrees 15 minutes East 50 feet to a stake at Lot No. 13; thence along Lot No. 13, South 13 degrees East, one hundred thirty-eight and four hundredths (138.04) feet to a stake at the driveway aforesaid, thence by the same South 76 degrees twenty-five (25) minutes West 50 feet to a stake on the centerline of Lot No. 12, the place of BEGINNING.

SAID lot being known as the Easterly half of Lot No. 12 on a plan of series of lots laid out by Anna B. Markle, by deed from Emanuel S. Krebs and Iva Krebs, his wife, dated October 29, 1986 and recorded October 30, 1986 in Record Book 440, Page 252.

Tax Parcel No: 17-9-J-41

SEIZED and taken into execution as the property of **Andrea B. Markle** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1273 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of a 50-foot right-of-way at Lot No. 1; thence by said lot, North 12 degrees 49 minutes 50 seconds East, 206.56 feet to Lot No. 2; thence by said lot, South 77 degrees 10 minutes 10 seconds East, 260 feet to Lot No. 4; thence by said lot, South 12 degrees 49 minutes 50 seconds West, 200 feet to a point at other lands now or formerly of Frank Robbins; thence by said lands, North 77 degrees 10 minutes 10 seconds West, 222.03 feet to a point in the center of said 50-foot right-of-way; thence in the center of said 50-foot right-of-way, North 86 degrees 58 minutes 35 seconds West, 38.53 feet to the place of BEGINNING, CONTAINING 1.1966 Acres.

BEING Lot No. 3 on a draft of survey dated February 26, 1973, prepared by Donald E. Worley, Surveyor, and recorded in Adams County Plat Book No. 2 at page 60.

BEING the same which Ralph C. Brown and Lillian S. Brown, husband and wife, by deed dated December 15, 1983, recorded December 15, 1983, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 372 at page 276, sold and conveyed unto Charles E. Ott and Betty M. Ott, husband and wife. The said Charles E. Ott having died March 28, 1990 same became vested in Betty M. Ott, the Grantor herein named.

TITLE TO SAID PREMISES IS VESTED IN Michael T. Laughman and Caroline S. Laughman, husband and wife, by Deed from Betty M. Ott, Widow, dated 9-27-00, recorded in Deed Book 2136, page 285.

Premises being: 4585B Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. 12-C09-0062-000

SEIZED and taken into execution as the property of **Michael T. Laughman & Caroline S. Laughman** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

NOTICE

A petition has been presented by Merle E. Wolf, spouse of DIANE LOUISE WOLF, to the Court of Common Pleas of Adams County, Pennsylvania, for a determination that DIANE LOUISE WOLF is now deceased. A hearing on the petition shall be held before the Honorable Robert Bigham, Judge, on Wednesday, May 31, 2006, at 8:30 A.M. in Court Room #3, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325.

All parties having an interest in the matter shall be present at the hearing, prepared to present testimony and evidence concerning the matter at issue.

G. Steven McKonly, Esq.
119 Baltimore Street
Hanover, PA 17331
(717) 637-8828

4/7, 13, 21 & 28

MEADOWBROOK COMMONS VS. S & A

1. To succeed on a petition to open a default judgment, a moving party must show: (1) the petition to open or strike was promptly filed; (2) the default can be reasonably explained or excused; and (3) there is a meritorious defense to the underlying claim.

2. Previous appellate opinions have found that the filing of a petition to open a default judgment is “prompt” when the period of delay is generally less than one month.

3. Counsel’s mistaken belief concerning an extension of time is insufficient to justify failure to file a responsive pleading.

4. General denials are insufficient to satisfy the requirement that the defendant must establish a meritorious defense before being permitted to open a default judgment.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 04-S-1158. MEADOW-
BROOK COMMONS PLANNED COMMUNITY, INC. VS. S & A
CUSTOM BUILT HOMES, INC.

Richard E. Thrasher, Esq., for Plaintiff

John J. Murphy, III, Esq., for Defendant

George, J., August 25, 2005

OPINION

Before the Court is the Petition of S & A Custom Built Homes, Inc., (“S & A”) to open default judgment entered by Meadowbrook Commons Planned Community, Inc., (“Meadowbrook”).

Meadowbrook commenced this action on November 12, 2004, seeking damages for breach of warranty and injunctive relief. Service of the Complaint was effectuated upon S & A on November 19, 2004. Sometime thereafter, the law firm of Patrono & Associates, LLC, undertook settlement negotiations with Meadowbrook’s counsel. In furtherance of settlement, counsel for Meadowbrook orally agreed to extend the time period within which S & A was to file a responsive pleading. That oral agreement was confirmed by a letter addressed to Attorney Kim Patrono dated January 3, 2005, which established the grant of an “indefinite extension of time...to answer the Complaint in the above matter.” The correspondence further indicated that in the event that the negotiations broke down, Meadowbrook’s counsel would notify Attorney Patrono in writing that the indefinite extension was terminated. On February 14, 2005, Meadowbrook’s counsel wrote Attorney Patrono

advising that the indefinite extension was terminated. He also indicated that an answer was due twenty days from the date of the correspondence.¹ S & A's counsel acknowledged receiving this correspondence; however, he indicated that he believed that this correspondence was an effort by Meadowbrook's counsel to placate his client.² Thereafter, on April 27, 2005, Meadowbrook's counsel provided a ten-day Notice of Default pursuant to Rule 237.1 of the Pennsylvania Rules of Civil Procedure. The Notice of Default was served on both S & A and S & A's counsel. After S & A failed to file an Answer, Meadowbrook entered judgment against S & A on May 12, 2005. On June 10, 2005, S & A filed a Petition to Open Judgment which is currently before the Court for disposition. In the Petition to Open Judgment, S & A argues that Meadowbrook granted an indefinite extension of time within which to file a pleading. They further allege that, without notice to defense counsel, the extension was unilaterally rescinded and a default judgment was entered.

To succeed on a petition to open a default judgment, a moving party must show: "(1) the petition to open or strike was promptly filed; (2) the default can be reasonably explained or excused; and (3) there is a meritorious defense to the underlying claim." *Castings Condominium Ass'n v. Klein*, 663 A.2d 220, 223 (Pa.Super. 1995). Since a petition to open a default judgment is addressed to the equitable powers of the Court, *Fink v. General Accident Ins. Co.*, 594

¹The record is not clear in regard to which attorney at Patrono & Associates was handling negotiations in this matter. Although the correspondence was addressed to Attorney Patrono, it appears that Attorney John Murphy was actually involved in negotiations and aware of all correspondence in this matter.

²Although this Court scheduled an evidentiary hearing on S & A's Petition to Open Judgment, the parties elected to ask the Court to rule upon the motion based upon a proffer as to what each attorney would indicate if called as a witness. S & A's counsel, John Murphy, Esquire, indicated that Meadowbrook's attorney specifically told him that the correspondence was an effort to placate his client. Counsel for Meadowbrook, Richard Thrasher, Esquire, claims to have told Attorney Murphy that while they would continue to negotiate in good faith, the extension of time within which to file an answer was terminated and an answer was due. Arguably, these proffers are indicative of confusion concerning the exact conversation between the parties. Nevertheless, there is no confusion in the meaning of the February 14, 2005, correspondence as well as the subsequent notice of default. I find that S & A's counsel made certain assumptions concerning negotiations between the parties, but has failed to carry his burden of establishing the factual basis which laid the groundwork for those assumptions.

A.2d 345, 346 (Pa.Super. 1991), I will undertake an equitable examination of each of the factors of the tripartite test enunciated by our appellate courts.

First, the parties do not dispute that S & A timely filed its Petition to Open Judgment. The lack of dispute regarding this issue finds support in previous appellate opinions which have found that the filing of a petition to open a default judgment is “prompt” when the period of delay is generally less than one month. See *Fink*, cited above, (a period of five days is timely); *Duckson v. Wee Wheelers, Inc.*, 620 A.2d 1206 (Pa.Super. 1993) (one day is timely); *Alba v. Urology Assoc. of Kingston*, 598 A.2d 57 (Pa.Super. 1991) (fourteen days is timely); but see *McCoy v. Public Acceptance Corp.*, 305 A.2d 698 (Pa. 1973) (a period of two and a half weeks was not prompt).

The second requirement that must be met before opening a default judgment is that the default can be reasonably explained or excused. S & A alleges, in its Petition to Open Judgment, that the indefinite extension of the time period within which S & A was required to file an Answer was unilaterally revoked unbeknownst to S & A. Additionally, S & A’s further insinuates that the default judgment was taken unbeknownst to S & A. These allegations in the Petition to Open Judgment have not been supported by evidence. To the contrary, at a hearing, S & A’s counsel acknowledged receiving the January 14, 2005, correspondence which notified S & A that Meadowbrook rescinded the extension and demanded that an answer be filed within twenty days. Additionally, the record supports a finding that both S & A and counsel were provided with a ten-day notice of intent to exercise default judgment before judgment was eventually entered fifteen days later.

The burden rests upon S & A to establish an excusable reason for failing to act upon the original complaint. I find, however, that this burden has not been carried. The correspondence and Notice of Intent to enter a default judgment is unmistakably clear in alerting S & A as to its obligation to file a responsive pleading. Although S & A may very well have misunderstood its obligation, I can glean nothing from the record that would justify this misunderstanding. The record fails to support any claim that Meadowbrook’s counsel lulled S & A into a false sense of security concerning whether a responsive pleading need be filed.

Perhaps in recognition of the lack of factual support for their initial allegations, S & A argued at the hearing that, despite the specific written notices to the contrary, they were under the assumption that a default judgment would not be entered while the parties were conducting negotiations. Such claims have been universally rejected by our appellate courts. See generally *Allegheny Hydro No. 1 v. American Line Builders, Inc.*, 722 A.2d 189 (Pa.Super. 1998) (counsel's mistaken belief concerning an extension of time is insufficient to justify failure to file a responsive pleading); *Castings Condominium Ass'n*, cited above, (finding no reasonable excuse where a party sent a letter to opposing counsel expressing the assumption that opposing counsel would not require a responsive pleading); *McPherson v. Tube City Taxicab Co.*, 467 A.2d 1170 (Pa.Super. 1983) (counsel's assumption that he had an extension of time within which to file a responsive pleading is insufficient to establish a reasonable excuse for filing a timely pleading). Based on the foregoing authority, S & A has failed to establish the second factor of the tripartite test for opening a default judgment.

Finally, in order to open a default judgment, the petitioning party must allege a meritorious defense. Although this prong of the test was not the focus of Meadowbrook's challenge to the Petition to Open Judgment, I find that this issue merits further discussion.

The underlying legal theory of Meadowbrook's Complaint is breach of the statutory warranty set forth in 68 Pa.C.S.A. § 5411. 68 Pa.C.S.A. § 5411 provides that the developer of a planned residential community warrants against structural defects for a period of two years. Meadowbrook's Complaint alleges defects in the development that existed since the completion of the development.³ S & A does not deny the existence of the statutory warranty. In their Answer, they simply allege that the warranty expired and they are without sufficient knowledge as to whether the deficiencies claimed by Meadowbrook have merit. I find that this does not constitute a meritorious defense.

³The Complaint also seeks damages for numerous trees and shrubs in the amount of \$2,767.50. The date that this problem arose, however, is not clear in the Complaint. Arguably, the expiration of the warranty in regard to this element of damages may be a viable defense.

The statutory warranty period of two years is triggered upon the conveyance of a unit to a bona fide purchaser. Although this date is not indicated in the Complaint, allegations indicating the existence of deficiencies, since its completion, circumstantially suggest that the deficiencies were well within the statutory warranty period.

Additionally, S & A's proposed Answer, for the most part, does not present a defense to the allegations raised in Meadowbrook's Complaint. Rather, S & A's response to the majority of the allegations in the Complaint is that S & A does not have sufficient information to determine the truth or validity of those allegations. The exceptions to these general denials are found in paragraph 7 of the Answer where S & A claims that the "improvements were constructed according to specifications demanded and approved by the Borough of Fairfield and its engineers" and in paragraphs 12 and 14 where S & A claims that damages to the sidewalk were the result of natural settlement and/or the "homeowners' negligent maintenance."

In *Castings Condominium Ass'n*, cited above, the Superior Court held that general denials are insufficient to satisfy the requirement that the defendant must establish a meritorious defense before being permitted to open a default judgment. *Castings Condominium Ass'n*, 663 A.2d at 225. My reading of S & A's Answer leads me to the conclusion that the Answer falls within the category of pleading which the *Castings Condominium Ass'n* Court found to be insufficient. S & A does not refute, with particularity, any of the allegations raised by Meadowbrook. For instance, in response to the alleged deficiencies in the drainage system installed by S & A, S & A simply indicates that after reasonable investigation, it has no knowledge as to the sufficiency of these allegations. S & A follows that general statement by claiming that the drainage system was installed according to specifications approved by the Borough of Fairfield and its engineers. While these allegations present an interesting aside, they do not specifically address Meadowbrook's claims that the drainage system was defectively installed.

As noted, an exception to these general allegations is when S & A's claims that the alleged defects in the sidewalks are due to settling and negligent maintenance by the homeowners. The claims related to the sidewalks, however, total only \$2,775 of the \$22,132.50 judgment. If S & A had carried its burden of establishing the other

requirements necessary to open a default judgment, opening the judgment partially for purposes of addressing the sidewalk issue might be appropriate. However, as stated above, S & A has not carried that burden.

In applying the tripartite test and weighing the equities, I find that S & A has failed to provide a reasonable excuse for the default. Moreover, I find the allegations of meritorious defense to be insufficient as to the majority of issues raised by the Complaint.

Had this been a situation where the record revealed a “snap judgment” being taken without notice, the result would certainly be different. However, in this instance, the record reveals that Meadowbrook allowed S & A approximately three months following the filing of a complaint for the parties to conduct settlement negotiations. During this period of time, S & A certainly had the opportunity to investigate and develop a factual background to assist in its determination of the merits and potential defenses to Meadowbrook’s claims. After revocation of this extension, S & A was given approximately two and a half additional months within which to file an answer before notice of default was provided. Following the required ten-day notice, S & A was given an additional fifteen days before judgment was entered. Clearly, it cannot be said that a “snap judgment” was attained by Meadowbrook. Rather, S & A failed to use diligence in filing an answer despite the generous allotment of time in which to do so and despite a clear notice of Meadowbrook’s intention to proceed with the entry of a default judgment.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 25th day of August, 2005, the Petition of S & A Custom Built Homes, Inc., to Open Judgment is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1412 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set along a fifty (50) feet wide right-of-way known as Foxtown Drive and Lot No. 44 of the hereinafter referenced subdivision plan; thence along said Lot No. 44 North two (02) degrees four (04) minutes forty-seven (47) seconds West, two hundred sixty-six and eighty-two hundredths (266.82) feet to a steel pin set at Lot No. 42 of said plan; thence along Lot No. 42 South sixty-nine (69) degrees fifty-three (53) minutes thirty-five (35) seconds East, three hundred twelve and ninety-five hundredths (312.95) feet to a steel pin set along the above mentioned Foxtown Drive; thence along and with said Foxtown Drive South seven (07) degrees nine (09) minutes zero (00) seconds West, twenty-three and zero hundredths (23.00) feet to a point; thence continuing by a curve to the right with a radius of one hundred fifty and zero hundredths (150.00) feet, an arc distance of two hundred eleven and forty-six hundredths (211.46) feet, and a long chord bearing and distance of South forty-seven (47) degrees thirty-two (32) minutes six (06) seconds West, one hundred ninety-four and thirty-eight hundredths (194.38) feet to a point; thence continuing South eighty-seven (87) degrees fifty-five (55) minutes thirteen (13) seconds West, one hundred thirty-eight and three hundredths (138.03) feet to a steel pin set at Lot No. 44 of said plan, the point and place of BEGINNING. CONTAINING 1.265 Acres and being identified as Lot No. 43 on the hereinafter referenced subdivision plan.

The above description was taken from a final Subdivision Plan prepared by Worley Surveying. Said Plan was recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 78, at Page 56.

SUBJECT, NEVERTHELESS, to a MET-ED Utility Right-of-Way as shown on the above subdivision plan.

SUBJECT, ALSO, to the Declaration of Restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

IT BEING the same which Lebing Development Company, Inc. by its deed

dated December 15, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2183, at page 302, granted and conveyed unto L.L. Lawrence Builders, Inc., GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VEST-ED IN Terry M. Jordan, Sr., and Josephine K. Jordan, husband and wife, by Deed from L.L. Lawrence Builders, Inc., dated 5-6-02, recorded 5-7-02, in Deed Book 2652, page 31.

Premises being: 60 Foxtown Drive, Abbottstown, PA 17301

Tax Parcel No. 17-L09-0212-000

SEIZED and taken into execution as the property of **Terry M. Jordan, Sr. & Josephine K. Jordan** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on or about December 29, 2005, with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the purpose of obtaining a Certificate of Incorporation for a business corporation organized under the Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is BELL REAL ESTATE, INC. The registered office of the corporation is 8438 Carlisle Pike, York Springs, PA 17372.

This notice is given pursuant to Section 1307 of the Business Corporation Law of 1988.

John C. Zepp, III
Attorney At Law
P.O. Box 204
York Springs, PA 17372

4/13

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NO. RT-3-06(B)

NOTICE

TO: CRYSTAL MOFFITT CLOUSER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 27, 2006, at 9:00 a.m., prevailing time, in Conference Room 411 on the 4th Floor of the Adams County 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
Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

4/7, 13 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on March 6, 2006, for the purpose of obtaining a Certificate of Incorporation organized under the provisions of the Pennsylvania Business Corporation Law, approved December 21, 1988, P.L. 1444, as amended. The name of the corporation is GOLDENVILLE FARM, INC. The purpose or purposes for which the corporation is incorporated is that the corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under said Business Corporation Law.

Pyle and Entwistle
Attorneys for the Corporation

4/13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain or tract of land situate on the Northerly right-of-way line of Abbots Drive in the Borough of Abbottstown, County of Adams, and State of Pennsylvania known and numbered as Lot No. 2 on a plan for Abbots Manor recorded in the Office of the Recorder of Deeds in and for Adams County, PA subdivision Plan Book 69, page 95, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the Northerly right-of-way line of Abbots Manor, at a corner of Lot No. 3 on said plan; thence extending along the said right-of-way line of Abbots Manor on a line curving to the left having a radius of 225 feet and arc distance of 13 feet with a chord bearing South 72 degrees 07 minutes 50 seconds West 13 feet to a point; thence continuing along the said right-of-way line South 70 degrees 28 minutes 30 seconds West 72 feet, to a corner of Lot No. 1 on said plan; thence extending along the said Lot No. 1 North 15 degrees 39 minutes 50 seconds West 130.07 feet to a point; thence South 89 degrees 40 minutes 20 seconds East 22.31 feet to a point; thence North 70 degrees 28 minutes 30 seconds East 63.53 feet to a point at a corner of Lot No. 3 on said plan; thence extending along the said Lot No. 3 South 15 degrees 39 minutes 50 seconds West 122.86 feet to the point and place of BEGINNING.

BEING the same premises which Garland Construction by Deed dated January 15, 1998 and recorded in the Adams County Recorder of Deeds Office on February 6, 1998 in Deed Book 1517, page 322, granted and conveyed unto David J. Carbaugh and Brenda K. Carbaugh.

Premises Being: 22 Abbots Drive, Abbottstown, PA 17301

SEIZED and taken into execution as the property of **David J. Carbaugh & Brenda K. Carbaugh** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1354 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain two lots or tracts of ground situate in Mount Pleasant Township, Adams County, Pennsylvania, described as Lots 3 and 4 shown on a survey prepared by William S. Sacra and Associates Consulting Engineers, York, Pennsylvania, dated October 24, 1967 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1 at page 42, said Lots being more particularly described as follows:

BEGINNING at a point on US Route 30 at Southeast corner of Lot No. 2 and the Southwest corner of Lot No. 3; thence along Lot No. 2 North three (3) degrees East, two hundred and sixty-one and twenty-eight one hundredths (261.28) feet to a point at the Northeast corner of Lot No. 2 and the Northwest corner of Lot No. 2 along the Western Maryland Railroad right-of-way line; thence extending along said line South eighty-four (84) degrees twenty-nine (29) minutes forty-one (41) seconds East, two hundred and twenty-one hundredths (200.21) feet to a point at the Northwest corner of Lot No. 5 and the Northeast corner of Lot No. 4; thence along Lot No. 5 South three (3) degrees West, two hundred fifty-two and fifty-two one hundredths (252.52) feet to a point at the Southwest corner of Lot No. 5 and the Southeast corner of Lot No. 4 said point being on US Route 30; thence extending along US Route 30, North eighty-seven (87) degrees zero (00) minutes West two hundred feet to a point at the Southeast corner of Lot No. 2 and the Southwest corner of Lot No. 3 along US Route 30, the place of BEGINNING.

Commonly known as: 3900 York Road
Tax Parcel No. H1-39L

SEIZED and taken into execution as the property of **Donald J. Schratwieser & Evelyn Schratwieser a/k/a Evelyn V. Schratwieser** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-3-06(A)

NOTICE

TO: DUSTIN ANDREW CLOUSER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 27, 2006, at 9:00 a.m., prevailing time, in Conference Room 411 on the 4th Floor of the Adams County 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

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

4/7, 13 & 21

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 GARY R. BOOKS, DEC'D

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

Administrator: Marian P. Leer, 9120 Carlisle Pike, York Springs, PA 17372

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

ESTATE OF THELMA L. BREAM, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Kevin J. Diehl, 445 Carrolls Tract Road, Fairfield, PA 17320

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

ESTATE OF SARAH R. HANKEY a/k/a SARAH RHODES HANKEY a/k/a SARAH HANKEY a/k/a MRS. DONALD LAIRD HANKEY, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Joan R. Hankey, 251 Meadowbrook Lane, P.O. Box 3743, Gettysburg, PA 17325

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

ESTATE OF MARY JANE JAMES, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

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

ESTATE OF EMMA S. PROSPERI a/k/a EMMA SAUNERS PROSPERI, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert H. Proserpi, 812 Hanover Rd., Gettysburg, PA 17325

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

ESTATE OF MARION KATHRYN SPAHR, DEC'D

Late of Reading Township, Adams County, Pennsylvania

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

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

ESTATE OF FLORENCE P. SULLIVAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Catherine Gentzler, 308 Charles Street, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., 846 Broadway, Hanover, PA 17331

ESTATE OF ERNEST WAYNE WALKER, SR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ernest W. Walker, Jr., 1045 Old Harrisburg Road, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF MARY JANE BOYER, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Clyde A. Boyer, P.O. Box 297, Arendtsville, PA 17303

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

ESTATE OF HEDYA A. MEHMAN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF DONALD MARL MOLL, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Administrator: Beth A. Poppiti, 601 Rosedale Road, Kennett Square, PA 19348

Attorney: Nathan C. Wolf, Esq., Attorney-at-Law, Wolf and Wolf, 10 West High St., Carlisle, PA 17013

ESTATE OF JANE ELIZABETH PRIEST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Marilyn Paris, 313 So. 17th St., Reading, PA 19602

ESTATE OF ELAINE E. STOKER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Janice S. Gibson, P.O. Box 612, Fayetteville, PA 17222; John W. Stoker, Jr., 516 First Street, Carlisle, PA 17013

Attorney: John E. Eberhardt, Jr., Esq., 207 Lakemont Park Boulevard, Altoona, PA 16602

THIRD PUBLICATION

ESTATE OF WAYNE R. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Cheryl A. Swisher, HC 61 Box 75, Capon Bridge, WV 26711

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-1410
Action to Quiet Title

RANDALL B. INSKIP, Plaintiff

vs.

ESTATE OF MAE E. OLINGER by and through her Executrix PAULA D. OLINGER, PAULA D. OLINGER individually, BARTON W. OLINGER, and CLARENCE E. EYLER *et al* and their respective executors, heirs and/or assigns, Defendants

TO: Clarence E. EYler, et al, their respective executors, heirs and/or assigns:

NOTICE

You are notified that the Plaintiff has commenced an Action to Quiet Title against you by a complaint filed on December 22, 2005, which action you are required to defend. You are required to plead to the said Complaint within twenty (20) days after service has been completed by publication, or judgment by default may be entered against you. This action concerns a tract of land in the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at the Northeast corner of land now or formerly of George W. Olinger and wife on the South side of a public alley running from Franklin Street to West Street; thence along the South side of said public alley, South 85 degrees 10 minutes East, 30 feet to a point at the West side of a private alley where it intersects with the aforementioned public alley; thence along

the West side of private alley, South 5 degrees West, 75 feet; thence along land now or formerly of Ruth R. Swope (formerly Thad S. Warren), North 85 degrees 10 minutes West, 30 feet to a point at other land now or formerly of George W. Olinger and wife; thence along said Olinger land, North 5 degrees East, 75 feet to a point at the South side of a public alley, the place of BEGINNING.

If you wish to defend, you must take action by entering a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Phone (717) 337-9846

4/13

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization – Domestic Limited Liability Company was filed with the Commonwealth of Pennsylvania, Department of State, in Harrisburg, Pennsylvania, on December 29, 2005 under the provisions of the Pennsylvania Limited Liability Company Law of 1994 as amended.

The name of the Limited Liability Company is HARRY M. VON SAS & SON, LLC.

Harry M. Von Sas & Son, LLC has as its purpose the engaging in all lawful business for which limited liability companies may be organized.

Arthur J. Becker, Jr., P.C.
Scott J. Strausbaugh, Esq.
Attorneys for Harry M. Von Sas & Son, LLC

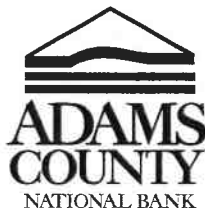
4/13

NOTICE

NOTICE IS HEREBY GIVEN that MARK D. GRIM, JR., ESQ., intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of June, 2006, and that he is serving as the District Court Administrator of Adams County, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325.

4/7, 13 & 21

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Adams County Legal Journal

Vol. 47

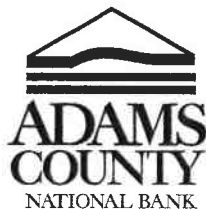
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In times like these,
you and your clients need
the experience and expertise
provided by a trust professional.



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. 05-S-1355 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows to wit:

BEGINNING at a stake at a twenty (20) feet drive way on the centerline of Lot No. 12, as land now or formerly of Mary Myers; thence by the same and through the center of Lot No. 12, North 13 degrees West, one hundred thirty-nine and two hundredths (139.02) feet to a stake at Conewago Creek; thence along said creek, North 77 degrees 15 minutes East 50 feet to a stake at Lot No. 13; thence along Lot No. 13, South 13 degrees East, one hundred thirty-eight and four hundredths (138.04) feet to a stake at the driveway aforesaid; thence by the same South 76 degrees twenty-five (25) minutes West 50 feet to a stake on the centerline of Lot No. 12, the place of BEGINNING.

SAID lot being known as the Easterly half of Lot No. 12 on a plan of series of lots laid out by Anna B. Markle, by deed from Emanuel S. Krebs and Iva Krebs, his wife, dated October 29, 1986 and recorded October 30, 1986 in Record Book 440, Page 252.

Tax Parcel No. 17-9-J-41

SEIZED and taken into execution as the property of **Andrea B. Markle** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1273 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of a 50-foot right-of-way at Lot No. 1; thence by said lot, North 12 degrees 49 minutes 50 seconds East, 206.56 feet to Lot No. 2; thence by said lot, South 77 degrees 10 minutes 10 seconds East, 260 feet to Lot No. 4; thence by said lot, South 12 degrees 49 minutes 50 seconds West, 200 feet to a point at other lands now or formerly of Frank Robbins; thence by said lands, North 77 degrees 10 minutes 10 seconds West, 222.03 feet to a point in the center of said 50-foot right-of-way; thence in the center of said 50-foot right-of-way, North 86 degrees 58 minutes 35 seconds West, 38.53 feet to the place of BEGINNING. CONTAINING 1.1966 Acres.

BEING Lot No. 3 on a draft of survey dated February 26, 1973, prepared by Donald E. Worley, Surveyor, and recorded in Adams County Plat Book No. 2 at page 60.

BEING the same which Ralph C. Brown and Lillian S. Brown, husband and wife, by deed dated December 15, 1983, recorded December 15, 1983, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 372 at page 276, sold and conveyed unto Charles E. Ott and Betty M. Ott, husband and wife. The said Charles E. Ott having died March 28, 1990 same became vested in Betty M. Ott, the Grantor herein named.

TITLE TO SAID PREMISES IS VESTED IN Michael T. Laughman and Caroline S. Laughman, husband and wife, by Deed from Betty M. Ott, Widow, dated 9-27-00, recorded in Deed Book 2136, page 285.

Premises being: 4585B Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. 12-C09-0062-000

SEIZED and taken into execution as the property of **Michael T. Laughman & Caroline S. Laughman** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

NOTICE

A petition has been presented by Merle E. Wolf, spouse of DIANE LOUISE WOLF, to the Court of Common Pleas of Adams County, Pennsylvania, for a determination that DIANE LOUISE WOLF is now deceased. A hearing on the petition shall be held before the Honorable Robert Bigham, Judge, on Wednesday, May 31, 2006, at 8:30 A.M. in Court Room #3, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325.

All parties having an interest in the matter shall be present at the hearing, prepared to present testimony and evidence concerning the matter at issue.

G. Steven McKonly, Esq.
119 Baltimore Street
Hanover, PA 17331
(717) 637-8828

4/17, 21 & 28

SMITH VS. HARLACHER

1. In order for a cause of action to be construed as a tort action, the wrong ascribed to the defendant must be the gist of the action with the contract being collateral. In adopting the "gist of the action" standard, the Superior Court recognized that the important difference between contract and tort actions is that the latter lie from the breach of duties imposed as a matter of social policy while the former lies for the breach of duties imposed by mutual consensus.

2. In its broadest sense, a "cardinal change" is an alteration in the work so drastic that it effectively requires the contractor to perform duties materially different from those for which he originally bargained.

3. The doctrine of cardinal changes (requires) that each case must be analyzed on its own facts and in light of its own circumstances, giving just consideration to the magnitude and quality of the changes ordered and their cumulative effect upon the project as a whole.

4. The measure of an owner's damages for a construction contractor's breach is the cost of completing the contract or correcting the defective work, *minus* the unpaid part of the contract price.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 05-S-530. ANTHONY B.
SMITH VS. ANDREW E. HARLACHER AND SHANTEL L.
HARLACHER.

Arthur J. Becker, Jr., Esq., for Plaintiff

Christopher Restak, Esq., for Defendants

George, J., August 25, 2005

OPINION

This action arises as a result of a construction contract wherein the Defendants, Andrew E. Harlacher and Shantel L. Harlacher ("Harlacher") contracted with the Plaintiff, Anthony M. Smith ("Smith") for the construction of a residence at 225 Seymour Road, Gettysburg, Adams County, Pennsylvania. The pleadings make reference to an acrimonious relationship between the parties, in which the hostilities reached their climax in September, 2004. In his Complaint, Smith claims that in September, 2004, Harlacher requested the installation of an entirely different heating system from that originally contracted. Despite Harlacher's willingness to pay the additional costs related to the new system, Smith relates that he was unwilling to make the change due to the delay and uncertainty involved in what he considered to be a major alteration of the terms of the contract. Smith claims that he was precluded by Harlacher from performing the remaining contractual terms because he was

unwilling to alter the terms of the original contract. He seeks damages for losses incurred as a result of Harlacher's alleged breach in prohibiting Smith from performing under the contract. Harlacher has filed counterclaims alleging both breach of contract and negligence. Harlacher essentially claims that Smith was expelled from the job site due to negligent and substandard work. Smith has filed demurrers to Harlacher's counterclaims which are now before the Court for disposition.

Pennsylvania Rule of Civil Procedure 1028(a)(4) permits preliminary objections based upon the legal insufficiency of a pleading. When reviewing preliminary objections challenging the sufficiency of a pleading, "all well-pleaded material, factual averments and all inferences fairly deductible therefrom" are presumed to be true. *Tucker v. Philadelphia Daily News*, 757 A.2d 938, 942 (Pa.Super. 2000). Preliminary objections, which, if granted, would result in the dismissal of a cause of action, should be sustained only in cases where "it is clear and free from doubt from all the facts pleaded that the pleader will be unable to prove facts legally sufficient to establish his right to relief." *Bourke v. Kazaras*, 746 A.2d 642, 643 (Pa.Super. 2000).

Smith's first demurrer challenges the legal sufficiency of Harlacher's negligence counterclaim. Smith, relying on *Hirsh v. Mount Carmel Dist. Industrial Fund, Inc.*, 526 A.2d 422 (Pa.Super. 1987), argues that the counterclaim seeks damages based solely upon nonfeasance rather than misfeasance. Indeed, the *Hirsh* Court suggested that while a cause of action in tort growing out of a breach of contract is appropriate where there was an improper performance of a contractual obligation (misfeasance), the mere failure to perform (nonfeasance) is not a sufficient basis to support a tort claim. *Id.* (quoting *Raab v. Keystone Ins. Co.*, 412 A.2d 638, (Pa.Super. 1979)). Based upon this authority, Smith argues that the cause of action for negligence should be dismissed since the pleading references only nonfeasance. Harlacher counters that a cause of action for negligence is proper since a fair reading of the Complaint alleges both nonfeasance and misfeasance on the part of Smith thereby satisfying the test set forth in *Hirsh*. Although Harlacher's Answer and Counterclaim may be ambiguous in this regard, it is not necessary for me to address the parties' competing arguments in resolving this

issue. Rather, my analysis is based upon appellate authority subsequent to *Hirsh*, which abrogates the nonfeasance/misfeasance distinction in favor of a “gist of the action” test.

In *Phico Ins. Co. v. Presbyterian Med. Serv. Corp.*, 663 A.2d 753 (Pa.Super. 1995) the Superior Court instructed that in order for a cause of action “to be construed as a tort action, the wrong ascribed to the defendant must be the gist of the action with the contract being collateral.” *Id.* at 757. In adopting the “gist of the action” standard, the Superior Court recognized “that the important difference between contract and tort actions is that the latter lie from the breach of duties imposed as a matter of social policy while the former lies for the breach of duties imposed by mutual consensus.” *Id.*

An examination of Harlacher’s Counterclaim under the “gist of the action” doctrine reveals that Smith’s demurrer is well founded. Harlacher’s Counterclaim continuously and consistently links Smith’s alleged breach of duties to his contractual obligations. It is, therefore, clear and free from doubt that Harlacher’s claim for negligence is entirely dependent upon the express terms of the contract. In essence, the negligence claim is merely a way of restating the breach of contract claim. Since the claim for negligence is wholly dependent upon the express terms of the contract and not upon the larger “duties imposed as a matter of social policy,” see *Phico*, cited above, the Counterclaim for negligence is dismissed with prejudice.

In Smith’s second demurrer, he seeks to dismiss Harlacher’s Counterclaim for breach of contract based upon a theory that Harlacher’s unilateral alteration of the contractual terms constituted a prior breach of the contract thereby relieving Smith of any obligation to perform pursuant to the contract. Therefore, Smith reasons that, as a matter of law, Harlacher cannot pursue a claim for breach of contract due to the non-completion of contracted work in light of Harlacher’s prior breach. The cornerstone of this argument is found in the doctrine of “cardinal changes.”

In its broadest sense, a “cardinal change” is “an alteration in the work so drastic that it effectively requires the contractor to perform duties materially different from those [for which he originally bargained].” *AT&T Communications, Inc. v. WilTel, Inc.*, 1 F.3d 1201, 1205 (Fed.Cir. 1993). The doctrine was created “to provide a breach remedy for contractors who are directed to perform work which is

not within a general scope of the contract.” *General Dynamics Corp. v. United States*, 585 F.2d 457, 462 (1978). Courts considering issues related to the doctrine of cardinal changes have concluded that “[e]ach case must be analyzed on its own facts and in light of its own circumstances, giving just consideration to the magnitude and quality of the changes ordered and their cumulative effect upon the project as a whole.” *Wunderlich Contracting Co. v. United States*, 351 F.2d 956, 966 (1965).¹ Smith argues that once Harlacher expelled Smith from the job site because he failed to accommodate Harlacher’s heating system change, Harlacher breached the contract thereby relieving Smith of any further obligation. Smith concludes that since Harlacher’s Counterclaim for breach of contract is based solely upon his non-completion of work, a cause of action cannot lie. While Smith’s argument may ultimately prevail before the fact finder, it is not a basis for the grant of a demurrer.

Since appellate authority instructs that the analysis of the cardinal change rule requires that each case be evaluated on its own facts and circumstances, evidentiary development of the record is necessary. A determination as to the significance of the proposed alteration in the context of the entire contract cannot, at this stage of the proceedings, be determined as a matter of law.

Moreover, although Harlacher’s Answer admits that they terminated the contract with Smith, they allege that the termination was due to Smith’s nonperformance of his obligations under the contract. See Answer, Paragraph 14. Indeed, Harlacher’s Answer contains correspondence predating the termination which references a number of complaints concerning Smith’s workmanship. Thus, not only do the pleadings raise a factual issue concerning the reason for Harlacher’s termination of Smith, they also present a chicken or egg issue as to which came first. If I presume, as I must, Harlacher’s

¹The doctrine of “cardinal changes” is used almost exclusively by contractors suing government entities. It has, however, been considered in litigation involving private contractual disputes. See *Fuller Co. v. Brown Minneapolis Tank & Fabricating Co.*, 678 F.Supp. 506 (E.D.Pa. 1987). Although the doctrine has been applied in Pennsylvania, see *Roy F. Weston, Inc. v. Halliburton NUS Envtl. Corp.*, 1993 U.S. Dist. LEXIS 2841 (E.D.Pa. 1993); *JHE, Inc. v. Southeastern Pennsylvania Transportation Authority*, 2002 Pa. D. & C LEXIS 78 (C.P. Philadelphia 2002), I have been unable to find any Pennsylvania appellate cases adopting this doctrine as a vehicle for contract interpretation under Pennsylvania law.

factual averments to be true, the alleged lack of merit of Harlacher's Counterclaim is not so obvious as to justify the grant of a demurrer. Accordingly, Smith's demurrer on this basis is denied.

Smith's final Preliminary Objection challenges the nature of the damages sought by Harlacher in the Counterclaim. Specifically, Smith challenges Harlacher's claim for damages representing "[t]he difference between what [Harlacher was] required to spend to complete the project, less the amount that was remaining on the construction contract for work still to be completed when [Harlacher] was terminated from the job." Answer, paragraph 58a. I find this objection meritless.

The United States Bankruptcy Court for the Eastern District of Pennsylvania summarized Pennsylvania's law with regard to the measure of damages for incomplete or defective performance of a construction contract as follows:

The courts of this Commonwealth, consistently therewith, have generally measured damages for incomplete or defective performance of a construction contract by determining the cost of completing the work or correcting the defects by another contractor.

...

However, this mode of measurement is applied rigorously only where the original breaching party has substantially finished the work and where the non-breaching party has completed payment to the party at breach. As completed payment was not, with justification, made here, this case therefore calls for a slightly different method of calculation. We hold that the correct measure of damages set forth...as follows: 'The measure of an owner's damages for a construction contractor's breach is the cost of completing the contract or correcting the defective work, *minus* the unpaid part of the contract price.'

In re: Cornell & Co., Inc. v. Seaway Painting, Inc., 229 B.R. 97, 112 (Bankr. E.D.Pa. 1999) (quoting *Brouman v. Bova*, 182 A.2d 245, (Pa.Super. 1962)) (citations omitted).

A review of Harlacher's Counterclaim clearly specifies the amount of damages attributable to damages alleged to be caused by Smith's alleged breach of contract. Additionally, Harlacher's

Counterclaim contains an exhibit consisting of copies of paid receipts and invoices for the work necessitated by the alleged breach. Smith's Preliminary Objection as to the damages claimed is, therefore, denied.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 25th day of August, 2005, the Plaintiff's Demurrer to the Defendants' Counterclaim Count 1(negligence) is granted. The remaining Preliminary Objections of the Plaintiff are denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1412 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set along a fifty (50) feet wide right-of-way known as Foxtown Drive and Lot No. 44 of the hereinafter referenced subdivision plan; thence along said Lot No. 44 North two (2) degrees four (04) minutes forty-seven (47) seconds West, two hundred sixty-six and eighty-two hundredths (266.82) feet to a steel pin set at Lot No. 42 of said plan; thence along Lot No. 42 South sixty-nine (69) degrees fifty-three (53) minutes thirty-five (35) seconds East, three hundred twelve and ninety-five hundredths (312.95) feet to a steel pin set along the above mentioned Foxtown Drive; thence along and with said Foxtown Drive South seven (07) degrees nine (09) minutes zero (00) seconds West, twenty-three and zero hundredths (23.00) feet to a point; thence continuing by a curve to the right with a radius of one hundred fifty and zero hundredths (150.00) feet, an arc distance of two hundred eleven and forty-six hundredths (211.46) feet, and a long chord bearing and distance of South forty-seven (47) degrees thirty-two (32) minutes six (06) seconds West, one hundred ninety-four and thirty-eight hundredths (194.38) feet to a point; thence continuing South eighty-seven (87) degrees fifty-five (55) minutes thirteen (13) seconds West, one hundred thirty-eight and three hundredths (138.03) feet to a steel pin set at Lot No. 44 of said plan, the point and place of BEGINNING, CONTAINING 1.265 Acres and being identified as Lot No. 43 on the hereinafter referenced subdivision plan.

The above description was taken from a final Subdivision Plan prepared by Worley Surveying. Said Plan was recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 78, at Page 56.

SUBJECT, NEVERTHELESS, to a MET-ED Utility Right-of-Way as shown on the above subdivision plan.

SUBJECT, ALSO, to the Declaration of Restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

IT BEING the same which Lebing Development Company, Inc. by its deed dated December 15, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2183, at page 302, granted and conveyed unto L.L. Lawrence Builders, Inc., GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Terry M. Jordan, Sr., and Josephine K. Jordan, husband and wife, by Deed from L.L. Lawrence Builders, Inc., dated 5-6-02, recorded 5-7-02, in Deed Book 2652, page 31.

Premises being: 60 Foxtown Drive, Abbottstown, PA 17301

Tax Parcel No. 17-L09-0212-000

SEIZED and taken into execution as the property of **Terry M. Jordan, Sr. & Josephine K. Jordan** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-99 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin in the intersection of the State Highway running from Arendtsville to the Lincoln Highway and the State Highway running to Camp Nawakwa; thence in the State Highway running to Camp Nawakwa and by land now or formerly of The C. H. Musselman Company South 84 degrees 8 minutes East 404.2 feet to an iron pin; thence

leaving said last mentioned Highway and running along land now or formerly of Elmer H. Heller South 13 degrees 46 minutes East 197.7 feet to a black oak stump; thence by the same South 39 degrees 37 minutes West 602 feet to an iron pin and stones at or near the Western edge of the State Highway running from Arendtsville to the Lincoln Highway; thence in said last mentioned State Highway and by land now or formerly of The C. H. Musselman Company North 5 degrees 16 minutes West 700 feet to an iron pin, the place of BEGINNING, CONTAINING 4 Acres and 41 Perches, more or less.

The description of the tract of land hereby conveyed was obtained from a draft of survey made on April 13, 1956 by LeRoy H. Winebrenner, County Surveyor.

Vesting Information:

Vested by Special Warranty Deed dated 8/5/99, given by Glenn R. Heller and Marie A. Heller, husband and wife to Nora L. Bachman recorded 8/5/99 in Book 1890 Page 16.

Tax Parcel (29) D06-0027

Premises Being: 475 Nawakwa Road, Biglerville, PA 17307

SEIZED and taken into execution as the property of **Nora L. Bachman a/k/a Nora L. Patterson** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

NOTICE

NOTICE IS HEREBY GIVEN that MARK D. GRIM, JR., ESQ., intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of June, 2006, and that he is serving as the District Court Administrator of Adams County, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325.

4/7, 13 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain or tract of land situate on the Northerly right-of-way line of Abbots Drive in the Borough of Abbottstown, County of Adams, and State of Pennsylvania known and numbered as Lot No. 2 on a plan for Abbots Manor recorded in the Office of the Recorder of Deeds in and for Adams County, PA subdivision Plan Book 69, page 95, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the Northerly right-of-way line of Abbots Manor, at a corner of Lot No. 3 on said plan; thence extending along the said right-of-way line of Abbots Manor on a line curving to the left having a radius of 225 feet and arc distance of 13 feet with a chord bearing South 72 degrees 07 minutes 50 seconds West 13 feet to a point; thence continuing along the said right-of-way line South 70 degrees 28 minutes 30 seconds West 72 feet, to a corner of Lot No. 1 on said plan; thence extending along the said Lot No. 1 North 15 degrees 39 minutes 50 seconds West 130.07 feet to a point; thence South 89 degrees 40 minutes 20 seconds East 22 31 feet to a point; thence North 70 degrees 28 minutes 30 seconds East 63.53 feet to a point at a corner of Lot No. 3 on said plan; thence extending along the said Lot No. 3 South 15 degrees 39 minutes 50 seconds West 122.86 feet to the point and place of BEGINNING.

BEING the same premises which Garland Construction by Deed dated January 15, 1998 and recorded in the Adams County Recorder of Deeds Office on February 6, 1998 in Deed Book 1517, page 322, granted and conveyed unto David J. Carbaugh and Brenda K. Carbaugh.

Premises Being: 22 Abbots Drive, Abbottstown, PA 17301

SEIZED and taken into execution as the property of **David J. Carbaugh & Brenda K. Carbaugh** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1354 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain two lots or tracts of ground situate in Mount Pleasant Township, Adams County, Pennsylvania, described as Lots 3 and 4 shown on a survey prepared by William S. Sacra and Associates Consulting Engineers, York, Pennsylvania, dated October 24, 1967 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1 at page 42, said Lots being more particularly described as follows:

BEGINNING at a point on US Route 30 at Southeast corner of Lot No. 2 and the Southwest corner of Lot No. 3; thence along Lot No. 2 North three (3) degrees East, two hundred and sixty-one and twenty-eight one hundredths (261.28) feet to a point at the Northeast corner of Lot No. 2 and the Northwest corner of Lot No. 2 along the Western Maryland Railroad right-of-way line; thence extending along said line South eighty-four (84) degrees twenty-nine (29) minutes forty-one (41) seconds East, two hundred and twenty-one hundredths (200.21) feet to a point at the Northwest corner of Lot No. 5 and the Northeast corner of Lot No. 4; thence along Lot No. 5 South three (3) degrees West, two hundred fifty-two and fifty-two one hundredths (252.52) feet to a point at the Southwest corner of Lot No. 5 and the Southeast corner of Lot No. 4 said point being on US Route 30; thence extending along US Route 30, North eighty-seven (87) degrees zero (00) minutes West two hundred feet to a point at the Southeast corner of Lot No. 2 and the Southwest corner of Lot No. 3 along US Route 30, the place of BEGINNING.

Commonly known as: 3900 York Road
Tax Parcel No. I11-39L

SEIZED and taken into execution as the property of **Donald J. Schratwieser & Evelyn Schratwieser a/k/a Evelyn V. Schratwieser** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-3-06(A)

NOTICE

TO: DUSTIN ANDREW CLOUSER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 27, 2006, at 9:00 a.m., prevailing time, in Conference Room 411 on the 4th Floor of the Adams County 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

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

4/7, 13 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 06-S-320
Action to Quiet Title

CECIL R. YOUNGBLOOD, Plaintiff
vs.

HANSON C. DEARDORFF, Deceased,
his heirs, devisees, personal representa-
tives, successors and assigns,
TAX CLAIM BUREAU OF ADAMS
COUNTY, its successors and assigns,
and JOHN DOE and all parties who may
have an interest in the subject premises,
their successors and assigns, Defendants

NOTICE

TO: HANSON C. DEARDORFF,
Deceased, his heirs, devisees, personal
representatives, successors and assigns
and all others who own property in the
area.

TAKE NOTICE that on the 20th day of
March, 2006, Plaintiff, CECIL R.
YOUNGBLOOD, filed a Complaint
endorsed with a Notice to Defend
against you in the Court of Common
Pleas of Adams County, Pennsylvania
docketed to No. 06-S-320. The
Complaint seeks to establish Plaintiff's
title to a certain portion of unimproved
land with no street address lying
and being located in Franklin Township,
Adams County, Pennsylvania.

YOU ARE HEREBY notified to plead
to the above referenced Complaint on or
before twenty (20) days from the date of
this publication or a judgment will be
entered against you for the relief
requested in the Complaint.

WHEREFORE, the Court of Common
Pleas of Adams County, Pennsylvania,
has ordered service of the Complaint be
made on the Defendants by publication
once in the Adams County Legal Journal
and one daily newspaper of general cir-
culation in the County of Adams,
Pennsylvania. Plaintiff will request the
Court to enter a final judgment ordering
any possible legal interest the said
Defendants might have had in said prop-
erty be extinguished.

YOU HAVE BEEN SUED IN COURT. If
you wish to defend against the claims set
forth in the following pages, you must
take action within twenty (20) days after
this Complaint and notice are served by
entering a written appearance or person-
ally or by attorney, and filing in writing
with the Court your defenses or objec-
tions to the claims set forth against you.
You are warned that if you fail to do so,
the case may proceed without you and a
judgment may be entered against you by
the Court without further notice for any
money claimed in the Complaint or for
any other claim or relief requested by the

Plaintiff. You may lose money or prop-
erty or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE OR KNOW A LAWYER,
THEN YOU SHOULD GO TO OR TELE-
PHONE THE OFFICE SET FORTH
BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, Pennsylvania 17325
Telephone: (717) 337-9846

4/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execu-
tion, Judgment No. 04-S-400 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 26th
day of May, 2006, at 10:00 o'clock in the
forenoon at the Sheriff's Office located in
the Courthouse, Borough of Gettysburg,
Adams County, PA, the following Real
Estate, viz.:

ALL that certain lot of ground situate
on the West side of a public alley in the
Borough of McSherrystown, Adams
County, Pennsylvania, said public alley
running parallel to the West side of North
Second Street, more particularly bound-
ed and described as follows:

BEGINNING at an iron pin on the West
side of said public alley at lands now or
formerly of Albert A. and Regina M. Groft;
thence along said lands South sixty-four
(64) degrees thirty (30) minutes West,
seventy-one (71) feet to a stake at lands
now or formerly of A. Edward Yarzobek
and Edith R. Yarzobek; thence by said
lands South fifty-eight (58) degrees thirty
(30) minutes West, one hundred ten and
seven hundredths (110.07) feet to a
stake at lands now or formerly of Sisters
of St. Joseph; thence by said lands North
twenty-two (22) degrees thirty (30) min-
utes West sixty-five and five tenths
(65.05) feet to an iron pin at lands now or
formerly of Charles W. Rider; thence by
said lands North sixty-four (64) degrees
thirty (30) minutes East one hundred
eighty and five-tenths (180.5) feet to an
iron pin on the West side of the public
alley aforesaid; thence along the West
side of said public alley South twenty-
three (23) degrees East, fifty-two (52)
feet to an iron pin, the point and place of
BEGINNING. The aforesaid description
was taken from a draft of survey as pre-
pared by Joseph B. O'Brien, R.S., dated
April 19, 1957.

BEING the same property conveyed to
Stephen A. Noel and Jamie L. Noel, hus-
band and wife, and Stephen A. Noel and
Kathy A. Noel, husband and wife, by
deed from Brian E. Yost and Ursula

Horn-Yost, husband and wife, recorded
09/08/1999 in Deed Book 1911, Page
0189, in the Office of the Recorder of
Deeds of Adams County, Pennsylvania.

Tax Parcel (28) 002-0020
Premises Being: 141 North Street
Rear, McSherrystown, PA 17344

SEIZED and taken into execution as
the property of **Stephen A. Noel & Jaime
L. Noel a/k/a Jaime Noel** and to be sold
by me.

James W. Muller-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 19, 2006, 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 prop-
erty 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.

4/21, 28 & 5/5

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the
Council of the Borough of Bendersville,
Adams County, Pennsylvania, will hold a
public hearing on the adoption of a
Resolution to create the Bendersville
Municipal Authority under the
Municipalities Authority Act. The hearing
will be held at 7:30 P.M. on May 30, 2006
as part of the Borough's regularly sched-
uled meeting. The hearing will be held at
the Borough Office, 125 Rampike Hill
Road, Bendersville, Pennsylvania.

At the conclusion of the hearing the
Bendersville Borough Council intends to
adopt a Resolution creating the
Bendersville Municipal Authority unless
valid reason is shown as to why such
action should not be taken. A copy of the
Resolution is available for inspection at
the Borough Offices during regular busi-
ness hours.

Robert E. Campbell
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325
Solicitor

4/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-64 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Legislative Route 01001 at corner of land of James W. Cool; thence by said land of James W. Cool and running through a steel pin located twenty-five (25) feet from the place of beginning, North seventy-six (76) degrees five (5) minutes thirty-four (34) seconds West two hundred three and thirty-eight hundredths (203.38) feet to a point; thence by land of James G. Angelaras and wife running through a steel pin located forty-nine and fifty-six hundredths (49.56) feet from the beginning of this line, North fifteen (15) degrees forty-five (45) minutes forty-one (41) seconds East one hundred ninety-six and sixteen hundredths (196.16) feet to a steel pin; thence by the same, and running through a steel pin located seventeen and thirty-eight hundredths (17.38) feet from the end of this line, South sixty-nine (69) degrees nine (9) minutes forty-one (41) seconds East two hundred thirty and seventy-four hundredths (230.74) feet to a point in the center of Legislative Route 01001; thence in the center of said Legislative Route 01001, South twenty-four (24) degrees forty-one (41) minutes two (2) seconds West one hundred seventy-one and twenty-three hundredths (171.23) feet to a point, the place of BEGINNING. CONTAINING 39,647 square feet.

THE foregoing description was obtained from a draft of a survey made by Donald E. Worley, Registered Surveyor, on June 25, 1975.

Being Known As: 1891 Tract Road (Liberty Township) Fairfield, PA 17320

Property ID No.: D17-5B

TITLE TO SAID PREMISES IS VESTED IN Jon B. Stoner and Lillie J. Stoner, his wife by deed from Lawrence V. Young, trustee in Bankruptcy for Roger E. Oakes and Joyce J. Oakes, his wife dated 6/6/88 recorded 6/7/88 in Deed Book 491 Page 164.

SEIZED and taken into execution as the property of **Jon B. Stoner & Lillie J. Stoner** and to be sold by me.

James W. Muller-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 19, 2006, 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.

4/21, 28 & 5/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain unit in the property known, named and identified in the declaration referred to below as 'South Branch Estates', located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform condominium act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Books 69 Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 1 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271 Page 34.

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

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

TOGETHER with all buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging, or in any wise appertaining, and any reversions, remainders, rents, issues and profits thereof, and of every part and

parcel thereof, including any interest specifically set forth, if any. And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the Grantor of, in and to the same.

TO HAVE AND TO HOLD the same premises, and the appurtenances, hereby granted to Grantees and Grantee's heirs, successors and assigns, to and for the only proper use, benefit and behoof of the said Grantee and Grantee's heirs, successors and assigns forever, under and subject to the conditions set forth, if any.

AND THE SAID GRANTOR hereby covenants and agrees that Grantor will warrant specially the property hereby conveyed.

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

IT BEING THE SAME PREMISES which J.A. Myers Building and Development, Inc., a Pennsylvania Corporation, by their deed dated May 25, 1996 and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Record Book 1218, Page 139, granted and conveyed unto Philip R. Garland t/d/b/a Garland Construction, Inc., Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Vincent Nieves, III and Nitza Nieves, husband and wife by Deed from Philip R. Garland, t/d/b/a, Garland Construction, Inc., dated 3-25-99, recorded 4-13-99 in Deed Book 1807, page 276.

Premises being: 2 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. 35-001-0052-001

SEIZED and taken into execution as the property of **Vincent M. Nieves, III a/k/a Vincent M. Miezess & Nitza Nieves** and to be sold by me.

James W. Muller-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 19, 2006, 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.

4/21, 28 & 5/5

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 STEPHEN R. BICE, DEC'D
Late of Highland Township, Adams County, Pennsylvania

Executor: Richard A. Bice, 10501 Lagrima de Oro #4205, Albuquerque, NM 87111

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF RITA M. HALL, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Freja Claire Strausbaugh Fuller, 815 Mathias Road, Littlestown, PA 17340

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

ESTATE OF ELISE K. SCHARF a/k/a ELISE SCHARF FOX, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ralph Fox, Box 3338, Gettysburg, PA 17325

ESTATE OF MARY S. SCOTT, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Dawn L. Cool, 715 Water Street, Fairfield, PA 17320

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

SECOND PUBLICATION

ESTATE OF GARY R. BOOKS, DEC'D

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

Administrator: Marian P. Leer, 9120 Carlisle Pike, York Springs, PA 17372

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

ESTATE OF THELMA L. BREAM, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Kevin J. Diehl, 445 Carrolls Tract Road, Fairfield, PA 17320

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

ESTATE OF SARAH R. HANKEY a/k/a SARAH RHODES HANKEY a/k/a SARAH HANKEY a/k/a MRS. DONALD LAIRD HANKEY, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Joan R. Hankey, 251 Meadowbrook Lane, P.O. Box 3743, Gettysburg, PA 17325

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

ESTATE OF MARY JANE JAMES, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

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

ESTATE OF EMMA S. PROSPERI a/k/a EMMA SAUNERS PROSPERI, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert H. Prosperi, 812 Hanover Rd., Gettysburg, PA 17325

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

ESTATE OF MARION KATHRYN SPAHR, DEC'D

Late of Reading Township, Adams County, Pennsylvania

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

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

ESTATE OF FLORENCE P. SULLIVAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Catherine Gentzler, 308 Charles Street, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., 846 Broadway, Hanover, PA 17331

ESTATE OF ERNEST WAYNE WALKER, SR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ernest W. Walker, Jr., 1045 Old Harrisburg Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF MARY JANE BOYER, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Clyde A. Boyer, P.O. Box 297, Arendtsville, PA 17303

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

ESTATE OF HEDY A. MEHMAN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF DONALD MARL MOLL, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Administrator: Beth A. Poppiti, 601 Rosedale Road, Kennett Square, PA 19348

Attorney: Nathan C. Wolf, Esq., Attorney-at-Law, Wolf and Wolf, 10 West High St., Carlisle, PA 17013

ESTATE OF JANE ELIZABETH PRIEST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Marilyn Paris, 313 So. 17th St., Reading, PA 19602

ESTATE OF ELAINE E. STOKER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Janice S. Gibson, P.O. Box 612, Fayetteville, PA 17222; John W. Stoker, Jr., 516 First Street, Carlisle, PA 17013

Attorney: John E. Eberhardt, Jr., Esq., 207 Lakemont Park Boulevard, Altoona, PA 16602

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-39 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being partly in Union Township and partly in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point along the Southwesterly right-of-way line of Wheaton Drive and Lot No. 110 of the hereinafter referred to subdivision plan, thence along said Lot No. 110, South forty-five (45) degrees two (02) minutes thirty-six (36) seconds West, one hundred thirty-nine and ninety-six hundredths (139.96) feet to a point at lands now or formerly of Donald Smith; thence along said lands now or formerly of Donald Smith, North forty-five (45) degrees seventeen (17) minutes forty-one (41) seconds West, one hundred and zero hundredths (100) feet to a point at Lot No. 112; thence along said Lot No. 112, North forty-four (44) degrees forty and zero hundredths (140) feet to a point along the Southwesterly right-of-way line of Wheaton Drive; thence along the Southwesterly right-of-way line of Wheaton Drive, South forty-five (45) degrees seventeen (17) minutes forty-one (41) seconds East, eighty-six and thirty-three hundredths (86.33) feet to a point; thence continuing along same by a curve to the right which has a radius of two thousand four hundred fifty-six and sixty-one hundredths (2,456.61) feet, an arc distance of fourteen and forty-nine hundredths (14.49) feet, the long chord of which is South forty-five (45) degrees seven (07) minutes thirty-two (32) seconds East, fourteen and forty-nine hundredths (14.49) feet to a point, the place of BEGINNING. CONTAINING 14,056 square feet and being identified as Lot No. 111 on the final subdivision plan of Phase II, Meadowview Estates, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plot Book 60, page 50.

UNDER AND SUBJECT to the Declaration of Restrictions of Lynn Lee Construction Co., Inc. recorded May 12, 1992, in the Adams County Recorder of Deeds' Office in Record Book 626, page 797.

Tax Parcel # 003-0056

Premises Being: 133 Wheaton Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Michelle C. Valentine & Timothy J. Valentine** and to be sold by me.

James W. Muller-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 19, 2006, 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.

4/21, 28 & 5/5

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-3-06(B)

NOTICE

TO: CRYSTAL MOFFITT CLOUSER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 27, 2006, at 9:00 a.m., prevailing time, in Conference Room 411 on the 4th Floor of the Adams County 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

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

4/7, 13 & 21

Adams County Legal Journal

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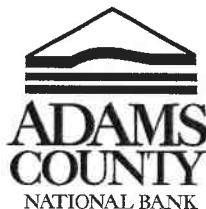
April 28, 2006

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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. 05-S-1355 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows to wit:

BEGINNING at a stake at a twenty (20) feet drive way on the centerline of Lot No. 12, as land now or formerly of Mary Myers; thence by the same and through the center of Lot No. 12, North 13 degrees West, one hundred thirty-nine and two hundredths (139.02) feet to a stake at Conewago Creek; thence along said creek, North 77 degrees 15 minutes East 50 feet to a stake at Lot No. 13; thence along Lot No. 13, South 13 degrees East, one hundred thirty-eight and four hundredths (138.04) feet to a stake at the driveway aforesaid; thence by the same South 76 degrees twenty-five (25) minutes West 50 feet to a stake on the centerline of Lot No. 12, the place of BEGINNING.

SAID lot being known as the Easterly half of Lot No. 12 on a plan of series of lots laid out by Anna B. Markle, by deed from Emanuel S. Krebs and Iva Krebs, his wife, dated October 29, 1986 and recorded October 30, 1986 in Record Book 440, Page 252.

Tax Parcel No: 17-9-J-41

SEIZED and taken into execution as the property of **Andrea B. Markle** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1273 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of a 50-foot right-of-way at Lot No. 1; thence by said lot, North 12 degrees 49 minutes 50 seconds East, 206.56 feet to Lot No. 2; thence by said lot, South 77 degrees 10 minutes 10 seconds East, 260 feet to Lot No. 4; thence by said lot, South 12 degrees 49 minutes 50 seconds West, 200 feet to a point at other lands now or formerly of Frank Robbins; thence by said lands, North 77 degrees 10 minutes 10 seconds West, 222.03 feet to a point in the center of said 50-foot right-of-way; thence in the center of said 50-foot right-of-way, North 86 degrees 58 minutes 35 seconds West, 38.53 feet to the place of BEGINNING, CONTAINING 1.1966 Acres.

BEING Lot No. 3 on a draft of survey dated February 26, 1973, prepared by Donald E. Worley, Surveyor, and recorded in Adams County Plat Book No. 2 at page 60.

BEING the same which Ralph C. Brown and Lillian S. Brown, husband and wife, by deed dated December 15, 1983, recorded December 15, 1983, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 372 at page 276, sold and conveyed unto Charles E. Ott and Betty M. Ott, husband and wife. The said Charles E. Ott having died March 28, 1990 same became vested in Betty M. Ott, the Grantor herein named.

TITLE TO SAID PREMISES IS VESTED IN Michael T. Laughman and Caroline S. Laughman, husband and wife, by Deed from Betty M. Ott, Widow, dated 9-27-00, recorded in Deed Book 2136, page 285.

Premises being: 4585B Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. 12-C09-0062-000

SEIZED and taken into execution as the property of **Michael T. Laughman & Caroline S. Laughman** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

COMMONWEALTH VS. RITTER

1. A new trial should be awarded when the jury's verdict is so contrary to the evidence as to shock one's sense of justice and the award of a new trial is imperative so that right may be given another opportunity to prevail.

2. When reviewing a challenge to a jury instruction, it is necessary to review the charge as a whole. An instruction will be upheld if it clearly, adequately and accurately reflects the law.

3. Allegations of error in the trial court's instruction would not be considered on appeal absent an objection at trial even if the errors were basic and fundamental.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CRIMINAL ACTION NO. CC-1080-04. COM-
MONWEALTH OF PENNSYLVANIA VS. DARYL LLOYD RIT-
TER.

Brian R. Sinnett, Esq., Assistant District Attorney, for Commonwealth
Thomas R. Nell, Esq., for Defendant

George, J., August 25, 2005

OPINION PURSUANT TO PA.R.A.P. 1925

The Defendant, Daryl Lloyd Ritter ("Ritter"), appeals following a jury conviction of delivery of cocaine (35 Pa.C.S. § 113(a)(30)) and possession of drug paraphernalia (35 Pa.C.S. § 113(a)(32)). In his Concise Statement of Matters Complained of on Appeal, Ritter raises three issues. A review of the factual background will assist in the disposition of those issues.

Detective Hartlaub of the Conewago Township Police Department and the Adams County Drug Task Force contacted Angela Kellison for purposes of arranging the purchase of approximately one ounce of cocaine. An exchange was arranged to occur on October 13, 2004, at approximately 6:00 P.M. at Nell's Shurfine Market in East Berlin, Adams County, Pennsylvania ("Nell's"). On the arranged date, Detective Hartlaub purposely delayed his arrival to allow surveillance to set up. At 6:00 P.M. on October 13, 2004, Kellison called Detective Hartlaub inquiring as to his location and advising the Detective that she was in a gray Chevy 4-door vehicle. Upon arrival at the scene, Hartlaub noticed that Kellison's vehicle was parked directly behind the police surveillance van. Additionally, he observed three individuals on the sidewalk consisting of Kellison, Ritter and a third person identified as James King, Jr. As the Detective pulled into Nell's parking lot, he observed Kellison and

King walking toward his vehicle. At approximately the same time, Ritter walked in the opposite direction. Both King and Kellison entered the Detective's vehicle at which time the Detective purchased cocaine. Surveillance immediately responded following the transaction and placed King and Kellison under arrest. Ritter was also arrested by surveillance. Following his arrest, Ritter indicated to Detective Hartlaub that he was unaware that Kellison and King were selling cocaine but rather believed they were delivering marijuana. He further admitted that he had driven both Kellison and King to the scene.

The Commonwealth presented Angela Kellison's testimony. Kellison indicated that she told Ritter she needed to make a drop-off. She explained that "drop-off" was a term she used in describing her delivery of drugs. She further indicated that in exchange for him providing transportation, she would give him gas money and drugs. She claimed that Ritter drove to the scene of the transaction with James King, Jr., seated in the front passenger seat while she sat in the rear seat. During the trip King pulled out the cocaine and passed it to her. According to Kellison, she further indicated that she observed King and Ritter separating a quantity of the drug and placing the separated portion into a cellophane wrapper.

The third witness called by the Commonwealth was Detective Brad Davis of the McSherrystown Borough Police and the Adams County Drug Task Force. Detective Davis was part of the surveillance team located in the van parked next to Ritter's vehicle. He indicated that he observed the conversation between Ritter and the co-defendants prior to the co-defendants walking toward Detective Hartlaub's vehicle. He further described Ritter's uncharacteristic behavior in walking in the opposite direction despite the rain occurring at that time. Upon the consummation of the transaction between Detective Hartlaub and the co-defendants, Detective Davis placed Ritter in custody. At that time, Detective Davis seized from Ritter a small blue bag containing a small glass jar with cocaine residue. Additionally, he found a glass stem with copper wool on the end which he described was used to smoke crack cocaine.

Ritter presented a defense based upon ignorance. He called King to refute Kellison's claim that King provided the cocaine. To the contrary, King alleged Kellison was the person who originally

produced the cocaine. King further indicated that he was unaware of whether Ritter had knowledge concerning the transaction. He did concede, however, that he held the cocaine in plain view while in the front seat of the vehicle driven by Ritter.

Ritter also testified at trial. He essentially indicated that he drove Kellison and King to Nell's although he was ignorant as to the purpose of the trip. He denied that he was offered drugs in exchange for his services; however, conceded that Kellison agreed to pay him money for gas. Although he acknowledged that the crack pipe found on his person at the time of his arrest was his, he denied ever telling Detective Hartlaub that he was aware that a drug transaction would be taking place at Nell's.

Ritter's initial challenge on appeal alleges that the jury verdict was against the weight of the evidence. I note that a weight of the evidence claim is "addressed to the discretion of the trial court." *Commonwealth v. Sullivan*, 820 A.2d 795, 805-06 (Pa.Super. 2003) (quoting *Commonwealth v. Widmer*, 744 A.2d 745 (Pa. 2000)). "A motion for new trial on grounds that the verdict is contrary to the weight of the evidence concedes that there is sufficient evidence to sustain the verdict but contends, nevertheless, that the verdict is against the weight of the evidence." *Commonwealth v. Merrick*, 488 A.2d 1, 5 (Pa.Super. 1985) (quoting *Commonwealth v. Taylor*, 471 A.2d 1228 (Pa.Super. 1984)). "A new trial should be awarded when the jury's verdict is so contrary to the evidence as to shock one's sense of justice and the award of a new trial is imperative so that right may be given another opportunity to prevail." *Commonwealth v. Wright*, 846 A.2d 730, 736 (Pa.Super. 2004) (quoting *Sullivan*, cited above).¹

In Ritter's trial, as in most trials, the fact finder was presented with a variety of information from several different sources. While some of that information could be reconciled, other testimony was clearly conflicting. For instance, Kellison's version of the events leading up to and occurring on October 13, 2004, were in complete contradiction to Ritter's version of those same events. Nevertheless, a verdict is not against the weight of the evidence simply because the

¹"A motion for new trial on grounds that the verdict is contrary to the weight of the evidence concedes that there is sufficient evidence to sustain the verdict...". *Commonwealth v. Davis*, 799 A.2d 860, 865 (Pa.Super. 2002).

evidence is conflicting and the fact finder could have decided in favor of either party. See generally *Estate of Lanning v. West*, 803 A.2d 753 (Pa.Super. 2002). Rather, it becomes the jury's duty to decide which testimony to accept and which to reject. I find nothing shocking about the jury's acceptance of the Commonwealth's version of events to the exclusion of Ritter's contrary testimony.

The testimony of the Commonwealth's main witness, Kellison, is corroborated by other testimony. For instance, Ritter's witness, King, conceded that the cocaine was openly handled in the vehicle prior to the transaction. Similarly, Ritter confessed to Detective Hartlaub that he drove to the location knowing a drug transaction was to occur. The circumstantial evidence presented by the Commonwealth adds further corroboration. Specifically, a harmonized version of the testimony reflects Ritter and Kellison leaving York city to pick up King and, thereafter, traveling twenty or twenty-five miles away to the parking lot of a closed store in East Berlin, Adams County. Once there, Ritter did not park in the parking lot, but rather parked out on the street in front of the empty parking lot. After a few brief phone calls to a third party, two of the occupants of the vehicle walked toward a car which pulled into the vacant parking lot. The third individual, Ritter, walked, in the rain, in the opposite direction. Surveillance described Ritter's actions to be consistent with that of a "look-out". As the police moved in to effectuate the arrest, Ritter, the owner of the vehicle, walked in a direction opposite his vehicle. Once arrested, Ritter acknowledged that he was aware of a drug transaction taking place; however, he attempted to minimize his involvement by claiming that he believed the transaction to be a marijuana transaction. I find nothing shocking, under these circumstances, about the verdict entered by the jury.

Ritter's second issue appears to be another way of raising the same argument. In his Concise Statement of Matters Complained of on Appeal, Ritter claims that he is entitled to "discharge" because the Commonwealth's evidence "was so inconsistent, contradictory, inherently unreliable that the verdict cannot stand." Once again, this appears to be a challenge to the weight of the evidence. A meticulous review of the trial testimony, however, fails to reveal any material inconsistency in evidence presented by Commonwealth witnesses. The jury's acceptance of the Commonwealth's version of the

events is consistent with this Court's observations of the evidence as it was presented. After sitting through the trial and viewing the demeanor of the witnesses at trial, I am not shocked by the verdict.

The final issue raised by Ritter on appeal addresses the Court's response to a question presented by the jury to the Court during deliberations.

First, I note that Ritter's Concise Statement of Matters Complained of on Appeal mischaracterizes the question presented by the jury. The actual question presented by the jury was as follows: "Do you have to have knowledge of a controlled substance in the car in order to be guilty of delivery of controlled substances?" Trial Transcript, page 154. In response to this question, the Court advised the jury that the Commonwealth had not charged Ritter with actually delivering the controlled substance, but rather was proceeding on a theory of accomplice liability. Thereafter, the Court instructed the jury on the elements of accomplice liability. Specifically, the jury was advised that before they may convict Ritter, they must find that he had the intent of promoting or facilitating the delivery and that he either aided, agreed to aid or attempted to aid the other parties in planning or committing that particular crime. The jury was also re-instructed on the meaning of intentional conduct. In sum, the jury was instructed that the Commonwealth was not required to show beyond a reasonable doubt that Ritter had knowledge of all the specific terms of a particular crime, i.e., the location of the cocaine at all times, however, the Commonwealth was required to prove that he had the specific intent to facilitate the commission of the crime.

"When reviewing a challenge to a jury instruction, [it is necessary to] review the charge as a whole." *Commonwealth v. Spatz*, 759 A.2d 1280, 1290 (Pa. 2000). "An instruction will be upheld if it clearly, adequately and accurately reflects the law." *Commonwealth v. Johnson*, 815 A.2d 563, 580 (Pa. 2002) (quoting *Spatz*, cited above). "A trial court may use its own form of expression to explain difficult legal concepts to the jury, as long as the trial court's instruction accurately conveys the law." *Spatz*, 759 A.2d at 1287.

Ritter suggests that the jury's question should have been answered with a simple yes or no. After consulting with counsel, I concluded that a simple yes or no answer could not have only potentially misled the jury, but might also have been prejudicial to the rights of

Ritter. I opted, therefore, to repeat the elements necessary to establish guilt. At the conclusion of this instruction, neither counsel voiced an objection. See Pa.R.Crim.P. 647(b) (a specific objection to a jury charge is necessary to preserve error on appeal); *Commonwealth v. Edmondson*, 718 A.2d 751, 753 (Pa. 1998) (allegations of error in the trial court's instruction would not be considered on appeal absent an objection at trial even if the errors were basic and fundamental). Thus, Ritter's allegation of error with regard to this Court's instruction is not only meritless, but also has not been properly preserved.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1412 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a steel pin set along a fifty (50) feet wide right-of-way known as Foxtown Drive and Lot No. 44 of the hereinafter referenced subdivision plan; thence along said Lot No. 44 North two (02) degrees four (04) minutes forty-seven (47) seconds West, two hundred sixty-six and eighty-two hundredths (266.82) feet to a steel pin set at Lot No. 42 of said plan; thence along Lot No. 42 South sixty-nine (69) degrees fifty-three (53) minutes thirty-five (35) seconds East, three hundred twelve and ninety-five hundredths (312.95) feet to a steel pin set along the above mentioned Foxtown Drive; thence along and with said Foxtown Drive South seven (07) degrees nine (09) minutes zero (00) seconds West, twenty-three and zero hundredths (23.00) feet to a point; thence continuing by a curve to the right with a radius of one hundred fifty and zero hundredths (150.00) feet, an arc distance of two hundred eleven and forty-six hundredths (211.46) feet, and a long chord bearing and distance of South forty-seven (47) degrees thirty-two (32) minutes six (06) seconds West, one hundred ninety-four and thirty-eight hundredths (194.38) feet to a point; thence continuing South eighty-seven (87) degrees fifty-five (55) minutes thirteen (13) seconds West, one hundred thirty-eight and three hundredths (138.03) feet to a steel pin set at Lot No. 44 of said plan, the point and place of BEGINNING. CONTAINING 1.265 Acres and being identified as Lot No. 43 on the hereinafter referenced subdivision plan.

The above description was taken from a final Subdivision Plan prepared by Worley Surveying. Said Plan was recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 78, at Page 56.

SUBJECT, NEVERTHELESS, to a MET-ED Utility Right-of-Way as shown on the above subdivision plan.

SUBJECT, ALSO, to the Declaration of Restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

IT BEING the same which Lebing Development Company, Inc. by its deed dated December 15, 2000 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2183, at page 302, granted and conveyed unto L.L. Lawrence Builders, Inc., GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Terry M. Jordan, Sr., and Josephine K. Jordan, husband and wife, by Deed from L.L. Lawrence Builders, Inc., dated 5-6-02, recorded 5-7-02, in Deed Book 2652, page 31.

Premises being: 60 Foxtown Drive, Abbottstown, PA 17301

Tax Parcel No. 17-L09-0212-000

SEIZED and taken into execution as the property of **Terry M. Jordan, Sr. & Josephine K. Jordan** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-99 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin in the intersection of the State Highway running from Arendtsville to the Lincoln Highway and the State Highway running to Camp Nawakwa; thence in the State Highway running to Camp Nawakwa and by land now or formerly of The C. H. Musselman Company South 84 degrees 8 minutes East 404.2 feet to an iron pin; thence

leaving said last mentioned Highway and running along land now or formerly of Elmer H. Heller South 13 degrees 46 minutes East 197.7 feet to a black oak stump; thence by the same South 39 degrees 37 minutes West 602 feet to an iron pin and stones at or near the Western edge of the State Highway running from Arendtsville to the Lincoln Highway; thence in said last mentioned State Highway and by land now or formerly of The C. H. Musselman Company North 5 degrees 16 minutes West 700 feet to an iron pin, the place of BEGINNING. CONTAINING 4 Acres and 41 Perches, more or less.

The description of the tract of land hereby conveyed was obtained from a draft of survey made on April 13, 1956 by LeRoy H. Winebrenner, County Surveyor.

Vesting Information:

Vested by Special Warranty Deed dated 8/5/99, given by Glenn R. Heller and Marie A. Heller, husband and wife to Nora L. Bachman recorded 8/5/99 in Book 1890 Page 16.

Tax Parcel (29) D06-0027

Premises Being: 475 Nawakwa Road, Biglerville, PA 17307

SEIZED and taken into execution as the property of **Nora L. Bachman a/k/a Nora L. Patterson** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain or tract of land situate on the Northerly right-of-way line of Abbots Drive in the Borough of Abbottstown, County of Adams, and State of Pennsylvania known and numbered as Lot No. 2 on a plan for Abbots Manor recorded in the Office of the Recorder of Deeds in and for Adams County, PA subdivision Plan Book 69, page 95, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the Northerly right-of-way line of Abbots Manor, at a corner of Lot No. 3 on said plan; thence extending along the said right-of-way line of Abbots Manor on a line curving to the left having a radius of 225 feet and arc distance of 13 feet with a chord bearing South 72 degrees 07 minutes 50 seconds West 13 feet to a point; thence continuing along the said right-of-way line South 70 degrees 28 minutes 30 seconds West 72 feet, to a corner of Lot No. 1 on said plan; thence extending along the said Lot No. 1 North 15 degrees 39 minutes 50 seconds West 130.07 feet to a point; thence South 89 degrees 40 minutes 20 seconds East 22.31 feet to a point; thence North 70 degrees 28 minutes 30 seconds East 63.53 feet to a point at a corner of Lot No. 3 on said plan; thence extending along the said Lot No. 3 South 15 degrees 39 minutes 50 seconds West 122.86 feet to the point and place of BEGINNING.

BEING the same premises which Garland Construction by Deed dated January 15, 1998 and recorded in the Adams County Recorder of Deeds Office on February 6, 1998 in Deed Book 1517, page 322, granted and conveyed unto David J. Carbaugh and Brenda K. Carbaugh.

Premises Being: 22 Abbots Drive, Abbottstown, PA 17301

SEIZED and taken into execution as the property of **David J. Carbaugh & Brenda K. Carbaugh** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1354 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain two lots or tracts of ground situate in Mount Pleasant Township, Adams County, Pennsylvania, described as Lots 3 and 4 shown on a survey prepared by William S. Sacra and Associates Consulting Engineers, York, Pennsylvania, dated October 24, 1967 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1 at page 42, said Lots being more particularly described as follows:

BEGINNING at a point on US Route 30 at Southeast corner of Lot No. 2 and the Southwest corner of Lot No. 3; thence along Lot No. 2 North three (3) degrees East, two hundred and sixty-one and twenty-eight one hundredths (261.28) feet to a point at the Northeast corner of Lot No. 2 and the Northwest corner of Lot No. 2 along the Western Maryland Railroad right-of-way line; thence extending along said line South eighty-four (84) degrees twenty-nine (29) minutes forty-one (41) seconds East, two hundred and twenty-one hundredths (200.21) feet to a point at the Northwest corner of Lot No. 5 and the Northeast corner of Lot No. 4; thence along Lot No. 5 South three (3) degrees West, two hundred fifty-two and fifty-two one hundredths (252.52) feet to a point at the Southwest corner of Lot No. 5 and the Southeast corner of Lot No. 4 said point being on US Route 30; thence extending along US Route 30, North eighty-seven (87) degrees zero (00) minutes West two hundred feet to a point at the Southeast corner of Lot No. 2 and the Southwest corner of Lot No. 3 along US Route 30, the place of BEGINNING.

Commonly known as: 3900 York Road
Tax Parcel No. 111-39L

SEIZED and taken into execution as the property of **Donald J. Schratwieser & Evelyn Schratwieser a/k/a Evelyn V. Schratwieser** and to be sold by me.

James W. Muller-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 5, 2006, 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.

4/13, 21 & 28

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 19, 2006, for the incorporation of GREEN ACRES AUXILIARY, INC., under the provisions of the Non-Profit Corporation Law of 1988. The corporation shall engage in charitable support activities for residents of the Green Acres Nursing and Rehabilitation Center, together with any other related legal functions of a non-profit corporation under Pennsylvania law.

John M. Hartzell, Esq.
Attorney for the Corporation

4/28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-400 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate on the West side of a public alley in the Borough of McSherrystown, Adams County, Pennsylvania, said public alley running parallel to the West side of North Second Street, more particularly bounded and described as follows:

BEGINNING at an iron pin on the West side of said public alley at lands now or formerly of Albert A. and Regina M. Groft; thence along said lands South sixty-four (64) degrees thirty (30) minutes West, seventy-one (71) feet to a stake at lands now or formerly of A. Edward Yarzobek and Edith R. Yarzobek; thence by said lands South fifty-eight (58) degrees thirty (30) minutes West, one hundred ten and seven hundredths (110.07) feet to a stake at lands now or formerly of Sisters of St. Joseph; thence by said lands North twenty-two (22) degrees thirty (30) minutes West sixty-five and five tenths (65.5) feet to an iron pin at lands now or formerly of Charles W. Rider; thence by said lands North sixty-four (64) degrees thirty (30) minutes East one hundred eighty and five-tenths (180.5) feet to an iron pin on the West side of the public alley aforesaid; thence along the West side of said public alley South twenty-three (23) degrees East, fifty-two (52) feet to an iron pin, the point and place of BEGINNING. The aforesaid description was taken from a draft of survey as prepared by Joseph B. O'Brien, R.S., dated April 19, 1957.

BEING the same property conveyed to Stephen A. Noel and Jamie L. Noel, husband and wife, and Stephen A. Noel and Kathy A. Noel, husband and wife, by deed from Brian E. Yost and Ursula Horn-Yost, husband and wife, recorded 09/08/1999 in Deed Book 1911, Page 0189, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Tax Parcel (28) 002-0020

Premises Being: 141 North Street Rear, McSherrystown, PA 17344

SEIZED and taken into execution as the property of **Stephen A. Noel & Jaime L. Noel a/k/a Jaime Noel** and to be sold by me.

James W. Muller-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 19, 2006, 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.

4/21, 28 & 5/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-39 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being partly in Union Township and partly in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point along the Southwesterly right-of-way line of Wheaton Drive and Lot No. 110 of the hereinafter referred to subdivision plan; thence along said Lot No. 110, South forty-five (45) degrees two (02) minutes thirty-six (36) seconds West, one hundred thirty-nine and ninety-six hundredths (139.96) feet to a point at lands now or formerly of Donald Smith; thence along said lands now or formerly of Donald Smith, North forty-five (45) degrees seventeen (17) minutes forty-one (41) seconds West, one hundred and zero hundredths (100) feet to a point at Lot No. 112; thence along said Lot No. 112, North forty-four (44) degrees forty and zero hundredths (140) feet to a point along the Southwesterly right-of-way line of Wheaton Drive; thence along the Southwesterly right-of-way line of Wheaton Drive, South forty-five (45) degrees seventeen (17) minutes forty-one (41) seconds East, eighty-six and thirty-three hundredths (86.33) feet to a point; thence continuing along same by a curve to the right which has a radius of two thousand four hundred fifty-six and sixty-one hundredths (2,456.61) feet, an arc distance of fourteen and forty-nine hundredths (14.49) feet, the long chord of which is South forty-five (45) degrees seven (07) minutes thirty-two (32) seconds East, fourteen and forty-nine hundredths (14.49) feet to a point, the place of BEGINNING. CONTAINING 14,056 square feet and being identified as Lot

No 111 on the final subdivision plan of Phase II, Meadowview Estates, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plot Book 60, page 50.

UNDER AND SUBJECT to the Declaration of Restrictions of Lynn Lee Construction Co., Inc. recorded May 12, 1992, in the Adams County Recorder of Deeds' Office in Record Book 626, page 797.

Tax Parcel # 003-0056

Premises Being: 133 Wheaton Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Michelle C. Valentine & Timothy J. Valentine** and to be sold by me.

James W. Muller-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 19, 2006, 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.

4/21, 28 & 5/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-64 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Legislative Route 01001 at corner of land of James W. Cool; thence by said land of James W. Cool and running through a steel pin located twenty-five (25) feet from the place of beginning; North seventy-six (76) degrees five (5) minutes thirty-four (34) seconds West two hundred three and thirty-eight hundredths (203.38) feet to a point; thence by land of James G. Angelaras and wife running through a steel pin located forty-nine and fifty-six hundredths (49.56) feet from the beginning of this line, North fifteen (15) degrees forty-five (45) minutes forty-one (41) seconds East one hundred ninety-six and sixteen hundredths (196.16) feet to a steel pin; thence by the same, and running through a steel pin located seventeen and thirty-eight hundredths (17.38) feet from the end of this line, South sixty-nine (69) degrees nine (9) minutes forty-one (41) seconds East two hundred thirty and seventy-four hundredths (230.74) feet to a point in the center of Legislative Route 01001; thence in the center of said Legislative Route 01001, South twenty-four (24) degrees forty-one (41) minutes two (2) seconds West one hundred seventy-one and twenty-three hundredths (171.23) feet to a point, the place of BEGINNING. CONTAINING 39,647 square feet.

THE foregoing description was obtained from a draft of a survey made by Donald E. Worley, Registered Surveyor, on June 25, 1975.

Being Known As: 1891 Tract Road (Liberty Township) Fairfield, PA 17320

Property ID No.: D17-5B

TITLE TO SAID PREMISES IS VESTED IN Jon B. Stoner and Lillie J. Stoner, his wife by deed from Lawrence V. Young, trustee in Bankruptcy for Roger E. Oakes and Joyce J. Oakes, his wife dated 6/6/88 recorded 6/7/88 in Deed Book 491 Page 164.

SEIZED and taken into execution as the property of **Jon B. Stoner & Lillie J. Stoner** and to be sold by me.

James W. Muller-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 19, 2006, 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.

4/21, 28 & 5/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of May, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain unit in the property known, named and identified in the declaration referred to below as 'South Branch Estates', located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform condominium act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Books 69 Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 1 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271 Page 34.

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

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

TOGETHER with all buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging, or in any wise appertaining, and any reversions, remainders, rents, issues and profits thereof, and of every part and

parcel thereof, including any interest specifically set forth, if any. And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the Grantor of, in and to the same.

TO HAVE AND TO HOLD the same premises, and the appurtenances, hereby granted to Grantees and Grantee's heirs, successors and assigns, to and for the only proper use, benefit and behoof of the said Grantee and Grantee's heirs, successors and assigns forever, under and subject to the conditions set forth, if any.

AND THE SAID GRANTOR hereby covenants and agrees that Grantor will warrant specially the property hereby conveyed.

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

IT BEING THE SAME PREMISES which J.A. Myers Building and Development, Inc., a Pennsylvania Corporation, by their deed dated May 25, 1996 and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Record Book 1218, Page 139, granted and conveyed unto Philip R. Garland t/d/b/a Garland Construction, Inc., Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Vincent Nieves, III and Nitza Nieves, husband and wife by Deed from Philip R. Garland, t/d/b/a, Garland Construction, Inc., dated 3-25-99, recorded 4-13-99 in Deed Book 1807, page 276.

Premises being: 2 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. 35-001-0052-001

SEIZED and taken into execution as the property of **Vincent M. Nieves, III a/k/a Vincent M. Miez & Nitza Nieves** and to be sold by me.

James W. Muller-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 19, 2006, 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.

4/21, 28 & 5/5

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 CLAIR L. AMSPACHER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Emily J. Hublely, 22 Clearview Road, Malvern, PA 19355; Sally A. Staub, 1027 Savoy Drive, Hanover, PA 17331; John C. E. Amspacher, 6 Raymond Circle, Downingtown, PA 19335

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 846 Broadway, Hanover, PA 17331

ESTATE OF LAURAM BARNES, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Charlotte E. Matthias, c/o Thomas M. Shultz, Esq., Shultz Law Firm, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF MARY JANE BLACK, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Joyce Melhorn, Gary Black, and Janice Black VanMetre, c/o Worley & Worley, 225 Laitmore Valley Rd., York Springs, PA 17372

Attorney: Daniel D. Worley, Esq., 225 Laitmore Valley Rd., York Springs, PA 17372

ESTATE OF MADOLYN C. HEINEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Personal Representative: Trudy A. Wishard, 115 West Middle Street, Gettysburg, PA 17325

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

ESTATE OF THERESA I. RIDER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Mary Ann Rider, 810 Taneytown Road, Gettysburg, PA 17325; Virginia R. Bowling, 2641 York Road, Gettysburg, PA 17325

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 66 West Middle Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF STEPHEN R. BICE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executor: Richard A. Bice, 10501 Lagrima de Oro #4205, Albuquerque, NM 87111

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF RITA M. HALL, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Freja Claire Strausbaugh Fuller, 815 Mathias Road, Littlestown, PA 17340

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

ESTATE OF ELISE K. SCHARF a/k/a ELISE SCHARF FOX, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ralph Fox, Box 3338, Gettysburg, PA 17325

ESTATE OF MARY S. SCOTT, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Dawn L. Cool, 715 Water Street, Fairfield, PA 17320

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

THIRD PUBLICATION

ESTATE OF GARY R. BOOKS, DEC'D

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

Administrator: Marian P. Leer, 9120 Carlisle Pike, York Springs, PA 17372

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

ESTATE OF THELMA L. BREAM, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Kevin J. Diehl, 445 Carrolls Tract Road, Fairfield, PA 17320

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

ESTATE OF SARAH R. HANKEY a/k/a SARAH RHODES HANKEY a/k/a SARAH HANKEY a/k/a MRS. DONALD LAIRD HANKEY, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Joan R. Hankey, 251 Meadowbrook Lane, P.O. Box 3743, Gettysburg, PA 17325

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

ESTATE OF MARY JANE JAMES, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

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

ESTATE OF EMMA S. PROSPERI a/k/a EMMA SAUNERS PROSPERI, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert H. Prospero, 812 Hanover Rd., Gettysburg, PA 17325

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

ESTATE OF MARION KATHRYN SPAHR, DEC'D

Late of Reading Township, Adams County, Pennsylvania

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

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

ESTATE OF FLORENCE P. SULLIVAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Catherine Gentzler, 308 Charles Street, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., 846 Broadway, Hanover, PA 17331

ESTATE OF ERNEST WAYNE WALKER, SR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ernest W. Walker, Jr., 1045 Old Harrisburg Road, Gettysburg, PA 17325

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

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 1, 2006 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 AMERICAN FREEDOM EXPRESS, 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.

American Freedom Express, Inc.
1321A Pine Run Road
Abbotstown, Pennsylvania 17301

4/28

NOTICE

A petition has been presented by Merle E. Wolf, spouse of DIANE LOUISE WOLF, to the Court of Common Pleas of Adams County, Pennsylvania, for a determination that DIANE LOUISE WOLF is now deceased. A hearing on the petition shall be held before the Honorable Robert Bigham, Judge, on Wednesday, May 31, 2006, at 8:30 A.M. in Court Room #3, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325.

All parties having an interest in the matter shall be present at the hearing, prepared to present testimony and evidence concerning the matter at issue.

G. Steven McKonly, Esq.
119 Baltimore Street
Hanover, PA 17331
(717) 637-8828

4/7, 13, 21 & 28

NOTICE OF PUBLIC AUCTION

On Thursday, May 18, 2006, at 6:30 p.m., a public auction shall be held at 3610 Chambersburg Road (Franklin Township) Adams County, Pennsylvania. At the auction, the Gettysburg Area School District, owner, shall offer for sale a 2.121 acres, more or less, tract of real estate, with improvements thereon, with an address of 3610 Chambersburg Road, Biglerville, Pennsylvania, and as more particularly described in a Tax Claim Bureau Deed dated January 13, 2006, from the Tax Claim Bureau to the Gettysburg Area School District, which deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 4294 at page 211.

The public auction shall be conducted by Redding Auction Service. The property shall be offered with a reserve. The owner shall retain the right to reject any and all bids. The sale shall be subject to written conditions of sale which shall be read at the sale.

Any persons interested in bidding at the sale may contact Redding Auction Service (phone #717-334-6941).

Robert L. McQuaide,
Solicitor
(717) 337-1360

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