

Adams County Legal Journal

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No. 23, pp. 129-134

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-641 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a post along the South side of an alley at corner of land now or formerly of Arch Reed; thence by the South side of said alley North 89 1/2 degrees East, 242.5 feet to an iron pin at the Southwest corner of the intersection of said alley and a 20-foot public alley; thence along the West side of the said last mentioned public alley South 241/2 degrees East, 61 feet to an iron pin along the West side of said last mentioned 20-foot public alley; thence along the West side of land now or formerly of Romayne Blocher South 3 degrees West, 329.5 feet to an iron pin

at land now or formerly of Arch Reed North 89 1/2 degrees West, 275 feet to an iron pin; thence by land now or formerly of Arch Reed North 3 degrees East, 386 feet to a post, the place of BEGINNING. CONTAINING 2 Acres, 66 perches, and 14 square feet.

The above description was taken from a draft of survey made August 27, 1942, by P.S. Orner, Registered Surveyor.

BEING THE SAME tract of land which Wilmer R. Shreve, Sr. and Louise A. Shreve, husband and wife, by their deed dated the 14th day of July, 1995, and intended to be recorded herewith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, granted and conveyed unto William L. Cullison, Jr. and Tammy L. Cullison, husband and wife, Mortgagors herein.

BEING known as 102 Apple Lane, Bendersville, PA 17325

TAX PARCEL NO. 1-2

TITLE to said premises is vested in William L. Cullison, Jr. and Tammy L. Cullison, his wife, by Deed from Wilmer R.

Shreve, Sr. and Louise A. Shreve, his wife, dated 7/14/95, recorded 7/17/95, in Record Book 1055, Page 145.

SEIZED and taken into execution as the property of **William L. Cullison Jr. & Tammy L. Cullison** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

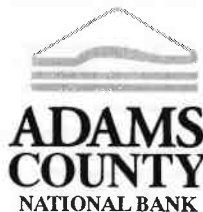
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser 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.

10/22, 29 & 11/5

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



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-440 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land located in Mt. Joy Township, Adams County, Pennsylvania, as described in a survey by Group Hanover, Inc., dated August 18, 1994, known as No. 942140, more particularly bounded and described as follows, to-wit:

BEGINNING at a point marked by an existing steel pin in stone at corner of lands now or formerly of David O. Erb and corner of lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David O. Erb, North 37° 03' 07" West, 874.50 feet to a point marked by an existing iron pipe; thence along last mentioned lands North 47° 05' 00" East, 722.41 feet to a point marked by an existing iron pipe at corner of other lands of the Grantor herein; thence along last mentioned other lands of the Grantor herein South 54° 21' 12" East, 378.17 feet to a point in an existing driveway; thence along other lands of the Grantor herein, South 44° 17' 14" East, 445.94 feet to a point at an existing iron pipe at corner of other lands of the Grantor herein and at lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David E. Reed South 43° 46' 57" West, 500.07 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 39' 07" West, 134.11 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 42' 07" West, 132.83 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 15' 47" West, 132.00 feet to a point marked by an existing steel pin in stone, being the point and place of BEGINNING.

CONTAINING 16.002 acres, more or less.

The said Grantor also grants unto the Grantees, their heirs, successors and assigns a perpetual right-of-way running with the land for ingress, egress and regress from Two Taverns Road (S.R.) 2001 to the property described above as also shown on the survey by Group Hanover, Inc., No. 942140, dated August 18, 1994, described as follows:

BEGINNING at Two Taverns Road (S.R. 2001) thence North 55° 17' 57" West, 625.60 feet to a point, thence South 45° 18' 03" West, 394.17 feet to a steel pin set at a point at the property conveyed to the Grantees as described above. Having a uniform width throughout of 16.5 feet along the entire length from Two Taverns Road to the lands of the Grantees.

BEING the same premises which Green Hill Structures, Inc., by its deed dated September 6, 1994, and recorded in Adams County Deed Book 935, Page 258, granted and conveyed to Ronald F. Downing and Ruth B. Stevenson, as joint tenants with rights of survivorship.

SEIZED and taken into execution as the property of **Ronald F. Downing & Ruth B. Stevenson** and to be sold by me
Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 14, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Fawn Avenue and Lot No. 32; thence along Lot No. 32, North sixty-six (66) degrees fifty-nine (59) minutes twenty-eight (28) seconds East, one hundred eighty-seven and seven hun-

dredths (187.07) feet to a point at lands now or formerly of Michael M. Shemon; thence along said lands, South twenty-four (24) degrees seventeen (17) minutes eight (8) seconds East, seventy-four and eighty-five hundredths (74.85) feet to a point at lands now or formerly of Donald E. Kauffman; thence along said lands and lands now or formerly of Victor S. Klinefelter, South seventy-four (74) degrees nineteen (19) minutes twenty-nine (29) seconds West, two hundred two and eighteen hundredths (202.18) feet to a point at Fawn Avenue; thence along Fawn Avenue, by a curve to the right whose radius is one hundred (100.00) feet and whose chord bearing is North nine (9) degrees twenty-nine (29) minutes fifty-three (53) seconds West, fifty and forty-four hundredths (50.44) feet for an arc distance of fifty and ninety-nine hundredths (50.99) feet to the point and place of BEGINNING. CONTAINING 12,179 square feet and identified as Lot No. 33 on a plan of lots entitled Phase II, Deer Park Estates, recorded in the O office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 41, page 109.

BEING KNOWN AS 70 FAWN AVENUE
PROPERTY TAX MAP ID 2-33

TITLE TO SAID PREMISES IS VESTED IN Deboraha E. Baugher by deed from Deboraha E. Beck, now Deboraha E. Baugher and Dennis W. Grove, dated 4/12/1996 and recorded 4/16/1996 in deed book 1176 page 97

SEIZED and taken into execution as the property of **Dennis W. Grove & Deboraha E. Beck a/k/a Deboraha E. Baugher** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 20, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

COMMONWEALTH VS. LEWIS

1. The Post Conviction Relief Act provides a statutory method for a person to obtain collateral relief following conviction of a crime. To be eligible for relief the petitioner must plead and prove by a preponderance of the evidence that 1) petitioner was convicted of a crime, 2) petitioner is serving a sentence, 3) the conviction resulted from either a constitutional violation or ineffective assistance of counsel which so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place, 4) the alleged error has not been previously litigated or waived, and 5) the failure to litigate the issue prior to or during trial or on appeal could not be the result of any rational, strategic or tactical decision by counsel.

2. Where a PCRA petitioner alleges that trial counsel was ineffective it is presumed that counsel was effective and the burden of proving ineffectiveness is upon the petitioner. To sustain that burden the petitioner must demonstrate that 1) the underlying claim is of arguable merit; 2) the particular course chosen by counsel did not have some reasonable basis designed to effectuate the petitioner's interest, and 3) counsel's ineffectiveness prejudiced him. In order to prove prejudice the petitioner must establish that counsel's action or inaction "was so egregious that, but for counsel's ineffective representation, the outcome of the trial would have been different.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal. CC-286-95. COMMONWEALTH OF PENNSYLVANIA VS. CHARLES GEORGE LEWIS.

Paul Dean, Esq., Assistant District Attorney, for Commonwealth
Anthony Miley, Esq., for Defendant

OPINION ON DEFENDANT'S PCRA PETITION

Kuhn, J., September 2, 1998.

On October 20, 1995, after a jury trial, Defendant was found guilty of Statutory Rape, 18 Pa. C.S.A. §3122 (Count II), Indecent Assault, 18 Pa. C.S.A. §3126(1) (Count V), and Indecent Assault, 18 Pa. C.S.A. §3126(6) (Count VI), regarding conduct in 1991 with his then nine year old stepdaughter. Sentencing was held on January 29, 1996, before President Judge Oscar F. Spicer. The Court ruled that the convictions for Indecent Assault merged into the conviction for Statutory Rape and imposed a sentence of 34 months to 10 years. By Order of February 9, 1996, Defendant's Petition to Reconsider Sentence was denied.

On February 13, 1996, Defendant filed an appeal raising issues concerning the discretionary aspects of his sentence, the trial court's refusal to allow presentation of evidence of a prior sexual abuse upon the victim and whether the prosecutor made improper closing arguments. Superior Court denied the appeal on November 22, 1996.

On October 23, 1997, Defendant filed for post-conviction relief. For various reasons the PCRA hearing was held before the undersigned on June 8, 1998. Issues identified by counsel included 1) trial counsel's failure to seek discovery, 2) Commonwealth's delay in providing trial counsel with a copy of his statement to the police, 3) trial counsel's failure to call Casey Little as a witness, 4) trial counsel's eye injury which prevented him from observing conduct by the Assistant District Attorney, 5) improper closing argument by the Assistant District Attorney, 6) counsel's failure to include in the appeal brief why the sentence was excessive, and 7) counsel's failure to personally appear for Argument before Superior Court.

The Post Conviction Relief Act, 42 Pa. C.S.A. §9541, et. seq., provides a statutory method for a person to obtain collateral relief following conviction of a crime. To be eligible for relief the petitioner must plead and prove by a preponderance of the evidence that 1) petitioner was convicted of a crime, 2) petitioner is serving a sentence, 3) the conviction resulted from either a constitutional violation or ineffective assistance of counsel which so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place, 4) the alleged error has not been previously litigated or waived, and 5) the failure to litigate the issue prior to or during trial or on appeal could not be the result of any rational, strategic or tactical decision by counsel. 42 Pa. C.S.A. §9543(a).

Where a PCRA petitioner alleges that trial counsel was ineffective it is presumed that counsel was effective and the burden of proving ineffectiveness is upon the petitioner. To sustain that burden the petitioner must demonstrate that 1) the underlying claim is of arguable merit; 2) the particular course chosen by counsel did not have some reasonable basis designed to effectuate the petitioner's interest, and 3) counsel's ineffectiveness prejudiced him. *Commonwealth v. Uderra*, ___ Pa. ___, ___, 706 A.2d 334, 339 (1998). See also *Commonwealth v. Lewis*, ___ Pa. Super. ___, ___, 708 A.2 497, 500 (1998). In order to prove prejudice the petitioner must establish that counsel's action or inaction "was so egregious that, but for counsel's ineffective representation, the outcome of the trial would have been different." *Commonwealth v. Schultz*, ___ Pa. Super. ___, ___, 707 A.2d 513, 518 (1997).

Testimony was received from trial counsel, J. Christian Ness, and

Defendant. Issues will be disposed of in order.

1. Discovery – Mr. Ness testified that he personally visited the District Attorney's Office on several occasions and read various police reports. Defendant has failed to establish that any discoverable information was not presented to trial counsel and utilized to Defendant's benefit.

2. Delay in providing Defendant's statement – On December 18, 1994, from 1:35-2:30 p.m. Defendant was interviewed by William Hartlaub of the Conewago Township Police Department. The interview was transcribed and consisted of 37 typed pages. This statement was apparently provided to Mr. Ness two days before trial. However, at the preliminary hearing on March 2, 1995, during which Defendant was represented by Attorney Ness, Officer Hartlaub testified that he had a taped statement from Defendant during which Defendant denied the allegations. A copy of Officer Hartlaub's police report was given to the defense during discovery. That report contained a 43 line typed summary of the December 18, 1994, interview. Counsel certainly had adequate information to prepare for trial and Defendant would have been aware of what he told the officer. Defendant has failed to show how the receipt of the 37 page transcript two days before trial prejudiced him in any way.

3. Casey Little's testimony – Defendant alleges that counsel was ineffective for failing to interview Casey Little and for not having her testify at trial. At trial Commonwealth called Lori Keefer to testify. Lori described herself as the victim's best friend and that she visited the victim's home overnight on two occasions. She testified that on the first occasion, approximately two weeks before April 12, 1991, the victim, the victim's brother, Defendant and Casey Little were present when Defendant said to the victim "You're going to have sex with me, right . . ."

The police report prepared by Officer Hartlaub indicates that on November 16, 1994, he interviewed Casey Little. Casey made no reference to the occasion recited above. Defendant contends that Casey should have been called to discredit Lori Keefer's recitation of the incident. Trial counsel explained that he was aware of both Lori Keefer and Casey Little, had read the police reports and felt that their testimony would be harmful if called as witnesses by the Commonwealth. It

has been held that,

The failure to call a potential witness is not per se ineffectiveness absent some positive demonstration that the testimony would have been helpful to the defense... In order to establish a claim of ineffectiveness for failure to interview and/or present a witness, [petitioner] must prove: (1) the existence and availability of the witness; (2) counsel's awareness of the witness or duty to know of the witness; (3) the witness' willingness and ability to appear on behalf of the defendant; and (4) the necessity of the proposed testimony in order to avoid prejudice. *Commonwealth v. Carbone*, ___ Pa. Super. ___, ___, 707 A.2d 1145, 1153 (1998)(citations omitted).

Here, Casey Little did not appear at the PCRA hearing.

It is unknown whether Casey would say she did not recall the incident, the incident did occur, or whether, in fact, it did not occur. Defendant has produced no evidence regarding what Casey would have said in order to establish how he was prejudiced. We note further that the incident to which Lori Keefer testified is somewhat collateral to the actual crime for which Defendant was convicted. At most, it may have shown an inclination on his part to make sexual overtures to the victim while under the influence of alcohol.

4. Counsel's eye injury – Trial counsel suffered an unfortunate eye injury in June 1995, and trial was held in October. The injury reduced counsel's vision in one eye. We find counsel's testimony that he felt able to proceed to trial as credible.

Defendant simply argues that he believes counsel was unable to adequately follow everything which was occurring during the trial because of the eye injury. However, Defendant is unable to demonstrate any incident during the trial where counsel's disability caused him to fail to act appropriately on Defendant's behalf.

5. Closing Argument – Defendant argues that counsel was ineffective for failing to object to improper comments and gestures made by the Assistant District Attorney during her closing argument to the jury. He has failed to identify those instances where he believes improper prosecutorial conduct occurred. We note that improper prosecutorial

conduct was raised on appeal to the Superior Court and the issue was rejected.

6. Sentencing – On appeal Defendant alleged that the sentence imposed was excessive. The Superior Court dismissed this issue because Defendant's brief failed to set forth a concise statement of reasons why the discretionary aspect of the sentence was excessive.

Trial counsel candidly admitted that he could think of no basis to argue that the sentence was excessive and Defendant has likewise failed to do so.

The sentencing transcript reveals that Defendant had a prior record score of four. Standard minimum sentencing ranges for Statutory Rape was 23-34 months. The Court had available to it a thorough Pre-Sentence Report. The Court stated its reasons for the sentence imposed as follows:

THE COURT: I feel impelled to sentence you within the standard guidelines range but at the top end of the scale for the very reason that the child was nine years old. You did stand in a position of trust. I have considered your presentence investigation and I agree that alcohol is no excuse and it's no mitigation.

[T. 6].

In addition, it should be noted that included within Defendant's prior record is a 1978 conviction for Involuntary Deviate Sexual Intercourse. Furthermore, the instant offense had a significant adverse impact on the victim and her family. There is absolutely no basis for concluding that the trial court abused its sentencing discretion or that counsel's omission prejudiced Defendant.

7. Appellate Argument – Defendant contends that counsel could have been more persuasive if he appeared before the Superior Court to argue on appeal rather than to rely on his brief. Whether that contention has merit is certainly debatable. However, Defendant again has failed to show how he has been prejudiced.

Accordingly the attached Order is entered.

ORDER OF COURT

AND NOW, this 2nd day of September, 1998, Defendant's Post-Conviction Relief Act Petition filed on October 23, 1997 is denied and dismissed.

OPINION PURSUANT TO PA. R.APP.P. 1925(A)

All issues raised on appeal have been previously addressed in the Opinion and Order dated September 2, 1998.

Dated: February 17, 1999

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being on the southwest side of Prince Street in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southwest side of the sidewalk and ten feet southwest of the southwestern curb line of Prince Street at corner of land now or formerly of Carl M. Morehead and wife; thence by said Morehead land, South 60 degrees 18 minutes West, 90 Feet to an iron pin; thence by land now or formerly of Harrison F. Snyder and wife, North 29 degrees 42 minutes West, 50 feet to an iron pin; thence by land now or formerly of Charles M. Morehead and wife, North 60 degrees 18 minutes East, 90 feet to an iron pin; thence along the aforesaid sidewalk, South 29 degrees 42 minutes East, 50 feet to an iron pin, the place of BEGINNING.

SUBJECT, HOWEVER, TO the building restrictions set forth in Adams County Deed Book 167 at page 430 as amended in Miscellaneous Book GG at Page 363.

SUBJECT, FURTHER, TO the water drainage rights as set forth in Adams County Deed Book 262 at page 154.

TITLE TO SAID PREMISES IS VESTED IN P. Kevin Judy and Debra L. Judy, husband and wife by Deed from Thomas E. Byers and Deborah A. Byers, husband and wife dated 5/15/96 recorded 5/20/96 in Record Book 1196 Page 231.

PREMISES BEING KNOWN AS 432 PRINCE STREET, BOROUGH OF LITTLESTOWN ADAMS COUNTY, PENNSYLVANIA.

SEIZED and taken into execution as the property of **Kevin P. Judy a/k/a/ P. Kevin Judy & Debra L. Judy** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 29, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-713 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT NO. 1

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1252 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 1, page 7, and subject to all legal highways, easements, rights-of-way, and restrictions of record.

TRACT NO. 2

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1253 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 1, page 7, and subject to all legal highways, easements, rights-of-way, and restrictions of record.

SEIZED and taken into execution as the property of **Roby D. Smothers & Lora M. Smothers** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 28, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-378 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situated, lying, and being in the Borough of Carroll Valley, Adams County, Pennsylvania, known as LOT NO. 75, in Section RI, more particularly bounded and described as follows:

BEGINNING at a point in the center of Fruitwood Trail at corner land of Alfred E. Coffey; thence land of the said Alfred E. Coffey and running through a pipe located 25 feet from the place of beginning South 2 degrees 37 minutes 20 seconds West 225 feet to a pipe set on an iron pin thence by land of Thomas Golatz and by land now or formerly of Charnita, Inc., North 87 degrees 22 minutes 40 seconds West 184.80 feet to a one inch pipe; thence by land of Barrick and running through a pipe located 27.36 feet from the end of this line North 26 degrees 37 minutes East 246.28 feet to a point in the center of Fruitwood Trail; thence in the center of Fruitwood Trail South 87 degrees 22 minutes 40 seconds East 84.65 feet to a point in the center of Fruitwood Trail to the point and place of BEGINNING. CONTAINING 30, 313 square feet or 0.696 acre.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Chesner, Married by Deed from Donald J. Cunningham and Sheryllyn Keaton dated 7/8/97 recorded 7/16/97 in Record Book 1407 Page 245.

BEING KNOWN AS 89 FRUITWOOD TRAIL, BOROUGH OF CARROLL VALLEY ADAMS COUNTY, PENNSYLVANIA

TAX PARCEL# 40-44-LOT-RI-75

SEIZED and taken into execution as the property of **Michael J. Chesner** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 5, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on August 9, 1999, pursuant to the Fictitious Names Act, setting forth that Larry L. Mummert, Yvonne S. Mummert, Lela S. Mummert, Ladd S. Mummert, Lane S. Mummert and Lisha S. Mummert of 1246-B, Rte 194 North, Abbottstown, PA 17301 are the only persons owning or interested in a business, the character of which is to hold and lease property, both real and personal and that the name, style and designation under which said business is and will be conducted is BUTTERCUP EQUITIES, and the location where said business is and will be located is 1246-B, Rte 194 North, Abbottstown, PA 17301.

John D. Miller, Jr., Esquire
Miller, Poole & Lord, LLP

11/5

NOTICE

NOTICE IS HEREBY GIVEN that Adams County National Bank, Trustee of a trust created under the Last Will and Testament of Mares Sherman, deceased, has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Courts of Common Pleas of Adams County, Commonwealth of Pennsylvania, Orphans' Court Division, and that the same will be presented to said Court for confirmation of the Account and approval of the proposed distribution November 22, 1999, at 9:00 o'clock a.m., at the Adams County Courthouse, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court.

Edward B. Bulleit, Esq.
Puhl, Eastman & Thrasher, Esquires
Attorneys.

11/5 & 12

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 September 30, 1999 for the incorporation of ALOHA SALON, INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in hair and nail care and the operation of a tanning salon, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 2675 Carlisle Pike, New Oxford, PA 17350.

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

11/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation will be filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about November 1, 1999, for the purpose of obtaining a Certificate of Incorporation for a proposed business corporation to be organized under the Pennsylvania Business Corporation Law of 1988. The name of the corporation is GILBERT LOGGING AND SUPPLY, INC., and the purpose for which it is being organized is for the harvest and sale of timber and all other activities permitted by the PA Business Corporation Law, as amended, within and outside the Commonwealth of Pennsylvania, and the corporation shall have unlimited powers to engage in and to do any lawful act concerning any and all business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988, and for these purposes to have, possess, and enjoy all the rights, benefits and privileges of said Act of Assembly and its supplements and amendments.

The initial registered office of the corporation is 1440 Cranberry Road, York Springs, Pennsylvania, 17372.

Wilcox and James
Attorneys at Law

11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-85 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with the improvements thereon erected situate in Littlestown Borough, Adams County, Pennsylvania.

BEGINNING at an iron pin along the right of way line of East Lakeview Drive at corner of Lot No. 6 on the hereinafter referred to draft of survey; thence said Lot No. 6, South 33 degrees 02 minutes, 50 seconds East, 119.10 feet to an iron pin at corner of Lot No. 6 and along line of Lot No. 8; thence by said Lot No. 8, South 56 degrees 57 minutes 10 sec-

onds West, 70 feet to an iron pin at corner of Lot No. 8 and corner of land now or formerly of Arthur B. Ricci; thence by said land now or formerly of Arthur B. Ricci, North 33 degrees 02 minutes 50 seconds West, 119.10 feet to an iron pin set along the right of way of East Lakeview Drive; thence along the right of way line of East Lakeview Drive, North 56 degrees 57 minutes 10 seconds East, 70 feet to an iron pin set along the right of way line of East Lakeview Drive, the point and place of BEGINNING.

CONTAINING 3,337 square feet.

The above description was taken from a draft of survey prepared by Gettysburg Engineering Company, Inc., dated February 11, 1987, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book No. 46, at page 32, designating the above at Lot No. 7.

BEING Tax Parcel # 12-48.

BEING known as 49 E. Lakeview Drive, Littlestown, PA 17340

TAX PARCEL NO. 12-48

TITLE TO SAID PREMISES IS VESTED IN Virgil Hise, a single man, by Deed from Lisa Gwon Courpas (now known as Lisa Gwon Mathers and William Courpas, Jr., dated 8/30/95, recorded 9/5/95, in Record Book 1077, Page 106.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 29, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

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 KATHERINE SCHROEDER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Administrators: Elinor S. Price, 55 Stone Jug Road, Gettysburg, PA 17325;
 Herbert H. Schroeder, 65 Southview Drive, Biglerville, PA 17307
 Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF JOHN E. SNYDER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Lois R. Reynolds, 2616 Oxford Road, New Oxford, PA 17350
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF ROBERT E. TARNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Donald W. Hinrichs, 102 Artillery Drive, Gettysburg, PA 17325
 Attorney: Clayton R. Wilcox, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JOYCE L. WAGNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
 Administrator: Wayne S. Wagner, 424 Oak Drive, Orrtanna, PA 17353
 Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF MARGARET E. WILLIAMS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Executrices: Helen Jayne Tipton Roullette, 245 Twin Lakes Drive, Gettysburg, PA 17325; Marjorie Ann Lyons, 95 Woodcrest Drive, Gettysburg, PA 17325
 Attorney: Harold A. Eastman, Jr., Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF LAVERNE A. WORLEY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Arlene G. Worley, P.O. Box 3146, Gettysburg, PA 17325
 Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF LARUE H. HOFFMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Bank of Hanover & Trust Company, 25 Carlisle Street, Gettysburg, PA 17325
 Attorney: Harold A. Eastman, Jr., Esq., Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF BETTY V. GROUP, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania
 Executrix: Beverly A. Cella, 669 Barclay Lane, Broomall, PA 19008
 Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DELORIS J. LILLER, A/K/A DELORES J. LILLER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executrix: Kimberly Ann Mitterling, 775 Mansfield City Road, Storrs, CT 06268
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ERWIN A. REBERT, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executors: Earl A. Rebert, 31 Columbus Avenue, Littlestown, PA 17340; Clay A. Rebert, 1150 Baltimore Pike, Gettysburg, PA 17325
 Attorney: James T. Yingst, Esq., 515 Carlisle Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-480 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALLTHOSE TWO tracts of land situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

TRACT NO. 1:

BEGINNING at a pipe along land now or formerly of Cletus Hull, Jr., which pipe is located South 34 degrees 56 minutes 20 seconds East, 228.89 feet from a pipe at a post at an original corner of the larger tract of land conveyed by the deed recorded in Deed Book 330 at page 710; thence by other land now or formerly of Richard Z. Group, North 86 degrees 11 minutes 25 seconds East, 324.57 feet to a pipe; thence by land now or formerly of Harold E. Rife, South 23 degrees 8 minutes 10 seconds West, 250 feet to a pipe; thence by land conveyed by Richard Z. Group to Harold E. Rife, South 55 degrees 3 minutes 40 seconds West, 65.65 feet to a pipe; thence by land now or formerly of Cletus Hull, Jr., North 34 degrees 56 minutes 20 seconds West, 300 feet to a pipe, the place of beginning.

CONTAINING 1.056 acres.

THE foregoing description for Tract No. 1 was obtained from a draft of a survey made by J. Riley Redding, Registered Surveyor, trading as Adams County Surveyors, dated April 16, 1980, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 34 at page 55. The lot of ground hereby conveyed being designated as Lot No. 1 on said draft.

Tract No. 1 is together with the right to use a strip of land 50 ft. in width as more fully described in the deed recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 355 at page 375.

TRACT NO. 2:

BEGINNING at a point in the center line of U.S. Route 30, known as York Road, at corner of land now or formerly of Harold Rife; thence by land of the same Harold Rife and running through a steel rod located 12 feet from the place of beginning, and running through a pipe located 30 feet from the place of beginning, South 23 degrees 14 minutes 20 seconds West, 850.73 feet to an existing pipe at land now or formerly of James Shank; thence by land now or formerly of James Shank, South 86 degrees 17 minutes 20 seconds West, 324.58 feet to an existing pipe at land now or formerly of Cletus L. Hull, Sr.; thence by land now or formerly of Cletus L. Hull, Sr., North 34 degrees 52 minutes 45 seconds West, 53.21 feet to an existing steel rod at

corner of land now or formerly of Thomas Hufnagle, Sr.; thence by land now or formerly of Thomas Hufnagle, Sr., North 2 degrees 53 minutes 30 seconds East 472.15 feet to an existing pipe; thence by land now or formerly of Diamond Developers, Inc., South 74 degrees 30 minutes East, 139.77 feet to an existing pipe; thence by the same and running through a steel rod located 30.74 feet from the end of this line and running through a railroad spike located 12.41 feet from the end of this line, North 2 degrees 53 minutes 30 seconds East, 466.34 feet to a point in the center of U.S. Route 30; thence in the center of U.S. Route 30, South 74 degrees 30 minutes East, 527.13 feet to another point in the center of U.S. Route 30 at corner of land now or formerly of Harold Rife, the place of beginning.

CONTAINING 8.987 acres.

THE foregoing description for Tract No. 2 was obtained from a draft of a survey made by J. Riley Redding, Professional Land Surveyor, trading as Adams County Surveyors, dated February 26, 1985.

Tract No. 2 herein is subject, however, to the right on the part of James Shank, his heirs and assigns, to use in common with the Grantees, their heirs and assigns, the strip of land 50 feet in width located along the Eastern boundary line of the tract of land hereby conveyed for the purposes or furnishing a means of ingress, egress and regress from land of the same James Shank to U.S. Route 30.

Tax Parcel #MAPI-11, Parcel 60

SEIZED and taken into execution as the property of **Steven M. Woodall & Darren R. Andrews** and to be sold by me

Raymond W. Newman

Sheriff

Sheriff's Office, Gettysburg, PA
September 14, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-86 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern property line of Highland Avenue, which point is North 87 degrees 15 minutes West, 120 feet from the Northwestern intersection of Johns Street with said Highland Avenue; thence along the Northern property line of said Highland Avenue 87 degrees 15 minutes West, 50 feet to Lot No. 26; thence along said Lot No. 26 North 2 degrees 45 minutes East, 120 feet to the Southern side of a 12-foot alley; thence along the Southern side of said alley South 87 degrees 15 minutes East, 50 feet to Lot No. 28; thence along said Lot No. 28 South 2 degrees 45 minutes West, 120 feet to the point, the place of beginning

The lot herein conveyed being designated as Lot No. 27 of "Highland Park" development, the plot of which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Misc. Book S at Page 373.

Tax Parcel #13-93

TITLE TO SAID PREMISES IS VESTED IN Richard A. Cullison and Patricia J. Cullison, his wife by Deed from Paul C. Callahan dated 5/28/96, recorded 8/29/96, in Record Book 1201, Page 147.

PREMISES BEING KNOWN AS 227 HIGHLAND AVENUE, BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA.

SEIZED and taken into execution as the property of **RICHARD A. & PATRICIA J. CULLISON** and to be sold by me

Raymond W. Newman

Sheriff

Sheriff's Office, Gettysburg, PA
October 4, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/29, 11/5 & 12

Adams County Legal Journal

Vol. 41

November 12, 1999

No. 24, pp. 135-140

CONTINUING LEGAL EDUCATION PROGRAM

Practical Estate Planning Opportunities Using FLPs & Family LLCs

Thursday, December 16, 1999 - 9:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 3, Ethics - 0

Registration through P.B.I. 800-247-4724

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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.



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, November 22, 1999, at 9:00 o'clock a.m.

DILLON - Orphans' Court Action Number OC-111-99. The First and Final Account of Ronald G. Dillon, Administrator c.t.a. of the Last Will and Testament of Armand J. Dillon, deceased, late of Mt. Joy Township, Adams County, Pennsylvania.

Peggy J. Breighner
 Clerk of Courts

11/12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-388 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land lying and situate in Carroll Valley Borough (formerly Liberty Township) Adams County, Pennsylvania, being Lot NO. 242 in Section W, more particularly bounded and described as follows:

BEGINNING at a point in the center of Janet Trail at Lot No. 243; thence by said lot South 60 degrees 17 minutes 40 seconds East, 225 feet to Lot NO. 223; thence by said lot South 29 degrees 42 minutes 20 seconds West, 100 feet to Lot No. 241; thence by said lot North 60 degrees 17 minutes 40 seconds West, 225 feet to a point in the center of said Janet Trail; thence in said Janet Trail North 29 degrees 42 minutes 20 seconds East, 100 feet to the place of beginning.

HAVING THEREON ERECTED A DWELLING KNOWN AS 113 Janet Trail, Fairfield, PA 17320.

BEING THE SAME PREMISES WHICH Michael L. Stahl, Thomas Ronald Stahl, Sharon Stahl and Nancy L. Stahl, by their Deed dated September 23, 1996 and recorded in Adams County Recorder of Deeds Office on September 25, 1996 in

Deed Book 1263, page 322, granted and conveyed unto Paul A. Vanderford and Karen E. Vanderford.

Parcel # 43-028-0079

SEIZED IN EXECUTION AS THE PROPERTY OF PAUL A. VANDERFORD AND KAREN E. VANDERFORD UNDER ADAMS COUNTY JUDGEMENT NO. 99-S-388.

SEIZED and taken into execution as the property of **Paul A. & Karen E. Vanderford** and to be sold by me

Raymond W. Newman
 Sheriff

Sheriff's Office, Gettysburg, PA
 October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19 & 24

THOMAS E. BELL, AND

WANDA E. BELL,

Plaintiffs
 v.

HARVIE K. MILLER, his heirs and assigns,

ADAMS COUNTY TAX CLAIM BUREAU, its successors and assigns,
 Defendants

No. -99-S-699

ACTION TO QUIET TITLE

TO: HARVIE K. MILLER, his heirs and assigns

IMPORTANT NOTICE

You are notified that an Order Of Court has been entered on October 15, 1999, directing that within thirty (30) days after this publication you shall enter an appearance and file an Answer to the Complaint or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claims set forth in

the Plaintiff's Complaint to the land described as 1.2 acres, located in Huntington Township, Adams County, containing 1.2 acres, with a street address of 120 Balltown Road, Gardners, PA and further being identified as Adams County Tax Parcel Map H-4 Parcel 20A.

John C. Zepp, III, Esq.
 P.O. Box 204
 York Springs, PA 17372

11/12

NOTICE

NOTICE IS HEREBY GIVEN that Adams County National Bank, Trustee of a trust created under the Last Will and Testament of Mares Sherman, deceased, has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Courts of Common Pleas of Adams County, Commonwealth of Pennsylvania, Orphans' Court Division, and that the same will be presented to said Court for confirmation of the Account and approval of the proposed distribution November 22, 1999, at 9:00 o'clock a.m., at the Adams County Courthouse, Gettysburg, Pennsylvania.

Peggy J. Breighner
 Clerk of said Court.

Edward B. Bulleit, Esq.
 Puhl, Eastman & Thrasher, Esquires
 Attorneys.

11/5 & 12

ARTICLES OF INCORPORATION

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 October 21, 1999 for B & K SPORTS, INC. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988.

The purpose for which said corporation is formed are that: The corporation shall have unlimited power to engage in and do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Act of December 21, 1988, P.L. 1444, its amendments and supplements, under the provisions of which said Act this corporation is incorporated.

Stonsifer and Kelley
 Solicitor

11/12

COMMONWEALTH VS. DICKINSON

1. A mistrial should be granted "only when the incident is of such a nature that its unavoidable effect is to deprive appellant of a fair trial."

2. Comments by a prosecutor do not constitute reversible error unless "the unavoidable effect of such comments would be to prejudice the jury, forming in their minds fixed bias and hostility toward the defendant so that they could not weigh the evidence objectively, and render a true verdict."

3. There is a well-established rule in this Commonwealth which holds that "a witness may be cross-examined as to any matter tending to show the interest or bias of that witness."

4. Not every unwise or unwarranted remark made during the course of a trial warrants a new trial.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal Nos. CC-857-97 and CC-888-97. COMMONWEALTH OF PENNSYLVANIA VS. JAMES BRANN DICKINSON, JR.

Michael A. George, Esq., for Commonwealth
Farley G. Holt, Esq., for Defendant

OPINION PURSUANT TO PA. R.APP.P. 1925(A)

Kuhn, J., September 4, 1998.

Appellant, James Brann Dickinson, Jr., appeals a jury verdict of guilty entered June 24, 1998, on the charges of Involuntary Deviate Sexual Intercourse (Counts I and IV), 18 Pa.C.S.A. §3123(5), Indecent Assault (Counts II and V), 18 Pa.C.S.A. §3126(1), and Corruption of Minors (Counts III and VI) 18 Pa.C.S.A. §6301, respectively involving S.L. and D.S. Sentence was imposed on July 13, 1998. Appellant was sentenced to incarceration for a period of no less than seven and one-half nor more than twenty years on Count I. A fine of \$500 plus all other costs and fees mandated by law was also imposed for Count I. Appellant was also sentenced to no less than seven and one-half nor more than twenty years incarceration for Count IV as well as costs and fees mandated by law. The sentence on Count IV was ordered to be consecutive with the sentence for Count I. Sentencing for all remaining counts was not imposed, as those counts were considered merged with Counts I and IV.

LEGAL DISCUSSION

In Appellant's statement of the matters complained of on appeal he has raised the following issues:

1. Whether or not the trial court erred and/or abused its discretion by granting the Motion in Limine filed by the Commonwealth seeking admission of the testimony of Michael Stacey and Gregory Reeves and in denying Defendant's Motion in Limine seeking to preclude such testimony?

2. Whether or not the trial court erred and/or abused its discretion in its denial of Defendant's Motion for Sequestration of the Jury?

3. Whether or not the trial court erred and/or abused its discretion in its denial of Defendant's Motion for Change of Venire?

4. Whether or not the trial court erred and/or abused its discretion in its refusal to grant Defendant's request for a mistrial when the Commonwealth had asked Carole Harner, a character witness of the Defendant, whether or not Mrs. Harner's son had been convicted to third degree murder?

5. Whether or not the trial court erred and/or abused its discretion in its refusal to grant Defendant's Motion for a Mistrial when the prosecutor for the Commonwealth made a blatant statement characterizing the word love which was written by the Defendant in a card which had been marked as a Commonwealth exhibit and introduced at trial, when such statement was blatantly prejudicial towards the Defendant and clearly out of line?

6. Whether or not the trial court erred and/or abused its discretion in its failure to grant the Defendant's Motion for a Mistrial when requested at a time in which the Commonwealth was cross-examining a hostile defense witness, Attorney James West, when the Commonwealth had asked a question which was answered by James West which was improper and highly prejudicial to the Defendant?

7. Whether, after allowing the testimony of Michael Stacey and Gregory Reeves to be admissible, the trial court erred in its failure to properly instruct the jury about the limits and scope of their testimony both immediately prior

to each individual testifying and/or immediately after each individual had testified?

8. If in fact the trial court denies the Defendant's Motion for Reconsideration of Sentence which was timely filed before the trial court but not ruled upon prior to the filing of this document, the Defendant believes and therefore avers that the trial court has erred and/or abused its discretion for not granting Defendant's Motion to modify sentence due to the trial court's failure to contemporaneously file of record a written statement to why the trial court had deviated from the sentencing guidelines as required by statute and regulation and/or trial court's failure to reduce the Defendant's sentence due to the fact that the sentence imposed upon the Defendant was in fact unreasonable, unjustified and extreme?

(Defendant's Concise Statement of Matters Complained of on Appeal Pursuant to Pa.R.App.P. 1925(b)).

Issues 1, 2, 3, and 8 have already been addressed by the Court in a Memorandum Opinion dated June 17, 1998, and in an Order dated August 26, 1998. Thus, this Opinion will address only the remaining issues. Because the remaining issues deal largely with the Court's alleged failure to grant a mistrial, the standard applicable to mistrials will be set forth presently.

A mistrial should be granted "only when the incident is of such a nature that its unavoidable effect is to deprive appellant of a fair trial." *Commonwealth v. Lewis*, 523 Pa. 466, 479, 567 A.2d 1376, 1383 (1989) (citations omitted). Not every unwise or unwarranted remark made during the course of a trial warrants a new trial. *Commonwealth v. Beasley*, 504 Pa. 485, 475 A.2d 730 (1984). Comments by a prosecutor do not constitute reversible error unless "the unavoidable effect of such comments would be to prejudice the jury, forming in their minds fixed bias and hostility toward the defendant so that they could not weigh the evidence objectively, and render a true verdict." *Commonwealth v. Pursell*, 508 Pa. 212, 226, 495 A.2d 183, 190 (1985) (citations omitted).

Commonwealth v. Brown, 544 Pa. 406, 420, 676 A.2d 1178, 1184 (1996); *cert. denied* 136 L. Ed. 2d 538.

Appellant argues that the Court erred and/or abused its discretion in refusing to grant Defendant's request for a mistrial when the Commonwealth asked Carole Harner, a character witness of the Defendant, whether or not Mrs. Harner's son had been convicted of third degree murder. Counsel for Appellant immediately objected to the Commonwealth's question. The Commonwealth argued that Appellant had testified as a character witness on behalf of Harner's son during a third degree murder trial and therefore the question was relevant to Harner's credibility. Counsel for Appellant asked for a mistrial which the Court denied on the basis that the information was collateral to the proceedings. The Court further noted that numerous other character witnesses were testifying on Appellant's behalf.

There is a well-established rule in this Commonwealth which holds that "a witness may be cross-examined as to any matter tending to show the interest or bias of that witness." *Commonwealth v. Nolen*, 535 Pa. 77, 83, 634 A.2d 192, 195 (1993). Although at the time of trial the Court agreed that the specific offense with which Harner's son was charged need not have been mentioned, the fact that there was a trial in which Appellant testified on behalf of the character witness's son clearly shows possible interest or bias on behalf of that character witness.

Additionally, the Court does not believe that the disclosure of the type of charge filed against Harner's son had the "unavoidable effect" of depriving "appellant of a fair trial." *Commonwealth v. Lewis*, 523 Pa. at 479, 567 A.2d at 1383 (citations omitted). After the Commonwealth raised the question, the Court immediately instructed the jury on the law of character witnesses. The Court further advised the jury that the specific charge against Harner's son was a collateral matter and irrelevant to the present case. Thus, a mistrial was not warranted.

Appellant also argues that the trial court erred and/or abused its discretion in refusing to grant Defendant's Motion for a Mistrial when the prosecutor for the Commonwealth made a blatant statement characterizing the word love. The statement to which Appellant refers was made during the direct examination of Justin Simpson. Simpson apparently wrote a letter to Appellant and signed it "Love, Justin Simpson." (T. at 514). Counsel for Appellant asked Simpson why he

would sign the letter love. The Commonwealth objected. Counsel for Appellant stated “I think it’s absolutely relevant, Your Honor, and I think it’s relevant because they made innuendoes to the fact my client signs love this and love that that there is some type of sexual relationship going on here.” (T. at 515). In response, the Commonwealth stated “[t]he love he has for Mr. Dickinson is not the same as the love Mr. Dickinson has for certain individuals in this room.” (T. at 515). Counsel for Appellant immediately asked the Court for a mistrial which was denied.

Although Commonwealth’s comment was not appropriate, “not every unwise or unwarranted remark made during the course of a trial warrants a new trial.” *Commonwealth v. Beasley*, 504 Pa. 485, 492, 475 A.2d 730, 734 (1984) (citations omitted). This Court does not believe Commonwealth’s comment was of a nature that would prejudice the jury to the extent that they would be unable to render a true verdict.

Appellant next claims the trial court erred and/or abused its discretion when it failed to grant the Defendant’s Motion for a Mistrial due to improper questioning by the Commonwealth of a hostile defense witness, Attorney James West. West was called by Appellant and during cross-examination was asked by the Commonwealth, in rebuttal to a question by Appellant’s counsel, if Michael Stacey’s name appeared in an article in the Gettysburg Times. Although the question by the Commonwealth simply asked if Stacey’s name appeared in the article, West read a portion of the article which stated that Appellant was jailed in Germany for misconduct. The Commonwealth did not elicit this overbroad answer and the Court immediately provided cautionary instructions to the jury. The Court cautioned the jury that the Commonwealth’s question was merely to determine whether Stacey’s name appeared in the article and any other information was not to be considered in any respect in the present trial.

Again, the Court does not believe reference Appellant’s being jailed in Germany had the “unavoidable effect” of depriving “appellant of a fair trial.” *Commonwealth v. Lewis*, 523 Pa. at 479, 567 A.2d at 1383 (citations omitted). The Court further notes that Appellant personally testified at length regarding his incarceration in Germany and therefore is in no position to claim prejudice by West’s isolated reference to that same incarceration.

Lastly, Appellant argues that the trial court erred in failing to properly instruct the jury about the limits and scope of the testimony of Michael Stacey and Gregory Reeves both immediately prior to each individual testifying and/or immediately after each individual had testified. The Court decided a Motion in Limine addressing the testimony of these two witnesses and permitted the testimony to be admitted under the common plan exception to the general rule that evidence of prior criminal conduct is inadmissible. In the beginning of trial, between the opening statements of counsel, the Court gave the jury extensive instructions on the common plan exception and indicated to which witnesses it would apply. Additionally, the Court explained the use of the testimony regarding the common plan exception during the charge to the jury at the end of trial. Counsel for Appellant made no motion at the beginning or end of the testimony of each party for further cautionary instructions. Thus, the Court believes the jury was adequately instructed.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-378 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situated, lying, and being in the Borough of Carroll Valley, Adams County, Pennsylvania, known as LOT NO. 75, in Section RI, more particularly bounded and described as follows:

BEGINNING at a point in the center of Fruitwood Trail at corner land of Alfred E. Coffey; thence land of the said Alfred E. Coffey and running through a pipe located 25 feet from the place of beginning South 2 degrees 37 minutes 20 seconds West 225 feet to a pipe set on an iron pin thence by land of Thomas Golatz and by land now or formerly of Charnita, Inc., North 87 degrees 22 minutes 40 seconds West 184.80 feet to a one inch pipe; thence by land of Barrick and running through a pipe located 27.36 feet from the end of this line North 26 degrees 37 minutes East 246.28 feet to a point in the center of Fruitwood Trail; thence in the center of Fruitwood Trail South 87 degrees 22 minutes 40 seconds East 84.65 feet to a point in the center of Fruitwood Trail to the point and place of BEGINNING. CONTAINING 30, 313 square feet or 0.696 acre.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Chesner, Married by Deed from Donald J. Cunningham and Sherilyn Keaton dated 7/8/97 recorded 7/16/97 in Record Book 1407 Page 245.

BEING KNOWN AS 89 FRUITWOOD TRAIL, BOROUGH OF CARROLL VALLEY ADAMS COUNTY, PENNSYLVANIA

TAX PARCEL# 40-44-LOT-RI-75

SEIZED and taken into execution as the property of **Micheal J. Chesner** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 5, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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, which-

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

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-181 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Mount Joy Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1: BEGINNING at a point on the Baltimore Pike; thence along the Eby Mill Road South 4 degrees West, (erroneously stated as East on previous deed), 18 perches to a stone; thence by lands now or formerly of Edward Snyder (Edmund) North 49 $\frac{1}{2}$ degrees West, 76.5 perches to a stone; thence by same North 37 degrees East, 11 perches to the pike; thence along said Baltimore Pike to the place of BEGINNING. CONTAINING 5 Acres and 55 perches neat measure.

Tract No. 2: BEGINNING at a stone in the center of road leading from turnpike to Harney; thence by center of said road South 6 degrees West, 4.5 perches to a stone in said road; thence along other lands of Jacob A. Hartman North 47 $\frac{1}{4}$ degrees West, 36 perches; thence along lands now or formerly of Jacob Miller North 27 $\frac{1}{4}$ degrees East, 4.5 perches; thence along lands now or formerly of Jacob Hartman South 47 $\frac{1}{4}$ degrees East, 34 perches to the place of BEGINNING. CONTAINING 1 Acre, more or less.

BEING the same premises which Evelyn J. DeGroft, f/k/a Evelyn J. Slusser and Edgar H. DeGroft, by Deed dated May 27, 1994 and recorded in the Office of the Recorder of Deeds of Adams County on May 31, 1994, in Deed Book Volume 893, Page 31, granted and conveyed unto Kenneth S. Tice and Dianna L. Tice.

SEIZED and taken into execution as the property of **Kenneth S. Tice & Dianna L. Tice** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 22, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-713 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT NO. 1

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1252 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 1, page 7, and subject to all legal highways, easements, rights-of-way, and restrictions of record.

TRACT NO. 2

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1253 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 1, page 7, and subject to all legal highways, easements, rights-of-way, and restrictions of record.

SEIZED and taken into execution as the property of **Roby D. Smothers & Lora M. Smothers** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 28, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-85 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with the improvements thereon erected situate in Littlestown Borough, Adams County, Pennsylvania.

BEGINNING at an iron pin along the right of way line of East Lakeview Drive at corner of Lot No. 6 on the hereinafter referred to draft of survey; thence said Lot No. 6, South 33 degrees 02 minutes, 50 seconds East, 119.10 feet to an iron pin at corner of Lot No. 6 and along line of Lot No. 8; thence by said Lot No. 8, South 56 degrees 57 minutes 10 seconds West, 70 feet to an iron pin at corner of Lot No. 8 and corner of land now or formerly of Arthur B. Ricci; thence by said land now or formerly of Arthur B. Ricci, North 33 degrees 02 minutes 50 seconds West, 119.10 feet to an iron pin set along the right of way of East Lakeview Drive; thence along the right of way line of East Lakeview Drive, North 56 degrees 57 minutes 10 seconds East, 70 feet to an iron pin set along the right of way line of East Lakeview Drive, the point and place of BEGINNING.

CONTAINING 3,337 square feet.

The above description was taken from a draft of survey prepared by Gettysburg Engineering Company, Inc., dated February 11, 1987, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book No. 46, at page 32, designating the above at Lot No. 7.

BEING Tax Parcel # 12-48.

BEING known as 49 E. Lakeview Drive, Littlestown, PA 17340

TAX PARCEL NO. 12-48

TITLE TO SAID PREMISES IS VESTED IN Virgil Hise, a single man, by Deed from Lisa Gwon Coupas (now known as Lisa Gwon Mathers and William Coupas, Jr., dated 8/30/95, recorded 9/5/95, in Record Book 1077, Page 106.

SEIZED and taken into execution as the property of **Virgil A. Hise** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 29, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being on the southwest side of Prince Street in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southwest side of the sidewalk and ten feet southwest of the southwestern curb line of Prince Street at corner of land now or formerly of Carl M. Morehead and wife; thence by said Morehead land, South 60 degrees 18 minutes West, 90 Feet to an iron pin; thence by land now or formerly of Harrison F. Snyder and wife, North 29 degrees 42 minutes West, 50 feet to an iron pin; thence by land now or formerly of Charles M. Morehead and wife, North 60 degrees 18 minutes East, 90 feet to an iron pin; thence along the aforesaid sidewalk, South 29 degrees 42 minutes East, 50 feet to an iron pin, the place of BEGINNING.

SUBJECT, HOWEVER, TO the building restrictions set forth in Adams County Deed Book 167 at page 430 as amended in Miscellaneous Book GG at Page 363.

SUBJECT, FURTHER, TO the water drainage rights as set forth in Adams County Deed Book 262 at page 154.

TITLE TO SAID PREMISES IS VESTED IN P. Kevin Judy and Debra L. Judy, husband and wife by Deed from Thomas E. Byers and Deborah A. Byers, husband and wife dated 5/15/96 recorded 5/20/96 in Record Book 1196 Page 231.

PREMISES BEING KNOWN AS 432 PRINCE STREET, BOROUGH OF LITTLESTOWN ADAMS COUNTY, PENNSYLVANIA.

SEIZED and taken into execution as the property of **Kevin P. Judy a/k/a/ P. Kevin Judy & Debra L. Judy** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 29, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-502 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Cumberland Twp., Adams Cty., PA. HET a dwg. k/a 77 Chapel Rd., Gettysburg, PA 17325. PARCEL 66H. TAX MAP E17. PBV 41, p. 2.

SEIZED and taken into execution as the property of **Frank D. and Dorothy E. Stratton** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19, & 24

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 JOHN JACOB DEARDORFF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ralph C. Woerner, 1380 Black Horse Tavern Road, Gettysburg, PA 17325

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

ESTATE OF RITA S. RINEMAN, a/k/a RITA E. RINEMAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Jon R. Rineman

Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF PATRICKA STAUB, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Janet M. Staub

Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF JOHN D. TOPPER, a/k/a JOHN DANIEL TOPPER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administratrix: Lorreta J. Bachman

Administrator: Philip D. Topper

Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

SECOND PUBLICATION

ESTATE OF KATHERINESCHROEDER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrators: Elinor S. Price, 55 Stone Jug Road, Gettysburg, PA 17325; Herbert H. Schroeder, 65 Southview Drive, Biglerville, PA 17307

Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF JOHN E. SNYDER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Lois R. Reynolds, 2616 Oxford Road, New Oxford, PA 17350

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

ESTATE OF ROBERT E. TARNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Donald W. Hinrichs, 102 Artillery Drive, Gettysburg, PA 17325

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

ESTATE OF JOYCEL WAGNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrator: Wayde S. Wagner, 424 Oak Drive, Orrtanna, PA 17353

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

ESTATE OF MARGARET E. WILLIAMS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Helen Jayne Tipton Roullette, 245 Twin Lakes Drive, Gettysburg, PA 17325; Marjorie Ann Lyons, 95 Woodcrest Drive, Gettysburg, PA 17325

Attorney: Harold A. Eastman, Jr., Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF LAVERNE A. WORLEY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Arlene G. Worley, P.O. Box 3146, Gettysburg, PA 17325

Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF LARUE H. HOFFMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Bank of Hanover & Trust Company, 25 Carlisle Street, Gettysburg, PA 17325

Attorney: Harold A. Eastman, Jr., Esq., Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-86 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern property line of Highland Avenue, which point is North 87 degrees 15 minutes West, 120 feet from the Northwestern intersection of Johns Street with said Highland Avenue; thence along the Northern property line of said Highland Avenue 87 degrees 15 minutes West, 50 feet to Lot No. 26; thence along said Lot No. 26 North 2 degrees 45 minutes East, 120 feet to the Southern side of a 12-foot alley; thence along the Southern side of said alley South 87 degrees 15 minutes East, 50 feet to Lot No. 28; thence along said Lot No. 28 South 2 degrees 45 minutes West, 120 feet to the point, the place of beginning

The lot herein conveyed being designated as Lot No. 27 of "Highland Park" development, the plot of which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Misc. Book S at Page 373.

Tax Parcel #13-93

TITLE TO SAID PREMISES IS VESTED IN Richard A. Cullison and Patricia J. Cullison, his wife by Deed from Paul C. Callahan dated 5/28/96, recorded 8/29/96, in Record Book 1201, Page 147.

PREMISES BEING KNOWN AS 227 HIGHLAND AVENUE, BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA.

SEIZED and taken into execution as the property of **RICHARD A. & PATRICIA J. CULLISON** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 4, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/29, 11/5 & 12

Adams County Legal Journal

Vol. 41

November 19, 1999

No. 25, pp. 141-146

CONTINUING LEGAL EDUCATION PROGRAM

Practical Estate Planning Opportunities Using FLPs & Family LLCs

Thursday, December 16, 1999 - 9:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 3, Ethics - 0

Registration through P.B.I. 800-247-4724

NOTICE OF LOCAL RULES OF COURT

The following lists the newest amendment to local rule 206 and new rule 206.1.

RULE 206. PETITIONS AND ANSWERS

Petitions and rules shall be governed by Pa.R.C.P. 206.6. Pursuant to Pa. R.C.P. 206.5(2), a party may seek any relief for which petition and rule procedure may be appropriate. If disputed facts can be determined by a brief hearing, the party shall request that a hearing, and not depositions, be scheduled to determine facts. The petition shall be accompanied by an order conforming to Pa. R.C.P. 206.6 is modified by this local rule, as follows:

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY

(Caption)
ORDER

And Now, this ____ day of _____, 199__, upon consideration of the within petition, it is hereby ordered that:

- (1) a rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested;
- (2) the respondent shall file an answer to the petition within twenty days of service upon the respondent;
- (3) The petition shall be decided under Pa.R.C.P. 206.7 and Local Rule 206;
- (4) The parties shall
 appear ____20____, at

____ in Courtroom ____ of
Adams County Courthouse, to
determine appropriate procedure
for determining disputed facts;

- consult with the Court within ten days after an answer is filed to determine appropriate procedure for determining disputed facts;
- (5) An evidentiary hearing on disputed facts shall be held ____20____, at ____ in Courtroom ____ of Adams County Courthouse;
 - (6) Depositions shall be completed within ____ days of this date;
 - (7) Argument shall be held on ____20____, at ____ in Courtroom ____ of the Adams County Courthouse;
 - (8) notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT,

J.

Comment: This rule is intended to modify and closely mirror procedures in state rules. The rule contemplates that a petitioner will request the appropriate method to determine disputed facts. Since the rule has been expanded to include diverse subjects of relief, many petitions should be determined on Business Court day, with a short hearing followed by argument. Regardless of the procedure that is proposed, petitioners or counsel should first file the petition in the appropriate office and then present it and a proposed order in accordance with Local Civ. Rule 2. Pursuant to that rule, the petition and

order may be presented in open court, to the Court Administrator, or to a judge in chambers. When presented to the Court Administrator, that officer shall, before the petition and order is submitted to a judge, ensure that appropriate boxes are checked and if a hearing is requested, that a proper date has been added. The judge may modify the order or attempt to resolve the matter without the issuance of a rule. If counsel requests that facts be determined by depositions, both 16 and 17 shall be checked. Normally, depositions should be completed within two months and the case scheduled for argument no sooner than forty days after the completion of depositions, in accordance with Local Civ. Rule 210(b).

Paragraphs (1), (2), (3) and (8) shall apply to all petitions. Paragraphs (4), (5), (6), and (7) are alternative procedures. Paragraphs (6) and (7) shall be employed together.

If a petitioner desires to waive oral argument, he or she shall add at the end of (7), words to the effect that all issues shall be decided on brief and that oral argument is waived.

RULE 206.1. Motions to Change or Modify Procedure

Either the petitioner or respondent may, after notice to opposing counsel or parties, move to change or modify the procedure ordered when a petition is filed under Local Civ. Rule 206. The motion may be filed at any time either before or after an answer is filed to the petition, but may be refused if it will substantially delay resolution of the rule to show cause.

11/19 & 24

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, November 22, 1999, at 9:00 o'clock a.m.

DILLON - Orphans' Court Action Number OC-111-99. The First and Final Account of Ronald G. Dillon, Administrator c.t.a. of the Last Will and Testament of Armand J. Dillon, deceased, late of Mt. Joy Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

11/12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-388 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land lying and situate in Carroll Valley Borough (formerly Liberty Township) Adams County, Pennsylvania, being Lot NO. 242 in Section W, more particularly bounded and described as follows:

BEGINNING at a point in the center of Janet Trail at Lot No. 243; thence by said lot South 60 degrees 17 minutes 40 seconds East, 225 feet to Lot No. 223; thence by said lot South 29 degrees 42 minutes 20 seconds West, 100 feet to Lot No. 241; thence by said lot North 60 degrees 17 minutes 40 seconds West, 225 feet to a point in the center of said Janet Trail; thence in said Janet Trail North 29 degrees 42 minutes 20 seconds East, 100 feet to the place of beginning.

HAVING THEREON ERECTED A DWELLING KNOWN AS 113 Janet Trail, Fairfield, PA 17320.

BEING THE SAME PREMISES WHICH Michael L. Stahl, Thomas Ronald Stahl, Sharon Stahl and Nancy L. Stahl, by their Deed dated September 23, 1996 and recorded in Adams County Recorder of Deeds Office on September 25, 1996 in

Deed Book 1263, page 322, granted and conveyed unto Paul A. Vanderford and Karen E. Vanderford.

Parcel # 43-028-0079

SEIZED IN EXECUTION AS THE PROPERTY OF PAUL A. VANDERFORD AND KAREN E. VANDERFORD UNDER ADAMS COUNTY JUDGEMENT NO. 99-S-388.

SEIZED and taken into execution as the property of **Paul A. & Karen E. Vanderford** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-17 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in Benders Church Road (T-373), which railroad spike is on a heading of north 48 degrees 15 minutes 24 seconds east 437.15 feet from the intersection of Table Rock Road (PA. Rt. 394), Rake Factory Road (T-373) and Benders Church Road (T-373); thence across said Benders Church Road and through a steel pin set back 28.38 feet on the line south 42 degrees 18 minutes 30 seconds east, 248.38 feet to a steel pin set at lands now or formerly of Calvin E. and Mae E. Heintzelman; thence along said

Heintzelman lands north 47 degrees 43 minutes 30 seconds east, 182.00 feet to a steel pin set at corner of lot no. 3 as designated on the hereinbelow mentioned plat; thence continuing along said lot no. 3 north 42 degrees 16 minutes 30 seconds west and through a steel pin set back 26.69 feet from the end of this course, 216.89 feet to a railroad spike in Benders Church Road (T-373); thence in and through said Benders Church Road south 48 degrees 15 minutes 24 seconds west, 182.01 feet to a railroad spike in said Benders Church Road, the place of beginning.

Being known as 33 Benders Church Road

Property tax parcel no. F 8-105 C

Title to said premises is vested in Lowell A. Baker and Hope L. Baker, his wife, by deed from Lowell A. Baker dated 3/19/1996 and recorded 3/20/1996 in deed book 1166 page 433

SEIZED and taken into execution as the property of **Lowell A. Baker and Hope L. Baker** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 18, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/19, 24 & 12/3

ROBERT A. WILLS, AN ALLEDGED INCAPACITATED PERSON

1. The present issue is whether Petitioner has standing to raise the issue of guardianship at all. Section 5511 states that “[t]he petitioner may be any person interested in the alleged incapacitated person’s welfare.”

2. Absent a specific revocation, the doctrine of relative revocation revives an earlier will which has been impliedly revoked by a subsequent will which is later declared invalid.

3. Because Petitioner has no interest in the estate under either will, she has no standing to contest only the 1993 will.

4. Standing generally requires that “a party must (a) have a substantial interest in the subject-matter of the litigation; (b) the interest must be direct; and (c) the interest must be immediate and not a remote consequence.”

5. A “substantial” interest is an interest in the outcome of the litigation which surpasses the common interest of all citizens in procuring obedience of the law. A “direct” interest required a showing that the matter complained of caused harm to the party’s interest. An “immediate” interest involves the nature of the causal connection between the action complained of and the injury to the party challenging it and is shown where the interest the party seeks to protect is within the zone of interests sought to be protected by the statute or constitutional guarantee in question.

6. General rule— Where there has been no confirmation by cohabitation following the removal of an impediment, the supposed or alleged marriage of a person shall be deemed void in the following cases:

...Where either party to such marriage was incapable of consenting by reason of insanity or serious mental disorder or otherwise lacked capacity to consent or did not intend to consent to the marriage.

In the Court of Common Pleas of Adams County, Pennsylvania, Orphans’ Court Division. NO. OC-156-95. ESTATE OF ROBERT A. WILLS, AN ALLEGED INCAPACITATED PERSON.

Val E. Winter, Esq., for Movant

Henry O. Heiser, III, Esq., for Respondent

Gary E. Hartman, Esq., for Incapacitated Person

OPINION ON MOVANT’S MOTION TO DISMISS FOR LACK OF STANDING

Kuhn, J., September 9, 1998.

On February 28, 1996, Patricia G. Willis, Petitioner and adopted daughter of Robert A. Wills, filed a Petition for Appointment of Guardian of the Person and for Incidental Relief Pursuant to 42 Pa.C.S.A. § 323. The relief sought included the appointment of a guardian, revocation of power of attorney, request for accounting, setting aside of conveyance, annulment of marriage, and setting aside of a will. By Court Order dated July 30, 1997, Robert A. Wills was declared an incapacitated person. A pre-trial conference was held on April 15, 1998, and on May 1, 1998, Debra Sue Orndorff-Wills, Movant and wife of Robert A. Wills, filed a Motion to Dismiss For Lack of Standing. Argument was held on June 12, 1998, and the matter is now before this Court for disposition.

LEGAL DISCUSSION

Movant alleges that Petitioner does not have standing to ask for the appointment of a guardian because Robert A. Wills is being sufficiently cared for and the appointment of a guardian would therefore not be beneficial to him, citing 20 Pa.C.S.A. § 5511(a) (“[t]he court may dismiss a proceeding where it determines that the proceeding has not been instituted to aid or benefit the alleged incapacitated person...”). However, the present issue is not whether Petitioner has sufficiently proven that a guardian is necessary to ensure that Robert A. Wills is being taken care of properly but instead is whether Petitioner has standing to raise the issue of guardianship at all. Section 5511 states that “[t]he petitioner may be any person interested in the alleged incapacitated person’s welfare.” 20 Pa.C.S.A. § 5511(a). Clearly, as the adopted daughter of Robert A. Wills, Petitioner has an interest in his welfare and thus has standing to bring a petition for appointment of a guardian.

Movant argues that Petitioner has no standing to contest Robert A. Wills’ will because she is not a beneficiary under the will and would not recover anything even if the will were invalidated. This is so because Robert A. Wills executed wills in 1986 and in 1993 and Petitioner is only contesting the validity of the 1993 will. Under Pennsylvania law, if the 1993 will is found to be invalid the 1986 will becomes effective. *See, In Re Estate of Sidlow*, 374 Pa. Super. 624, 628, 543 A.2d 1143, 1145 (1988) (which stated that “absent a specific revocation, the doctrine of relative revocation revives an earlier will which

has been impliedly revoked by a subsequent will which is later declared invalid").¹

Petitioner is not a beneficiary under the 1986 or 1993 wills. Although generally, a party who may take under intestate law has standing to contest a will²; this case is distinguishable because there is an earlier will that would take effect that is not being contested and in which Petitioner is not a beneficiary. Thus, because Petitioner has no interest in the estate of Robert A. Wills under either will, she has no standing to contest only the 1993 will.

Movant claims that petitioner lacks standing to dispute the power of attorney established by Robert A. Wills because she is not an interested party. This Court has found no case law dealing specifically with standing in challenging a power of attorney and the parties' cite none. However, standing generally requires that "a party must (a) have a substantial interest in the subject-matter of the litigation; (b) the interest must be direct; and (c) the interest must be immediate and not a remote consequence." *Ken R. v. Arthur Z.*, 546 Pa. 49, 53, 682 A.2d 1267, 1270 (1996) (citations omitted). Additionally, the Pennsylvania Supreme Court has held as follows:

A "substantial" interest is an interest in the outcome of the litigation which surpasses the common interest of all citizens in procuring obedience of the law. A "direct" interest required a showing that the matter complained of caused harm to the party's interest. An "immediate" interest involves the nature of the causal connection between the action complained of and the injury to the party challenging it and is shown where the interest the party seeks to protect is within the zone of interests sought to be protected by the statute or constitutional guarantee in question.

¹ The Court notes that Robert A. Wills' 1993 will specifically revoked the 1986 will; however, when the later will is executed under undue influence or lack of capacity the language specifically revoking the prior will fails. *Burns v. Kabboul*, 407 Pa. Super. 289, 316, 595 A.2d 1153, 1167 (1991); alloc. den. 604 A.2d 247. Thus, if Robert A. Wills' 1993 will is deemed invalid due to lack of capacity or undue influence, the 1986 will is revived.

² "It is well settled that in proceedings challenging the validity of a testamentary writing, it is essential that all persons having an interest in the estate under the Intestate Laws or as legatees must be made parties to the litigation." *Sapleton Estate*, 46 D. & C. 2d 117, 118 (1969).

South Whitehall Township Police Service v. South Whitehall Township, 521 Pa. 82, 86-87, 555 A.2d 793, 795 (1989) (citations omitted).

The power of attorney in the case *sub judice* provides Movant with control over Robert A. Wills' financial and medical well being. Petitioner has alleged that Robert A. Wills did not have the capacity to validly execute the power of attorney or in the alternative was unduly influenced into executing the power. Clearly, as Robert A. Wills' adopted child, Petitioner has a substantial, direct and immediate interest, beyond that of a normal citizen, in Robert A. Wills' medical care as well as his financial maintenance.

Petitioner's interest in Robert A. Wills financial affairs results from a testamentary trust established by Clarence A. Wills, father of Robert A. Wills. (Petition for Appointment of Guardian of the Person and for Incidental Relief Pursuant to 42 Pa.C.S.A. 323, Exhibit D). That portion of the trust left to Robert A. Wills further provides:

F. At the death of my son, Robert A. Wills, *the Trustee shall pay the net balance of principal and income remaining in this trust to his children in equal shares*. If he shall leave no children, then the net balance shall be paid to my children, Mary Jane Wills and Mary Elizabeth Beach, in equal shares, or in the event of their death, then to their children, and if Mary Jane shall have died leaving no children, then the entire balance shall be paid to my daughter, Mary Elizabeth Beach, or to her issue.

(Petition for Appointment of Guardian of the Person and for Incidental Relief Pursuant to 42 Pa.C.S.A. 323, Exhibit D) (emphasis added).

Petitioner has alleged that as attorney in fact, Movant has improperly withdrawn trust monies in excess of what is necessary for the support and care of Robert A. Wills. In addition, Petitioner has alleged that Movant has improperly attempted to invade the principal of the trust. Clearly, Petitioner has a pecuniary interest in the trust, which may be adversely affected by Movant's use of the trust monies. Thus, Petitioner has standing to challenge the validity of the power of attorney.

Movant argues Petitioner has no standing to dispute the conveyance of real estate by Robert A. Wills because she is not an interested

party and would have no interest in the land even if the conveyance was invalidated because neither prior will of Robert A. Wills provides anything to Petitioner.

Both the 1993 and 1986 wills dispose of Robert A. Wills' real property. Thus, regardless of which will is later determined to be valid; Petitioner would never take Robert A. Wills' real estate. Thus, this Court does not believe that Petitioner has sufficient interest to dispute the conveyance of Robert A. Wills' real estate.

Movant claims Petitioner has no standing to bring an action to annul her marriage to Robert A. Wills as this action may be brought only by the guardian *ad litem*. This Court does not agree. A marriage is deemed void in the following circumstances:

(a) **General rule.** - Where there has been no confirmation by cohabitation following the removal of an impediment, the supposed or alleged marriage of a person shall be deemed void in the following cases:

(1) Where either party at the time of such marriage had an existing spouse and the former marriage had not been annulled nor had there been a divorce except where that party had obtained a decree of presumed death of the former spouse.

(2) Where the parties to such marriage are related within the degrees of consanguinity prohibited by section 1304(e) (relating to restrictions on issuance of license).

(3) Where either party to such marriage was incapable of consenting by reason of insanity or serious mental disorder or otherwise lacked capacity to consent or did not intend to consent to the marriage.

(4) Where either party to a purported common-law marriage was under 18 years of age.

(b) **Procedures.**-In all cases of marriages which are void, the marriage may be annulled as set forth in section 3303 (relating to annulment of void and voidable marriages) or its invalidity may be declared in any collateral proceeding.

23 Pa.C.S.A. § 3304 (emphasis added).

Petitioner alleges that Robert A. Wills did not have the mental capacity to enter into the marriage with Movant. (Petition for the Appointment of Guardian of the person and for Incidental Relief Pursuant to 42 Pa.C.S.A. 323 at ¶ 33). Thus, subsection (a)(3) is applicable to the instant action. 23 Pa.C.S.A. § 3304(a)(3). As set forth in subsection (b), the invalidity of a void marriage under this section may be declared in “any collateral proceeding.” 23 Pa.C.S.A. § 3304(b). The Superior Court has held that a proceeding to annul a marriage under 23 Pa.C.S.A. § 3304 may be pursued by any interested party. *In the Interest of Miller*, 301 Pa. Super. 511, 522 n. 5, 448 A.2d 25, 30 n. 5 (1982). As the adopted daughter of Robert A. Wills, Petitioner has an interest in his well being and therefore has standing to annul the alleged void marriage into which he has entered.

Accordingly, the attached Order is issued.³

ORDER OF COURT

AND NOW, this 9th day of September 1998, the Motion to Dismiss for Lack of Standing filed by Debra Sue Orndorff-Wills on May 1, 1998, is hereby granted in part with regard to issues related to the execution of the Will of Robert A. Wills and the request to set aside the real estate conveyance. The Motion is denied with regard to issues related to a guardianship for Robert A. Wills, his power-of-attorney, and his marriage.

³ The Court notes that various court documents have implied the presence of two petitioners in the instant action. However, the Petition for Appointment of a Guardian of the Person and for Incidental Relief Pursuant to 42 Pa.C.S.A. § 323 was filed solely by Patricia G. Willis. There is no indication that Patrick G. Wills was made a party to the proceeding. However, the Court nonetheless acknowledges that the determinations made in this Opinion with respect to Patricia G. Willis would also be applicable to Patrick G. Wills in the event that he is made a party to the action.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-378 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situated, lying, and being in the Borough of Carroll Valley, Adams County, Pennsylvania, known as LOT NO. 75, in Section R1, more particularly bounded and described as follows:

BEGINNING at a point in the center of Fruitwood Trail at corner land of Alfred E. Coffey; thence land of the said Alfred E. Coffey and running through a pipe located 25 feet from the place of beginning South 2 degrees 37 minutes 20 seconds West 225 feet to a pipe set on an iron pin thence by land of Thomas Golatz and by land now or formerly of Charnita, Inc., North 87 degrees 22 minutes 40 seconds West 184.80 feet to a one inch pipe; thence by land of Barrick and running through a pipe located 27.36 feet from the end of this line North 26 degrees 37 minutes East 246.28 feet to a point in the center of Fruitwood Trail; thence in the center of Fruitwood Trail South 87 degrees 22 minutes 40 seconds East 84.65 feet to a point in the center of Fruitwood Trail to the point and place of BEGINNING. CONTAINING 30, 313 square feet or 0.696 acre.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Chesner, Married by Deed from Donald J. Cunningham and Sherilyn Keaton dated 7/8/97 recorded 7/16/97 in Record Book 1407 Page 245.

BEING KNOWN AS 89 FRUITWOOD TRAIL, BOROUGH OF CARROLL VALLEY ADAMS COUNTY, PENNSYLVANIA

TAX PARCEL# 40-44-LOT-RI-75

SEIZED and taken into execution as the property of **Michael J. Chesner** and to be sold by me

Raymond W. Newman
Sheriff
Sheriff's Office, Gettysburg, PA
October 5, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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, which-

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

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-181 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Mount Joy Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1: BEGINNING at a point on the Baltimore Pike; thence along the Eby Mill Road South 4 degrees West, (erroneously stated as East on previous deed), 18 perches to a stone; thence by lands now or formerly of Edward Snyder (Edmund) North 49 $\frac{1}{2}$ degrees West, 76.5 perches to a stone; thence by same North 37 degrees East, 11 perches to the pike; thence along said Baltimore Pike to the place of BEGINNING. CONTAINING 5 Acres and 55 perches neat measure.

Tract No. 2: BEGINNING at a stone in the center of road leading from turnpike to Harney; thence by center of said road South 6 degrees West, 4.5 perches to a stone in said road; thence along other lands of Jacob A. Hartman North 47 $\frac{1}{4}$ degrees West, 36 perches; thence along lands now or formerly of Jacob Miller North 27 $\frac{1}{4}$ degrees East, 4.5 perches; thence along lands now or formerly of Jacob Hartman South 47 $\frac{1}{4}$ degrees East, 34 perches to the place of BEGINNING. CONTAINING 1 Acre, more or less.

BEING the same premises which Evelyn J. DeGroft, f/k/a Evelyn J. Slusser and Edgar H. DeGroft, by Deed dated May 27, 1994 and recorded in the Office of the Recorder of Deeds of Adams County on May 31, 1994, in Deed Book Volume 893, Page 31, granted and conveyed unto Kenneth S. Tice and Dianna L. Tice.

SEIZED and taken into execution as the property of **Kenneth S. Tice & Dianna L. Tice** and to be sold by me

Raymond W. Newman
Sheriff
Sheriff's Office, Gettysburg, PA
July 22, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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, which-ever may be the higher, shall be paid forthwith to the Sheriff.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-713 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT NO. 1

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1252 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 1, page 7, and subject to all legal highways, easements, rights-of-way, and restrictions of record.

TRACT NO. 2

ALL that certain lot of land situate in Latimore Township, Adams County, Pennsylvania, being more particularly described as Lot No. 1253 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 1, page 7, and subject to all legal highways, easements, rights-of-way, and restrictions of record.

SEIZED and taken into execution as the property of **Roby D. Smothers & Lora M. Smothers** and to be sold by me

Raymond W. Newman
Sheriff
Sheriff's Office, Gettysburg, PA
September 28, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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, which-ever may be the higher, shall be paid forthwith to the Sheriff.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-85 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with the improvements thereon erected situate in Littlestown Borough, Adams County, Pennsylvania.

BEGINNING at an iron pin along the right of way line of East Lakeview Drive at corner of Lot No. 6 on the hereinafter referred to draft of survey; thence said Lot No. 6, South 33 degrees 02 minutes, 50 seconds East, 119.10 feet to an iron pin at corner of Lot No. 6 and along line of Lot No. 8; thence by said Lot No. 8, South 56 degrees 57 minutes 10 seconds West, 70 feet to an iron pin at corner of Lot No. 8 and corner of land now or formerly of Arthur B. Ricci; thence by said land now or formerly of Arthur B. Ricci, North 33 degrees 02 minutes 50 seconds West, 119.10 feet to an iron pin set along the right of way of East Lakeview Drive; thence along the right of way line of East Lakeview Drive, North 56 degrees 57 minutes 10 seconds East, 70 feet to an iron pin set along the right of way line of East Lakeview Drive, the point and place of BEGINNING.

CONTAINING 3,337 square feet.

The above description was taken from a draft of survey prepared by Gettysburg Engineering Company, Inc., dated February 11, 1987, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book No. 46, at page 32, designating the above at Lot No. 7.

BEING Tax Parcel # 12-48.

BEING known as 49 E. Lakeview Drive, Littlestown, PA 17340

TAX PARCEL NO. 12-48

TITLE TO SAID PREMISES IS VESTED IN Virgil Hise, a single man, by Deed from Lisa Gwon Courpas (now known as Lisa Gwon Mathers and William Courpas, Jr., dated 8/30/95, recorded 9/5/95, in Record Book 1077, Page 106.

SEIZED and taken into execution as the property of **Virgil A. Hise** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 29, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being on the southwest side of Prince Street in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southwest side of the sidewalk and ten feet southwest of the southwestern curb line of Prince Street at corner of land now or formerly of Carl M. Morehead and wife; thence by said Morehead land, South 60 degrees 18 minutes West, 90 Feet to an iron pin; thence by land now or formerly of Harrison F. Snyder and wife, North 29 degrees 42 minutes West, 50 feet to an iron pin; thence by land now or formerly of Charles M. Morehead and wife, North 60 degrees 18 minutes East, 90 feet to an iron pin; thence along the aforesaid sidewalk, South 29 degrees 42 minutes East, 50 feet to an iron pin, the place of BEGINNING.

SUBJECT, HOWEVER, TO the building restrictions set forth in Adams County Deed Book 167 at page 430 as amended in Miscellaneous Book GG at Page 363.

SUBJECT, FURTHER, TO the water drainage rights as set forth in Adams County Deed Book 262 at page 154.

TITLE TO SAID PREMISES IS VESTED IN P. Kevin Judy and Debra L. Judy, husband and wife by Deed from Thomas E. Byers and Deborah A. Byers, husband and wife dated 5/15/96 recorded 5/20/96 in Record Book 1196 Page 231.

PREMISES BEING KNOWN AS 432 PRINCE STREET, BOROUGH OF LITTLESTOWN ADAMS COUNTY, PENNSYLVANIA.

SEIZED and taken into execution as the property of **Kevin P. Judy a/k/a/ P. Kevin Judy & Debra L. Judy** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 29, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

days after 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.

11/5, 12, & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-502 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Cumberland Twp., Adams Cty., PA. HET a dwg. k/a 77 Chapel Rd., Gettysburg, PA 17325. PARCEL 66H. TAX MAP E17. PBV 41, p. 2.

SEIZED and taken into execution as the property of **Frank D. and Dorothy E. Stratton** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19, & 24

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that on October 18, 1999 a certificate will be filed under the Fictitious Name Act approved December 21, 1988, P.L. 1444, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that GEMTONES DESIGNS, INC., 38 Howard Drive, East Berlin, PA 17316 is/are the only person(s) owning or interested in a business, the character of which is designing & selling of jewelry and that the name, style and designation under which said business is and will be conducted is SCOTT & CO. FINE JEWELERS and the location where said business is and will be located is 38 Howard Drive, East Berlin, PA 17316.

11/19

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 VICTORIA BITTNER, DEC'D
Late of Straban Township, Adams County, Pennsylvania

Executrix: Claire P. Stegmann, 105 Colonel's Way, Williamsburg, VA 23185

Attorney: Chester G. Shultz, Esquire, 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ANNA C. J. BOWMAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Gloria J. Markle, 940 Fairview Drive, Hanover, PA 17331; Lester E. Bowman, 2212 E. Berrie Circle, Virginia Beach, VA 23455

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

ESTATE OF HELEN C. RANG, DEC'D
Late of Union Township, Adams County, Pennsylvania

Executor: Jack M. Ketterman, 551 St. Johns Rd., Littlestown, PA 17340

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

ESTATE OF PAULINE E. TOCCO, DEC'D
Late of Reading Township, Adams County, Pennsylvania

Executrix: Paula K. Alameda, 3754-A Baltimore Pike, Littlestown, PA 17340

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

ESTATE OF MARY EVA WARNER A/K/A/ EVA THOMAS WARNER, DEC'D
Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Earl L. Warner, 1309 Shippensburg Road, Biglerville, PA 17307; Pauline E. Weidner, 397 Peach Glen-Idaville Road, Gardners, PA 17324; Kathryn L. Bear, 423 Pine Road, Mt. Holly Springs, PA 17065; Clifford C. Warner, 49040 Carmel Achor Road, Rogers, OH 44455

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

SECOND PUBLICATION

ESTATE OF JOHN JACOB DEARDORFF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ralph C. Woerner, 1380 Black Horse Tavern Road, Gettysburg, PA 17325

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

ESTATE OF RITA S. RINEMAN, a/k/a RITA E. RINEMAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Jon R. Rineman

Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF PATRICKA STAUB, DEC'D
Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Janet M. Staub

Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF JOHN D. TOPPER, a/k/a JOHN DANIEL TOPPER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administratrix: Lorreta J. Bachman

Administrator: Philip D. Topper

Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

THIRD PUBLICATION

ESTATE OF KATHERINE SCHROEDER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrators: Elinor S. Price, 55 Stone Jug Road, Gettysburg, PA 17325; Herbert H. Schroeder, 65 Southview Drive, Biglerville, PA 17307

Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF JOHN E. SNYDER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executrix: Lois R. Reynolds, 2616 Oxford Road, New Oxford, PA 17350

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

ESTATE OF ROBERT E. TARNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Donald W. Hinrichs, 102 Artillery Drive, Gettysburg, PA 17325

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

ESTATE OF JOYCEL WAGNER, DEC'D
Late of Franklin Township, Adams County, Pennsylvania

Administrator: Wayne S. Wagner, 424 Oak Drive, Orrtanna, PA 17353

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

ESTATE OF MARGARET E. WILLIAMS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Helen Jayne Tipton Roulette, 245 Twin Lakes Drive, Gettysburg, PA 17325; Marjorie Ann Lyons, 95 Woodcrest Drive, Gettysburg, PA 17325

Attorney: Harold A. Eastman, Jr., Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF LAVERNE A. WORLEY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Arlene G. Worley, P.O. Box 3146, Gettysburg, PA 17325

Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-255 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain tract of land situate in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a white oak at corner of land now or formerly of Charles M. Altomose and Mrs. Richard Gordon Davis; thence by said Davis' land, South 37 degrees West, 142.2 perches to a post at corner of land now or formerly of St. Mark's Church; Thence North 70 degrees West, 10.4 perches to a point in the Gettysburg-Littletown Highway; thence by said Highway, North 55 degrees West, 40.3 perches to a point in aforesaid Highway at corner of land now or formerly of J. C. Campbell; thence North 38-3/4 degrees West, 84.5 perches to a point; thence North 50 degrees East, 40 perches to a dead walnut at corner of land now or formerly of Ernest Schwartz; thence South 76 degrees East, 98.5 perches to a stone at corner of land now or formerly of Charles M. Altomose, aforesaid; thence North 70-1/2 degrees East, 47.8 perches to a stone; thence North 79 degrees East, 9.8 perches to a white oak at corner of land now or formerly of Mrs. Richard Gordon Davis, aforesaid, the place of BEGINNING. CONTAINING 67 Acres and 82 Perches, more or less.

LESS, HOWEVER, the following tract of land:

A. A tract of land containing 108 perches which Robert L. Sanders and Mildred F. Sanders, by deed dated March 11, 1947, recorded in Adams County Deed Book 177 at page 261, sold and conveyed unto Willis J. Wherley and Mildred M. Wherley.

B. A tract of land containing 20 perches which Mildred F. Sanders, widow, by her deed dated June 14, 1955, and recorded in Adams County Deed Book 210 at page 382, sold and conveyed unto Paul H. McCleaf and Mary E. McCleaf.

C. A tract of land containing 99 perches and 22 square feet which John R. Sanders, unmarried, M. Jane Gantz and George H. Gantz, her husband, by their deed dated November 12, 1968, and recorded in Adams County Deed Book 270 at page 1074, sold and conveyed unto Robert F. Angell and Viola L. Angell.

D. A tract of land containing 24,976.25 square feet which George H. Gantz and M. Jane Gantz, husband and wife, by their deed dated January 16, 1969, and recorded in Adams County Deed Book 272 at page 430, sold and conveyed unto Donald F. Nunemaker and Grace C. Nunemaker.

LESS, HOWEVER, ALSO, the following two tracts of land as reserved in the

deed recorded in Deed Book 285 at page 936: A tract of land containing 73 perches and 7 square feet, and a tract of land containing 15,089.03 square feet excepted and reserved unto George H. Gantz and M. Jane Gantz, husband and wife, as more fully described in the deed from George H. Gantz and M. Jane Gantz, husband and wife, by their deed dated July 9, 1970 to Paul C. Stull and Catherine M. Stull, husband and wife.

EXCEPTING AND RESERVING unto Paul C. Stull and Catherine M. Stull, husband and wife, a tract of land containing 1.806 acres as more fully set forth in the deed from Paul C. Stull and Catherine M. Stull, husband and wife, to Frederick K. Burns and Linda G. Burns, husband and wife, dated June 22, 1978, and recorded in Deed Book 338 at page 423.

Being the same which Paul C. Stull and Catherine M. Stull, husband and wife, by deed dated June 22, 1978, and recorded in the office of the Recorder of Deeds of Adams County Pennsylvania, in Deed Book 338 at page 423, conveyed unto Frederick K. Burns and Linda G. Burns, husband and wife; and the same Linda G. Burns having died on December 31, 1983, the entire title to said tract of land became vested by right of survivorship in her husband, Frederick K. Burns. The said Frederick K. Burns, joined by Kathy M. Burns, his wife, by deed dated October 31, 1985, and recorded in the office of the aforesaid Recorder of Deeds in Record Book 412 at page 688, conveyed unto Frederick K. Burns and Kathy M. Burns, husband and wife, the Defendants herein.

IMPROVED WITH a two-story frame dwelling on a 63-acre farm with a large 45' x 72' shed, small barn, and an unfinished building.

SEIZED and taken into execution as the property of **Frederick K. & Kathy M. Burns** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 16, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/19, 24 & 12/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-27 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, Decem-

ber 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 22 on a final Plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, page 41A, more fully bounded and described as follows to wit:

BEGINNING at a point on the southerly right of way line of Oxford Circle at a corner of Lot No. 21 on said plan; thence extending along the right of way line South 76 degrees 11 minutes 54 seconds East 4.36 feet to a point; thence continuing along the right of way line on a line curving to the right with a radius of 25 feet and arc distance of 16.89 feet to a point, at a corner of Lot No. 23 on said plan; thence extending along the said Lot No. 23 South 13 degrees 48 minutes 06 seconds West 119.51 feet to a point, at a corner of Lot No. 23; thence extending along lands now or formerly of Garland Construction North 76 degrees 11 minutes 54 seconds West 20 feet to a point, at a corner of Lot No. 21 on said plan; thence extending along Lot No. 21 North 13 degrees 48 minutes 06 seconds East 125 feet to the point and place of BEGINNING.

CONTAINING 2,473 Square feet.

HAVING ERRECTED THEREON a dwelling known as 25 Oxwood Circle, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Philip R. Garland, trading doing business as Garland Construction, by his Deed dated November 25, 1996 and recorded in Adams County Deed Book 1302, Page 328, granted and conveyed unto Tammy D. Blevins.

SEIZED IN EXECUTION AS THE PROPERTY OF TAMMY D. BLEVINS UNDER ADAMS COUNTY JUDGMENT NO. 99-S-27.

SEIZED and taken into execution as the property of **Tammy D. Blevins** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/19, 24 & 12/3

Adams County Legal Journal

Vol. 41

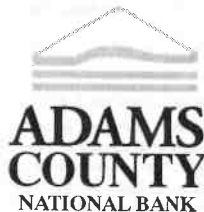
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CONEWAGO TOWNSHIP

Strong.
Rooted Upon Traditional Values.
Dedicated to Quality.
Customer Service.
Dependable
Branching Into The Future.
Our Commitment Is You.



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. 99-S-388 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land lying and situate in Carroll Valley Borough (formerly Liberty Township) Adams County, Pennsylvania, being Lot NO. 242 in Section W, more particularly bounded and described as follows:

BEGINNING at a point in the center of Janet Trail at Lot No. 243; thence by said lot South 60 degrees 17 minutes 40 seconds East, 225 feet to Lot NO. 223; thence by said lot South 29 degrees 42 minutes 20 seconds West, 100 feet to Lot No. 241; thence by said lot North 60 degrees 17 minutes 40 seconds West, 225 feet to a point in the center of said Janet Trail; thence in said Janet Trail North 29 degrees 42 minutes 20 seconds East, 100 feet to the place of beginning.

HAVING THEREON ERECTED A DWELLING KNOWN AS 113 Janet Trail, Fairfield, PA 17320.

BEING THE SAME PREMISES WHICH Michael L. Stahl, Thomas Ronald Stahl, Sharon Stahl and Nancy L. Stahl, by their Deed dated September 23, 1996 and recorded in Adams County Recorder of Deeds Office on September 25, 1996 in Deed Book 1263, page 322, granted and conveyed unto Paul A. Vanderford and Karen E. Vanderford.

Parcel # 43-028-0079

SEIZED IN EXECUTION AS THE PROPERTY OF PAULA VANDERFORD AND KAREN E. VANDERFORD UNDER ADAMS COUNTY JUDGEMENT NO. 99-S-388.

SEIZED and taken into execution as the property of Paul A. & Karen E. Vanderford and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-17 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in Benders Church Road (T-373), which railroad spike is on a heading of north 48 degrees 15 minutes 24 seconds east 437.15 feet from the intersection of Table Rock Road (PA. Rt. 394), Rake Factory Road (T-373) and Benders Church Road (T-373); thence across said Benders Church Road and through a steel pin set back 28.38 feet on the line south 42 degrees 18 minutes 30 seconds east, 248.38 feet to a steel pin set at lands now or formerly of Calvin E. and Mae E. Heintzelman; thence along said Heintzelman lands north 47 degrees 43 minutes 30 seconds east, 182.00 feet to a steel pin set at corner of lot no. 3 as designated on the hereinbelow mentioned plat; thence continuing along said lot no. 3 north 42 degrees 16 minutes 30 seconds west and through a steel pin set back 26.69 feet from the end of this course, 216.89 feet to a railroad spike in Benders Church Road (T-373); thence in and through said Benders Church Road south 48 degrees 15 minutes 24 seconds west, 182.01 feet to a railroad spike in said Benders Church Road, the place of beginning.

Being known as 33 Benders Church Road

Property tax parcel no. F 8-105 C

Title to said premises is vested in Lowell A. Baker and Hope L. Baker, his wife, by deed from Lowell A. Baker dated 3/19/1996 and recorded 3/20/1996 in deed book 1166 page 433

SEIZED and taken into execution as the property of Lowell A. Baker and

Hope L. Baker and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 18, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/19, 24 & 12/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-502 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Cumberland Twp., Adams Cty., PA. HET a dwg. k/a 77 Chapel Rd., Gettysburg, PA 17325. PARCEL 66H. TAX MAP E17. PBV 41, p. 2.

SEIZED and taken into execution as the property of Frank D. and Dorothy E. Stratton and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19, & 24

CONDEMNATION OF SEWER RIGHT OF WAY IN CONOWAGO TOWNSHIP

1. Judicial review of the exercise of the power of eminent domain is limited, grounded on judicial respect for the doctrine of separation of powers of government.
2. Discretionary municipal decisions will not be overturned in the absence of fraud, collusion, bad faith or arbitrary action.
3. Judicial wisdom will not be substituted for administrative discretion.
4. Condemnees have a heavy burden of overcoming the presumption that a condemnor's action is proper.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 97-S-643. CONDEMNATION OF SEWER RIGHT OF WAY FOR INSTALLATION OF A SANITARY SEWER LINE IN CONEWAGO TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, BY THE CONEWAGO TOWNSHIP MUNICIPAL AUTHORITY, DESIGNATED HEREIN AS DEFENDANT, AND FILED AGAINST CLIFFORD BAIR AND DIANA M. RHODES, DESIGNATED HEREIN AS PLAINTIFFS.

Jeffrey Cook, Esq., for Plaintiffs
Robert E. Campbell, Esq., for Defendant

OPINION ON PRELIMINARY OBJECTIONS

Spicer, P.J., September 14, 1998.

Clifford Bair and Diana M. Rhodes (condemnees) have filed preliminary objections to a declaration of taking filed by The Conewago Township Municipal Authority (condemnor). On April 14, 1997, condemnor condemned a portion of condemnees' land in Conewago Township for purposes of acquiring both a permanent and temporary right of way, for installing and maintaining a sanitary sewer line. Condemnation was exercised in accordance with the Municipality Authorities Act of 1945, 53 P.S. 314, and the Eminent Domain Code, 26 Pa.C.S.A. §1-101 et. seq. The Declaration of Taking and Notice of Condemnation were filed July 3, 1997. Condemnees filed preliminary objections on August 6, 1997.

After objections were scheduled for argument, the court reviewed the file and suggested to counsel that facts should be established by a hearing. The Eminent Domain Code, §1-406, provides, inter alia, that the court shall take evidence by depositions or otherwise when issues of fact are raised by preliminary objections. A hearing occurred July

30, 1998, after which findings of fact were entered by way of discussion. That portion of the hearing has been transcribed and filed of record. Counsel were given the right to request additional findings, and a briefing schedule was adopted. The court ruled that it would decide issues on brief.

Condemnees have requested supplemental findings of fact. Condemnor has objected, not because the facts are unsupported by the record, but because of relevancy. Although we find that most, if not all, supplemental requests were addressed following hearing, as illustrated by footnote 1 *infra*, we include them in findings.

Condemnees' property consists of two lots which are used as one parcel. Boundaries relevant to these proceedings are: **west:** lands of James A. Smith and Nancy B. Smith (Smith); **south:** Oak Lane; **east:** Church street. The northern boundary is unimportant to this action. Church Street is a state highway. The property is in a district zoned R-2. The parcel is presently unimproved. No residence may be constructed on a lot without at least a depth of 100 feet. Therefore, a house could be constructed fronting on Church Street, but not on Oak Lane. The Township imposes a 25 feet set back restriction. Initially, the sewer right of way would temporarily be 30 feet in width, and the permanent easement 20 feet. The permanent right of way would affect only property within the set back area. Condemnor proposes to install a sewer line within the right of way, and not within Oak Lane because, a), it would be less expensive to do so, and b), public inconvenience would be minimized. Cost savings were estimated at around \$15,000.00.¹ If the line is constructed in the street, traffic will be restricted to one lane during the construction period.

Initially, the line was designed to lie in Oak Lane to a point where the corner of Smiths' lot abuts the southwest corner of condemnees' lot. The line was then designed to proceed in a northeastern direction and thereafter run parallel to Oak Lane through condemnees' lot to a boring pit along Church Street. The line then would tunnel eastward under Church Street, and an existing line owned by McSherrystown.

¹ Condemnee's supplemental request 4 is "The approximate cost savings to the Conewago Township Municipal Authority by totally crossing the Bair property is \$15,000.00." This was established at the hearing. N.T. 6.

At the hearing, testimony indicated that the plan had changed slightly. Condemnor obtained a utility right of way from the Smiths, and now intends to run its line in a straight course through the Smiths' and condemnees' property.

Condemnor intends to restore property to its original condition, except for manholes, after the installation of the line.

There is another line presently in use on the south side of Oak Lane. The proposed line is not intended to serve customers in the immediate future. Rather it is intended to deliver sewage directly to the Hanover treatment plant, without using lines owned by McSherrystown, as is presently the case. While both Conewago Township and McSherrystown operate collection systems, all sewage is treated by Hanover. At present, sewage collected by the township is delivered to McSherrystown, which in turn delivers it to Hanover. Condemnor's purposes in constructing the new line are a), to reduce costs to Conewago Township customers, and b), obtain control of its collection and transmission operation.

There are alternative ways of accomplishing a direct hook-in with Hanover's system. The line could be constructed in Oak Lane, or partially in that street with a portion crossing the southeastern corner of condemnees' property.

Although the easement would affect approximately 30% of condemnees' property, the effect would not be serious for reasons explained.

The law in this area is summarized in Snitzer, *Pennsylvania Eminent Domain*, §406-2.2(A) and (C) (George T. Bisel Company 1997). Judicial review of the exercise of the power of eminent domain is limited, grounded on judicial respect for the doctrine of separation of powers of government. Discretionary municipal decisions will not be overturned in the absence of fraud, collusion, bad faith or arbitrary action. Judicial wisdom will not be substituted for administrative discretion. Condemnees have a heavy burden of overcoming the presumption that condemnor's action is proper. Cases collected in subsection (C) indicate that a condemning authority properly acts even when it fails to use existing rights of way, or fails to limit the effect on condemnees' property.

We cannot say we agree or disagree with condemnor's decision. However, it is clear that the right of way is intended for a public purpose and that reasons exist for both its acquisition and location. Furthermore, since both condemnees and Smiths are now treated similarly, there is no indication of arbitrariness.

For reasons discussed, we overrule preliminary objections.

ORDER

AND NOW, this 14TH day of September, 1998, preliminary objections are dismissed. However, the condemnation shall proceed in accordance with condemnors' Exhibit #3.

...continued from previous

R. Stock, being the first mentioned point and place of BEGINNING. Containing 6.223 acres.

TRACT NO. 2

BEGINNING at a point at land now or formerly of Robert R. Stock and corner of Lot No. 2-A on the above-mentioned plan; thence along land of Robert R. Stock, North thirty-eight degrees fifty-one minutes no seconds West (N 38° 51' 00" W), six hundred thirty-seven and fifteen hundredths (637.15) feet to a point at lands now or formerly of Michael E. Myers, thence by land of same, North thirty-two degrees fifty-eight minutes twenty seconds East (N 32° 58' 20" E), three hundred forty-three and seventy-eight hundredths (343.78) feet to a point at corner of Lot 2-C, thence by same, South thirty-eight degrees fifty-one minutes no seconds East (S 38° 51' 00" E), six hundred thirty-seven and fifteen hundredths (637.15) feet to a point at corners of Lots 2-A and 2-B, thence along Lot No. 2-A, South thirty-two degrees fifty-eight minutes twenty seconds West (32° 58' 20" W), three hundred forty-three and seventy-eight hundredths (343.78) feet to a point at lands of Robert R. Stock being the first mentioned point and place of BEGINNING. Containing 4.777 acres.

The Complaint requested the Court to enter a Decree and Order that the title of the properties described above is in the Plaintiffs and that the Defendant, his Executors, Administrators, Successors, and Assigns and all other parties of interest, be forever barred from asserting any right, lien, title or interest in the said land inconsistent with the interest of the Plaintiffs as set forth in their Complaint.

WHEREFORE, the Court of Common Pleas of Adams County, Pennsylvania has ordered that service of the Complaint be made on the heirs, successors and assigns of Mary E. Baker, daughter of Defendant, Nathaniel Baker, by publication. Plaintiffs will request the Court to enter a final judgment ordering that any possible legal interest the Defendant, his Executors, Administrators, Successors, and Assigns and all other parties of interest, might have had in the properties be extinguished.

NOTICE TO DEFEND

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Adams County Court House
111- 117 Baltimore Street
Gettysburg, Pennsylvania 17325
Telephone No. (717) 337-9846

Countess Gilbert Andrews
Joseph C. Adams
Attorneys for Plaintiffs
29 North Duke Street
York, PA 17401

11/24

PENNSYLVANIA LAWYERS FUND
FOR CLIENT SECURITY

Mission Statement

The mission of the Pennsylvania Lawyers Fund for Client Security is to reimburse victims of attorney dishonesty in the practice of law; to preserve the integrity and protect the good name of the legal profession; and to promote public confidence in the legal system and the administration of justice in Pennsylvania.

If you know of a victim of lawyer dishonesty, please advise them to contact the Pennsylvania Lawyers Fund for Client Security at:

5035 Ritter Road, Suite 900
Mechanicsburg, PA 17055-4823
(717) 691-7503 or (800) 962-4518
Fax: (717) 691-9005
admin@palawfund.com
www.palawfund.com

11/24

INCORPORATION NOTICE

NOTICE IS HEREBY given that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about October 5, 1999, for the purpose of obtaining a Certificate of Incorporation for a proposed business corporation to be organized under the Pennsylvania Business Corporation Law of 1988. The name of the corporation is THE LIGHTNER FARMHOUSE, and the purpose for which it is being organized is to operate a bed and breakfast and the corporation shall have unlimited powers to engage in and to do any lawful act concerning any and all business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988, and for these purposes to have, possess, and enjoy all the rights, benefits and privileges of said Act of Assembly and its supplements and amendments.

The initial registered office of the corporation is 2350 Baltimore Pike, Gettysburg, Pennsylvania 17325.

Jeffery M. Cook
Attorney at Law
234 Baltimore Street
Gettysburg, PA 17325

11/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-181 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Mount Joy Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1: BEGINNING at a point on the Baltimore Pike; thence along the Eby Mill Road South 4 degrees West, (erroneously stated as East on previous deed), 18 perches to a stone; thence by lands now or formerly of Edward Snyder (Edmund) North 49 $\frac{1}{2}$ degrees West, 76.5 perches to a stone; thence by same North 37 degrees East, 11 perches to the pike; thence along said Baltimore Pike to the place of BEGINNING. CONTAINING 5 Acres and 55 perches neat measure.

Tract No. 2: BEGINNING at a stone in the center of road leading from turnpike to Harney; thence by center of said road South 6 degrees West, 4.5 perches to a stone in said road; thence along other lands of Jacob A. Hartman North 47 $\frac{1}{4}$ degrees West, 36 perches; thence along lands now or formerly of Jacob Miller North 27 $\frac{1}{4}$ degrees East, 4.5 perches; thence along lands now or formerly of Jacob Hartman South 47 $\frac{3}{4}$ degrees East, 34 perches to the place of BEGINNING. CONTAINING 1 Acre, more or less.

BEING the same premises which Evelyn J. DeGroft, f/k/a Evelyn J. Slusser and Edgar H. DeGroft, by Deed dated May 27, 1994 and recorded in the Office of the Recorder of Deeds of Adams County on May 31, 1994, in Deed Book Volume 893, Page 3 1, granted and conveyed unto Kenneth S. Tice and Dianna L. Tice.

SEIZED and taken into execution as the property of **Kenneth S. Tice & Dianna L. Tice** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 22, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/12, 19 & 24

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 99-S-904
Action to Quiet Title

AMY M. HETRICK, RICHARD A. HETRICK, and CHARLOTTE M. HETRICK, husband and wife; JANICE E. NEWCOMER; and ROBERT MCGEEHAN, Plaintiffs,

vs.

NATHANIEL BAKER, his Executors, Administrators, Successors, and Assigns, and all other parties of interest, Defendant.

TO: NATHANIEL BAKER, his Executors, Administrators, Successors, and Assigns, and all other parties of interest,

TAKE NOTICE that on October 7, 1999, Amy M. Hetrick, Richard A. Hetrick, and Charlotte M. Hetrick, husband and wife; Janice E. Newcomer; and Robert McGeehan filed a Complaint in Action to Quiet Title against Nathaniel Baker, his Executors, Administrators, Successors, and Assigns, and all other parties of interest, averring that Amy M. Hetrick, Richard A. Hetrick, and Charlotte M. Hetrick, husband and wife; Janice E. Newcomer; and Robert McGeehan are the owners of the real property described herein. The Complaint requests the Court to extinguish any possible interest you may have in said real estate. The subject properties are tracts of land situate in Reading Township, Adams County, Pennsylvania, and described as follows:

Hetrick Property:

ALL THOSE TWO CERTAIN tracts of land situate in the Reading, County of Adams, Pennsylvania, bounded and described according to a Final Plan of Minor Subdivision by Rodney Lee Decker, Registered Surveyor, dated December 30, 1997, which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 73, Page 47, wherein these tracts are designated as Tracts 2-B and 2-C, as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in T-617, also known as Anthony Road at corner of lands now or formerly of John B. Crook, previously approved for subdivision; thence by lands of same, North thirty-seven degrees two minutes ten seconds West (N 37° 02' 10" W), one thousand fifty and no hundredths (1,050.00) feet to a point at Lot 2-C on the above-mentioned plan; thence along Lot 2-C South thirty-two degrees fifty-eight minutes twenty seconds West (S 32° 58' 20" W), eight hundred sixty-one and thirty-eight hundredths (861.38) feet to a point at corners of Lot 2-D and 2A on the above mentioned plan; thence along Lot 2-A, South thirty-eight degrees fifty-one minutes no seconds East (S 38° 51' 00" E), six hundred seventy-eight and three

hundredths (678.03) feet to a point; thence South six degrees nine minutes no seconds West (S 06° 09' 00" W), one hundred seventy-seven and six hundredths (177.06) feet to a point; thence South thirty-eight degrees fifty-one minutes no seconds East (S 38° 51' 00" E), one hundred fifty and no hundredths (150.00) feet to a point in T-617, also known as Anthony Road; thence in and through T-617, also known as Anthony Road North forty degrees twenty-five minutes ten seconds East (N 40° 25' 10" E), nine hundred twenty-six and fifty-five hundredths (926.55) feet to a point in said road at corner of lands now or formerly of John B. Crook being the first mentioned point and place of BEGINNING.

CONTAINING 18.710 acres. Designated as Tract 2-B on the above-mentioned plan.

TRACT NO. 2:

BEGINNING at a point at the corners of Lot 2-A and 2-D on the above-mentioned plan; thence along Lot No. 2-D North thirty-eight degrees fifty-one minutes no seconds West (N 38° 51' 00" W), six hundred thirty-seven and fifteen hundredths (637.15) feet to a point at lands now or formerly of Michael E. Myers; thence by land of same and lands now or formerly of Harry W. Fletcher North thirty-two degrees fifty-eight minutes twenty seconds East (N 32° 58' 20" E), one thousand four hundred seventy and seventy-four hundredths (1,470.74) feet to a point at lands now or formerly of John B. Crook, previously approved for subdivision; thence by same South thirty-seven degrees two minutes ten seconds East (S 37° 02' 10" E), six hundred forty-four and seventeen hundredths (644.17) feet to a point; thence South thirty-two degrees fifty-eight minutes twenty seconds West (S 32° 58' 20" W), five hundred eighty-seven and ninety hundredths (587.90) feet to a point at corner of Lot 2-B on the above-mentioned plan; thence by same South thirty-two degrees fifty-eight minutes twenty seconds West (S 32° 58' 20" W), eight hundred sixty-one and thirty-eight hundredths (861.38) feet to a point at the corners of Lot 2-A and 2-D, being the first mentioned point and place of BEGINNING. Designated as Tract 2-C on the above mentioned plan.

CONTAINING 20.290 acres.

Newcomer Property:

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

BEGINNING at a point in or near the center line of Anthony Road at corner of Lot No. 2 on the hereinafter referred to plan of lots, said point of beginning being North 40 degrees 25 minutes 10 Seconds East, 1,131.55 feet from the corner of land now or formerly of Robert R. Stock; thence by said Lot No. 2, North 37 degrees 02 minutes 10 seconds West, 1,050.00 feet to a point; thence continuing by same, North 32 degrees 58 minutes 20 seconds East, 587.90 feet to a point; thence by

same, North 37 degrees 02 minutes 10 seconds West, 644.17 feet to a point on line of land now or formerly of Harry W. Fletcher; thence by said land of Harry W. Fletcher, North 32 degrees 58 minutes 20 seconds East, 1,561.21 feet to an iron pipe (found); thence South 87 degrees 52 minutes 30 seconds East, 109.06 feet to a 36 inch white oak tree at corner of land now or formerly of John A. Holland; thence by said land of John A. Holland, South 27 degrees 52 minutes 30 seconds East, 1,581.00 feet to an iron pipe and stones (found) at corner of land now or formerly of Earl B. Erb; thence by said land of Earl B. Erb, and by land now or formerly of Sterling N. Hoffmaster, Jr., South 26 degrees 47 minutes 50 seconds West, 1,510.60 feet to a 30 inch walnut tree at corner of said land of Sterling N. Hoffmaster, Jr.; thence continuing by same, South 40 degrees 57 minutes 00 seconds East, 155.33 feet to an iron pipe (found); thence continuing by same, and re-entering Anthony Road, South 55 degrees 25 minutes 50 seconds West, 507.71 feet to a point, the place of BEGINNING. Containing 68.561 acres.

McGeehan Property:

ALL THOSE TWO CERTAIN tracts of land situate in the Township of Reading, County of Adams and Commonwealth of Pennsylvania, bounded and described according to a Final Plan of Minor Subdivision by Rodney Lee Decker, Registered Surveyor, dated December 30, 1997 which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 73, Page 47, wherein these tracts are designated as tracts 2-A and 2-D, as follows to wit:

BEGINNING at a point in T-617 also known as Anthony Road at corner of lands now or formerly of Robert R. Stock; thence by lands of same, North thirty-eight degrees fifty-one minutes no seconds West (N 38° 51' 00" W), eight hundred eighty-four and fifteen hundredths (884.15) feet to a point at corner of Lot No. 2-D as shown on the above-mentioned plan; thence along Lot No. 2-D, North thirty-two degrees fifty-eight minutes twenty seconds East (N 32° 58' 20" E), three hundred forty-three and seventy-eight hundredths (343.78) feet to a point at corners of Lots No. 2-C and 2-B on the above-mentioned plan; thence along Lot No. 2-B South thirty-eight degrees fifty-one minutes no seconds East (S 38° 51' 00" E), six hundred seventy-eight and three hundredths (678.03) feet to a point; thence by same South six degrees nine minutes no seconds West (S 06° 09' 00" W), one hundred seventy-seven and six hundredths (177.06) feet to a point; thence South thirty-eight degrees fifty-one minutes no seconds East (S 38° 51' 00" E), one hundred fifty (150.00) feet to a point in T-617 also known as Anthony Road; thence in and through said road, South forty degrees twenty-five minutes ten seconds West (S 40° 25' 10" W), two hundred five (205.00) feet to a point at corner of lands now or formerly of Robert

continued on next page...

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 RAYMOND F. SHEELY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executrix: Margaret Anne Sheely a/k/a/ Margaret Anne Sanni, 127 West Lincoln Ave., Gettysburg, PA 17325
 Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLADYS C. STERNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
 Executrices: Evelyn G. Betts, 3067 Chimayo Lane, Las Vegas, NV 89122; Margaret Y. McCleaf, 180 McCleaf Lane, Fairfield, PA 17320
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF VICTORIA BITTNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executrix: Claire P. Stegmann, 105 Colonel's Way, Williamsburg, VA 23185
 Attorney: Chester G. Shultz, Esquire, 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ANNA C. J. BOWMAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executors: Gloria J. Markle, 940 Fairview Drive, Hanover, PA 17331; Lester E. Bowman, 2212 E. Berrie Circle, Virginia Beach, VA 23455
 Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF HELEN C. RANG, DEC'D

Late of Union Township, Adams County, Pennsylvania
 Executor: Jack M. Ketterman, 551 St. Johns Rd., Littlestown, PA 17340
 Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

ESTATE OF PAULINE E. TOCCO, DEC'D

Late of Reading Township, Adams County, Pennsylvania
 Executrix: Paula K. Alameda, 3754-A Baltimore Pike, Littlestown, PA 17340
 Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY EVA WARNER A/K/A EVA THOMAS WARNER, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania
 Executors: Earl L. Warner, 1309 Shippensburg Road, Biglerville, PA 17307; Pauline E. Weidner, 397 Peach Glen-Idaville Road, Gardners, PA 17324; Kathryn L. Bear, 423 Pine Road, Mt. Holly Springs, PA 17065; Clifford C. Warner, 49040 Carmel Achor Road, Rogers, OH 44455
 Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF JOHN JACOB DEARDORFF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Executor: Ralph C. Woerner, 1380 Black Horse Tavern Road, Gettysburg, PA 17325
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF RITA S. RINEMAN, a/k/a RITA E. RINEMAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executor: Jon R. Rineman
 Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF PATRICK A. STAUB, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania
 Executrix: Janet M. Staub
 Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF JOHN D. TOPPER, a/k/a JOHN DANIEL TOPPER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
 Administratrix: Lorreta J. Bachman
 Administrator: Philip D. Topper
 Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-255 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain tract of land situate in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a white oak at corner of land now or formerly of Charles M. Altomese and Mrs. Richard Gordon Davis; thence by said Davis' land, South 37 degrees West, 142.2 perches to a post at corner of land now or formerly of St. Mark's Church; Thence North 70 degrees West, 10.4 perches to a point in the Gettysburg-Littlestown Highway; thence by said Highway, North 55 degrees West, 40.3 perches to a point in aforesaid Highway at corner of land now or formerly of J. C. Campbell; thence North 38-3/4 degrees West, 84.5 perches to a point; thence North 50 degrees East, 40 perches to a dead walnut at corner of land now or formerly of Ernest Schwartz; thence South 76 degrees East, 98.5 perches to a stone at corner of land now or formerly of Charles M. Altomese, aforesaid; thence North 70-1/2 degrees East, 47.8 perches to a stone; thence North 79 degrees East, 9.8 perches to a white oak at corner of land now or formerly of Mrs. Richard Gordon Davis, aforesaid, the place of BEGINNING. CONTAINING 67 Acres and 82 Perches, more or less.

LESS, HOWEVER, the following tract of land:

A. A tract of land containing 108 perches which Robert L. Sanders and Mildred F. Sanders, by deed dated March 11, 1947, recorded in Adams County Deed Book 177 at page 261, sold and conveyed unto Willis J. Wherley and Mildred M. Wherley.

B. A tract of land containing 20 perches which Mildred F. Sanders, widow, by her deed dated June 14, 1955, and recorded in Adams County Deed Book 210 at page 382, sold and conveyed unto Paul H. McCleaf and Mary E. McCleaf.

C. A tract of land containing 99 perches and 22 square feet which John R. Sanders, unmarried, M. Jane Gantz and George H. Gantz, her husband, by their deed dated November 12, 1968, and recorded in Adams County Deed Book 270 at page 1074, sold and conveyed unto Robert F. Angell and Viola L. Angell.

D. A tract of land containing 24,976.25 square feet which George H. Gantz and M. Jane Gantz, husband and wife, by their deed dated January 16, 1969, and recorded in Adams County Deed Book 272 at page 430, sold and conveyed unto Donald F. Nunemaker and Grace C. Nunemaker.

LESS, HOWEVER, ALSO, the following two tracts of land as reserved in the deed recorded in Deed Book 285 at page 936: A tract of land containing 73 perches and 7 square feet, and a tract of land containing 15,089.03 square feet excepted and reserved unto George H. Gantz and M. Jane Gantz, husband and wife, as more fully described in

the deed from George H. Gantz and M. Jane Gantz, husband and wife, by their deed dated July 9, 1970 to Paul C. Stull and Catherine M. Stull, husband and wife.

EXCEPTING AND RESERVING unto Paul C. Stull and Catherine M. Stull, husband and wife, a tract of land containing 1.806 acres as more fully set forth in the deed from Paul C. Stull and Catherine M. Stull, husband and wife, to Frederick K. Burns and Linda G. Burns, husband and wife, dated June 22, 1978, and recorded in Deed Book 338 at page 423.

Being the same which Paul C. Stull and Catherine M. Stull, husband and wife, by deed dated June 22, 1978, and recorded in the office of the Recorder of Deeds of Adams County Pennsylvania, in Deed Book 338 at page 423, conveyed unto Frederick K. Burns and Linda G. Burns, husband and wife; and the same Linda G. Burns having died on December 31, 1983, the entire title to said tract of land became vested by right of survivorship in her husband, Frederick K. Burns. The said Frederick K. Burns, joined by Kathy M. Burns, his wife, by deed dated October 31, 1985, and recorded in the office of the aforesaid Recorder of Deeds in Record Book 412 at page 688, conveyed unto Frederick K. Burns and Kathy M. Burns, husband and wife, the Defendants herein.

IMPROVED WITH a two-story frame dwelling on a 63-acre farm with a large 45' x 72' shed, small barn, and an unfinished building.

SEIZED and taken into execution as the property of **Frederick K. & Kathy M. Burns** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 16, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/19, 24 & 12/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-27 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 17, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the southerly side of Oxford Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 22 on a final Plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, page

41A, more fully bounded and described as follows to wit:

BEGINNING at a point on the southerly right of way line of Oxford Circle at a corner of Lot No 21 on said plan; thence extending along the right of way line South 76 degrees 11 minutes 54 seconds East 4.36 feet to a point; thence continuing along the right of way line on a line curving to the right with a radius of 25 feet and arc distance of 16.89 feet to a point, at a corner of Lot No. 23 on said plan; thence extending along the said Lot No. 23 South 13 degrees 48 minutes 06 seconds West 119.51 feet to a point, at a corner of Lot No. 23; thence extending along lands now or formerly of Garland Construction North 76 degrees 11 minutes 54 seconds West 20 feet to a point, at a corner of Lot No. 21 on said plan; thence extending along Lot No. 21 North 13 degrees 48 minutes 06 seconds East 125 feet to the point and place of BEGINNING.

CONTAINING 2,473 Square feet.

HAVING ERRECTED THEREON a dwelling known as 25 Oxwood Circle, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Philip R. Garland, trading doing business as Garland Construction, by his Deed dated November 25, 1996 and recorded in Adams County Deed Book 1302, Page 328, granted and conveyed unto Tammy D. Blevins.

SEIZED IN EXECUTION AS THE PROPERTY OF TAMMY D. BLEVINS UNDER ADAMS COUNTY JUDGMENT NO. 99-S-27.

SEIZED and taken into execution as the property of **Tammy D. Blevins** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 15, 1999.

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 January 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

11/19, 24 & 12/3

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State, Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on October 15, 1999, for the purpose of obtaining a Certificate of Incorporation of a proposed nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988. The name of the corporation is PENNSYLVANIA HERB FESTIVAL.

John W. Phillips, Esq.
101 West Middle Street
Gettysburg, PA 17325
Attorney for the Corporation