

Adams County Legal Journal

Vol. 44

November 1, 2002

No. 23, pp. 121-124

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-797 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, 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 Hamilton Township, Adams County, Pennsylvania, and being designated as Lot No. 6 on a subdivision plan prepared by George M. Wildasin, F.L.S. for Leila I. Huntsberger, dated November 20, 1990 and recorded April 15, 1991 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 57 at Page 98.

BEGINNING at an existing steel pipe at the corner of lands now or formerly of Harvey R. Stover and James Aiello; thence by lands now or formerly of James Aiello, North 13 degrees 48 minutes 45 seconds West, 306.61 feet to an iron pin; thence along Lot No. 4 and through an iron pin set back 20.0 feet from the terminus of this course, North 50 degrees 23 minutes 20 seconds East, 118.73 feet to a railroad spike set in Kuhn Fording Road (T-552); thence along Lot No. 4 and along and through Kuhn Fording Road, South 40 degrees 00 minutes 00 seconds East, 142.50 feet to an existing railroad spike as shown on said plan; thence along lands now or formerly of Harvey R. Stover, and through a pin set back 28 feet from the beginning of this course, South 22 degrees 34 minutes 30 seconds West, 280.21 feet to an existing steel pipe, the point and place of BEGINNING.

BEING designated as Lot No. 6 and containing .792 acres

Parcel ID#: (17)L08-75F

BEING KNOWN AS: 801 Kuhn Fording Road, E. Berlin, PA 17316

SEIZED and taken into execution as the property of **Angela S. Wagman & Bernard E. Wagman, III** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Friday, November 15, 2002, at 9:00 o'clock a.m.

BAIR—Orphans' Court Action Number OC-117-01. The First and Final Account of Dale E. Bair, Executor of the Estate of Theron M. Bair, deceased, late of Germany Township, Adams County, Pennsylvania.

WISE—Orphans' Court Action Number OC-119-02. The First and Final Account of Leo E. Gribbin, Executor of the Estate of Bernadette I. Wise, deceased, late of Oxford Township, Adams County, Pennsylvania.

SCOTT—Orphans' Court Action Number OC-3-01. The First and Final Account of Adams County National Bank, Administrator C.T.A. of the Last Will and Testament of Ronald B. Scott, deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

11/1 & 8

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

Testamentary Trust Under the Last Will and Testament dated August 27, 1985

In Re: Kathleen Wise, Trust, Allfirst Bank, Trustee

NOTICE

NOTICE IS HEREBY GIVEN that Allfirst Bank, Trustee under a Trust created in the Last Will and Testament of Kathleen Wise has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Orphans' Court 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 on November 15, 2002, at 9:00 o'clock a.m., in Court Room No. 3, at the Adams County Court House, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court
Stetler & Gribbin
Attorneys

11/1 & 8

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 September 9, 2002.

The name of the corporation is BRIAN KUNKLE CONSTRUCTION, INC.

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

Thomas R. Nell, Esq.
340 Neil Road
East Berlin, PA 17316
Attorney for the Corporation

11/1

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-286 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Hamiltonban Twp., by Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin in the center of Township Road T-300, known as Mount Hope Road; thence in the center of said road, North 28 degrees 11 minutes 00 seconds East, 20.22 feet to a nail in the center of said road; thence through the original tract of Luke J. Clapsadl and running through a reference iron pin 40 feet from the beginning of this course, South 70 degrees 20 minutes 30 seconds East, 412.55 feet to an iron pin; thence continuing through the same, North 24 degrees 19 minutes 35 seconds East, 158.71 feet to an iron pin on line of land now or formerly of William Miller; thence along said Miller land, South 68 degrees 40 minutes 00 seconds East, 201 feet to an iron pin located approximately 30 feet from land now or formerly of The Glatfelter Pulpwood Company; thence running in a line parallel with and approximately 30 feet West of land now or formerly of The Glatfelter Pulpwood Company, South 24 degrees 19 minutes 35 seconds West, 172.88 feet to an iron pin; thence along line of land now or formerly of Charles F. Clapsadl, North 70 degrees 20 minutes 30 seconds West, 615.31 feet to the above described place of BEGINNING. CONTAINING 1 acre.

BEING the same premises which Robert E. Burrall, by Deed dated July 28, 1986 and recorded July 30, 1986, in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 432, Page 0437, granted and conveyed unto Ellis R. Emory and Denise M. Emory, husband and wife, the mortgageors herein.

SEIZED and taken into execution as the property of **Ellis R. Emory & Denise M. Emory** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND

CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/25, 11/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-296 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, 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, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, being (Lot No. 11) of Colonial Ridge Subdivision, more particularly bounded and described as follows:

BEGINNING at an iron pin on the edge of a 50 foot right of way known as Cannon Lane at the corner of Lot No. 10, as shown on the hereinafter identified draft of survey; thence by Lot No. 10 and running through the center of a party wall in a four unit townhouse separating Lot No. 10 and the lot hereby conveyed, North 42 degrees 17 minutes 22 seconds West, 125.00 feet to a point on line of Lot No. 8, as shown on said survey; thence by Lot No. 8, North 47 degrees 42 minutes 38 seconds East, 20.0 feet to a point at the corner of Lot No. 12, as shown on said survey; thence by Lot No. 12 and running through the center of a party wall in a four unit townhouse separating Lot No. 12 and the lot hereby conveyed, South 42 degrees 17 minutes 22 seconds East, 125.00 feet to an iron pin on the edge of a 50 foot right of way known as Cannon Lane; thence by

same, along Cannon Lane, South 47 degrees 42 minutes 38 seconds West, 20.0 feet to an iron pin on the edge of a 50 foot right of way known as Cannon Lane at the corner of Lot No. 10, as shown on said survey, the point and place of BEGINNING. CONTAINING 2,500 square feet.

TITLE TO SAID PREMISES IS VESTED IN David E. Hadlock By Deed from Thomas P. Gebhart and Mary L. Gebhart, his wife dated 10/26/95 and recorded 10/27/95 in Record Book 1100, Page 274.

Tax Parcel: #11-10

Premises Being: 3 Cannon Lane, Gettysburg, PA 17325

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

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

TO ALL PARTIES IN INTEREST AND

CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/25, 11/1 & 8

NOTICE

NOTICE IS HEREBY GIVEN that Christopher J. Schmidt, Esq. intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that he is practicing law full-time as a law clerk to The Honorable Michael A. George, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

10/18, 25 & 11/1

COMMONWEALTH VS. BELOFF

1. It is firmly established that a warrantless search of property is permitted when consent is given by a third party possessing "common authority" over the premises or effects sought to be inspected. Common authority of a third-party to consent to a search "rests rather on mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable to recognize that any of the coinhabitants has the right to permit the inspection in his own right and that the others have assumed the risk that one of their number might permit the common area to be searched."

2. Under the "plain view" doctrine, it has long been settled that objects falling in the plain view of an officer who has a right to be in the position to have that view are subject to seizure and may be introduced as evidence, thus "plain view" justifies a warrantless seizure of evidence when its incriminating character is immediately apparent, the officer is lawfully located in a place where the object can be plainly seen, and the officer has "a lawful right of access to the object itself."

3. An expectation of privacy is present when an individual, by his conduct, exhibits an actual expectation of privacy and that society is prepared to recognize as reasonable. The controlling consideration is whether the individual contesting the search and seizure has a legitimate expectation of privacy in the premises or area searched.

4. A pavilion is nothing more than an open structure with no sides and only a roof of some sort. It cannot be said that defendant had a legitimate expectation of privacy under such circumstances.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-690-01, COMMONWEALTH OF PENNSYLVANIA VS. EMANUEL WARREN BELOFF, II

Bernard A. Yannetti, Jr., Esq., for Commonwealth

Roy A. Keefer, Esq., for Defendant.

Bigham, J., March 14, 2002

OPINION ON THE SEARCH AND SEIZURE OF DEFENDANT

BRIEF STATEMENT OF FACTS

On May 4, 2001, the Bureau of Liquor Control Enforcement conducted an investigation and a raid on a party that was being held at a campground in Cumberland Township, Adams County, Pennsylvania. Defendant was arrested and cited for Underage Drinking and the Possession of False Identification. Defendant was found guilty before District Justice Thomas Carr and Defendant appealed. The issue raised on appeal is unlawful search and seizure. Testimony on the unlawful search and seizure issue was taken on

November 29, 2001 and each party has briefed the issue of warrantless search.

John R. Smith, Jr., testified he was the owner of Marsh Creek Park, the campground and pavilion where the arrest took place. He leased the premises to Lauren Beloff, sister of the accused on May 4, 2001 based on a verbal understanding, which included a no alcohol condition imposed by the landlord. Mr. Smith gave Chief Barry Sease of the Cumberland Township Police permission to enter the property. Mr. Smith testified he was unaware the Bureau of Liquor Control Enforcement was involved.

Agent Leo Patrizi of the Bureau of Liquor Control Enforcement testified he performed surveillance of the park area. There was a crowd of about 100 persons, a disc jockey and music. While located on an adjacent property across the creek, the agent observed people drinking liquid from plastic cups and heard an announcement that kegs were in a certain area. Agent Patrizi entered the property about 5:30 p.m. There was no warrant before entry onto the property was made. Lauren Beloff did not consent to the entry onto the property.

LEGAL DISCUSSION

Article I, Section 8 of the Pennsylvania Constitution states,

“The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.”

Art. I Section 8.

There are many exceptions to the warrant requirement. In this case, two exceptions are met. The first being consent and the second being “plain view.”

“It is firmly established that a warrantless search of property is permitted when consent is given by a third party possessing ‘common authority’ over the premises or effects sought to be inspected.”

Commonwealth vs. Davis, 743 A.2d 946, 951 (Pa.Super. 1999).

“Common authority of a third-party to consent to a search ‘rests rather on mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable to recognize that any of the coinhabitants has the right to permit the inspection in his own right and that the others have assumed the risk that one of their number might permit the common area to be searched.”

Id.

No testimony was produced to suggest that the verbal lease granted the defendant’s sister exclusive possession of the campground. The landlord had the authority to consent to the search.

The underage drinking of Defendant was in plain view of the officers. This case is distinguishable from a situation where underage individuals are drinking inside a dwelling and/or building and not able to be seen from the outside without an entrance into the dwelling place or building. The Supreme Court of Pennsylvania states,

“Under the ‘plain view’ doctrine ‘it has long been settled that objects falling in the plain view of an officer who has a right to be in the position to have that view are subject to seizure and may be introduced as evidence. Thus, ‘plain view’ justifies a warrantless seizure of evidence when its incriminating character is immediately apparent, the officer is lawfully located in a place where the object can be plainly seen, and the officer has ‘a lawful right of access to the object itself.’”

Commonwealth vs. Graham, 554, Pa. 472, 480 (1998).

Defendant argues *Commonwealth v. Gibson, Scamell and Stotsenburg*, 536 Pa. 123, 638 A.2d 203 (1994) is similar to this case. *Gibson* held mere suspicion of underage drinking is not enough and since the officers unlawfully entered the apartment the search and arrests were improper. *Gibson* is distinguishable from this case because the police made a warrantless entry into an apartment in the absence of any belief that illegal activity was being conducted. There was no noise coming from the apartment and no people were coming in and out of the apartment. *Id.* at 127, 205. There was no probable cause in this case for the police to enter the apartment. The police

entered and began an investigation as to individuals' ages and whether or not they have been drinking.

In the case before us, the police did have probable cause to enter the property and question the individuals. The drinking activity was in plain view because the police could see people drinking liquid from plastic cups and heard someone announcing kegs were located in a certain area from their lawful positions on neighboring property.

The Fourth Amendment protects people from unreasonable governmental intrusions into their legitimate expectations of privacy. *Commonwealth vs. Davis* states

“Though the Fourth Amendment protects people rather than places, the determination of whether an actual and reasonable expectation of privacy existed usually requires some reference to place. An expectation of privacy is present when an individual, by his conduct, exhibits an actual expectation of privacy and that society is prepared to recognize as reasonable. The controlling consideration is whether the individual contesting the search and seizure has a legitimate expectation of privacy in the premises or area searched. This determination is to be accomplished upon a totality of the circumstances.”

Supra at 950.

The pavilion is located in an open field where activities and people can be viewed by anyone who happens to be on the neighboring property. A pavilion is nothing more than an open structure with no sides and only a roof of some sort. It cannot be said that defendant had a legitimate expectation of privacy under such circumstances. This was a party out in the open and not at all like the cases cited where someone is in the privacy of their residence.

Consent and plain view support this warrantless search.

ORDER OF COURT

AND NOW, this 14th day of March, 2002, IT IS ORDERED THAT Defendant's Suppression Motion is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-83 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the westerly side of Knisley Drive at Lot No. 19 of the hereinafter mentioned subdivision plan; thence along said Lot No. 19 North fifty-nine (59) degrees twenty-three (23) minutes forty (40) seconds West one hundred forty-five and ninety-seven hundredths (145.97) feet to a point at lands now or formerly of The American Legion of Hanover; thence along said lands North twenty-nine (29) degrees twenty (20) minutes thirty-three (33) seconds East, sixty-five and fifteen thousandths (65.015) feet to a point at Lot No. 20-B of the hereinafter referenced subdivision plan; thence along same, South fifty-nine (59) degrees twenty-three (23) minutes forty (40) seconds East, one hundred forty-seven and forty-one hundredths (147.41) feet to a point along the westerly side of Knisley Drive; thence along the westerly side of Knisley Drive South thirty (30) degrees thirty-six (36) minutes twenty (20) seconds West, sixty-five (65.00) feet to a point at Lot No. 19 of said plan, the point and place of BEGINNING. CONTAINING 9,535 square feet and being identified as Lot No. 20-A of the final plan of Country Estates which plan is dated March 11, 1988, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 49, page 62.

HAVING ERECTED THEREON a dwelling known as 28 Knisley Drive, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Louis E. Roth and Joan E. Roth by Deed dated March 19, 1993 and recorded March 25, 1993 in Adams County Deed Book 703, Page 126, granted and conveyed unto Steven R. Merson and Deborah K. Merson.

SEIZED IN EXECUTION AS THE PROPERTY OF STEVEN R. MERSON AND DEBORAH K. MERSON UNDER ADAMS COUNTY JUDGMENT NO. 02-S-83.

MAP & PARCEL #10-52

SEIZED and taken into execution as the property of **Steven R. Merson & Deborah K. Merson** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 13, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/18, 25 & 11/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1142 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point in the center line of a public road at lands now or formerly of Fred N. Farnham and Elizabeth M. Farnham, his wife; thence along said last mentioned lands, South sixty-eight (68) degrees, twenty (20) minutes East, three hundred thirty-two and four-tenths (332.4) feet to a stake at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South twenty-six (26) degrees West, one hundred forty-three and eight-tenths (143.8) feet to a pin at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South seventy-five (75) degrees West, one hundred seventy-five (175) feet to a point in the center line of the public road first above mentioned; thence along and with the center line of said public road, North fourteen (14) degrees, thirty (30) minutes West, three hundred (300) feet to the point and place of BEGINNING.

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

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

or parts thereof, nor shall said tract of land be used for the storage of salvaged or junked materials or new materials.

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

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

Property ID: Parcel-34 Map K 18

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

SEIZED and taken into execution as the property of **Dale Wolfe & Nancy Wolfe** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 13, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/18, 25 & 11/1

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 10/28/02, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of AIR-TECH-MTD, with its principal place of business at 2500 York Road, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are Michael T. Dwyer, Sr., residing at 2500 York Road, Gettysburg, PA 17325. The character or nature of the business is Air Purification.

11/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-873 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece or parcel of land, situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike in Pennsylvania Legislative Route 01001 at southernmost corner of Lot No. 3, now or formerly of Dale K. McDannell, Jr.; thence in Route 01001, South 58 degrees 39 minutes 20 seconds West 90 feet to a railroad spike at Lot No. 1; thence by Lot No. 1, North 26 degrees 02 minutes 00 seconds West 337.33 feet, passing through a reference iron pin 70 feet from the place of beginning, to an iron pin at land now or formerly of Ronald Kirby; thence by said land of Kirby, Charles Mundorf and Andrew Strasbaugh, North 49 degrees 00 minutes 40 seconds East 170 feet to an iron pin at Lot No. 3, aforesaid; thence by Lot No. 3, South 14 degrees 43 minutes 00 seconds East 380.26 feet, passing through a reference iron pin 70 feet from next mentioned point, to a railroad spike in Route 01001, the place of BEGINNING. CONTAINING 1.102 acres.

The above description was taken from a draft survey prepared by Boyer-Place Surveys, Inc. dated July 18, 1973.

Under and subject to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

TITLE TO SAID PREMISES IS VESTED IN Joseph E. Haines and Joseph E. Haines, Jr., as Joint Tenants With Right of Survivorship by Deed from Joseph F. Haines and Sandra K. Haines, husband and wife dated 10/6/2000, recorded 10/10/2000, in Record Book 2142, Page 78.

Premises being: 1691 Orrtanna Road, Orrtanna, PA 17353

Tax Parcel No. C2-118

SEIZED and taken into execution as the property of **Joseph E. Haines & Joseph E. Haines, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by

the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/25, 11/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-554 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain property situated in the Township of Mount Joy in the County of Adams and Commonwealth of Pennsylvania, being more fully described in a fee simple deed dated 07/29/1997 and recorded 08/07/1997, among the land records of the county and state set forth above in Volume 1420 Page 95.

Tax Parcel ID: G14-41 B

Address: 1570 Highland Avenue Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Robert G. Brown, Jr. & Stephanie L. Brown** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

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

Testamentary Trust Under the Last Will and Testament dated November 9, 1982

In Re: Margaret M. Wise, Trust, Allfirst Bank, Trustee

NOTICE

NOTICE IS HEREBY GIVEN that Allfirst Bank, Trustee under a Trust created in the Last Will and Testament of Margaret M. Wise has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Orphans' Court 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 on November 15, 2002, at 9:00 o'clock a.m., in Court Room No. 3, at the Adams County Court House, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court
Stetler & Gribbin
Attorneys

11/1 & 8

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

Testamentary Trust Under the Last Will and Testament dated August 27, 1985

In Re: Regina Wise, Trust, Allfirst Bank, Trustee

NOTICE

NOTICE IS HEREBY GIVEN that Allfirst Bank, Trustee under a Trust created in the Last Will and Testament of Regina Wise has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Orphans' Court 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 on November 15, 2002, at 9:00 o'clock a.m., in Court Room No. 3, at the Adams County Court House, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court
Stetler & Gribbin
Attorneys

11/1 & 8

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF JAMES E. BEGANY, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: William J. Begany, 32 Loren Lane, Ridgefield, CT 06877

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

ESTATE OF KATHLEEN E. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representatives: Michael G. Trone, 20 Pine Lane, New Oxford, PA 17350; Patricia L. Yingling, 2420 Heather Road, York, PA 17404

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

SECOND PUBLICATION**ESTATE OF MARIAN D. BEARD, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Clyde H. Kimple, 2236 Pine Grove Rd., Fayetteville, PA 17222; Margaret A. Kimple, 2236 Pine Grove Rd., Fayetteville, PA 17222

Attorney: Courtney J. Graham, 223 Lincoln Way East, Chambersburg, PA 17201

ESTATE OF JAMES ARTHUR DUMAS, III, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

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

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

ESTATE OF DEAN RICHARD GARDNER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrators, C.T.A.: Roger E. Gardner, 2776 Oxford Road, New Oxford, PA 17350; Terry R. Gardner, 64 Belmont Road, Gettysburg, PA 17325; Stephen D. Gardner, P.O. Box 105, Quincy, PA 17247

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF JERRY E. MILLER, DEC'D

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

Co-Administrators: Edgar B. Miller, Jr. and Beverly J. Miller, c/o 29 North Duke Street, York, PA 17401

Attorney: Craig S. Sharnetzka, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF SHIRLEY M. STARNER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: William L. Starner, 5526 Carlisle Pike, New Oxford, PA 17350

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF VIRGINIA M. STUP, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Clyde B. Stup, II, 11 Lincoln Cove, East Berlin, PA 17316; Margaret E. Kaelin, 2425 Mullinix Mill Rd., Mt. Airy, MD 21771; Eloise B. Fisher, 5280 Oxford Rd., Gardners, PA 17324

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

ESTATE OF JOHN E. TIMMINS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representatives: Jean M. McLin, 318 Fourth Street, Hanover, PA 17331; Robert S. Timmins, 38 Locust Drive, Hanover, PA 17331; Deborah T. Lawrence, 264 South Street, Hanover, PA 17331

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

THIRD PUBLICATION**ESTATE OF JOSEPH L. ARENTZ, SR. a/k/a JOSEPH LEO ARENTZ, DEC'D**

Late of Liberty Township, Adams County, Pennsylvania

Administratrix: Rose M. Arentz, 2878 Pumping Station Road, Fairfield, PA 17320

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

ESTATE OF RICHARD T. CROUSE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Virginia V. Crouse, 1710 Ridge Road, Gettysburg, PA 17325

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

ESTATE OF CARRIE E. SHULL a/k/a CARRIE ELLEN SHULL, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania

Executrix: Betty V. Shull, Whispering Pines Nursing Home, 400 North Main Street, York Springs, PA 17372

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

ESTATE OF MARY A. STULTZ, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executrix: Marlene M. Holt, 55 Wenschhof Road, Fairfield, PA 17320

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-660 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain three tracts of land situate in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1:

Bounded on the East by land now or formerly of the Meisenhelder Estate; on the South by the Conewago Creek; on the West by lot now or formerly of one Biddle and on the North by a ten (10) foot wide alley-way or drive-way hereinafter mentioned. CONTAINING in width along said drive-way, ninety-six (96) feet and extending in depth of equal width Southwardly one hundred five (105) feet, more or less, to said Conewago Creek, and containing 10,080 square feet of land, more or less.

SUBJECT, NEVERTHELESS, that a drive-way of not less than ten (10) feet, along the Northern side of this lot, shall be kept open for public use by the grantee, and that no eating stand or any other concessions, nor any boats be kept for hire shall be allowed; these rights being reserved to W.J. Harbold, his heirs, administrators or assigns.

TRACT NO. 2:

BEGINNING at Lot No. 0, and extending northwardly two hundred (200) feet to land now or formerly of one Biddle which was formerly a part of this lot; thence southwardly two hundred (200) feet to a corner; thence eastwardly 24 feet to a corner, the place of BEGINNING.

Subject, that a twenty (20) feet drive-way shall remain open for the use of the general public, at the south side of said lot, and no building to be erected within ten feet of the North side of said drive-way.

TOGETHER with the rights contained in and subject to the burdens imposed by a certain agreement relative to a well drilled on the division line of said property, which agreement was made and entered into the 13th day of July, 1931, by and between Carl E. Zinneman and Eileen M. Zinneman, his wife, and Ralph C. Biddle and Myrtle E. Biddle, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book, Vol. Q at page 570.

TRACT NO. 3:

BEGINNING at a point at corner of lands now or formerly of Ernest P. Schmidt and wife and a twenty feet wide

driveway; thence along said last mentioned lands and along lands now or formerly of Hoffman Brothers Northwardly 200 feet to a point; thence along the same Eastwardly twenty-four (24) feet to a corner of the lands hereinabove conveyed, thence along said lands Southwardly two hundred feet to the first mentioned twenty feet wide driveway; thence along said driveway Westwardly twenty-four (24) feet to the place of BEGINNING.

SEIZED and taken into execution as the property of Wayne E. Slothour and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 02-S-1079

IN RE: Dustin Arnold Kennedy

NOTICE OF HEARING ON PETITION
FOR CHANGE OF NAME

NOTICE is hereby given that on October 17, 2002, a Petition For Change of Name was filed by Dustin Arnold Kennedy in the above-named Court praying for a decree to change his name from Dustin Arnold Kennedy to Dustin Arnold Thomas.

The Court has fixed December 26, 2002 at 9:00 a.m. in Courtroom No. 1, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325 as the time and the place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Puhl, Eastman & Thrasher
/s/Richard E. Thrasher, Esq.
Attorney for Petitioner
220 Baltimore Street
Gettysburg, PA 17325

11/1

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 02-S-931

MORTGAGE ELECTRONIC REGIS-
TRATION SYSTEMS, INC., Plaintiff
vs.

JEFFREY L. JONES and SHERRY L.
JONES, A/K/A SHERRY L. KEAGY,
Defendants

NOTICE

TO: Sherry L. Jones, a/k/a Sherry L.
Keagy:

YOU ARE HEREBY NOTIFIED that on September 4, 2002, Plaintiff, Mortgage Electronic Registration Systems, Inc., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County, Pennsylvania, docketed to No. 02-S-931. Wherein plaintiff seeks to foreclose on the mortgage secured on your property located at 280 Conewago Drive, East Berlin, PA 17316, whereupon your property would be sold by the Sheriff of Adams County.

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

NOTICE

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

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Adams County
Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
(717) 334-6781, Ext. 213

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

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Adams County Legal Journal

Vol. 44

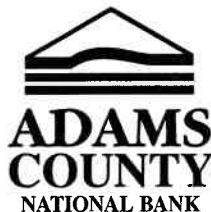
November 8, 2002

No. 24, pp. 125-128

IN THIS ISSUE

FLUKE VS. FLUKE

**Quality Customer Service.
Our promise to you every day.**



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. 02-S-286 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Hamiltonban Twp., by Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin in the center of Township Road T-300, known as Mount Hope Road; thence in the center of said road, North 28 degrees 11 minutes 00 seconds East, 20.22 feet to a nail in the center of said road; thence through the original tract of Luke J. Clapsadl and running through a reference iron pin 40 feet from the beginning of this course, South 70 degrees 20 minutes 30 seconds East, 412.55 feet to an iron pin; thence continuing through the same, North 24 degrees 19 minutes 35 seconds East, 158.71 feet to an iron pin on line of land now or formerly of William Miller; thence along said Miller land, South 68 degrees 40 minutes 00 seconds East, 201 feet to an iron pin located approximately 30 feet from land now or formerly of The Glatfelter Pulpwood Company; thence running in a line parallel with and approximately 30 feet West of land now or formerly of The Glatfelter Pulpwood Company, South 24 degrees 19 minutes 35 seconds West, 172.88 feet to an iron pin; thence along line of land now or formerly of Charles F. Clapsadl, North 70 degrees 20 minutes 30 seconds West, 615.31 feet to the above described place of BEGINNING. CONTAINING 1 acre.

BEING the same premises which Robert E. Burrall, by Deed dated July 28, 1986 and recorded July 30, 1986, in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 432, Page 0437, granted and conveyed unto Ellis R. Emory and Denise M. Emory, husband and wife, the mortgagors herein.

SEIZED and taken into execution as the property of **Ellis R. Emory & Denise M. Emory** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/25, 11/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-296 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, 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, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, being (Lot No. 11) of Colonial Ridge Subdivision, more particularly bounded and described as follows:

BEGINNING at an iron pin on the edge of a 50 foot right of way known as Cannon Lane at the corner of Lot No. 10, as shown on the hereinafter identified draft of survey; thence by Lot No. 10 and running through the center of a party wall in a four unit townhouse separating Lot No. 10 and the lot hereby conveyed, North 42 degrees 17 minutes 22 seconds West, 125.00 feet to a point on line of Lot No. 8, as shown on said survey; thence by Lot No. 8, North 47 degrees 42 minutes 38 seconds East, 20.0 feet to a point at the corner of Lot No. 12, as shown on said survey; thence by Lot No. 12 and running through the center of a party wall in a four unit townhouse separating Lot No. 12 and the lot hereby conveyed, South 42 degrees 17 minutes 22 seconds East, 125.00 feet to an iron pin on the edge of a 50 foot right of way known as Cannon Lane; thence by

same, along Cannon Lane, South 47 degrees 42 minutes 38 seconds West, 20.0 feet to an iron pin on the edge of a 50 foot right of way known as Cannon Lane at the corner of Lot No. 10, as shown on said survey, the point and place of BEGINNING. CONTAINING 2,500 square feet.

TITLE TO SAID PREMISES IS VESTED IN David E. Hadlock By Deed from Thomas P. Gebhart and Mary L. Gebhart, his wife dated 10/26/95 and recorded 10/27/95 in Record Book 1100, Page 274.

Tax Parcel: #11-10

Premises Being: 3 Cannon Lane, Gettysburg, PA 17325

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/25, 11/1 & 8

FLUKE VS. FLUKE

1. Res Judicata bars any future suit between the parties or their privies on the same cause of action. Collateral Estoppel is a broader concept than res judicata in that, unlike res judicata, there is no requirement that there be an identity of parties in the two actions in order to invoke collateral estoppel.

2. Collateral estoppel, or issue preclusion, may be asserted as either a sword or a shield by a stranger to the prior action as long as the party against whom it is asserted was a party or in privity with a party in the prior action.

3. There are Pennsylvania Superior Court cases that hold a modification of an equitable distribution decree is within the Court's power. Our own Supreme Court has held that such a petition can be heard and equitable modifications can be made to the decree in order to effectuate the court's intention in distributing the marital property.

4.but this Court is satisfied that it has the authority (to modify the marriage settlement agreement) under the equitable power of the Divorce Code to grant plaintiff's petition for special relief.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 99-S-816, CHARLES K. FLUKE, JR., VS. TERRY L.
FLUKE.

Richard E. Thrasher, Esq., for Plaintiff

Patrick W. Quinn, Esq., for Defendant

Bigham, J., March 15, 2002

OPINION ON DEFENDANT'S PRELIMINARY OBJECTION

BRIEF STATEMENT OF FACTS

A final decree of divorce was entered February 17, 2000, incorporating a Marriage Settlement Agreement (MSA) dated January 29, 2000. Pursuant to the MSA both Plaintiff and Defendant assumed responsibility for certain marital debts. Defendant is entitled to 30% of Plaintiff's military retirement benefits under the MSA. On March 1, 2000, Defendant filed a Chapter 7 bankruptcy petition in the United States Bankruptcy Court, District of Delaware.

Plaintiff filed a complaint in Bankruptcy Court objecting to the discharge of certain debts Defendant agreed to be responsible for under the MSA, i.e., P.N.C. Bank, Discover and MBNA debts. Plaintiff's complaint was denied. Defendant was granted a discharge in bankruptcy. Plaintiff filed a Petition for Special Relief in this Court requesting the MSA be modified because of the Defendant's discharge from debts she agreed to assume under the MSA.

Defendant filed a preliminary objection in the nature of demurrer on grounds of res judicata and collateral estoppel.

Procedurally the parties agreed that if the Court granted defendant's demurrer the matter ended at that point. The legal issues were briefed by both parties. The parties presented testimony on the merits of plaintiff's claim in the event the Court denied defendant's preliminary objection.

LEGAL DISCUSSION

Defendant raises a demurrer on grounds of res judicata and collateral estoppel. Plaintiff argues the preliminary objection should be overruled because this is a Petition for Special Relief on a different issue. Plaintiff is not asking the Court to order Defendant to pay the debts from which Defendant was discharged by the Bankruptcy Court. Plaintiff is asking the Court to modify the equitable distribution provisions of the MSA.

"Res Judicata bars any future suit between the parties or their privies on the same cause of action." *Standard Pennsylvania Practice 2d* §65:74. "Collateral Estoppel is a broader concept than res judicata in that, unlike res judicata, there is no requirement that there be an identity of parties in the two actions in order to invoke collateral estoppel. In other words, one of the basic differences between the doctrine of res judicata and collateral estoppel is that collateral estoppel may be asserted by a stranger to the first action. Collateral estoppel, or issue preclusion, may be asserted as either a sword or a shield by a stranger to the prior action as long as the party against whom it is asserted was a party or in privity with a party in the prior action." *Standard Pennsylvania Practice 2d* §65:75.

This case before the Court is not the same cause of action nor the same issue. The first litigation between Plaintiff and Defendant on the MSA was before the Bankruptcy Court on the issue of Defendant's bankruptcy discharge. In this case, Plaintiff is seeking a modification of the MSA in order to receive what was equitably bargained for by the parties in the agreement.

There are Pennsylvania Superior Court cases that hold a modification of an equitable distribution decree is within the Court's power. *Lowenschuss vs. Lowenschuss*, 453 Pa.Super. 340, 683 A.2d 1214 (1996) states "modification was necessary to carry out the equitable

distribution order and give the parties the benefits they were entitled to under the equitable distribution order.” *Id. Romeo vs. Romeo*, 417 Pa.Super. 180, 611 A.2d 1325 upheld a trial court order modifying an equitable distribution decree which had been entered eight months before.

In *Romeo vs. Romeo*, husband’s pension plan was divided as a marital asset in divorce proceeding and husband subsequently filed for reorganization in bankruptcy court and claimed the pension plan was exempt from wife’s claim under Employee Retirement Income Security Act (ERISA). Assets in pension plan covered by ERISA are exempt in bankruptcy from claims of creditors unless the claim is a Qualified Domestic Relations Order (QDRO). *Id* at 341, 1215. Wife appealed from a trial court’s refusal to modify an equitable distribution order to restate it as a QDRO.

Romeo states “We need not look as far as bankruptcy law to find precedent for hearing wife’s request. Our own Supreme Court has held that such a petition can be heard and equitable modifications can be made to the decree in order to effectuate the court’s intention in distributing the marital property.” *Id* at 342, 1215. *Romeo* held “The modification was necessary to carry out the equitable distribution order and give the parties the benefits they were entitled to under the equitable distribution order. If the bankruptcy court holds that ERISA does apply, then Wife will be denied the share of Husband’s pension plan to which she was entitled under the equitable distribution order. Conditionally modifying the equitable distribution order to alleviate that problem is within the trial court’s jurisdiction.” *Id* at 343, 1216.

Defendant claims that plaintiff is merely trying to circumvent the bankruptcy law, ...but this Court is satisfied that it has the authority under the equitable power of the Divorce Code to grant plaintiff’s petition for special relief and therefore defendant’s preliminary objection is overruled.

In order to give plaintiff the benefits that were bargained for, the Court will direct that the defendant be responsible for the following: (a) Discover card: \$2,830.00 and (b) MBNA (mitigated): \$6,585.15 for a total of \$9,415.15.

No award is made for attorney’s fees. The defendant will pay \$9,415.15, at zero interest in 36 equal payments of \$261.53 each, to

be paid on the first day of each month—commencing May 1, 2002. Defendant may prepay. The Court will make no adjustment in defendant's right to receive 30% of plaintiff's retirement benefits. The Court relies on the representation of the parties at the hearing that the necessary corrective deed has been or will be executed and delivered.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 15th day of March 2002, IT IS ORDERED THAT:

- 1.) Defendant's preliminary objection is overruled.
- 2.) Plaintiff's petition for special relief is granted as follows:
Defendant will pay to Plaintiff the sum of \$9,415.15 at zero interest in 36 equal payments of \$261.53 each, to be paid on the first day of each month—commencing May 1, 2002. Defendant may prepay. Failure to pay as directed may result in imposition of sanctions, including but not limited to the payment of interest as well as principal payments.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-873 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece or parcel of land, situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike in Pennsylvania Legislative Route 01001 at southernmost corner of Lot No. 3, now or formerly of Dale K. McDannell, Jr.; thence in Route 01001, South 58 degrees 39 minutes 20 seconds West 90 feet to a railroad spike at Lot No. 1; thence by Lot No. 1, North 26 degrees 02 minutes 00 seconds West 337.33 feet, passing through a reference iron pin 70 feet from the place of beginning, to an iron pin at land now or formerly of Ronald Kirby; thence by said land of Kirby, Charles Mundorf and Andrew Strasbaugh, North 49 degrees 00 minutes 40 seconds East 170 feet to an iron pin at Lot No. 3, aforesaid; thence by Lot No. 3, South 14 degrees 43 minutes 00 seconds East 380.26 feet, passing through a reference iron pin 70 feet from next mentioned point, to a railroad spike in Route 01001, the place of BEGINNING. CONTAINING 1.102 acres.

The above description was taken from a draft survey prepared by Boyer-Place Surveys, Inc. dated July 18, 1973.

Under and subject to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

TITLE TO SAID PREMISES IS VESTED IN Joseph E. Haines and Joseph E. Haines, Jr., as Joint Tenants With Right of Survivorship by Deed from Joseph F. Haines and Sandra K. Haines, husband and wife dated 10/6/2000, recorded 10/10/2000, in Record Book 2142, Page 78.

Premises being: 1691 Orttanna Road, Orttanna, PA 17353

Tax Parcel No. C2-118

SEIZED and taken into execution as the property of Joseph E. Haines & Joseph E. Haines, Jr. and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by

the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/25, 11/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-554 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain property situated in the Township of Mount Joy in the County of Adams and Commonwealth of Pennsylvania, being more fully described in a fee simple deed dated 07/29/1997 and recorded 08/07/1997, among the land records of the county and state set forth above in Volume 1420 Page 95.

Tax Parcel ID: G14-41 B

Address: 1570 Highland Avenue Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of Robert G. Brown, Jr. & Stephanie L. Brown and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

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

Testamentary Trust Under the Last Will and Testament dated November 9, 1982

In Re: Margaret M. Wise, Trust, Allfirst Bank, Trustee

NOTICE

NOTICE IS HEREBY GIVEN that Allfirst Bank, Trustee under a Trust created in the Last Will and Testament of Margaret M. Wise has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Orphans' Court 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 on November 15, 2002, at 9:00 o'clock a.m., in Court Room No. 3, at the Adams County Court House, Gettysburg, Pennsylvania.

Peggy J. Breighner Clerk of said Court Steller & Gribbin Attorneys

11/1 & 8

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

Testamentary Trust Under the Last Will and Testament dated August 27, 1985

In Re: Regina Wise, Trust, Allfirst Bank, Trustee

NOTICE

NOTICE IS HEREBY GIVEN that Allfirst Bank, Trustee under a Trust created in the Last Will and Testament of Regina Wise has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Orphans' Court 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 on November 15, 2002, at 9:00 o'clock a.m., in Court Room No. 3, at the Adams County Court House, Gettysburg, Pennsylvania.

Peggy J. Breighner Clerk of said Court Steller & Gribbin Attorneys

11/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-660 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain three tracts of land situate in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1:

Bounded on the East by land now or formerly of the Meisenhelder Estate; on the South by the Conewago Creek; on the West by lot now or formerly of one Biddle and on the North by a ten (10) foot wide alley-way or drive-way hereinafter mentioned. CONTAINING in width along said drive-way, ninety-six (96) feet and extending in depth of equal width Southwardly one hundred five (105) feet, more or less, to said Conewago Creek, and containing 10,080 square feet of land, more or less.

SUBJECT, NEVERTHELESS, that a drive-way of not less than ten (10) feet, along the Northern side of this lot, shall be kept open for public use by the grantee, and that no eating stand or any other concessions, nor any boats be kept for hire shall be allowed; these rights being reserved to W.J. Harbold, his heirs, administrators or assigns.

TRACT NO. 2:

BEGINNING at Lot No. 0, and extending northwardly two hundred (200) feet to land now or formerly of one Biddle which was formerly a part of this lot; thence southwardly two hundred (200) feet to a corner; thence eastwardly 24 feet to a corner, the place of BEGINNING.

Subject, that a twenty (20) feet drive-way shall remain open for the use of the general public, at the south side of said lot, and no building to be erected within ten feet of the North side of said drive-way.

TOGETHER with the rights contained in and subject to the burdens imposed by a certain agreement relative to a well drilled on the division line of said property, which agreement was made and entered into the 13th day of July, 1931, by and between Carl E. Zinneman and Eileen M. Zinneman, his wife, and Ralph C. Biddle and Myrtle E. Biddle, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book, Vol. Q at page 570.

TRACT NO. 3:

BEGINNING at a point at corner of lands now or formerly of Ernest P.

Schmidt and wife and a twenty feet wide driveway; thence along said last mentioned lands and along lands now or formerly of Hoffman Brothers Northwardly 200 feet to a point; thence along the same Eastwardly twenty-four (24) feet to a corner of the lands hereinabove conveyed, thence along said lands Southwardly two hundred feet to the first mentioned twenty feet wide driveway; thence along said driveway Westwardly twenty-four (24) feet to the place of BEGINNING.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-797 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, 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 Hamilton Township, Adams County, Pennsylvania, and being designated as Lot No. 6 on a subdivision plan prepared by George M. Wildasin, F.L.S. for Leila I. Huntsberger, dated November 20, 1990 and recorded April 15, 1991 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 57 at Page 98.

BEGINNING at an existing steel pipe at the corner of lands now or formerly of Harvey R. Stover and James Aiello; thence by lands now or formerly of James Aiello, North 13 degrees 48 minutes 45 seconds West, 306.61 feet to an iron pin; thence along Lot No. 4 and through an iron pin set back 20.0 feet from the terminus of this course, North 50 degrees 23 minutes 20 seconds East, 118.73 feet to a railroad spike set in

Kuhn Fording Road (T-552); thence along Lot No. 4 and along and through Kuhn Fording Road, South 40 degrees 00 minutes 00 seconds East, 142.50 feet to an existing railroad spike as shown on said plan; thence along lands now or formerly of Harvey R. Stover, and through a pin set back 28 feet from the beginning of this course, South 22 degrees 34 minutes 30 seconds West, 280.21 feet to an existing steel pipe, the point and place of BEGINNING.

BEING designated as Lot No. 6 and containing .792 acres

Parcel ID#: (17)L08-75F

BEING KNOWN AS: 801 Kuhn Fording Road, E. Berlin, PA 17316

SEIZED and taken into execution as the property of **Angela S. Wagman & Bernard E. Wagman, III** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on October 10, 2002, an Application for Registration of Fictitious Name of THE COFFEE COTTAGE, the address of the principal place of business being 132 West Main Street, Fairfield, Pennsylvania 17320. The name and address of the entity that is a party to said registration is: The Coffee Cottage, Inc., 55 Metz Lane, Fairfield, Pennsylvania 17320.

Puhl, Eastman & Thrasher
Attorneys

11/8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-659 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Western edge of Drummer Drive at Lot No. 37 of the hereinafter referenced subdivision plan; thence along said Western edge of Drummer Drive South thirty-one (31) degrees thirty (30) minutes twelve (12) seconds East, eighty and zero hundredths (80.00) feet to a point at Lot No. 35 of said plan; thence along same South fifty-eight (58) degrees twenty-nine (29) minutes forty-eight (48) seconds West, two hundred thirty and zero hundredths (230.00) feet to a point at Lot No. 50 of said plan; thence along same North sixty-eight (68) degrees twenty-two (22) minutes twenty-four (24) seconds West, one hundred and zero hundredths (100.00) feet to a point at Lot No. 37 of said plan; thence along same North fifty-eight (58) minutes twenty-nine (29) minutes forty-eight (48) seconds East, two hundred ninety and zero hundredths (290.00) feet to a point on the Western edge of Drummer Drive, the point and place of BEGINNING.

CONTAINING 20,800 square feet.

The above described lot being designated as Lot No. 36 on the Subdivision Plan of "South Branch Estates," dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

SUBJECT to specific limitations that wetlands impose upon said lot, including but not limited to leaving wetland areas in their natural state and prohibiting earthmoving or landscaping. Any change or disturbance to the wetlands shall be prohibited unless first permitted by PA D.E.R. and the US Army Corps of Engineers.

BEING the same premises which J.A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture, known as MPR Associates, by Deed dated September 25, 1997 and recorded in the Office of the Recorder of Deeds of Adams County on November 6, 1997, in Deed Book Volume 1470, Page 84, granted and conveyed unto Kenneth H. Weaver and Sandralee L. Weaver.

SUBJECT to that certain Declaration of Covenants, Conditions and Restrictions of South Branch Estate Homeowners Association, Inc., dated December 30, 1993 and recorded February 1, 1994, in the Adams County Recorder of Deeds Office in Record Book 841, page 53.

ALSO SUBJECT to a certain Amended Declaration of Covenants, Conditions and Restrictions of South Branch Estates Homeowners Association, Inc., dated June 16, 1994 and recorded June 27, 1994 in the Adams County Recorder of Deeds Office in Record Book 904, page 1.

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

Parcel No. (35) 1-45

SEIZED and taken into execution as the property of **Kenneth H. Weaver & Sandralee L. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-799 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT the following described lot of ground, with the improvements thereon erected, situate, lying and being in Conewago Township, County of Adams and State of Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at the State Highway (commonly known as Third Street), formerly the Hanover and

McSherrystown Turnpike, at lot now or formerly owned by William Senft; thence along said lot southward, one hundred seventy-five (175) feet to a corner at a twenty feet wide alley; thence along said alley eastward, thirty (30) feet to a corner at lot formerly owned by Ezra E. Myers; thence along said last mentioned lot northward, one hundred seventy-five (175) feet to a corner at the aforesaid State Highway, and thence along said State Highway westward, thirty (30) feet to a corner, the place of BEGINNING.

IT BEING known on a general plan of a series of lots laid out by the Executors of the Last Will and Testament of John Weaver, deceased, as Lot No. 10.

HAVING ERECTED THEREON a dwelling known as 314 Third Street, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Francis O. Myers, Jr. by Deed dated July 27, 2000 and recorded August 1, 2000 in Adams County Deed Book 2098, Page 125, granted and conveyed unto Gerald A. Alter and Kimberly L. Alter.

SEIZED IN EXECUTION AS THE PROPERTY OF GERALD A. ALTER AND KIMBERLY L. ALTER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-799

MAP & PARCEL #8-268

SEIZED and taken into execution as the property of **Gerald A. Alter & Kimberly L. Alter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-482 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at a steel pin on the Northeastern right-of-way line of Carly Drive, a fifty (50.00) foot wide street, said corner being a corner in common with Lot No. 559, Tract II, Phase Three, Oxford Estates; thence along Lot No. 559 North thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds East, one hundred ninety-six and seventy-four hundredths (196.74) feet to a point at a steel pin at Lot No. 535, Tract II, Phase Three; thence along Lot No. 535 South seventy-four (74) degrees seven (07) minutes two (02) seconds East, forty-one and ninety-four hundredths (41.94) feet to a point at a steel pin at the corner of Lot No. 563; thence along Lot No. 563 South thirteen (13) degrees one (01) minute thirty-six (36) seconds West, eighty-three and fifty-eight hundredths (83.58) feet to a point at a steel pin at Lot No. 561; thence along Lot No. 561 South thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds West, one hundred thirty-seven and eighty-five hundredths (137.85) feet to a point at a steel pin on the Northeastern right-of-way line of Carly Drive; thence along said right-of-way line North fifty-one (51) degrees ten (10) minutes two (02) seconds West, seventy-five and one hundredth (75.01) feet to the point and place of BEGINNING. CONTAINING 14,298 square feet and being known as Lot No. 560 as shown on a plan of lots of Oxford Estates, Tract II, Phase Four, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 57, at Page 42.

IT BEING the same premises which Janet L. White, formerly known as Janet L. Deetz, and L. G. White, husband and wife, by their Deed dated April 25, 1995, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1024, Page 134, granted and conveyed unto Milton L. Hoffman and Linda J. Hoffman, his wife. Milton L. Hoffman died, title thereby vesting in Linda J. Hoffman, his wife.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantors, as well at law as in equity, of, in, and to the same.

Address: 17 Carly Drive, New Oxford, PA 17350

Map 10, Parcel 67

SEIZED and taken into execution as the property of Linda J. Hoffman and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

INCORPORATION NOTICE

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

11/8

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

Testamentary Trust Under the Last Will and Testament dated August 27, 1985

In Re: Kathleen Wise, Trust, Allfirst Bank, Trustee

NOTICE

NOTICE IS HEREBY GIVEN that Allfirst Bank, Trustee under a Trust created in the Last Will and Testament of Kathleen Wise has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Orphans' Court 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 on November 15, 2002, at 9:00 o'clock a.m., in Court Room No. 3, at the Adams County Court House, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court
Stetler & Gribbin
Attorneys

11/1 & 8

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on October 7, 2002, a certificate was filed under the Fictitious Name Act, Act of December 16, 1982, P.L. 1309, No. 295, 52, 54 Pa. C.S.A. §301, et seq., in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that James R. Keyser, 37 Dogwood Lane, Hanover, PA 17331, and Robert J. Etzler, Sr., 427 N. Franklin St., Hanover, PA 17331, are the only persons owning or interested in a business known as K & E CONCEPTS UNLIMITED, and the location where the business is and will be located is 37 Dogwood Lane, Hanover, PA 17331.

G. Steven Mckonly, Esq.

11/8

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF FRED R. ARNOLD, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Kay (Arnold) Gettier, 150 Woodview Road, P.O. Box 522, Biglerville, PA 17307

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

ESTATE OF MARY A. LEONARD, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrators: Christiana A. Leonard and James P. Leonard

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

ESTATE OF KENNETH R. SCHULTZ, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Pamela K. Ginter, 1979 Hanover Road, Gettysburg, PA 17325; Darlene A. Schultz, 57 Ocelot Drive, Hanover, PA 17331

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

ESTATE OF ROBERT FRANKLIN THOMAS, SR., DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator: Roberta Noel, 702 Humbert Schoolhouse Rd., Westminster, MD 21158

SECOND PUBLICATION

ESTATE OF JAMES E. BEGANY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: William J. Begany, 32 Loren Lane, Ridgefield, CT 06877

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

ESTATE OF KATHLEEN E. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representatives: Michael G. Trone, 20 Pine Lane, New Oxford, PA 17350; Patricia L. Yingling, 2420 Heather Road, York, PA 17404

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

THIRD PUBLICATION

ESTATE OF MARIAN D. BEARD, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Clyde H. Kimple, 2236 Pine Grove Rd., Fayetteville, PA 17222; Margaret A. Kimple, 2236 Pine Grove Rd., Fayetteville, PA 17222

Attorney: Courtney J. Graham, 223 Lincoln Way East, Chambersburg, PA 17201

ESTATE OF JAMES ARTHUR DUMAS, III, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

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

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

ESTATE OF DEAN RICHARD GARDNER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrators, C.T.A.: Roger E. Gardner, 2776 Oxford Road, New Oxford, PA 17350; Terry R. Gardner, 64 Belmont Road, Gettysburg, PA 17325; Stephen D. Gardner, P.O. Box 105, Quincy, PA 17247

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF JERRY E. MILLER, DEC'D

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

Co-Administrators: Edgar B. Miller, Jr. and Beverly J. Miller, c/o 29 North Duke Street, York, PA 17401

Attorney: Craig S. Shametzka, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF SHIRLEY M. STARNER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: William L. Starnier, 5526 Carlisle Pike, New Oxford, PA 17350

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF VIRGINIA M. STUP, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Clyde B. Stup, II, 11 Lincoln Cove, East Berlin, PA 17316; Margaret E. Kaelin, 2425 Mullinix Mill Rd., Mt. Airy, MD 21771; Eloise B. Fisher, 5280 Oxford Rd., Gardners, PA 17324

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

ESTATE OF JOHN E. TIMMINS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representatives: Jean M. McLin, 318 Fourth Street, Hanover, PA 17331; Robert S. Timmins, 38 Locust Drive, Hanover, PA 17331; Deborah T. Lawrence, 264 South Street, Hanover, PA 17331

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—EQUITY
NO. 02-SU-254
Action to Quiet Title
Charnita Lot AA-7

ALLEN W. BECKETT, t/d/b/a ALLEN
BECKETT CONSTRUCTION, Plaintiff
vs.

BARRY A. JONES and DIANE E.
JONES, husband and wife, PATRICK T.
SHORB and DEBRA L. LAFFERTY, their
heirs, administrators, successors and
assigns, Defendants

TO: Barry A. Jones and Diane E. Jones,
husband and wife, Patrick T. Shorb and
Debra L. Lafferty, their heirs, administra-
tors, successors and assigns.

YOU ARE NOTIFIED that an Order has
been entered on October 4, 2002, direct-
ing that within thirty (30) days after this
publication, you shall commence an
Action in Ejectment or other appropriate
action against the Plaintiff above to
assert any claim you may have in and to
the lands herein described or be forever
barred from asserting any right, lien, title
or interest inconsistent with the interest
or claim set forth in Plaintiff's Complaint
with respect to the land herein described:

All that tract of land situate in Liberty
Township, Adams County, Pennsylvania,
being Lot No. 7 in Section AA, more par-
ticularly bounded and described as fol-
lows:

BEGINNING at a point in the center of
Township Road T-318 at Lot No. 6;
thence by said lot, North 25 degrees 30
minutes 6 seconds West, 225 feet to Lot
No. 47; thence by said lot, North 64
degrees 29 minutes 54 seconds East,
100 feet to Lot No. 8; thence by said lot,
South 25 degrees 30 minutes 6 seconds
East, 225 feet to a point in the center of
said Township Road T-318; thence in
said Township Road T-318, South 64
degrees 29 minutes 54 seconds West,
100 feet to the place of BEGINNING.

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

BEING THE SAME WHICH Charnita,
Inc., by deed dated February 2, 1970
and recorded in the Office of the
Recorder of Deeds of Adams County,
Pennsylvania in Deed Book 282 at page
183, sold and conveyed unto Barry A.
Jones and Diane E. Jones, husband and
wife, one of the Defendants herein.

ALSO, BEING THE SAME WHICH
Dennis G. Dean and Vickie D. Dean,
husband and wife, by deed dated
November 5, 1979 and recorded in the
Office of the Recorder of Deeds of
Adams County, Pennsylvania in Record
Book 348 at page 937, sold and con-
veyed unto Patrick T. Shorb and Debra L.
Lafferty, one of the Defendants herein.

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

11/8

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all
heirs, legatees and other persons con-
cerned 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 con-
firmation of accounts and entering
decrees of distribution on Friday,
November 15, 2002, at 9:00 o'clock a.m.

BAIR—Orphans' Court Action Number
OC-117-01. The First and Final Account
of Dale E. Bair, Executor of the Estate of
Theron M. Bair, deceased, late of
Germany Township, Adams County,
Pennsylvania.

WISE—Orphans' Court Action
Number OC-119-02. The First and Final
Account of Leo E. Gribbin, Executor of
the Estate of Bernadette I. Wise,
deceased, late of Oxford Township,
Adams County, Pennsylvania.

SCOTT—Orphans' Court Action
Number OC-3-01. The First and Final
Account of Adams County National
Bank, Administrator C.T.A. of the Last
Will and Testament of Ronald B. Scott,
deceased, late of Straban Township,
Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

11/1 & 8

Adams County Legal Journal

Vol. 44

November 15, 2002

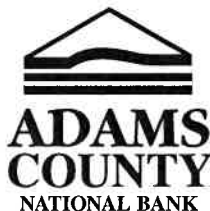
No. 25, pp. 129-136

IN THIS ISSUE

STILLWAGGON VS. ROVNER ET AL

This opinion continues to next issue (11/22/2002)

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-949 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described real estate lying and being situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the West side of Pecher Road (Township Road T-312) at line of land now or formerly of Michael Sullivan, thence running by Sullivan Land and through an existing reference steel rod set back along the line, South 76° 52' 40" West 179 feet to an existing steel rod; thence continuing by Sullivan Land and by a curve to the left, the radius of which is 242 feet, for an arc distance of 37.99 feet and with a chord bearing of South 72° 20' 40" West for a chord length of 37.95 feet to an existing steel rod; thence continuing by Sullivan, South 21° 56' 00" East 128.13 feet to a steel rod; thence continuing by land of the same, South 11° 14' 40" East 388 feet to an existing bolt; thence continuing by the same, South 31° 59' 40" East 136 feet to an existing bolt; thence continuing by Sullivan, South 62° 54' 40" West 438.78 feet to an existing steel rod; thence continuing by the same, North 79° 37' 10" West 60 feet to a steel rod on line of land of William H. Scott, Jr., et. Al., of which this was formerly a part; thence running by land of William H. Scott, Jr., et. Al., North 07° 35' 40" West 1,149 feet to a steel rod on line of land of Fred Cnum, Jr.; thence by the latter, South 74° 20' 33" East 625 feet to an existing spike 5 feet West of the centerline of Pecher Road (T-312); thence running in Pecher Road (T-312) South 07° 17' 25" East 115.29 feet to a point on the West side of Pecher Road, the point and place of BEGINNING. CONTAINING 10.168 acres.

The description was taken from a draft of survey of J. Riley Redding, R.S., dated February 24, 1992, and recorded in Adams County Plat Book 61, Page 29. The tract described is Tract 2 on said plan of lots.

Parcel No. 25-C17-0026
BEING PREMISES: 1005 Pecher Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **John Hess & Patricia Hess** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-554 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain property situated in the Township of Mount Joy in the County of Adams and Commonwealth of Pennsylvania, being more fully described in a fee simple deed dated 07/29/1997 and recorded 08/07/1997, among the land records of the county and state set forth above in Volume 1420 Page 95.

Tax Parcel ID: G14-41 B

Address: 1570 Highland Avenue Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Robert G. Brown, Jr. & Stephanie L. Brown** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW
NO. 02-S-1101

IN THE MATTER OF A PETITION FOR
THE CHANGE OF NAME OF HARRY
HENRIETTA BRADY

NOTICE

NOTICE IS HEREBY GIVEN, that on the 28th day of October, 2002, the Petition of Harry Henrietta Brady was filed in the above-named Court, requesting an Order to Change her name from Harry Henrietta Brady to Heather Rene Brady.

The Court has fixed the 13th day of January, 2003, at 9:00 a.m. in Courtroom 1 or 2 of the Adams County Courthouse, Gettysburg, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

Mark A. Mateya, Esq.
407 North Front Street
P.O. Box 11848
Harrisburg, PA 17108
(717) 238-7151

Of counsel
Knupp, Kodak & Imlum, P.C.
Attorneys for Petitioner

11/15

STILLWAGGON VS. ROVNER ET AL

1. Although the imposition of sanctions for discovery violations is left to the sole discretion of the trial judge, the imposition of a sanction must be proportionate to the violation of the discovery rules.

2. In determining whether a discovery sanction should be imposed, our Supreme Court has indicated that the following factors should be considered: (1) the nature and severity of the discovery violation; (2) the defaulting parties' willfulness or bad faith; (3) prejudice to the opposing parties; (4) the ability to cure the prejudice; and (5) the importance of the precluded evidence in light of the failure to comply.

3. Essentially, the Plaintiff in a legal malpractice action must show "that he had a viable cause of action against the party he wished to sue in the underlying case and that the attorney he hired was negligent in prosecuting or defending that underlying case."

4. A claim for loss of consortium arises from the marital relationship. It is based upon the loss of a spouse's services resulting from an injury to the spouse. It is a right growing out of the marriage relationship which a spouse has to the society, companionship and affection of the other in their life together.

5. A loss of consortium claim, although derivative from the impact of one spouse's physical injuries upon the other spouse's marital privileges, is a separate and distinct cause of action which is personal to the uninjured spouse.

6. Emotional or mental trauma to the uninjured spouse is not an element of damages in a consortium claim.

7. As a general rule, "expert testimony is necessary to establish negligent practice in any profession."

8. Although expert testimony is sometimes critical to establishing a cause of action, it is not required when the subject of the negligence is within the range of ordinary experience. Legal malpractice claims follow the general rule that where the malpractice is obvious, expert testimony is not necessary.

9. Generally, the determination of whether expert evidence is required or not will turn on whether the issue of negligence in the particular case is one which is sufficiently clear so as to be determinable by lay persons or concluded as a matter of law, or whether the alleged breach of duty involves too complex a legal issue so as to warrant explication by expert evidence.

10. A viable claim for loss of consortium requires only a showing that the parties were married at the time of the injury and, as a result of the injury, a party suffered loss of their spouse's service.

11. Proof of actual loss is an essential element of a cause of action for legal malpractice. The mere breach of a professional duty, causing only nominal damages of speculative harm, is insufficient to create a cause of action for negligence.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 97-S-936, ROBERT W. STILLWAGGON VS. NEIL J.
ROVNER, ESQUIRE, AND ANGINO & ROVNER, P.C.

Wendy Weikal-Beauchat, Esq., for Plaintiff

Joseph A. Ricci, Esq., for Defendant

George, J., March 21, 2002

OPINION

This matter is before the Court on Defendants' Motion to Preclude or Limit Expert Testimony and Motion for Summary Judgment. Defendants ask the Court to preclude the Plaintiff's expert testimony due to a violation of the Order entered by Judge Kuhn¹ on May 12, 1999. Additionally, Defendants seek summary judgment on the basis that the Plaintiff's evidence is legally insufficient to support a cause of action for legal malpractice.²

This action arises from an accident occurring on December 2, 1989, during which Kenna D. Stillwaggon was struck by a passing vehicle while crossing the street. Although she was taken to Gettysburg Hospital as a result of her injuries, the injuries were apparently misdiagnosed causing Ms. Stillwaggon to suffer brain damage. At the time of the accident, Kenna D. Stillwaggon and Robert Stillwaggon (Plaintiff) were living together as husband and wife. Following the accident, Plaintiff and Kenna D. Stillwaggon consulted with Neil J. Rovner, Esquire, a partner in the law firm of Angino & Rovner, P.C. (Defendants). Plaintiff alleges that he and his wife contracted with the Defendants to represent their interests in a medical malpractice claim against Gettysburg Hospital and a treating physician. Apparently, pursuant to that agreement, Defendants filed a Writ of Summons commencing suit on behalf of the Plaintiff and Kenna D. Stillwaggon on November 13, 1991. A complaint was subsequently filed on June 5, 1992, containing medical malpractice

¹ Effective January 1, 2002, Judge Kuhn was elevated to President Judge of this Court.

² Plaintiff's complaint alleges a cause of action for negligence (legal malpractice) as well as a separate count for breach of contract. In the breach of contract action, Plaintiff alleges that the Defendants agreed to accept his case and "to pursue an action against Gettysburg Hospital...and to institute the appropriate action to recover damages" on his behalf. Each cause of action, either under a trespass or assumpsit theory, requires the proof of different elements. *Guy v. Liederbach*, 459 A.2d 744, 748, 501 Pa. 47, 55 (1983). While a trespass action is grounded in the principals of negligence, an assumpsit claim must be analyzed under the terms of the contract. *Fiorentino v. Rapoport*, 693 A.2d 208, 212 (Pa. Super. 1997). Under either cause of action, there must be proof of an actual loss. *Duke and Company v. Anderson*, 275 Pa. Super. 65, 73, 418 A.2d 613, 617 (1980). Since, under the pleadings of this case, both causes of action require proof of the attorney's failure to exercise ordinary skill and knowledge, for purposes of the motions currently before the court these actions will not be distinguished. Both Plaintiff's and Defendants' briefs treat disposition of the separate counts as a singular issue.

claims on behalf of Kenna D. Stillwaggon and loss of consortium claims on behalf of Robert Stillwaggon. The complaint was signed by Defendant Neil J. Rovner on behalf of Angino & Rovner, P.C.

In November of 1994, during the pendency of the law suit, Kenna D. Stillwaggon and Plaintiff separated. Near in time to their separation, a divorce complaint was filed by Ms. Stillwaggon in Franklin County, Pennsylvania.³

Despite the separation, Plaintiff alleges that he periodically contacted Attorney Rovner's office inquiring as to the status of the action against Gettysburg Hospital. Plaintiff has produced correspondence from Attorney Rovner dated May 8, 1996, advising as to the status of the civil action as well as an assurance that "when we have the case listed for trial, certainly, we will inform you". However, when the medical malpractice matter went to trial in March of 1997, Plaintiff alleges that the Defendant failed to contact him and, as a result, he did not attend the trial. Moreover, at the trial, Defendants failed to present any evidence in support of the loss of consortium claim on behalf of the Plaintiff.⁴ As a result, a jury verdict was entered in favor of Kenna D. Stillwaggon on her medical malpractice claims against Gettysburg Hospital in the amount of \$128,162.16 for medical expenses and \$1,125,000.00 in damages.⁵ However, there was no judgment entered on the Plaintiff's loss of consortium claims.⁶

After Plaintiff discovered that the action against Gettysburg Hospital had been concluded, he filed a complaint for claims of legal malpractice on October 3, 1997, naming Neil Rovner, Esquire, Richard Angino, Esquire, and the firm of Angino and Rovner as Defendants. Eventually, by agreement of the parties, Richard C. Angino, Esquire, was removed as a Defendant in the case. After a pre-trial conference on May 12, 1999, Judge Kuhn directed, upon

³ A divorce decree was subsequently granted on August 29, 1997.

⁴ This factual background is ascertained from admissions in the pleading.

⁵ The treating physician was absolved of all liability at trial and judgment was entered solely against Gettysburg Hospital.

⁶ In his Opinion on post-trial motions, then President Judge Oscar Spicer noted the following: "This action was commenced by both Ms. Stillwaggon and her former husband. Mr. Stillwaggon did not appear at trial and did not participate in these proceedings. Our Opinion dealing with delay damages points out that trial was delayed until Plaintiffs were divorced. The record in this case does not really reflect what happened to the consortium claim and we can only assume it has died a quiet death." *Stillwaggon v. Gettysburg Hospital, et al, Adams County, #91-S-967, at footnote #1.*

agreement of the parties, that “the Plaintiff’s expert shall be identified and report exchanged by November 30, 1999”. *Order of Court, May 12, 1999*. On December 1, 1999, an Order of Court was entered confirming the stipulation of the parties that “the deadline for identification of expert witnesses is extended to December 15, 1999”. *Order of Court, December 1, 1999*.

On December 15, 1999, Plaintiff filed a document titled “Plaintiff’s Expert Witness”. The document identified three categories of expert witnesses. The first category was titled “medical malpractice issues” and did not identify any of Plaintiff’s experts by name but rather indicated that the Plaintiff “intends to use the testimony of the medical experts who testified in the previous trial” presumably referring to the medical malpractice action against Gettysburg Hospital. The second category of experts was titled “legal and ethical issues” and listed the name of two attorneys with a one-sentence reference for each indicating the substance of their testimony. The third category of expert witnesses was titled “psychological testimony regarding Robert Stillwaggon” and identified Susan Starr Paddock, L.S.W. and Psychologist Richard M. Campbell. The document indicated that each would “testify with regard to the psychological effect of the injuries to Kenna D. Stillwaggon on Robert Stillwaggon”.

By Order of Court dated December 22, 1999, the case was marked for a three-day jury trial for the term beginning June 19, 2000. On January 14, 2000, the Defendants filed the motion which is currently under consideration. Argument on the motion was promptly scheduled, however, on January 18, 2000, after a telephone conference between the Court and the counsel, an Order of Court was entered confirming the parties’ agreement that all proceedings would be placed “on hold for a period of at least four months”. The case was also stricken from the trial list. The matter sat dormant until on November 13, 2001, when, upon request of the Defendants, an Order was entered resurrecting the Defendants’ Motion to Lift the Stay of Proceeding and for Summary Judgment. Argument was held before this Judge on March 7, 2002.

At argument, Plaintiff’s counsel agreed that any expert testimony provided on behalf of Plaintiff would be limited to the representations set forth in the document “Plaintiff’s Expert Witnesses”.

Plaintiff conceded that his experts' opinions at trial would not exceed that which was previously disclosed and, moreover, that he was unable to present any other expert testimony. Finally, during argument, Plaintiff's counsel indicated that only Marvin J. Rudnitsky, Esquire, would be called as a "legal and ethical" expert. Accordingly, in regard to the request for discovery sanctions, the limited issue before the Court is whether the following expert testimony, as identified by Plaintiff, should be precluded from trial:

- 1) Marvin J. Rudnitsky, Esquire;
- 2) Susan Starr Paddock, L.S.W.;
- 3) Richard M. Campbell, Psychologist; and
- 4) Medical experts in regard to the injuries to Kenna D. Stillwaggon.

Rule 419(a) of the Pennsylvania Rules of Civil Procedure authorizes the imposition of sanctions against a party who has violated a discovery order by the Court. *Steinfurth v. LaManna*, 590 A.2d 1286, 1287 (Pa. Super. 1991). Although the imposition of sanctions for discovery violations is left to the sole discretion of the trial judge, *Stuart v. Rossi*, 681 A.2d 214, 217 (Pa. Super. 1996), appeal denied, 547 Pa. 731, 689 A.2d 235 (1997), the imposition of a sanction must be proportionate to the violation of the discovery rules. *Steinfurth v. LaManna*, *supra*.

In determining whether a discovery sanction should be imposed, our Supreme Court has indicated that the following factors should be considered: (1) the nature and severity of the discovery violation; (2) the defaulting parties' willfulness or bad faith; (3) prejudice to the opposing parties; (4) the ability to cure the prejudice; and (5) the importance of the precluded evidence in light of the failure to comply. *Feingold v. Southeastern Pennsylvania Transportation Authority*, 512 Pa. 567, 517 A.2d 1270 (1986).

Defendants seek preclusion based upon Plaintiff's failure to comply with the scheduling order entered by the Court on May 12, 1999, as well as the stipulation which was confirmed by Court Order on December 1, 1999. Implicitly, Defendants argue that although the Plaintiff has disclosed the names and addresses of his expert witnesses, he has not complied with Rule 4003.5 of the Pennsylvania Rules of Civil Procedure. Specifically, he has not identified the substance of the facts and opinions to which the expert is expected to

testify nor has provided a report or answer signed by the respective expert.⁷ A review of the record indicates that it is clear that Defendants are correct in claiming that the Plaintiff has not complied with the substance of Rule 4003.5. It is also clear that Plaintiff's lack of compliance denies the Defendants the opportunity to anticipate the fair scope of the expert testimony. See, *Tiburzio-Kelly v. Montgomery*, 681 A.2d 757, 452 Pa. Super. 158 (1996). On the other hand, Plaintiff's agreement to limit his expert's testimony to the brief summaries which he has provided minimizes the severity of the discovery violation.

Defendants do not claim willfulness or bad faith on behalf of the Plaintiff in failing to comply with the scheduling order, nor does the record support such a finding. All pleadings to date reflect an air of cooperation between counsel. Although Plaintiff has clearly violated a scheduling order, there has been no refusal to comply with a Court Order compelling compliance. See, *Green Construction Company v. Department of Transportation*, 643 A.2d 1129, 164 Pa. Comwlth. 166 (1994), appeal denied, 672 A.2d 311, 543 Pa. 718. Although the Court is alarmed by the inactivity in this matter from January 18, 2000, until November 13, 2001, that inactivity is the result of agreement between the parties. While it may have been prudent for Plaintiff to obtain and provide an appropriate signed expert report during that period of time, the Court cannot find that the failure to do so amounts to bad faith.

As mentioned, Defendants claim that they are prejudiced by Plaintiff's failure to comply with the scheduling order since they are unable to properly prepare a defense to unknown claims. Defendants further claim that this uncertainty has precluded them from obtaining appropriate rebuttal expert reports. I agree. Although Plaintiff has provided the names of his experts, the summary of their expert testimony is vague and overly broad. For instance, in regard to the testimony of

⁷ Although the Order entered by stipulation on December 1, 1999, refers only to the "identification of expert witnesses", the scheduling order of May 12, 1999, clearly directs that experts "shall be identified and a report exchanged". Moreover, the stipulation between counsel which led to the December 1, 1999, Order clearly indicates the intent of the parties that the Plaintiff secure a trial report and that "Plaintiff's expert shall be identified and a report..." provided. See, *Stipulation of Counsel dated November 30, 1999*. Under these circumstances, it is clear that the parties contemplated, and the Court ordered, disclosure of an expert report as defined in Rule 4003.5 of the Pennsylvania Rules of Civil Procedure.

the psychological experts, Plaintiff offers that they will “testify with regard to the psychological effect” of Ms. Stillwaggon’s injuries upon Robert Stillwaggon. *See, Plaintiff’s Expert Witnesses, December 12, 1999.* I find that this brief summary is insufficient to allow Defendants appropriate notice in order to prepare a rebuttal witness and does not allow either the court or opposing counsel the opportunity to determine the fair scope of their testimony. *See, Tiburzio-Kelly v. Montgomery, supra.* The same holds true for the testimony of Marvin J. Rudnitsky, Esquire. Although the document tendered by Plaintiff indicates that Attorney Rudnitsky’s testimony would be centered upon Defendants’ alleged violations of the rules of professional conduct, the statement does not sufficiently specify the substance of the Opinion thereby making it impossible for the Defendants to properly prepare or respond to what specific rules were allegedly violated. Rule 4003.5 of the Pennsylvania Rules of Civil Procedure require more.

In addressing the importance of the tendered evidence, the Court will address each of the expert witnesses separately. Before doing so, however, it is necessary to understand the nature of the underlying claim.

Plaintiff pursues a cause of action based upon legal malpractice. In order to succeed on a claim of legal malpractice, the Plaintiff must show:

- 1) employment of an attorney or other basis for a duty;
- 2) the failure of the attorney to exercise ordinary skill and knowledge; and
- 3) such negligence was the proximate cause of damage to the Plaintiff.

Kituskie v. Corbman, 714 A.2d 1027, 1029 (Pa. 1998). Essentially, the Plaintiff in a legal malpractice action must show “that he had a viable cause of action against the party he wished to sue in the underlying case and that the attorney he hired was negligent in prosecuting or defending that underlying case”. *Id.*, at 1030. Instantly, the Plaintiff urges that the Defendants were negligent in pursuing his claim for loss of consortium against Gettysburg Hospital.

A claim for loss of consortium arises from the marital relationship. It is based upon the loss of a spouse’s services resulting from an injury to the spouse. *Cleveland v. Johns-Manville Corp.*, 690 A.2d

1146, 547 Pa. 402 (1997). It is a right growing out of the marriage relationship which a spouse has to the society, companionship and affection of the other in their life together. *Burns v. Pepsi-Cola Metropolitan Bottling Company*, 510 A.2d 810, 353 Pa. Super. 571 (1986). Because it arises from the marital relationship, a claim for loss of consortium does not exist if the complaining parties are not married when the injury occurs. *Cleveland v. Johns-Manville Corp.*, supra. A loss of consortium claim, although derivative from the impact of one spouse's physical injuries upon the other spouse's marital privileges, is a separate and distinct cause of action which is personal to the uninjured spouse. *Darr Const. Co. v. W.C.A.B. (Walker)*, 715 A.2d 1075, 552 Pa. 400 (1998). With this guidance, the importance of the testimony, as identified by Plaintiff, will be considered.

Continued to next issue (11/22/2002)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-660 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain three tracts of land situate in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1:

Bounded on the East by land now or formerly of the Meisenhelder Estate; on the South by the Conewago Creek; on the West by lot now or formerly of one Biddle and on the North by a ten (10) foot wide alley-way or drive-way hereinafter mentioned. CONTAINING in width along said drive-way, ninety-six (96) feet and extending in depth of equal width Southwardly one hundred five (105) feet, more or less, to said Conewago Creek, and containing 10,080 square feet of land, more or less.

SUBJECT, NEVERTHELESS, that a drive-way of not less than ten (10) feet, along the Northern side of this lot, shall be kept open for public use by the grantee, and that no eating stand or any other concessions, nor any boats be kept for hire shall be allowed; these rights being reserved to W.J. Harbold, his heirs, administrators or assigns.

TRACT NO. 2:

BEGINNING at Lot No. 0, and extending northwardly two hundred (200) feet to land now or formerly of one Biddle which was formerly a part of this lot; thence southwardly two hundred (200) feet to a corner; thence eastwardly 24 feet to a corner, the place of BEGINNING.

Subject, that a twenty (20) feet drive-way shall remain open for the use of the general public, at the south side of said lot, and no building to be erected within ten feet of the North side of said drive-way.

TOGETHER with the rights contained in and subject to the burdens imposed by a certain agreement relative to a well drilled on the division line of said property, which agreement was made and entered into the 13th day of July, 1931, by and between Carl E. Zinneman and Eileen M. Zinneman, his wife, and Ralph C. Biddle and Myrtle E. Biddle, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book, Vol. Q at page 570.

TRACT NO. 3:

BEGINNING at a point at corner of lands now or formerly of Ernest P.

Schmidt and wife and a twenty feet wide driveway; thence along said last mentioned lands and along lands now or formerly of Hoffman Brothers Northwardly 200 feet to a point; thence along the same Eastwardly twenty-four (24) feet to a corner of the lands hereinabove conveyed, thence along said lands Southwardly two hundred feet to the first mentioned twenty feet wide driveway; thence along said driveway Westwardly twenty-four (24) feet to the place of BEGINNING.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-797 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, 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 Hamilton Township, Adams County, Pennsylvania, and being designated as Lot No. 6 on a subdivision plan prepared by George M. Wildasin, F.L.S. for Leila I. Huntsberger, dated November 20, 1990 and recorded April 15, 1991 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 57 at Page 98.

BEGINNING at an existing steel pipe at the corner of lands now or formerly of Harvey R. Stover and James Aiello; thence by lands now or formerly of James Aiello, North 13 degrees 48 minutes 45 seconds West, 306.61 feet to an iron pin; thence along Lot No. 4 and through an iron pin set back 20.0 feet from the terminus of this course, North 50 degrees 23 minutes 20 seconds East, 118.73 feet to a railroad spike set in

Kuhn Fording Road (T-552); thence along Lot No. 4 and along and through Kuhn Fording Road, South 40 degrees 00 minutes 00 seconds East, 142.50 feet to an existing railroad spike as shown on said plan; thence along lands now or formerly of Harvey R. Stover, and through a pin set back 28 feet from the beginning of this course, South 22 degrees 34 minutes 30 seconds West, 280.21 feet to an existing steel pipe, the point and place of BEGINNING.

BEING designated as Lot No. 6 and containing .792 acres

Parcel ID#: (17)L08-75F

BEING KNOWN AS: 801 Kuhn Fording Road, E. Berlin, PA 17316

SEIZED and taken into execution as the property of **Angela S. Wagman & Bernard E. Wagman, III** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 27, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-659 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Western edge of Drummer Drive at Lot No. 37 of the hereinafter referenced subdivision plan; thence along said Western edge of Drummer Drive South thirty-one (31) degrees thirty (30) minutes twelve (12) seconds East, eighty and zero hundredths (80.00) feet to a point at Lot No. 35 of said plan; thence along same South fifty-eight (58) degrees twenty-nine (29) minutes forty-eight (48) seconds West, two hundred thirty and zero hundredths (230.00) feet to a point at Lot No. 50 of said plan; thence along same North sixty-eight (68) degrees twenty-two (22) minutes twenty-four (24) seconds West, one hundred and zero hundredths (100.00) feet to a point at Lot No. 37 of said plan; thence along same North fifty-eight (58) minutes twenty-nine (29) minutes forty-eight (48) seconds East, two hundred ninety and zero hundredths (290.00) feet to a point on the Western edge of Drummer Drive, the point and place of BEGINNING.

CONTAINING 20,800 square feet.

The above described lot being designated as Lot No. 36 on the Subdivision Plan of "South Branch Estates," dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

SUBJECT to specific limitations that wetlands impose upon said lot, including but not limited to leaving wetland areas in their natural state and prohibiting earthmoving or landscaping. Any change or disturbance to the wetlands shall be prohibited unless first permitted by PA D.E.R. and the US Army Corps of Engineers.

BEING the same premises which J.A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture, known as MPR Associates, by Deed dated September 25, 1997 and recorded in the Office of the Recorder of Deeds of Adams County on November 6, 1997, in Deed Book Volume 1470, Page 84, granted and conveyed unto Kenneth H. Weaver and Sandralee L. Weaver.

SUBJECT to that certain Declaration of Covenants, Conditions and Restrictions of South Branch Estate Homeowners Association, Inc., dated December 30, 1993 and recorded February 1, 1994, in the Adams County Recorder of Deeds Office in Record Book 841, page 53.

ALSO SUBJECT to a certain Amended Declaration of Covenants, Conditions and Restrictions of South Branch Estates Homeowners Association, Inc., dated June 16, 1994 and recorded June 27, 1994 in the Adams County Recorder of Deeds Office in Record Book 904, page 1.

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

Parcel No. (35) 1-45

SEIZED and taken into execution as the property of **Kenneth H. Weaver & Sandralee L. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-799 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT the following described lot of ground, with the improvements thereon erected, situate, lying and being in Conewago Township, County of Adams and State of Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at the State Highway (commonly known as Third Street), formerly the Hanover and

McSherrystown Turnpike, at lot now or formerly owned by William Senft; thence along said lot southward, one hundred seventy-five (175) feet to a corner at a twenty feet wide alley; thence along said alley eastward, thirty (30) feet to a corner at lot formerly owned by Ezra E. Myers; thence along said last mentioned lot northward, one hundred seventy-five (175) feet to a corner at the aforesaid State Highway, and thence along said State Highway westward, thirty (30) feet to a corner, the place of BEGINNING.

IT BEING known on a general plan of a series of lots laid out by the Executors of the Last Will and Testament of John Weaver, deceased, as Lot No. 10.

HAVING ERECTED THEREON a dwelling known as 314 Third Street, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Francis O. Myers, Jr. by Deed dated July 27, 2000 and recorded August 1, 2000 in Adams County Deed Book 2098, Page 125, granted and conveyed unto Gerald A. Alter and Kimberly L. Alter.

SEIZED IN EXECUTION AS THE PROPERTY OF GERALD A. ALTER AND KIMBERLY L. ALTER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-799

MAP & PARCEL #8-268

SEIZED and taken into execution as the property of **Gerald A. Alter & Kimberly L. Alter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-482 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at a steel pin on the Northeastern right-of-way line of Carly Drive, a fifty (50.00) foot wide street, said corner being a corner in common with Lot No. 559, Tract II, Phase Three, Oxford Estates; thence along Lot No. 559 North thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds East, one hundred ninety-six and seventy-four hundredths (196.74) feet to a point at a steel pin at Lot No. 535, Tract II, Phase Three; thence along Lot No. 535 South seventy-four (74) degrees seven (07) minutes two (02) seconds East, forty-one and ninety-four hundredths (41.94) feet to a point at a steel pin at the corner of Lot No. 563; thence along Lot No. 563 South thirteen (13) degrees one (01) minute thirty-six (36) seconds West, eighty-three and fifty-eight hundredths (83.58) feet to a point at a steel pin at Lot No. 561; thence along Lot No. 561 South thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds West, one hundred thirty-seven and eighty-five hundredths (137.85) feet to a point at a steel pin on the Northeastern right-of-way line of Carly Drive; thence along said right-of-way line North fifty-one (51) degrees ten (10) minutes two (02) seconds West, seventy-five and one hundredth (75.01) feet to the point and place of BEGINNING. CONTAINING 14,298 square feet and being known as Lot No. 560 as shown on a plan of lots of Oxford Estates, Tract II, Phase Four, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 57, at Page 42.

IT BEING the same premises which Janet L. White, formerly known as Janet L. Deetz, and L. G. White, husband and wife, by their Deed dated April 25, 1995, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1024, Page 134, granted and conveyed unto Milton L. Hoffman and Linda J. Hoffman, his wife. Milton L. Hoffman died, title thereby vesting in Linda J. Hoffman, his wife.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantors, as well at law as in equity, of, in, and to the same.

Address: 17 Carly Drive, New Oxford, PA 17350

Map 10, Parcel 67

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §§301, *et seq.*, that an Application to conduct business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **I'M A LITTLE TEAPOT** was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on October 24, 2002. The business is located at 925 Ridge Road, Gettysburg, Pennsylvania 17325. The name and address of the person who is party to the registration is Carleen D. Skiles, 925 Ridge Road, Gettysburg, Pennsylvania 17325.

Robert E. Campbell
Campbell & White
112 Baltimore Street
Gettysburg, PA 17325
Attorneys for Applicant

11/15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-680 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, 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 improved lot of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the West side of East King Street at the eastern corner of land now or formerly of L.D. Patterson; thence Northwest along said Patterson land 264 degrees to a public alley; thence Northeast along said public alley 33 degrees to land now or formerly of Weaver L. Ott; thence Southeast along said Ott land 264 degrees to East King Street; thence Southwest along said East King Street 33 degrees to the place of BEGINNING.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-849 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Concord Court at Lot No. 202 as shown on the hereinafter referred subdivision plan; thence running along Lot No. 202 South seventeen (17) degrees forty-three (43) minutes ten (10) seconds West, one hundred twenty and zero hundredths (120.00) feet to an iron pin; thence continuing along Lot No. 202 the following two (2) courses; 1) South sixteen (16) degrees twenty (20) minutes twenty-five (25) seconds East, ninety and five hundredths (90.05) feet; 2) North seventy-one (71) degrees forty-eight (48) minutes fifty-two (52) seconds East, thirty-one and two hundredths (31.02) feet to an iron pin set at Lot No. 202 and Lot No. 57 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 57 South fifty (50) degrees four (04) minutes thirty-one (31) seconds East, thirty-six and seventy-five hundredths (36.75) feet to an iron pin set at Lot No. 72 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 72 and Lot No. 75 South fifty-one (51) degrees eight (08) minutes forty-five (45) seconds West, one hundred thirty and sixty-seven hundredths (130.67) feet to an iron pin set at other lands now or formerly of Heritage Hill II, Limited Partnership North thirty-one (31) degrees two (02) minutes fifty (50) seconds West, two hundred sixty-nine and ninety-five hundredths (269.95) feet to an iron pin set at Lot No. 55 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 55 North sixty-one (61) degrees forty (40) minutes thirty (30) seconds East, one hundred eighty-eight and thirteen hundredths (188.13) feet to an iron pin set on the right-of-way line of Concord Court; thence running along said right-of-way line of Concord Court by a curve to the left, having a radius fifty (50) feet, an arc length of thirty-eight and forty-eight hundredths (38.48) feet and a long chord bearing and distance of South fifty (50) degrees twenty-two (22) minutes twenty-six (26) seconds East thirty-seven and fifty-four hundredths (37.54) feet to an iron pin set on the right-of-way line of

Concord Court the point and place of BEGINNING.

CONTAINING 34,641 square feet.

TITLE TO SAID PREMISES IS VESTED IN Brian Franklin Fleck and Carol Ann Fleck, His Wife by Deed from Heritage Hill II, a Limited Partnership and New Age Associates, Inc. dated 10/8/1999 and recorded 10/12/1999 in Record Book 1930, Page 278.

Premises being: 21 Concord Court, Littlestown, PA 17340

Tax Parcel No. MAP 13, PARCEL 29

SEIZED and taken into execution as the property of **Brian F. Fleck & Carol A. Fleck** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-831 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Menallen Township, Adams County, Pennsylvania, being Lot No. 3 on the draft of survey hereinafter identified bounded and described as follows:

BEGINNING at an iron pin in a proposed 33 foot road at Lot No. 4; thence by said lot, South 38 degrees 1 minute 40 seconds East, 426.30 feet to an iron pin at Lot No. 7; thence by said lot, South 36 degrees 58 minutes 30 seconds West 235.96 feet to an iron pin at other lands now or formerly of Clair R. Showers; thence by said lands, North 39 degrees 16 minutes 30 seconds West 109.69 feet to an iron pin; thence continuing by said lands, North 90 degrees West, 220.42 feet to a nail in L. R. #01041; thence in said L. R. #01041 North 6 degrees 2 minutes 20 seconds East 240 feet to a

nail in said L. R. #01041 at its intersection with said proposed 33 foot road; thence in said proposed 33 foot road, North 35 degrees 38 minutes 20 seconds East 247 feet to the place of BEGINNING.

CONTAINING 2.863 acres.

THE above description was taken from a draft of survey dated January 7, 1972, prepared by Boyer-Price and recorded in Adams County Plat Book No. 2 at page 14.

TOGETHER with a right of way over said proposed 33 foot road for means of ingress, egress and regress.

Tax Parcel #B5-23

SEIZED and taken into execution as the property of **Daniel F. Hodowanec & Chastity L. Hodowanec** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on October 21, 2002 a certificate was filed under the Fictitious Name Act approved December 16, 1982, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Hans J. Leonhardt, Jr., 1270 New Chester Road, New Oxford, PA 17350, is the only person owning or interested in a business, the character of which is watch repair and design and that the name, style and designation under which said business is and will be conducted is THE TIME DOCTOR.

/s/Alan M. Cashman, Esq.
Solicitor

11/15

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MARGARET T. CLINE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Barry G. Cline, Clarence E. Asbury, Heath L. Allen, c/o Bridget M. Whitley, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963

Attorney: Bridget M. Whitley, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963

ESTATE OF JAMES W. MAUSTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: David J. Freland, 1827 Beaver Creek, Frederick, MD 21702

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

ESTATE OF HAZEL MAE TAYLOR, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Co-Executrices: Linda A. McDannell, 332 N. High St., Biglerville, PA 17307; Sandra E. Keller, 282 Shivers Corner Rd., Gettysburg, PA 17325; Carolyn M. Taylor, 235 Pine Grove Furnace Rd., Aspers, PA 17304

Attorney: Louis T. Glantz, Esq., Glantz, Johnson & Associates, 1901 East College Avenue, State College, PA 16801

ESTATE OF CLARENCE E. WILSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Mary W. Brown, 253 South Howard Avenue, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF FRED R. ARNOLD, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Kay (Arnold) Gettier, 150 Woodview Road, P.O. Box 522, Biglerville, PA 17307

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

ESTATE OF MARY A. LEONARD, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrators: Christiana A. Leonard and James P. Leonard

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

ESTATE OF KENNETH R. SCHULTZ, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Pamela K. Ginter, 1979 Hanover Road, Gettysburg, PA 17325; Darlene A. Schultz, 57 Ocelot Drive, Hanover, PA 17331

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

ESTATE OF ROBERT FRANKLIN THOMAS, SR., DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator: Roberta Noel, 702 Humbert Schoolhouse Rd., Westminster, MD 21158

THIRD PUBLICATION

ESTATE OF JAMES E. BEGANY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: William J. Begany, 32 Loren Lane, Ridgefield, CT 06877

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

ESTATE OF KATHLEEN E. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representatives: Michael G. Trone, 20 Pine Lane, New Oxford, PA 17350; Patricia L. Yingling, 2420 Heather Road, York, PA 17404

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1232 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1

BEGINNING at a point for a corner, in the center of the State Highway leading from Gettysburg to Fairfield marked by an iron pin set on the North side of said highway; thence running by land now or formerly of J.J. Spence, North eight and three-fourths (8-3/4) degrees West, two hundred and fourteen (214) feet to an iron pin; thence running by land of the same, North eighty-one and one-fourth (81-1/4) degrees East, one hundred and fifty-four (154) feet to an iron pin; thence running by land of the same, South eight and three-fourths (8-3/4) degrees East, two hundred and fourteen (214) feet to a point in the center of the above mentioned highway marked by an iron pin set on the North side of said highway; thence running in the center of said highway, South eighty-one and one-fourth (81-1/4) degrees West, one hundred fifty-four (154) feet to a point in the center of said highway, the place of BEGINNING. CONTAINING one hundred and twenty-one perches and fourteen square feet.

TRACT NO. 2

BEGINNING at a spike in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southwest corner of land of the Estate of Allen L. Mallow, said spike being South 8 degrees 45 minutes East from an iron pin set back 21.1 feet along the line; thence in the center of said road, South 81 degrees 15 minutes West, 10 feet to a spike in the center of said road; thence along other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, through an iron pin set back 21.1 feet along the line, North 8 degrees 45 minutes West, 214 feet through a small stream to an iron pin, thence along other land now or formerly of J.J. Spence, husband and wife, North 81 degrees 15 minutes East, 10 feet to an iron pin; thence by other land of Estate of Allen L. Mallow, back across the small stream, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet to a spike in the center of

the highway, the place of BEGINNING. CONTAINING 7 perches and 204.11 square feet.

TRACT NO. 3

BEGINNING at a point in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southeast corner of lot of the Estate of Allen L. Mallow; thence by other land of the Estate of Allen L. Mallow through an iron pin set back along the line, North 8 degrees 45 minutes West, 214 feet across small stream to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, North 81 degrees 15 minutes East, 60 feet to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, to be conveyed to John E. and Mary V. McDannell, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet along the line to a point in the center of said State Highway; thence along the center of said State Highway, South 82 degrees 15 minutes West, 60 feet to a point, the place of BEGINNING. CONTAINING 47 perches and 44.25 square feet.

The description of Tract Nos. 2 and 3 were taken from a draft of survey made June 7th, 1958, by Wilbur V. Redding, Registered Surveyor.

BEING Tax Parcel # D-14-22.

BEING KNOWN AS: 3115 Fairfield Road, Gettysburg, PA 17325

TITLE TO SAID PREMISES IS VESTED IN Michael L. Glynn by Deed from Dennis J. Baldwin and Roxann M. Baldwin, husband and wife dated 11-6-96, recorded 11-20-96 in Deed Book, Volume 1291, page 224.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-960 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, with improvements thereon erected, lying and being situate on the South side of High Street, in the Borough of New Oxford, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the intersection on the South side of High Street with the West side of a public road; thence by said road, South 30 degrees, 35 minutes East, 170.33 feet to an iron pin on the North side of a 16 foot right-of-way; thence by said right-of-way, South 73 degrees, 5 minutes West, 148.79 feet to a stake; thence along other lands now or formerly of Elizabeth M. Eicholtz, et al, North 14 degrees, 15 minutes West, 170.9 feet to an iron pin on the South side of High Street; thence by the same, North 75 degrees, 45 minutes East, 100 feet to an iron pin, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Troy A. Roomsburg and Lisa A. Roomsburg, husband and wife by Deed from William W. Simpson and Joan E. Simpson, husband and wife, dated 6/27/1997 and recorded 7/9/1997 in Record Book 1403, Page 161.

Premises being: 101 S. College Avenue, New Oxford, PA 17350.

Tax Parcel No. #5-178

SEIZED and taken into execution as the property of **Troy A. Roomsburg & Lisa A. Roomsburg** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

Adams County Legal Journal

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November 22, 2002

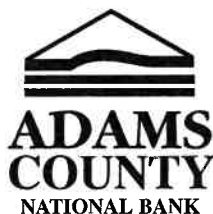
No. 26, pp. 137-142

IN THIS ISSUE

STILLWAGGON VS. ROVNER ET AL

This opinion continued from last issue (11/15/2002)

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-949 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described real estate lying and being situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the West side of Pecher Road (Township Road T-312) at line of land now or formerly of Michael Sullivan; thence running by Sullivan Land and through an existing reference steel rod set back along the line, South 76° 52' 40" West 179 feet to an existing steel rod; thence continuing by Sullivan Land and by a curve to the left, the radius of which is 242 feet, for an arc distance of 37.99 feet and with a chord bearing of South 72° 20' 40" West for a chord length of 37.95 feet to an existing steel rod; thence continuing by Sullivan, South 21° 56' 00" East 128.13 feet to a steel rod; thence continuing by land of the same, South 11° 14' 40" East 388 feet to an existing bolt; thence continuing by the same, South 31° 59' 40" East 136 feet to an existing bolt; thence continuing by Sullivan, South 62° 54' 40" West 438.78 feet to an existing steel rod; thence continuing by the same, North 79° 37' 10" West 60 feet to a steel rod on line of land of William H. Scott, Jr., et. Al., of which this was formerly a part; thence running by land of William H. Scott, Jr., et. Al., North 07° 35' 40" West 1,149 feet to a steel rod on line of land of Fred Crum, Jr.; thence by the latter, South 74° 20' 33" East 625 feet to an existing spike 5 feet West of the centerline of Pecher Road (T-312); thence running in Pecher Road (T-312) South 07° 17' 25" East 115.29 feet to a point on the West side of Pecher Road, the point and place of BEGINNING. CONTAINING 10.168 acres.

The description was taken from a draft of survey of J. Riley Redding, R.S., dated February 24, 1992, and recorded in Adams County Plat Book 61, Page 29. The tract described is Tract 2 on said plan of lots.

Parcel No. 25-C17-0026

BEING PREMISES: 1005 Pecher Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **John Hess & Patricia Hess** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-831 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Menallen Township, Adams County, Pennsylvania, being Lot No. 3 on the draft of survey hereinafter identified bounded and described as follows:

BEGINNING at an iron pin in a proposed 33 foot road at Lot No. 4; thence by said lot, South 38 degrees 1 minute 40 seconds East, 426.30 feet to an iron pin at Lot No. 7; thence by said lot, South 36 degrees 58 minutes 30 seconds West 235.96 feet to an iron pin at other lands now or formerly of Clair R. Showers; thence by said lands, North 39 degrees 16 minutes 30 seconds West 109.69 feet to an iron pin; thence continuing by said lands, North 90 degrees West, 220.42 feet to a nail in L. R. #01041; thence in said L. R. #01041 North 6 degrees 2 minutes 20 seconds East 240 feet to a

nail in said L. R. #01041 at its intersection with said proposed 33 foot road; thence in said proposed 33 foot road, North 35 degrees 38 minutes 20 seconds East 247 feet to the place of BEGINNING.

CONTAINING 2.863 acres.

THE above description was taken from a draft of survey dated January 7, 1972, prepared by Boyer-Price and recorded in Adams County Plat Book No. 2 at page 14.

TOGETHER with a right of way over said proposed 33 foot road for means of ingress, egress and regress.

Tax Parcel #B5-23

SEIZED and taken into execution as the property of **Daniel F. Hodowanec & Chastity L. Hodowanec** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

STILLWAGGON VS. ROVNER ET AL

Continued from last issue (11/15/2002)

The first category of expert witnesses relates to the medical malpractice resulting in the injuries to Kenna D. Stillwaggon. Since Plaintiff's cause of action is derivative from the claim of Kenna D. Stillwaggon, *Darr Const. Co. v. W.C.A.B. (Walker)*, supra, it is critical to Plaintiff that he be able to show that Kenna D. Stillwaggon had a valid claim for medical malpractice. In light of the rather substantial verdict entered in favor of Kenna D. Stillwaggon, see, *Stillwaggon v. Gettysburg Hospital, et al, Civil Action 91-S-967 (Adams County)*, it appears that Plaintiff is able to establish this aspect without the need for expert witnesses. On the other hand, the nature and extent of Kenna D. Stillwaggon's injuries are also critical to Plaintiff's ability to prove a loss of services, society and conjugal affection from his spouse. *Darr Const. Co. v. W.C.A.B. (Walker)*, supra. Expert testimony is appropriate for that purpose. Plaintiff, however, has failed to specifically identify any expert witness in this category. Rather, he has represented that he intends to use the testimony of the medical experts who testified in the previous trial. This statement is insufficient. On the other hand, although the scheduling order has been violated by Plaintiff, preclusion of this expert testimony would doom Plaintiff's case to failure. Such a drastic sanction should not be applied unless it is absolutely necessary to do so. *Green Const. Co. v. Department of Transportation*, supra. Moreover, no real prejudice will accrue to Defendants due to the untimely disclosure since Defendants, in litigating the underlying malpractice claim, have had complete access to the expert's report and background. See, *Curran v. Stradley, Ronon, Stevens & Young*, 521 A.2d 451, 361 Pa. Super. 17 (1987). Since Defendants presented the experts in the underlying medical malpractice case, I find it difficult to imagine how the Defendants will now be able to challenge the substance of their testimony. On the other hand, the Defendants are entitled to a more specific identification of these experts as well as a quantification of their testimony. Since trial is not yet scheduled, Plaintiff will be allowed to cure the deficiency in this area.

The next expert witness which Plaintiff intends to call is categorized "legal and ethical" and is identified as Marvin J. Rudnitsky, Esquire. Attorney Rudnitsky is proffered to testify about the Defendants' alleged violations of the rules of professional conduct. Defendants, relying on *Maritrans G.P., Inc. v. Pepper, Hamilton &*

Scheetz, 573 A.2d 1001, 524 Pa. 415 (1990), argue that this expert testimony is inadmissible. *Maritrans* is not applicable, however, in that it stands for the proposition that the codes and rules of professional responsibility do not confer substantive rights, *Maritrans G.P., Inc. v. Pepper, Hamilton & Scheetz, supra, A.2d at 1004*. It does not preclude expert testimony as it relates to the standards of care. In fact, in *Rizzo v. Haines*, 555 A.2d 58, 520 Pa. 484 (1989), the Pennsylvania Supreme Court approved the use of the code of professional responsibility in establishing the standard of care in a legal malpractice action. Therefore, we will not preclude the expert testimony of Marvin Rudnitsky, Esquire, however, it will be limited to alleged violations of the rules of professional conduct.⁸ Once again, however, we will direct that the Plaintiff narrow the focus of this proffered testimony so as to allow Defendants the fair opportunity to respond.

The final category of experts proffered by the Plaintiff relate to psychological testimony. Specifically, this testimony is aimed at the psychological effect that the injuries to Kenna D. Stillwaggon had on Robert Stillwaggon. This testimony will be precluded because it is irrelevant. As mentioned above, a consortium claim is grounded upon the loss of a spouse's services after injury. *Burns v. Pepsi-Cola Metropolitan Bottling Company, supra*. Emotional or mental trauma to the uninjured spouse is not an element of damages in a consortium claim. *Jackson v. Travelers Insurance Company*, 606 A.2d 1384, 1388, 414 Pa. Super. 336 (1992), appeal granted, 620 A.2d 491, 533 Pa. 625. *See, also, Tiburzio-Kelly v. Montgomery, supra*, (spouse's own subjective fear of engaging in sexual relations with his wife is insufficient to support loss of consortium claim). Since Plaintiff's proffered testimony in this area is otherwise inadmissible, the *Feingold* factors clearly weigh heavily in favor of precluding the testimony at this stage in the proceedings.

Defendants next argue that summary judgment is appropriate because Plaintiff lacks the expert testimony necessary to establish a legal malpractice claim. They correctly cite *Kituskie v. Corbman*, 714 A.2d 1027 (Pa. 1998) for the proposition that an essential

⁸As in *Rizzo, supra*, the standard of care may be so obvious that expert testimony is not necessary. Since Plaintiff's expert has not sufficiently focused the substance of Mr. Rudnitsky's testimony, the Court will currently not delve further into that issue.

element of a legal malpractice action is that the Plaintiff “prove that he had a viable cause of action against the party he wished to sue in the underlying case”. Defendants conclude their argument by suggesting that the viability of a loss of consortium cause of action requires expert testimony and since Plaintiff is lacking such an expert, their cause of action must fail.

As a general rule, “expert testimony is necessary to establish negligent practice in any profession”. *Powell v. Risser*, 375 Pa. 60, 65, 99 A.2d 454, 456 (1953). Expert testimony is necessary when the subject matter of the inquiry is one involving special skills and training not common to the ordinary person. *Reardon v. Meehan*, 424 Pa. 460, 227 A.2d 667 (1967). Although expert testimony is sometimes critical to establishing a cause of action, it is not required when the subject of the negligence is within the range of ordinary experience. *Cangemi v. Cone*, 774 A.2d 1262 (Pa. Super. 2001) (re-argument denied). Legal malpractice claims follow the general rule that where the malpractice is obvious, expert testimony is not necessary. *Rizzo*, supra.

The Superior Court recognized a wide spectrum of situations in which expert testimony may or may not be necessary in legal malpractice claims in the case of *Storm v. Golden*, 538 A.2d 61 (Pa. Super. 1998). There they stated:

Legal malpractice claims run a wide gamut of circumstances from clear-cut claims of a breach of an attorney’s duty for allowing the statute of limitations to run against a former client’s cause of action to the complex determination required of a claim of breach of duty involving the attorney’s choice of trial tactics in which a lay person’s judgment obviously requires guidance. Between these two extremes lie a myriad number of legal malpractice actions for which the necessity of expert evidence to establish the attorney’s duty and breach thereof will not be readily evident without careful examination of the factual circumstances upon which they arise. Generally, the determination of whether expert evidence is required or not will turn on whether the issue of negligence in the particular case is one which is sufficiently clear so as to be determinable by lay persons or concluded

as a matter of law, or whether the alleged breach of duty involves too complex a legal issue so as to warrant explanation by expert evidence.

Storm v. Golden, supra, A.2d at 65.

As previously mentioned, Defendants seek summary judgment based upon the Plaintiff's failure to produce expert testimony which the Defendants claim is necessary to support a showing of legal malpractice. The thrust of Defendants' argument is aimed at the necessity for the Plaintiff to prove the proximate cause of damages.⁹ Relying on the *Kituskie* Opinion, Defendants argue that expert testimony is necessary to establish that Plaintiff establish a viable cause of action existed. While the Defendants correctly state that it is necessary that a viable cause of action existed, I believe they are incorrect that, under the facts of this case, expert testimony is required.

A viable claim for loss of consortium requires only a showing that the parties were married at the time of the injury and, as a result of the injury, a party suffered loss of their spouse's services. *Cleveland v. Johns-Manville Corp.*, supra. Defendants, in their pleadings, admit that the Plaintiff and Kenna D. Stillwaggon were married on the date of the injury and, additionally, that her injuries resulted in the need for emergency brain surgery involving the removal of her temporal lobe which resulted in right-sided paralysis, speech impairment and the need for prolonged rehabilitation. Interestingly, separation between the parties did not occur until approximately five years following the date of Ms. Stillwaggon's injuries. Under these circumstances, it is not necessary to obtain expert testimony to determine whether or not a loss of consortium claim was viable. The

⁹Admissions in the pleadings indicate that there is no real issue as to the first two elements of a legal malpractice claim. The record is clear that the Defendants entered into a written agreement with the Plaintiff concerning the cause of action against Gettysburg Hospital. It is equally clear that a complaint was filed by the Defendants on behalf of the Plaintiff which at some point was abandoned. Defendants neither filed a motion to withdraw from representation of Mr. Stillwaggon nor took action to withdraw the loss of consortium claim. Defendants, in their pleadings, place fault for the abandonment of the claim on the Plaintiff for his failure to maintain contact with the Defendants. This claim, however, presents a genuine issue of material fact thereby precluding summary judgment as to this element. See, *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648 (Pa. Super. 1999).

viability of a loss of consortium claim is obvious.¹⁰ Defendants counter that Plaintiff's misconduct was the cause of the marital break-up and essentially rendered the loss of consortium claim valueless. I believe that this determination is better left to the finder of fact. Their argument is certainly relevant in regard to the value of the loss of consortium action, however, it does not affect the claim's viability.

Next I must consider whether, absent expert testimony, Plaintiff's damages are speculative. Proof of actual loss is an essential element of a cause of action for legal malpractice. *Pashak v. Barish*, 450 A.2d 67, 68 (Pa. Super. 1982). The mere breach of a professional duty, causing only nominal damages or speculative harm, is insufficient to create a cause of action for negligence. *Rizzo v. Haines*, supra, 520 Pa. at 504-05, 555 A.2d at 68. The test of whether damages are too speculative has nothing to do with the difficulty in calculating the amount, but rather deals with a more fundamental question of whether there are identifiable damages. *Rizzo v. Haines*, supra. Although Pennsylvania appellate authority is sparse concerning the proper measure of damages in a legal malpractice action wherein the negligence resulted in the bar to a civil claim, federal courts which have applied Pennsylvania law have held the proper measure to be the value of the lost claim, that is, the amount that would have been recovered in the former action but for the attorneys' negligence. *Duncan v. Lord*, 409 F.Supp. 687 (E.D. Pa. 1976); *Williams v. Bashman*, 457 F.Supp. 322 (E.D. Pa. 1978). Other jurisdictions which have addressed this issue have also held that the value of damages in such a legal malpractice action is the value of the lost claim.¹¹

Instantly, the record reveals that there is a dispute of fact in regard to the existence of damages. Defendants will have the opportunity at trial to argue that Plaintiff's loss of consortium claim is valueless. On the other hand, the Plaintiff is certainly qualified to speak as to loss of services and companionship he suffered as a result of the

¹⁰ Defendants may very well have admitted the viability of the claim by filing a complaint against Gettysburg Hospital which contained the loss of consortium action. The viability of the claim presumably would have been known to the Defendants at the time the complaint was filed since a period of approximately two and a half (2 1/2) years passed between the date of injury and the date of the complaint. If the claim was frivolous at that time, it should not have been filed. See, *Rule 3.1 of the Pennsylvania Rules of Professional Conduct*.

¹¹ See, 90 ALR 4th 1033 for a collection of cases which have considered the issue concerning the appropriate measure of damages in a successful legal malpractice action.

injuries to Kenna D. Stillwaggon. Allowing the jury to resolve the issue in regard to damages is in accord with the “case within a case” theory set forth in *Kituskie v. Corbman*, supra.

Ultimately, the Defendants may be successful in establishing that the loss of consortium claim lacked merit. However, at this stage of the litigation, the Court is required to examine the record in a light most favorable to the non-moving party and resolve all doubts against the moving party. *Long v. Yingling*, 700 A.2d 508, 512 (Pa. Super. 1997), alloc. den., 725 A.2d 182.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 21st day of March, 2002, Defendants’ Motion to Preclude or Limit Expert Testimony is granted in regard to witnesses, Susan Starr Paddock, L.S.W. and Richard M. Campbell. Additionally, Plaintiff is precluded from introducing any other expert witnesses with the exception of the following:

- 1) Marvin J. Rudnitsky, Esquire
- 2) Medical experts in regard to the injuries to Kenna D. Stillwaggon who have previously been identified as experts in *Stillwaggon v. Gettysburg Hospital, et al*, Adams County Court of Common Pleas, #91-S-967.

Within thirty (30) days of the date of this Order, Plaintiff shall provide to the Defendants expert reports in compliance with Rule 4003.5 of the Pennsylvania Rules of Civil Procedure. At a minimum, the reports must specifically identify the names and addresses of the expert witnesses; the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and a summary of the grounds for each opinion. Additionally, the answer or separate report shall be signed by the expert. Failure to provide opposing counsel with the information set forth hereinabove will result in the expert being precluded from testifying at trial. Defendants must identify their expert witnesses and provide a copy of their report in compliance with Pennsylvania Rule of Civil Procedure 4003.5 to opposing counsel within sixty (60) days of the date of this Order.

The Defendants’ Motion for Summary Judgment is denied.

Either party may praecipe the Court for a scheduling conference.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-659 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Western edge of Drummer Drive at Lot No. 37 of the hereinafter referenced subdivision plan; thence along said Western edge of Drummer Drive South thirty-one (31) degrees thirty (30) minutes twelve (12) seconds East, eighty and zero hundredths (80.00) feet to a point at Lot No. 35 of said plan; thence along same South fifty-eight (58) degrees twenty-nine (29) minutes forty-eight (48) seconds West, two hundred thirty and zero hundredths (230.00) feet to a point at Lot No. 50 of said plan; thence along same North sixty-eight (68) degrees twenty-two (22) minutes twenty-four (24) seconds West, one hundred and zero hundredths (100.00) feet to a point at Lot No. 37 of said plan; thence along same North fifty-eight (58) minutes twenty-nine (29) minutes forty-eight (48) seconds East, two hundred ninety and zero hundredths (290.00) feet to a point on the Western edge of Drummer Drive, the point and place of BEGINNING.

CONTAINING 20,800 square feet.

The above described lot being designated as Lot No. 36 on the Subdivision Plan of "South Branch Estates," dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

SUBJECT to specific limitations that wetlands impose upon said lot, including but not limited to leaving wetland areas in their natural state and prohibiting earthmoving or landscaping. Any change or disturbance to the wetlands shall be prohibited unless first permitted by PA D.E.R. and the US Army Corps of Engineers.

BEING the same premises which J.A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture, known as MPR Associates, by Deed dated September 25, 1997 and recorded in the Office of the Recorder of Deeds of Adams County on November 6, 1997, in Deed Book Volume 1470, Page 84, granted and conveyed unto Kenneth H. Weaver and Sandralee L. Weaver.

SUBJECT to that certain Declaration of Covenants, Conditions and Restrictions of South Branch Estate Homeowners Association, Inc., dated December 30, 1993 and recorded February 1, 1994, in the Adams County Recorder of Deeds Office in Record Book 841, page 53.

ALSO SUBJECT to a certain Amended Declaration of Covenants, Conditions and Restrictions of South Branch Estates Homeowners Association, Inc., dated June 16, 1994 and recorded June 27, 1994 in the Adams County Recorder of Deeds Office in Record Book 904, page 1.

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

Parcel No. (35) 1-45

SEIZED and taken into execution as the property of **Kenneth H. Weaver & Sandralee L. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-799 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT the following described lot of ground, with the improvements thereon erected, situate, lying and being in Conewago Township, County of Adams and State of Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at the State Highway (commonly known as Third Street), formerly the Hanover and

McSherrystown Turnpike, at lot now or formerly owned by William Senft; thence along said lot southward, one hundred seventy-five (175) feet to a corner at a twenty feet wide alley; thence along said alley eastward, thirty (30) feet to a corner at lot formerly owned by Ezra E. Myers; thence along said last mentioned lot northward, one hundred seventy-five (175) feet to a corner at the aforesaid State Highway, and thence along said State Highway westward, thirty (30) feet to a corner, the place of BEGINNING.

IT BEING known on a general plan of a series of lots laid out by the Executors of the Last Will and Testament of John Weaver, deceased, as Lot No. 10.

HAVING ERRECTED THEREON a dwelling known as 314 Third Street, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Francis O. Myers, Jr. by Deed dated July 27, 2000 and recorded August 1, 2000 in Adams County Deed Book 2098, Page 125, granted and conveyed unto Gerald A. Alter and Kimberly L. Alter.

SEIZED IN EXECUTION AS THE PROPERTY OF GERALD A. ALTER AND KIMBERLY L. ALTER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-799

MAP & PARCEL #8-268

SEIZED and taken into execution as the property of **Gerald A. Alter & Kimberly L. Alter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-482 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at a steel pin on the Northeastern right-of-way line of Carly Drive, a fifty (50.00) foot wide street, said corner being a corner in common with Lot No. 559, Tract II, Phase Three, Oxford Estates; thence along Lot No. 559 North thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds East, one hundred ninety-six and seventy-four hundredths (196.74) feet to a point at a steel pin at Lot No. 535, Tract II, Phase Three; thence along Lot No. 535 South seventy-four (74) degrees seven (07) minutes two (02) seconds East, forty-one and ninety-four hundredths (41.94) feet to a point at a steel pin at the corner of Lot No. 563; thence along Lot No. 563 South thirteen (13) degrees one (01) minute thirty-six (36) seconds West, eighty-three and fifty-eight hundredths (83.58) feet to a point at a steel pin at Lot No. 561; thence along Lot No. 561 South thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds West, one hundred thirty-seven and eighty-five hundredths (137.85) feet to a point at a steel pin on the Northeastern right-of-way line of Carly Drive; thence along said right-of-way line North fifty-one (51) degrees ten (10) minutes two (02) seconds West, seventy-five and one hundredth (75.01) feet to the point and place of BEGINNING. CONTAINING 14,298 square feet and being known as Lot No. 560 as shown on a plan of lots of Oxford Estates, Tract II, Phase Four, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 57, at Page 42.

IT BEING the same premises which Janet L. White, formerly known as Janet L. Deetz, and L. G. White, husband and wife, by their Deed dated April 25, 1995, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1024, Page 134, granted and conveyed unto Milton L. Hoffman and Linda J. Hoffman, his wife. Milton L. Hoffman died, title thereby vesting in Linda J. Hoffman, his wife.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantors, as well at law as in equity, of, in, and to the same.

Address: 17 Carly Drive, New Oxford, PA 17350

Map 10, Parcel 67

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/8, 15 & 22

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately Oct. 1st, 2002, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **RAQUEL'S SALON**, with its principal place of business at 85 Sour Mash Trail, Fairfield, PA 17320. The names and addresses of the persons owning or interested in said business are Randy and Raquel Peiffer, residing at 85 Sour Mash Trail, Fairfield, PA 17320. The character or nature of the business is Cosmetology Shop/Salon.

11/22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-680 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, 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 improved lot of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the West side of East King Street at the eastern corner of land now or formerly of L.D. Patterson; thence Northwest along said Patterson land 264 degrees to a public alley; thence Northeast along said public alley 33 degrees to land now or formerly of Weaver L. Ott; thence Southeast along said Ott land 264 degrees to East King Street; thence Southwest along said East King Street 33 degrees to the place of BEGINNING.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-849 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Concord Court at Lot No. 202 as shown on the hereinafter referred subdivision plan; thence running along Lot No. 202 South seventeen (17) degrees forty-three (43) minutes ten (10) seconds West, one hundred twenty and zero hundredths (120.00) feet to an iron pin; thence continuing along Lot No. 202 the following two (2) courses; 1) South sixteen (16) degrees twenty (20) minutes twenty-five (25) seconds East, ninety and five hundredths (90.05) feet; 2) North seventy-one (71) degrees forty-eight (48) minutes fifty-two (52) seconds East, thirty-one and two hundredths (31.02) feet to an iron pin set at Lot No. 202 and Lot No. 57 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 57 South fifty (50) degrees four (04) minutes thirty-one (31) seconds East, thirty-six and seventy-five hundredths (36.75) feet to an iron pin set at Lot No. 72 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 72 and Lot No. 75 South fifty-one (51) degrees eight (08) minutes forty-five (45) seconds West, one hundred thirty and sixty-seven hundredths (130.67) feet to an iron pin set at other lands now or formerly of Heritage Hill II, Limited Partnership North thirty-one (31) degrees two (02) minutes fifty (50) seconds West, two hundred sixty-nine and ninety-five hundredths (269.95) feet to an iron pin set at Lot No. 55 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 55 North sixty-one (61) degrees forty (40) minutes thirty (30) seconds East, one hundred eighty-eight and thirteen hundredths (188.13) feet to an iron pin set on the right-of-way line of Concord Court; thence running along said right-of-way line of Concord Court by a curve to the left, having a radius fifty (50) feet, an arc length of thirty-eight and forty-eight hundredths (38.48) feet and a long chord bearing and distance of South fifty (50) degrees twenty-two (22) minutes twenty-six (26) seconds East thirty-seven and fifty-four hundredths (37.54) feet to an iron pin set on the right-of-way line of

Concord Court the point and place of BEGINNING.

CONTAINING 34,641 square feet.

TITLE TO SAID PREMISES IS VESTED IN Brian Franklin Fleck and Carol Ann Fleck, His Wife by Deed from Heritage Hill II, a Limited Partnership and New Age Associates, Inc. dated 10/8/1999 and recorded 10/12/1999 in Record Book 1930, Page 278.

Premises being: 21 Concord Court, Littlestown, PA 17340

Tax Parcel No. MAP 13, PARCEL 29

SEIZED and taken into execution as the property of **Brian F. Fleck & Carol A. Fleck** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-945 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, 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 tot of ground with the improvements thereon erected, situate, lying and being on the North side of South Street, formerly known as German Street, in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the North side of South Street at lands now or formerly of Richard S. Cratin and Evelyn J. Cratin; thence by said street, South 57 degrees 10 minutes West, 40 feet to a point at land now or formerly of Felix V. Topper; thence by the same, North 27 degrees 47 minutes West, 175.3 feet to a point at a 16 foot wide public alley; thence by the same, North 57 degrees 12 minutes East, 40 feet to a point at lands now or formerly of Richard S. Cratin and Evelyn J. Cratin aforesaid;

thence by the same, South 27 degrees 47 minutes East, 175.3 feet to a point at South Street, the place of BEGINNING.

HAVING ERECTED THEREON a dwelling known as 525 South Street, McSherrystown, Pennsylvania.

BEING THE SAME PREMISES WHICH James R. Rebert a/k/a James Robert Rebert, by Bernard C. Brady, his Attorney in Fact; Donald R. Brady and Carmille C. Brady; Bernard C. Brady and Mary L. Brady; William H. Brady and Jean M. Brady, by Deed dated November 27, 1996 and recorded December 2, 1996 in Adams County Deed Book 1296, Page 165, granted and conveyed unto Thomas E. Miller and Pamela S. Miller.

SEIZED IN EXECUTION AS THE PROPERTY OF THOMAS E. MILLER AND PAMELA S. MILLER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-945.

MAP & PARCEL # (28) 5-294

SEIZED and taken into execution as the property of **Thomas E. Miller & Pamela S. Miller** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/22, 27 & 12/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1232 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1

BEGINNING at a point for a corner, in the center of the State Highway leading from Gettysburg to Fairfield marked by an iron pin set on the North side of said highway; thence running by land now or formerly of J.J. Spence, North eight and three-fourths (8-3/4) degrees West, two hundred and fourteen (214) feet to an iron pin; thence running by land of the same, North eighty-one and one-fourth (81-1/4) degrees East, one hundred and fifty-four (154) feet to an iron pin; thence running by land of the same, South eight and three-fourths (8-3/4) degrees East, two hundred and fourteen (214) feet to a point in the center of the above mentioned highway marked by an iron pin set on the North side of said highway; thence running in the center of said highway, South eighty-one and one-fourth (81-1/4) degrees West, one hundred fifty-four (154) feet to a point in the center of said highway, the place of BEGINNING. CONTAINING one hundred and twenty-one perches and fourteen square feet.

TRACT NO. 2

BEGINNING at a spike in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southwest corner of land of the Estate of Allen L. Mallow, said spike being South 8 degrees 45 minutes East from an iron pin set back 21.1 feet along the line; thence in the center of said road, South 81 degrees 15 minutes West, 10 feet to a spike in the center of said road; thence along other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, through an iron pin set back 21.1 feet along the line, North 8 degrees 45 minutes West, 214 feet through a small stream to an iron pin, thence along other land now or formerly of J.J. Spence, husband and wife, North 81 degrees 15 minutes East, 10 feet to an iron pin; thence by other land of Estate of Allen L. Mallow, back across the small stream, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet to a spike in the center of

the highway, the place of BEGINNING. CONTAINING 7 perches and 204.11 square feet.

TRACT NO. 3

BEGINNING at a point in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southeast corner of lot of the Estate of Allen L. Mallow; thence by other land of the Estate of Allen L. Mallow through an iron pin set back along the line, North 8 degrees 45 minutes West, 214 feet across small stream to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, North 81 degrees 15 minutes East, 60 feet to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, to be conveyed to John E. and Mary V. McDannell, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet along the line to a point in the center of said State Highway; thence along the center of said State Highway, South 82 degrees 15 minutes West, 60 feet to a point, the place of BEGINNING. CONTAINING 47 perches and 44.25 square feet.

The description of Tract Nos. 2 and 3 were taken from a draft of survey made June 7th, 1958, by Wilbur V. Redding, Registered Surveyor.

BEING Tax Parcel # D-14-22.

BEING KNOWN AS: 3115 Fairfield Road, Gettysburg, PA 17325

TITLE TO SAID PREMISES IS VESTED IN Michael L. Glynn by Deed from Dennis J. Baldwin and Roxann M. Baldwin, husband and wife dated 11-6-96, recorded 11-20-96 in Deed Book, Volume 1291, page 224.

SEIZED and taken into execution as the property of Michael L. Glynn and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-960 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, with improvements thereon erected, lying and being situate on the South side of High Street, in the Borough of New Oxford, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the intersection on the South side of High Street with the West side of a public road; thence by said road, South 30 degrees, 35 minutes East, 170.33 feet to an iron pin on the North side of a 16 foot right-of-way; thence by said right-of-way, South 73 degrees, 5 minutes West, 148.79 feet to a stake; thence along other lands now or formerly of Elizabeth M. Eicholtz, et al, North 14 degrees, 15 minutes West, 170.9 feet to an iron pin on the South side of High Street; thence by the same, North 75 degrees, 45 minutes East, 100 feet to an iron pin, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Troy A. Roomsburg and Lisa A. Roomsburg, husband and wife by Deed from William W. Simpson and Joan E. Simpson, husband and wife, dated 6/27/1997 and recorded 7/9/1997 in Record Book 1403, Page 161.

Premises being: 101 S. College Avenue, New Oxford, PA 17350.

Tax Parcel No. #5-178

SEIZED and taken into execution as the property of Troy A. Roomsburg & Lisa A. Roomsburg and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

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 M BIGHAM, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executrix: Eva Trostle, 589 Knoxlyn Road, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GEORGETTE IRENE KEEFER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Administratrix: Mazie N. Keefer, 20 S. 4th Street, Gettysburg, PA 17325
Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF KATHRYN J. YINGLING, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Harold L. Yingling, 287 Cold Spring Road, Gettysburg, PA 17325; Betty J. Yingling, 287 Cold Spring Road, Gettysburg, PA 17325
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF MARGARET T. CLINE, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Co-Executors: Barry G. Cline, Clarence E. Asbury, Heath L. Allen, c/o Bridget M. Whitley, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963
Attorney: Bridget M. Whitley, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963

ESTATE OF JAMES W. MAUSTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Administrator: David J. Freland, 1827 Beaver Creek, Frederick, MD 21720
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HAZEL MAE TAYLOR, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
Co-Executrices: Linda A. McDannell, 332 N. High St., Biglerville, PA 17307; Sandra E. Keller, 282 Shrivvers Corner Rd., Gettysburg, PA 17325; Carolyn M. Taylor, 235 Pine Grove Furnace Rd., Aspers, PA 17304
Attorney: Louis T. Glantz, Esq., Glantz, Johnson & Associates, 1901 East College Avenue, State College, PA 16801

ESTATE OF CLARENCE E. WILSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrix: Mary W. Brown, 253 South Howard Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF FRED R. ARNOLD, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Kay (Arnold) Gettler, 150 Woodview Road, P.O. Box 522, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY A. LEONARD, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Administrators: Christiana A. Leonard and James P. Leonard
Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF KENNETH R. SCHULTZ, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
Executrices: Pamela K. Ginter, 1979 Hanover Road, Gettysburg, PA 17325; Darlene A. Schultz, 57 Ocelot Drive, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

ESTATE OF ROBERT FRANKLIN THOMAS, SR., DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
Administrator: Roberta Noel, 702 Humbert Schoolhouse Rd., Westminster, MD 21158

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-983 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of January, 2003, 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, together with the improvements thereon erected, situate in Mt. Pleasant Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in Pennsylvania Legislative Route No. 01005 at corner of land now or formerly of Michael Livelyberger; thence by said land now or formerly of Michael Livelyberger and running through a steel pin located thirty (30) feet from the place of Beginning, North twenty-five (25) degrees fifteen (15) minutes East, two hundred thirty (230) feet to a steel pin; thence by the same South sixty-two (62) degrees twelve (12) minutes East, One hundred and ten hundredths (100.10) feet to a steel pin; thence by land now or formerly of Bender, North twenty-five (25) degrees twenty-two (22) minutes seven (07) seconds East four hundred forty-four and thirty-one hundredths (444.31) feet to a steel pin located at an original corner of the larger tract of land conveyed by the deed hereinafter recited; thence by the same and by other land of Lucinda B. Small, North fifty-five (55) degrees fifty-four (54) minutes six (06) seconds West three hundred sixty-eight and seventy-nine hundredths (368.79) feet to a steel pin; thence by other land of Lucinda B. Small and running through a steel pin located thirty (30) feet from the end of this line South twenty-seven (27) degrees forty-eight (48) minutes West, seven hundred fourteen and fourteen hundredths (714.14) feet to a point in the aforementioned Legislative Route; thence in said Legislative Route South sixty-two (62) degrees twelve (12) minutes East, two hundred ninety-five and fifty-five hundredths (295.55) feet to a point, the place of BEGINNING. CONTAINING 5.5338 acres, neat measure.

THE FOREGOING description was obtained from a draft of a survey made by J.H. Rife, Registered Engineer, on November 25, 1970 and a deed of conveyance recorded in the Adams County Recorder of Deeds, Book 290 at page 319.

IT BEING THE SAME TRACT OF LAND which Gerald E. Gebhart and Pearl Gebhart, husband and wife, by their Deed dated June 25, 1999 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1866 at Page 0259, sold

and conveyed unto Donald A. Bixler, a single adult individual.

BEING premises more commonly known as 2986 Centennial Road, Hanover, Pennsylvania 17331.

Map J14, Parcel 54C

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 24, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/22, 27 & 12/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-990 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Parcel No: (17) K-09; 8B

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

BEGINNING for a point in the center of a public road leading to Brown's Dam; thence along lands of Criswell South eighty-three and one-half (83-1/2) degrees West, four hundred fifty-seven and five-tenths (457.5) feet to a point; thence along lands of J.I. Myers North twenty-one (21) degrees East, five hundred eighty-two (582) feet to an iron pin; thence along lands of Guy Haverstick North seventy-nine and three-fourth (79-3/4) degrees East, three hundred twenty-six and seven-tenths (326.7) feet to an iron bolt in the center of the aforementioned public road; thence along and through the center of said public road South seven and three-fourth (7-3/4) degrees West, five hundred fifty-one and six-tenths (551.6) feet to an iron bolt, place of BEGINNING. CONTAINING 4 acres, one hundred twelve and fifty-three hundredths (112.53) square perches as

per survey of C.A. Wentz, Reg. Surveyor, dated May 7, 1966.

BEING the same premises which Melissa M. Wonder Sneeringer a/k/a Melissa M. Sneeringer, by Deed dated December 12, 2001, and recorded December 21, 2001, in Book 2505, Page 56, granted and conveyed unto Melissa M. Sneeringer and Michael G. Freet, in fee.

SEIZED and taken into execution as the property of **Melissa M. Sneeringer & Michael G. Freet** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 24, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/22, 27 & 12/6

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §311, that an Application to conduct business in Pennsylvania under the assumed or fictitious name, style or designation of GETTYSBURG INN was filed with the Department of State, Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania. The business is located at 1980 Biglerville Road, Gettysburg, Adams County, Pennsylvania. The names and addresses of the persons who are parties to the registration are: Aruna S. Oza, 9716 Glynshireway, Potomac, Maryland 20854.

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

11/22

Adams County Legal Journal

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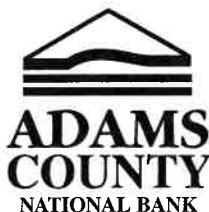
No. 27, pp. 143-146

IN THIS ISSUE

COMMONWEALTH VS. WHITSON

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. 02-S-949 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described real estate lying and being situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the West side of Pecher Road (Township Road T-312) at line of land now or formerly of Michael Sullivan; thence running by Sullivan Land and through an existing reference steel rod set back along the line, South 76° 52' 40" West 179 feet to an existing steel rod; thence continuing by Sullivan Land and by a curve to the left, the radius of which is 242 feet, for an arc distance of 37.99 feet and with a chord bearing of South 72° 20' 40" West for a chord length of 37.95 feet to an existing steel rod; thence continuing by Sullivan, South 21° 56' 00" East 128.13 feet to a steel rod; thence continuing by land of the same, South 11° 14' 40" East 388 feet to an existing bolt; thence continuing by the same, South 31° 59' 40" East 136 feet to an existing bolt; thence continuing by Sullivan, South 62° 54' 40" West 438.78 feet to an existing steel rod; thence continuing by the same, North 79° 37' 10" West 60 feet to a steel rod on line of land of William H. Scott, Jr., et. al., of which this was formerly a part; thence running by land of William H. Scott, Jr., et. al., North 07° 35' 40" West 1,149 feet to a steel rod on line of land of Fred Crum, Jr.; thence by the latter, South 74° 20' 33" East 625 feet to an existing spike 5 feet West of the centerline of Pecher Road (T-312); thence running in Pecher Road (T-312) South 07° 17' 25" East 115.29 feet to a point on the West side of Pecher Road, the point and place of BEGINNING. CONTAINING 10.168 acres.

The description was taken from a draft of survey of J. Riley Redding, R.S., dated February 24, 1992, and recorded in Adams County Plat Book 61, Page 29. The tract described is Tract 2 on said plan of lots.

Parcel No. 25-C17-0026

BEING PREMISES: 1005 Pecher Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **John Hess & Patricia Hess** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-831 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Menallen Township, Adams County, Pennsylvania, being Lot No. 3 on the draft of survey hereinafter identified bounded and described as follows:

BEGINNING at an iron pin in a proposed 33 foot road at Lot No. 4; thence by said lot, South 38 degrees 1 minute 40 seconds East, 426.30 feet to an iron pin at Lot No. 7; thence by said lot, South 36 degrees 58 minutes 30 seconds West 235.96 feet to an iron pin at other lands now or formerly of Clair R. Showers; thence by said lands, North 39 degrees 16 minutes 30 seconds West 109.69 feet to an iron pin; thence continuing by said lands, North 90 degrees West, 220.42 feet to a nail in L. R. #01041; thence in said L. R. #01041 North 6 degrees 2 minutes 20 seconds East 240 feet to a

nail in said L. R. #01041 at its intersection with said proposed 33 foot road; thence in said proposed 33 foot road, North 35 degrees 38 minutes 20 seconds East 247 feet to the place of BEGINNING.

CONTAINING 2.863 acres.

THE above description was taken from a draft of survey dated January 7, 1972, prepared by Boyer-Price and recorded in Adams County Plat Book No. 2 at page 14.

TOGETHER with a right of way over said proposed 33 foot road for means of ingress, egress and regress.

Tax Parcel #B5-23

SEIZED and taken into execution as the property of **Daniel F. Hodowanec & Chastity L. Hodowanec** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

COMMONWEALTH VS. WHITSON

1. Determination of "actual physical control" of vehicle, in prosecution for driving under influence (DUI), is based upon totality of circumstances, including location of vehicle, whether engine was running and whether there was additional evidence indicating that defendant drove vehicle prior to arrival of police.

2. Something more than a defendant behind the wheel, with the motor running, is required to establish actual physical control of the vehicle; there must be evidence to support an inference indicating that the vehicle had been driven by the defendant while he was intoxicated.

3. The corpus delicti rule places the burden upon the prosecution to establish that a crime has actually occurred before a confession or admission of the accused connecting him to the crime can be admitted.

4. An exception to the corpus delicti rule known as the closely related crime exception was specifically approved of by this (Pa. Supreme) Court. This exception comes into play where an accused is charged with more than one crime, and the accused makes a statement related to all crimes charged, but the prosecution is only able to establish the corpus delicti of one of the crimes charged. Under those circumstances where the relationship between the crimes is sufficiently close so that the introduction of the statement will not violate the purpose underlying the corpus delicti rule, the statement of the accused will be admissible as to all the crimes charged.

5. The fact that one of the crimes at issue is of a different grade in contrast to the other crime sought to be linked to the accused is of no moment when looking at the general purpose for which the corpus delicti rule was created. Thus, we see no logical reason why the closely related crime exception would not apply to offenses of different grades.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-569-01, COMMONWEALTH OF PENNSYLVANIA VS. JANICE ANN WHITSON.

Matthew D. Fogal, Esq., for Commonwealth
Christina M. Simpson, Esq., for Defendant
Bigham, J., March 25, 2002

OPINION ON DEFENDANT'S OMNIBUS PRETRIAL MOTION TO SUPPRESS EVIDENCE

BRIEF STATEMENT OF FACTS

On April 16, 2001, Trooper Jeffery Gotwals of the Pennsylvania State Police was dispatched to 497 Beck Road in Mt. Pleasant Township, Adams County, Pennsylvania. Trooper Gotwals observed defendant standing 5 to 10 yards from a red Ford Mustang in a field adjacent to the road. The vehicle was stuck in the mud. The engine was not running. The trooper learned that Defendant's boyfriend had walked to nearby Hartlaub's junk yard and was not present when

Trooper Gotwals arrived. At first Defendant told the trooper that her boyfriend had been driving but she later changed her story and several times she said that she had been driving the car. She claimed her boyfriend had told her to turn the car around in the field and it got stuck in the mud. She jokingly stated she pulled into the field to look at ducks in a pond. Trooper Gotwals detected a strong odor of alcohol on defendant's breath and he noticed her eyes were red. According to the trooper, defendant's speech was slurred and she staggered when she walked. Because of the trooper's observations, he asked defendant to perform field sobriety tests. She failed the tests and her blood alcohol level revealed a BAC of .15 after testing at Gettysburg Hospital. The vehicle is registered jointly in names of Defendant and her boyfriend.

Defendant was charged with Driving Under the Influence and Driving on Roadways Laned for Traffic. Defendant filed an omnibus pretrial motion to suppress evidence on grounds that the police did not have probable cause to arrest defendant for a DUI, thereby subjecting her to a blood alcohol test because the Commonwealth does not have an independent showing Defendant was driving the car without her statement. Defendant argues her statement must be suppressed because the Commonwealth cannot rely on the statement independent of showing the corpus delicti of the crime.

LEGAL DISCUSSION

Defendant was charged with two counts of Driving Under the Influence of Alcohol: 75 Pa.C.S.A. §3731(a)(1) and one count of Driving on Roadways Laned for Traffic: 75 Pa.C.S.A. §3309(1). Defendant argues the Commonwealth did not make an independent showing that defendant was in actual physical control of the vehicle.

"Determination of 'actual physical control' of vehicle, in prosecution for driving under influence (DUI), is based upon totality of circumstances, including location of vehicle, whether engine was running and whether there was additional evidence indicating that defendant drove vehicle prior to arrival of police." *Commonwealth vs. Saunders*, 456 Pa. Super. 741, 691 A.2d 946. "The most recent Superior Court cases indicate that something more than a defendant behind the wheel, with the motor running, is required to establish actual physical control of the vehicle; there must be evidence to

support an inference indicating that the vehicle had been driven by the defendant while he was intoxicated.” *Id* at 748, 949.

In this case, Defendant stated to Trooper Gotwals that she had been driving the vehicle. Defendant argues this statement cannot be relied upon by the Commonwealth independent of the Commonwealth showing the *corpus delicti* of the crime. Defendant argues the Commonwealth must make an independent, substantive showing that defendant was in actual physical control of the vehicle and defendant argues the Commonwealth did not make that showing. This Court disagrees.

“The corpus delicti rule places the burden upon the prosecution to establish that a crime has actually occurred before a confession or admission of the accused connecting him to the crime can be admitted. The corpus delicti is literally the body of the crime; it consists of proof that a loss or injury has occurred as a result of the criminal conduct of someone. The criminal responsibility of the accused for the loss or injury is not a component of the rule. The historical purpose of the rule is to prevent a conviction based solely upon a confession or admission, where in fact no crime has been committed. The corpus delicti may be established by circumstantial evidence.” *Commonwealth vs. Verticelli*, 550 Pa. 435, 441; 706 A.2d 820, 823. “An exception to the corpus delicti rule known as the closely related crime exception was specifically approved of by this (Pennsylvania Supreme) Court. This exception comes into play where an accused is charged with more than one crime, and the accused makes a statement related to all crimes charged, but the prosecution is only able to establish the corpus delicti of one of the crimes charged. Under those circumstances where the relationship between the crimes is sufficiently close so that the introduction of the statement will not violate the purpose underlying the corpus delicti rule, the statement of the accused will be admissible as to all the crimes charged.” *Id* at 442, 823.

Verticelli is similar to this case because in *Verticelli*, the individual left the scene of an accident and was charged with a DUI. Defendant stated he had “dumped” the motorcycle. This is material to the Commonwealth’s case because Defendant was intoxicated and his statement that he “dumped” the motorcycle was evidence of his having actual, physical control of the motorcycle while being

intoxicated. The statement that he “dumped” the motorcycle was admissible because of the closely related exception rule to the corpus delicti rule. Our case is analogous because Defendant is charged with Driving on Roadways Laned for Traffic and DUI. Defendant’s statement that she was driving the vehicle is admissible for the DUI offense because the two charges are so closely related to each other and the Commonwealth can establish the corpus delicti of Driving on Roadways Laned for Traffic because Defendant’s car was off the roadway in a field and defendant admitted to driving.

The Pennsylvania Supreme Court states “The fact that one of the crimes at issue is of a different grade in contrast to the other crime sought to be linked to the accused is of no moment when looking at the general purpose for which the corpus delicti rule was created. Thus, we see no logical reason why the closely related crime exception would not apply to offenses of different grades.” *Id* at 447, 825.

In conclusion, because of the closely related crime exception to the corpus delicti rule, Defendant’s statement admitting driving the vehicle is admissible. Defendant’s Omnibus Pretrial Motion to Suppress Evidence will be denied.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 25th day of March, 2002, IT IS ORDERED THAT Defendant’s Omnibus Pretrial Motion to Suppress Evidence is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-849 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Concord Court at Lot No. 202 as shown on the hereinafter referred subdivision plan; thence running along Lot No. 202 South seventeen (17) degrees forty-three (43) minutes ten (10) seconds West, one hundred twenty and zero hundredths (120.00) feet to an iron pin; thence continuing along Lot No. 202 the following two (2) courses; 1) South sixteen (16) degrees twenty (20) minutes twenty-five (25) seconds East, ninety and five hundredths (90.05) feet; 2) North seventy-one (71) degrees forty-eight (48) minutes fifty-two (52) seconds East, thirty-one and two hundredths (31.02) feet to an iron pin set at Lot No. 202 and Lot No. 57 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 57 South fifty (50) degrees four (04) minutes thirty-one (31) seconds East, thirty-six and seventy-five hundredths (36.75) feet to an iron pin set at Lot No. 72 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 72 and Lot No. 75 South fifty-one (51) degrees eight (08) minutes forty-five (45) seconds West, one hundred thirty and sixty-seven hundredths (130.67) feet to an iron pin set at other lands now or formerly of Heritage Hill II, Limited Partnership North thirty-one (31) degrees two (02) minutes fifty (50) seconds West, two hundred sixty-nine and ninety-five hundredths (269.95) feet to an iron pin set at Lot No. 55 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 55 North sixty-one (61) degrees forty (40) minutes thirty (30) seconds East, one hundred eighty-eight and thirteen hundredths (188.13) feet to an iron pin set on the right-of-way line of Concord Court; thence running along said right-of-way line of Concord Court by a curve to the left, having a radius fifty (50) feet, an arc length of thirty-eight and forty-eight hundredths (38.48) feet and a long chord bearing and distance of South fifty (50) degrees twenty-two (22) minutes twenty-six (26) seconds East thirty-seven and fifty-four hundredths (37.54) feet to an iron pin set on the right-of-way line of

Concord Court the point and place of BEGINNING.

CONTAINING 34,641 square feet.

TITLE TO SAID PREMISES IS VESTED IN Brian Franklin Fleck and Carol Ann Fleck, His Wife by Deed from Heritage Hill II, a Limited Partnership and New Age Associates, Inc. dated 10/8/1999 and recorded 10/12/1999 in Record Book 1930, Page 278.

Premises being: 21 Concord Court, Littlestown, PA 17340

Tax Parcel No. MAP 13, PARCEL 29

SEIZED and taken into execution as the property of **Brian F. Fleck & Carol A. Fleck** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 10, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-945 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground with the improvements thereon erected, situate, lying and being on the North side of South Street, formerly known as German Street, in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the North side of South Street at lands now or formerly of Richard S. Cratin and Evelyn J. Cratin; thence by said street, South 57 degrees 10 minutes West, 40 feet to a point at land now or formerly of Felix V. Topper; thence by the same, North 27 degrees 47 minutes West, 175.3 feet to a point at a 16 foot wide public alley; thence by the same, North 57 degrees 12 minutes East, 40 feet to a point at lands now or formerly of Richard S. Cratin and Evelyn J. Cratin aforesaid;

thence by the same, South 27 degrees 47 minutes East, 175.3 feet to a point at South Street, the place of BEGINNING.

HAVING ERECTED THEREON a dwelling known as 525 South Street, McSherrystown, Pennsylvania.

BEING THE SAME PREMISES WHICH James R. Rebert a/k/a James Robert Rebert, by Bernard C. Brady, his Attorney in Fact; Donald R. Brady and Camille C. Brady; Bernard C. Brady and Mary L. Brady; William H. Brady and Jean M. Brady, by Deed dated November 27, 1996 and recorded December 2, 1996 in Adams County Deed Book 1296, Page 165, granted and conveyed unto Thomas E. Miller and Pamela S. Miller.

SEIZED IN EXECUTION AS THE PROPERTY OF THOMAS E. MILLER AND PAMELA S. MILLER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-945.

MAP & PARCEL # (28) 5-294

SEIZED and taken into execution as the property of **Thomas E. Miller & Pamela S. Miller** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/22, 27 & 12/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1232 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying and being in Highland Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit

TRACT NO. 1

BEGINNING at a point for a corner, in the center of the State Highway leading from Gettysburg to Fairfield marked by an iron pin set on the North side of said highway; thence running by land now or formerly of J.J. Spence, North eight and three-fourths (8-3/4) degrees West, two hundred and fourteen (214) feet to an iron pin; thence running by land of the same, North eighty-one and one-fourth (81-1/4) degrees East, one hundred and fifty-four (154) feet to an iron pin; thence running by land of the same, South eight and three-fourths (8-3/4) degrees East, two hundred and fourteen (214) feet to a point in the center of the above mentioned highway marked by an iron pin set on the North side of said highway; thence running in the center of said highway, South eighty-one and one-fourth (81-1/4) degrees West, one hundred fifty-four (154) feet to a point in the center of said highway, the place of BEGINNING. CONTAINING one hundred and twenty-one perches and fourteen square feet.

TRACT NO. 2

BEGINNING at a spike in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southwest corner of land of the Estate of Allen L. Mallow, said spike being South 8 degrees 45 minutes East from an iron pin set back 21.1 feet along the line; thence in the center of said road, South 81 degrees 15 minutes West, 10 feet to a spike in the center of said road; thence along other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, through an iron pin set back 21.1 feet along the line, North 8 degrees 45 minutes West, 214 feet through a small stream to an iron pin, thence along other land now or formerly of J.J. Spence, husband and wife, North 81 degrees 15 minutes East, 10 feet to an iron pin; thence by other land of Estate of Allen L. Mallow, back across the small stream, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet to a spike in the center of

the highway, the place of BEGINNING. CONTAINING 7 perches and 204.11 square feet.

TRACT NO. 3

BEGINNING at a point in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southeast corner of lot of the Estate of Allen L. Mallow; thence by other land of the Estate of Allen L. Mallow through an iron pin set back along the line, North 8 degrees 45 minutes West, 214 feet across small stream to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, North 81 degrees 15 minutes East, 60 feet to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, to be conveyed to John E. and Mary V. McDannell, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet along the line to a point in the center of said State Highway; thence along the center of said State Highway, South 82 degrees 15 minutes West, 60 feet to a point, the place of BEGINNING. CONTAINING 47 perches and 44.25 square feet.

The description of Tract Nos. 2 and 3 were taken from a draft of survey made June 7th, 1958, by Wilbur V. Redding, Registered Surveyor.

BEING Tax Parcel # D-14-22.

BEING KNOWN AS: 3115 Fairfield Road, Gettysburg, PA 17325

TITLE TO SAID PREMISES IS VESTED IN Michael L. Glynn by Deed from Dennis J. Baldwin and Roxann M. Baldwin, husband and wife dated 11-6-96, recorded 11-20-96 in Deed Book, Volume 1291, page 224.

SEIZED and taken into execution as the property of Michael L. Glynn and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-960 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, with improvements thereon erected, lying and being situate on the South side of High Street, in the Borough of New Oxford, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the intersection on the South side of High Street with the West side of a public road; thence by said road, South 30 degrees, 35 minutes East, 170.33 feet to an iron pin on the North side of a 16 foot right-of-way; thence by said right-of-way, South 73 degrees, 5 minutes West, 148.79 feet to a stake; thence along other lands now or formerly of Elizabeth M. Eicholtz, et al, North 14 degrees, 15 minutes West, 170.9 feet to an iron pin on the South side of High Street; thence by the same, North 75 degrees, 45 minutes East, 100 feet to an iron pin, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Troy A. Roomsburg and Lisa A. Roomsburg, husband and wife by Deed from William W. Simpson and Joan E. Simpson, husband and wife, dated 6/27/1997 and recorded 7/9/1997 in Record Book 1403, Page 161.

Premises being: 101 S. College Avenue, New Oxford, PA 17350.

Tax Parcel No. #5-178

SEIZED and taken into execution as the property of Troy A. Roomsburg & Lisa A. Roomsburg and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-983 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of January, 2003, 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, together with the improvements thereon erected, situate in Mt. Pleasant Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in Pennsylvania Legislative Route No. 01005 at corner of land now or formerly of Michael Livelsberger; thence by said land now or formerly of Michael Livelsberger and running through a steel pin located thirty (30) feet from the place of Beginning, North twenty-five (25) degrees fifteen (15) minutes East, two hundred thirty (230) feet to a steel pin; thence by the same South sixty-two (62) degrees twelve (12) minutes East, One hundred and ten hundredths (100.10) feet to a steel pin; thence by land now or formerly of Bender, North twenty-five (25) degrees twenty-two (22) minutes seven (07) seconds East four hundred forty-four and thirty-one hundredths (444.31) feet to a steel pin located at an original corner of the larger tract of land conveyed by the deed hereinafter recited; thence by the same and by other land of Lucinda B. Small, North fifty-five (55) degrees fifty-four (54) minutes six (06) seconds West three hundred sixty-eight and seventy-nine hundredths (368.79) feet to a steel pin; thence by other land of Lucinda B. Small and running through a steel pin located thirty (30) feet from the end of this line South twenty-seven (27) degrees forty-eight (48) minutes West, seven hundred fourteen and fourteen hundredths (714.14) feet to a point in the aforementioned Legislative Route; thence in said Legislative Route South sixty-two (62) degrees twelve (12) minutes East, two hundred ninety-five and fifty-five hundredths (295.55) feet to a point, the place of BEGINNING. CONTAINING 5.5338 acres, neat measure.

THE FOREGOING description was obtained from a draft of a survey made by J.H. Rife, Registered Engineer, on November 25, 1970 and a deed of conveyance recorded in the Adams County Recorder of Deeds, Book 290 at page 319.

IT BEING THE SAME TRACT OF LAND which Gerald E. Gebhart and Pearl Gebhart, husband and wife, by their Deed dated June 25, 1999 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1866 at Page 0259, sold

and conveyed unto Donald A. Bixler, a single adult individual.

BEING premises more commonly known as 2986 Centennial Road, Hanover, Pennsylvania 17331.

Map J14, Parcel 54C

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 24, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/22, 27 & 12/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-990 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Parcel No: (17) K-09; 8B

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

BEGINNING for a point in the center of a public road leading to Brown's Dam; thence along lands of Criswell South eighty-three and one-half (83-1/2) degrees West, four hundred fifty-seven and five-tenths (457.5) feet to a point; thence along lands of J.I. Myers North twenty-one (21) degrees East, five hundred eighty-two (582) feet to an iron pin; thence along lands of Guy Haverstick North seventy-nine and three-fourth (79-3/4) degrees East, three hundred twenty-six and seven-tenths (326.7) feet to an iron bolt in the center of the aforementioned public road; thence along and through the center of said public road South seven and three-fourth (7-3/4) degrees West, five hundred fifty-one and six-tenths (551.6) feet to an iron bolt, place of BEGINNING. CONTAINING 4 acres, one hundred twelve and fifty-three hundredths (112.53) square perches as

per survey of C.A. Wentz, Reg. Surveyor, dated May 7, 1966.

BEING the same premises which Melissa M. Wonder Sneeringer a/k/a Melissa M. Sneeringer, by Deed dated December 12, 2001, and recorded December 21, 2001, in Book 2505, Page 56, granted and conveyed unto Melissa M. Sneeringer and Michael G. Freet, in fee.

SEIZED and taken into execution as the property of **Melissa M. Sneeringer & Michael G. Freet** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 24, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/22, 27 & 12/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-911 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of January, 2003, 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 Tyrone Township, Adams County, Pennsylvania, more specifically described as follows:

TRACT NO. 1: BEGINNING at a point marked by an iron pipe in the Northwest corner of Lot No. 3 of the hereinafter recited subdivision plan; thence along Lot No. 2 of the same subdivision plan North fifty (50) degrees fifty-eight (58) minutes ten (10) seconds East a distance of two hundred seventy-five and eighty hundredths (275.80) feet to a point in the center line of T-564; thence along T-564 South thirty-nine (39) degrees one (01) minute fifty (50) seconds East a distance of one hundred eighty-two and fifty-three hundredths (182.53) feet to another point in the center line of T-564; thence along T-564 South thirty-four (34) degrees seven (07) minutes fifty-two (52) seconds East a distance of seventy and zero hundredths (70.00) feet to another point in the center line of T-564; thence along Lot No. 4 of the same subdivision plan South fifty-five (55) degrees fifty-two (52) minutes eight (08) seconds West a distance of three hundred seventy and sixty-nine hundredths (370.69) feet to a point marked by an iron pipe; thence along Lot No. 1 of the same subdivision plan North fourteen (14) degrees forty-five (45) minutes zero (00) seconds West a distance of two hundred forty-two and three hundredths (242.03) feet to the place of BEGINNING. (CONTAINING 1.783 acres.)

TRACT NO. 2: BEGINNING for a point at the intersection of Lot No. 5 on the hereinafter referenced plan of lots; thence along Lot No. 5, South three (03) degrees forty-four (44) minutes thirty-seven (37) seconds West, one hundred twenty and forty-nine hundredths (120.49) feet to a point at land now or formerly of Eugene E. Ness; thence along said land North fifty-nine (59) degrees fifty-seven (57) minutes twenty-three (23) seconds West, one hundred five and sixty-six hundredths (105.66) feet to a point at Lot No. 3 aforesaid; thence along said lot North fifty-five (55) degrees fifty-two (52) minutes eight (08) seconds East, one hundred twenty and zero hundredths (120.00) feet to the point and place of BEGINNING. Being

Lot No. 5A on a plan of Lots prepared by Mort, Brown and Associates, dated December 22, 1987, and recorded in the Office of the Recorder of Deeds of Adams County in Plan Book 49 at page 45.

HAVING ERECTED THEREON a dwelling known as 780 Company Farm Road, Aspers, Pennsylvania.

BEING THE SAME PREMISES WHICH Gregory A. Winand and Kathy M. Winand, by Deed dated September 5, 2000 and recorded September 6, 2000 in Adams County Deed Book 2121, Page 6, granted and conveyed unto Charles E. Guthrie.

SEIZED IN EXECUTION AS THE PROPERTY OF CHARLES E. GUTHRIE UNDER ADAMS COUNTY JUDGMENT NO. 02-S-911.

MAP & PARCEL # (40) H6-92

SEIZED and taken into execution as the property of Charles E. Guthrie and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 24, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/27, 12/6 & 13

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.

The name of the corporation is MIKE'S KARS, INC.

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

Thomas R. Campbell
Campbell & White
112 Baltimore Street
Gettysburg, PA 17325
Attorneys

11/27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-680 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of January, 2003, 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 improved lot of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the West side of East King Street at the eastern corner of land now or formerly of L.D. Patterson; thence Northwest along said Patterson land 264 degrees to a public alley; thence Northeast along said public alley 33 degrees to land now or formerly of Weaver L. Ott; thence Southeast along said Ott land 264 degrees to East King Street; thence Southwest along said East King Street 33 degrees to the place of BEGINNING.

SEIZED and taken into execution as the property of Charles J. Mummert and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/15, 22 & 27

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 EDNA S. STEINOUR, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Philip J. Steinour, 4 Jessica Drive, Carlisle, PA 17013; Stephen D. Steinour, 101 Coopertown Road, Haverford, PA 19040

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

ESTATE OF MORRIS ALLEN WASTLER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Alana Frances Stroh, 238 Eichelberger Street, Hanover, PA 17331

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

ESTATE OF DOROTHY M. YEALY, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administrators: Wilma M. Noel, 30 Cheetah Drive, Hanover, PA 17331; Mark W. Yealy, 404 South Street, McSherrystown, PA 17344

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

SECOND PUBLICATION

ESTATE OF JOHN M. BIGHAM, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Eva Trostle, 589 Knoxlyn Road, Gettysburg, PA 17325

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

ESTATE OF GEORGETTE IRENE KEEFER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administratrix: Mazie N. Keefer, 20 S. 4th Street, Gettysburg, PA 17325

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

ESTATE OF KATHRYN J. YINGLING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Harold L. Yingling, 287 Cold Spring Road, Gettysburg, PA 17325; Betty J. Yingling, 287 Cold Spring Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF MARGARET T. CLINE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Barry G. Cline, Clarence E. Asbury, Heath L. Allen, c/o Bridget M. Whitley, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963

Attorney: Bridget M. Whitley, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963

ESTATE OF JAMES W. MAUSTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: David J. Freland, 1827 Beaver Creek, Frederick, MD 21702

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

ESTATE OF HAZEL MAE TAYLOR, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Co-Executrices: Linda A. McDannell, 332 N. High St., Biglerville, PA 17307; Sandra E. Keller, 282 Shrivvers Corner Rd., Gettysburg, PA 17325; Carolyn M. Taylor, 235 Pine Grove Furnace Rd., Aspers, PA 17304

Attorney: Louis T. Glantz, Esq., Glantz, Johnson & Associates, 1901 East College Avenue, State College, PA 16801

ESTATE OF CLARENCE E. WILSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Mary W. Brown, 253 South Howard Avenue, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-542 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 31st day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is South six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, five (05) feet from the Southwest corner of Lot No. 2, aforesaid; thence North eighty-three (83) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to Gettysburg-Hanover State Highway, the place of BEGINNING. Being known and numbered as 660 Littlestown Road.

BEING KNOWN AS 660 Littlestown Road, Littlestown, PA 17340

PROPERTY ID# 00-S-268

TITLE TO SAID PREMISES IS VESTED IN Marilyn R. Barrick by Deed from Steven D. Barrick and Marilyn R. Barrick, persons who are or have been married dated 2/23/95 and recorded 2/28/95 in Deed Book 1000 Page 39.

SEIZED and taken into execution as the property of **Marilyn R. Barrick** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 24, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after

the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/27, 12/6 & 13