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COMMONWEALTH VS. MILLER

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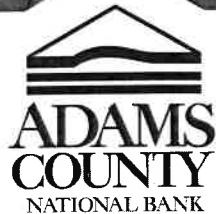
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-668 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows.

BEGINNING at a railroad spike in the center of Township Road T-348, known as Belmont Road, which railroad spike is located North 3-1/2 degrees East 106 feet from an original of the tract of land referred to in Deed Book 189 at page 159; thence by land now or formerly of Arnold H. Woemer and wife, and running through a reference pipe located 22.70 feet from the place of beginning, South 89 degrees 33 minutes 20 seconds West 200.48 feet to a pipe, thence by the same and running through a reference iron pin located 16 feet from the end of this line, North 03 degrees 30 minutes 00 seconds East 125 feet to a belt along the Southern edge of a 10 feet private drive, thence along the Southern edge of said 10 feet private drive located on land now or formerly of Arnold H. Woemer and wife, North 89 degrees 33 minutes 20 seconds East 200.48 feet to a railroad spike in the center of Belmont Road, thence in the center of Belmont Road, South 03 degrees 30 minutes 00 seconds West 125 feet to a railroad spike in the center of said road, the place of BEGINNING.

CONTAINING 25,000 square feet

Tax Parcel E-1 1-35

Premises Being: 490 Belmont Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Jennifer M. Deckert, Anna Marie Deckert & William H.H. Monroe** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and

distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1414 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the inside line of the sidewalk on the East side of North Queen Street aforesaid at other lands now or formerly of Lorraine A. Mellott; thence by said lands and through a center line of the center wall of double dwelling (the Southern portion of which double dwelling is on the lot hereby conveyed) North 60 degrees 18 minutes East, 184.5 feet to a point on the Western side of a 20 foot alley; thence by said alley South 29 degrees 42 minutes East, 29.4 feet to a point at lands now or formerly of P. Emory Weaver; thence by said lands South 60 degrees 18 minutes West, 184.5 feet to a point on the inside line of the sidewalk aforesaid; thence along the inside line of the sidewalk North 29 degrees 42 minutes West, 29.4 feet to a point, the place of BEGINNING.

HAVING erected thereon a dwelling known as 327 N. Queen Street, Littlestown, PA 17340.

PARCEL NO. (27) 5-51A

BEING the same premises which Troy P. Brawner and Sandra K. Brawner,

husband and wife, by Deed dated 03/31/2006 and recorded 04/03/2006 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 4366, Page 12, granted and conveyed unto Timothy C. Howell.

SEIZED and taken into execution as the property of **Timothy C. Howell** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about March 1, 2008.

The name of the corporation is: NEW OXFORD AREA HISTORICAL SOCIETY. The corporation has been incorporated under the Pennsylvania Nonprofit Corporation Law of 1988. The purpose of the corporation is to conduct a historical society, and all other charitable and educational purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

New Oxford Area Historical Society
109 Hanover Street
New Oxford, PA 17350-1605

3/7

COMMONWEALTH VS. MILLER

1. A petition for a writ of habeas corpus is the proper means for determining pre-trial whether the Commonwealth has sufficient evidence to establish a prima facie case. In a habeas corpus proceeding, the Commonwealth has the opportunity to present additional evidence to establish that the defendant has committed the elements of the charged offense. Furthermore, reliance upon circumstantial evidence is acceptable to prove a prima facie case.

2. Accomplice liability is established if a person with the intent of promoting or facilitating the commission of an offense solicits another person to commit it or aids or agrees or attempts to aid such other person in planning or committing it. The amount of aid need not be substantial so long as it was offered to assist the principal in committing or attempting to commit the crime.

3. The specific intent to kill may be inferred from the fact that the accused used a deadly weapon upon a vital part of a victim's body. However, to prove first degree murder via accomplice liability, the commonwealth must establish that the defendant who did not fire the weapon also possessed the intent to kill.

4. A defendant can be liable as an accomplice to a first degree murder charge where evidence suggests that he worked in concert with the principal, held the victim at gunpoint, and incupated himself.

5. An attempt to commit theft can be inferred from evidence that two defendants entered a store, held the store owner at gunpoint, and fatally shot the store keeper despite neither demanding nor taking any money from the store during the incident.

6. The statute [18 Pa.C.S.A. Section 3701(a)] does not require that the property either be taken or demanded before a conviction of robbery is permissible.

7. A conspiracy can be proved through circumstantial evidence. Relevant circumstances to be considered, which are not sufficient by themselves, to prove a conspiracy include (1) an association between alleged conspirators; (2) knowledge of the commission of the crime; (3) presence at the scene of the crime; and (4) in some situations, participation in the object of the conspiracy.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CR-350-2006, COMMONWEALTH VS. JOSEPH ELLIOTT ANTRIM MILLER

Shawn Wagner, Esq., for Commonwealth

Joseph L. Hitchings, Esq., for Defendant.

Kuhn, P.J., February 9, 2007

OPINION PURSUANT TO DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

Before the Court for disposition is Defendant's Petition for Writ of Habeas Corpus filed August 16, 2006. For reasons set forth herein, said Petition is denied.

PROCEDURAL HISTORY

On March 23, 2006, an incident occurred at the Lincoln Trading Post located in Straban Township, Adams County, which led to the

arrest of Defendant and Tyler Lee (hereinafter "Lee"). That same day a Criminal Complaint was filed charging Defendant and Lee with Criminal Attempt to Commit Homicide, Aggravated Assault, Possession of Firearms by a Minor, Robbery, Criminal Conspiracy to Commit Robbery, Weapons of Mass Destruction, Fleeing or Attempting to Elude a Police Officer, Recklessly Endangering Another Person, and Possessing Instruments of Crime. On March 29, 2006, Pennsylvania State Police obtained several search warrants to search the defendants' clothing, homes, and the car used on the day of the incident.

On August 16, 2006, Defendant filed an Omnibus Pretrial Motion which raised a number of issues.¹ Hearing was set for October 23, 2006 but on that date only the Motion for Writ of Habeas Corpus was presented for disposition. Testimony was received and the transcript from the April 11, 2006 preliminary hearing was incorporated by reference. The parties were given the opportunity to submit briefs.

BURDEN

Defendant argues that the Commonwealth has not produced enough pre-trial evidence to support the charges for Attempted Homicide, Robbery, Conspiracy to Commit Robbery, and Weapons of Mass Destruction. A petition for a writ of habeas corpus is the proper means for determining pre-trial whether the Commonwealth has sufficient evidence to establish a prima facie case. *Commonwealth v. Higgins*, 790 A.2d 1042, 1046 (Pa. Super. 2002). Although a habeas corpus hearing is similar to a preliminary hearing, in a habeas corpus proceeding, the Commonwealth has the opportunity to present additional evidence to establish that the defendant has committed the elements of the charged offense. *Commonwealth v. Fountain*, 811 A.2d 24, 25 (Pa. Super. 2002).

A prima facie case exists when the Commonwealth produces evidence of each of the material elements of the crime charged and establishes sufficient probable cause to warrant the belief that the accused committed the offense. . . . Notably, the Commonwealth does not have to

¹ Motion for Writ of Habeas Corpus; Motion for Transfer to Juvenile Court; Motion for Change of Venue or Venue; Motion for Inspection of Crime Scene; and Motion for Pre-Hearing Conference.

prove the defendant's guilt beyond a reasonable doubt... Further, the evidence must be considered in the light most favorable to the Commonwealth so that inferences that would support a guilty verdict are given effect.

Commonwealth v. Santos, 876 A.2d 360, 363 (Pa. Super. 2005)(citations omitted).

Furthermore, reliance upon circumstantial evidence is acceptable to prove a prima facie case. *Commonwealth v. Zelosko*, 686 A.2d 825, 827 (Pa. Super. 1996).

FACTUAL HISTORY

The record, reviewed in a light most favorable to the Commonwealth, reveals the following background: At approximately 11:30 a.m., Lee entered the Lincoln Trading Post in a black trench coat and wearing sunglasses. He began looking at CD's and then asked Michael Farley, an employee, for some help. Farley went over to help Lee. While Lee held a pistol two to three feet from him, Farley was heard to say "well is this a joke? Put that thing down." At that time, Defendant entered the store dressed in military fatigues, a military helmet, and a gas mask and carrying a loaded rifle which he pointed towards Farley. Lee then ordered Farley and a customer, Barry Wildasin, to "get on the ground." After Farley and Wildasin refused the command, Lee fired the pistol three times at Farley, striking him in the face, shoulder, and lower abdomen. Defendant was standing approximately six feet from Farley and to the left of Lee when the shots were fired.

After being struck, Farley tried to make it back to the store's office. In the interim, Defendant and Lee frantically walked back and forth before departing the store. Farley came out of the office and told Wildasin to dial 911. At this time, Lee reentered the store and fired three additional shots from the pistol at Farley, none of which struck him. After firing these shots, Lee again left the store. From beginning until end, the entire incident lasted approximately eight minutes.

During the course of the incident, nothing was taken from the store by either perpetrator nor did either of them make any statements demanding money or other items from the store or the persons present.

After the defendants left the store, they entered a brown Ford Taurus and traveled east on U. S. Route 30. Shortly thereafter, a Gettysburg patrol unit observed the Taurus and attempted to initiate a traffic stop. By this time, a Pennsylvania State Police patrol unit had joined in the attempted stop. The Taurus initially pulled over to the side of the road, but before the officers could get out of their vehicles, it took off and continued eastbound on Route 30. The Taurus traveled at speeds exceeding one-hundred miles an hour, passed cars in the center lane designated for turning only, and traveled into the westbound lane to pass eastbound traffic. The pursuit continued for a few minutes until the Taurus spun out of control and came to rest on an embankment along Route 30. Defendant was driving and Lee was in the back seat.

The suspects were then taken into custody. Both suspects were searched incident to arrest and various items were discovered. The search of Defendant revealed .22 caliber bullets, a tactical vest, a two-way radio, lighters, lock picking tools, matches, and a green trench coat. When Defendant was being searched by Trooper Bivens of the Pennsylvania State Police, he stated that both the rifle and pistol were owned by his father and that “[n]one of this would have happened if people would just get down when you tell them to...I guess none of it would have happened if I wouldn’t have done what I did or wouldn’t do the things I do.”² The search of Lee revealed a double bladed knife, saltpeter (potassium nitrate), a receipt for gasoline, and a radio with an earpiece.

The same day, State Police searched the Taurus.³ That search yielded among other things (1) a Dasani water bottle that contained an unknown substance; (2) a Marlin .22 caliber rifle containing 19 .22 caliber long rifle cartridges; (3) a coffee can that contained an unknown substance; (4) two longer daggers wrapped in sheets; (5) a crossbow; (6) a bandoleer containing 26 shotgun shells; (7) 18 darts; (8) a black folding knife; (9) a crowbar; (10) a H&R 922 revolver containing nine live rounds; (11) a Sonic Impact Tech; (12) a map of the local area; (13) a black composite knife; (14) a military style helmet; (15) a gas mask; (16) a black ski mask; (17) a box of Nexcare earloop masks; (18) two Nokia cell phones with chargers; (19) a one

²Trooper Bivens testified that this was not an exact quote.

³The Taurus belonged to Defendant and his mother.

quart can with a yellowish brown material; (20) a one quart can with a cotton ball and yellow material; (21) a one quart can with a soil sample; (22) the remains of CO2 cartridges; and (23) a PAN high velocity slug casing.

John Rolfe, supervisor of the Hazardous Device and Explosive Section at the Pennsylvania State Police, conducted a search of the Taurus out of concern for possible improvised explosive devices. During the search, Trooper Rolfe observed the Dasani water bottle containing cotton balls and a yellowish brown crystallized material on the front passenger floorboard.⁴ Trooper Rolfe encountered an improvised CO2 cartridge in a pocket behind the driver's seat which had a common hobby fuse protruding from it. In the trunk, he discovered a Folger's can that had the aroma of gasoline. Within the Folger's can was a common 12-ounce can which contained a liquid and an improvised CO2 cartridge with a common fuse. The cartridge could be ignited by a crystallized yellowish brown material and eight matches adhered to the top of it. Once ignited and detonated, the cartridge would fragment and disperse gasoline.

When one of the CO2 cartridges was opened, its contents burst into a bright intense flame consistent with either a low explosive or a propellant.

Numerous items were forwarded to the Pennsylvania State Police Crime Laboratory. Analysis indicated that five of the items submitted are "components of an explosive device containing gasoline and firecracker powder."

DISCUSSION

I. ATTEMPTED HOMICIDE

The Commonwealth contends that it presented sufficient evidence to establish a prima facie case for attempted homicide on an accomplice theory.⁵ Defendant argues that the Commonwealth has not

⁴The bottle also emitted a gasoline odor.

⁵The Commonwealth concedes that the evidence established that Lee and not Defendant shot Mr. Farley on March 25, 2006. However, it contends that it can try Defendant for attempted murder under an accomplice liability theory because the totality of the circumstantial evidence establishes his direct involvement and complicity in the incident. The Commonwealth also contends that such evidence establishes that Defendant possessed the intent to kill and that Defendant and Lee were well-organized, well-coordinated, and shared the same criminal objectives and same mental state.

presented sufficient evidence to establish a prima facie case for attempted homicide.⁶

Accomplice liability is established if a person with the intent of promoting or facilitating the commission of an offense solicits another person to commit it or aids or agrees or attempts to aid such other person in planning or committing it. 18 Pa. C.S.A. § 306(c)(1)(i)(ii). While accomplice liability may be established by circumstantial evidence, “a defendant cannot be an accomplice simply based on evidence that he knew about the crime or was present at the crime scene. There must be some additional evidence that the defendant intended to aid in the commission of the underlying crime, and then did or attempted to do so.” *Commonwealth v. Murphy*, 844 A.2d 1228, 1234 (Pa. 2004). The amount of aid need not be substantial so long as it was offered to assist the principal in committing or attempting to commit the crime. *Id.*

Under Section 2501(a) of the Crimes Code, “[a] person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being.” 18 Pa. C.S.A. § 2501(a). A criminal attempt occurs “when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime.” 18 Pa. C.S.A. § 901(a).

To prove a prima facie case for attempted murder, the Commonwealth must establish that the defendant (1) had a specific intent to kill and (2) committed an act constituting a substantial step toward the commission of the killing. The specific intent to kill can be inferred from the circumstances. Furthermore, the specific intent to kill may be inferred from the fact that the accused used a deadly weapon upon a vital part of a victim’s body. *Commonwealth v. Robertson*, 874 A.2d 1200, 1207 (Pa. Super. 2005); Pa. SSJI (Crim) 12.901A.1(1). Here, shooting Farley in the face, shoulder, and abdomen qualifies as the infliction of injury upon the vital part of his body, without the need for expert testimony to support that conclusion. *Robertson*, 874 A.2d at 1200.

⁶ Specifically, Defendant argues that there is no evidence establishing that Defendant fired any weapon, threatened to fire a weapon, harmed any individual during the incident, uttered any words indicating that he intended to harm anyone, or encouraged Lee to harm anyone. Therefore, Defendant asserts that the Commonwealth failed to produce evidence that he had a shared, specific intent to commit murder.

However, to prove first degree murder via accomplice liability, the Commonwealth must establish that the defendant who did not fire the weapon also possessed the intent to kill. *Commonwealth v. Spotz*, 716 A.2d 580, 586 (Pa. 1998). Guilt cannot depend solely upon proof of the intent to kill by the shooter. *Commonwealth v. Bachert*, 453 A.2d 931, 935 (Pa. 1982). Whether an accomplice possesses the same intent to kill as his co-defendant may be inferred from words, conduct, and the attendant circumstances, including actions taken after the killing and all reasonable inferences that follow from them. *Commonwealth v. Rios*, 721 A.2d 1049, 1053 (Pa. 1998).

Rios stands for the proposition that a defendant can be liable as an accomplice to a first degree murder charge where evidence suggests that he worked in concert with the principal, held the victim at gunpoint, and inculpated himself. There, defendant and co-defendant pulled a gun on the victim's wife and pregnant sister and ordered them into the victim's house. *Id.* at 1051. For two and a half hours, both defendants terrorized the women and the victim's four children. *Id.* at 1052. The defendant threw the two women on the floor and demanded that the children lay next to them while the co-defendant stood to the side with an Uzi machine pistol pointed at everyone. *Id.* The defendant then proceeded to grab the victim's wife by the hair, point a gun at her head, and rip jewelry from her wrists and neck. *Id.* The defendant dragged the victim's wife upstairs and demanded to know where the victim kept his money. *Id.* After the defendant found \$400, he continued to hit the victim's wife in the face while demanding more money. *Id.*

The defendant then ordered the victim's wife to the basement where he beat her on the face, kicked her in the back, and pointed a gun at her temple and told her he was going to kill her. *Id.* The defendant next forced the victim's wife upstairs and continued to beat her. *Id.* When the victim's sister pleaded with the defendant to stop hitting the victim's wife, the co-defendant hit the victim's sister in the thigh with the Uzi and the defendant pressed a razorblade against the face of the victim's wife while making verbal threats against her and the unborn baby of the victim's sister. *Id.* The defendant and co-defendant then forced the victim's wife, sister, and children down to the basement and ordered them to pray because the defendant was going to kill them. *Id.* The defendant continued to beat the victim's wife and after he tied both women up, he and the

co-defendant took turns watching the upstairs of the house for the victim to arrive. *Id.*

When the victim arrived at his residence, the defendant held him at gunpoint and forced him to go from room to room looking for money. *Id.* After the search proved fruitless, both defendants beat the victim and the co-defendant shot him in the stomach, whereupon the defendant declared that “he deserved it.” *Id.* at 1052-53. The defendant and co-defendant left the house with the victim bleeding and his wife and sister unable to aid him because they remained tied up. *Id.* By the time two of the children managed to untie the victim’s wife and sister and help was summoned, the victim had died from the gunshot wound. *Id.*

Following a jury trial and conviction for first degree murder, the defendant argued on appeal to the Pennsylvania Supreme Court that the evidence presented at trial was insufficient to prove that he shared the state of mind of the co-defendant who shot and killed the victim. *Id.* at 1053. The Supreme Court disagreed, finding that the evidence clearly established that the defendant possessed the specific intent to kill the victim and therefore was guilty of first degree murder. *Id.* at 1053-54. In support, The Supreme Court reasoned that the defendant and co-defendant worked as a team throughout the entire criminal episode in that (1) they staked out the house together; (2) the co-defendant held the victim’s sister and children at gunpoint while the defendant dragged the victim’s wife throughout the house looking for money; (3) they took turns watching the upstairs of the house for the victim to arrive; (4) the defendant held the victim at gunpoint and allowed the co-defendant to do so; (5) they conferred together immediately before the victim was fatally shot; and (6) after the defendant declared that the victim deserved to be shot, they both fled the residence leaving the victim to die without his family able to render assistance. *Id.* at 1053.

A specific intent to kill may also be inferred from a post-incident admission of complicity in a killing. In *Bachert*, the victim picked up the defendant and his cohort, Charles Webber, along Route 61 in Schuylkill County and offered them a ride. *Bachert*, 453 A.2d at 933. Upon entering the car, Webber drew his pistol, forced the victim to drive north on Interstate 81,⁷ told him to get out of the car, and

⁷The defendant assisted Webber in forcing the victim to drive north on Interstate 81.

shot him three times. *Id.* at 933, 934. Subsequent to the shooting, Webber tried to sell the victim's car to four other men and in response to a question of how he could sell the car for so little, Webber and the defendant admitted that the car was stolen and they had shot a man.⁸ *Id.* The defendant, Webber, and another man were eventually arrested while trying to steal another car. *Id.* During the ride to police headquarters⁹, the defendant told the other man "I hope you know we are both in trouble now, so if you want to, stick up for yourself, or if you want to, help us out because we stole a car tonight and we shot a guy, we wasted a guy." *Id.* The defendant was convicted by a jury of first degree murder, robbery, kidnapping, theft, and criminal conspiracy. *Id.* at 933.

Upon appeal, the Pennsylvania Supreme Court affirmed the judgment of sentence from the trial court and concluded that the defendant's admissions of participation and declarations against penal interest were sufficient to establish the requisite intent to kill. *Id.* at 935. The court stated that the defendant's repeated boasting statements that "we shot a guy" constitute an admission of complicity in the act and that his admissions in the police van to the other man ratified his earlier participation in the murder. *Id.* Consequently, the court held that it was reasonable for the jury to infer that the defendant's participation was made at a minimum, with the intent to facilitate the commission of the murder. *Id.* at 936.

In the instant case, it can be inferred that Defendant and Lee arrived at the Lincoln Trading Post with weapons supplied by Defendant. The weapons were loaded with live ammunition. After Lee entered the store and pulled a pistol on Mr. Farley, Defendant entered the store and also pointed his loaded rifle towards Farley. When Farley and Wildasin refused Lee's order to "get on the ground," Lee fired his gun at Farley from two to three feet away, striking him in the face, shoulder, and lower abdomen. As Farley returned from the store office and told Wildasin to dial 911, Lee fired three additional shots at Farley, none of which struck him. During all of these events, Defendant did not try to prevent Lee from carrying out his attack nor did he disassociate from him in any way.

⁸ At trial, three of the four other men testified that defendant repeatedly said "[w]e shot a guy." *Id.* at 934.

⁹ The defendant and the other man traveled in a police van while Webber traveled in a police cruiser.

Following the incident in the store, Defendant and Lee traveled east on Route 30 in a vehicle owned and driven by Defendant. They soon became involved in a high speed chase with police at speeds exceeding one-hundred miles per hour. After the vehicle crashed and the defendants were taken into custody, a search of their persons and the vehicle yielded numerous weapons, chemicals, explosive devices¹⁰, and communication devices. Defendant admitted that both guns used in the incident were owned by his father and that “[n]one of this would have happened if people would just get down when you tell them to...I guess none of it would have happened if I wouldn’t have done what I did or wouldn’t do the things I do.”

Because Defendant did not fire any weapon at Mr. Farley, this Court must examine if he can be criminally liable for attempted first degree murder as an accomplice to Lee. This analysis first requires a determination of whether Defendant possessed a specific intent to kill.

Clearly, in *Rios*, the defendant was much more involved in planning and participating in the crimes committed with his co-defendant than Defendant in this case.¹¹ Furthermore, the facts are not squarely on point with *Bachert*. Additionally, the record, at this point, does not reveal Defendant’s entire role in planning the incident. However, Defendant did procure the guns used in the incident and along with Lee, entered the store and pointed his loaded rifle towards Farley. One can draw a reasonable inference that a person who enters a business establishment under these circumstances with a loaded weapon intends to kill any uncooperative person.¹²

¹⁰ See this Court’s discussion of the weapons of mass destruction charge.

¹¹ The defendant in *Rios* (1) staked out the house with the co-defendant; (2) dragged the victim’s wife throughout the house looking for money; (3) routinely beat the victim’s wife; (4) threatened to kill the victim’s wife, sister, and children; (5) tied up the victim’s wife and sister; (6) took turns with the co-defendant watching the upstairs of the house for the victim to arrive; (7) held the victim at gunpoint; (8) allowed the co-defendant to hold the victim at gunpoint; (9) conferred with the co-defendant immediately before the victim was shot; (10) declared that the victim deserved to be shot; and (11) fled the residence with the co-defendant, leaving the victim to die without his family able to render assistance.

¹² Otherwise, why have the ammunition in the weapon? Common sense dictates that one engaged in the type of conduct involved here does not point a loaded weapon in order to negotiate the sale price of merchandise. The weapon was used to forcibly compel action. Bullets are put in a gun to be shot, not thrown at someone. It is no stretch of the imagination that these guns were loaded with the potential for lethal usage.

Defendant's inferred intent is further supported by the fact that he drove the Taurus and attempted to elude police during a high speed chase. Also telling is Defendant's statement to Trooper Bivens that "[n]one of this would have happened if people would just get down when you tell them to...I guess none of it would have happened if I wouldn't have done what I did or wouldn't do the things I do." Clearly, from beginning to end Defendant was acting in concert with Lee. The totality of the circumstances sufficiently demonstrates a shared intent to kill anyone who attempted to thwart their plan. Defendant's participation also demonstrates that he took a substantial step toward carrying out that shared intent.

Thus, I find that all the elements of accomplice liability have been satisfied pursuant to 18 Pa. C.S.A. § 306(c)(1)(i)(ii) and that the Commonwealth has established a prima facie case for attempted homicide.¹³

Continued to next issue (3/14/2008)

¹³ It is important to note that this Court is not saying that a jury would find Defendant guilty of attempted homicide. Rather, because the evidence must be read in the light most favorable to the Commonwealth, this Court only finds that the Commonwealth produced sufficient evidence for the attempted homicide charge to reach the jury.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-N-423 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the East side of North Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern property line of North Queen Street, at a mark in the concrete 2 feet from the foundation wall on the building line at lands now or formerly of William V. Sneeringer; thence by the same in an Easterly direction for a distance of 181.5 feet to a stake at a public alley; thence by said alley in a Northerly direction for a distance of 40 feet to a stake at other land now or formerly of William V. Sneeringer; thence by the same in a Westerly direction for a distance of 181.5 feet to a point on the Eastern property line of said Street; thence by the same in a Southerly direction for a distance of 40 feet to the above described place of BEGINNING.

And the said Grantors do hereby covenant, promise and agree to and with the said Grantees their heirs and assigns, by these presents, that they, the said Grantors, have not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises granted or and part thereof is, are, shall or may be impeached, charged or encumbered, in title, charge, estate or otherwise howsoever.

Parcel Identification No. 27-005-0052-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Ronald L. Ogburn and Barbara J. Ogburn, husband and wife, as tenants by entirety, by Deed from Judy Lee Brownholtz Porter and Ronald Lewis Ogburn, executors of the last will and testament of Levi A. Ogburn, deceased, dated 02/21/1990, recorded 05/23/1990, in Deed Book 556, page 276.

Premises being: 323 North Queen Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Ronald L. Ogburn & Barbara J. Ogburn** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-306 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the East side of North Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern property line of North Queen Street, at a mark in the concrete 2 feet from the foundation wall on the building line at lands now or formerly of William V. Sneeringer; thence by the same in an Easterly direction for a distance of 181.5 feet to a stake at a public alley; thence by said alley in a Northerly direction for a distance of 40 feet to a stake at other land now or formerly of William V. Sneeringer; thence by the same in a Westerly direction for a distance of 181.5 feet to a point on the Eastern property line of said Street; thence by the same in a Southerly direction for a distance of 40 feet to the above described place of BEGINNING.

And the said Grantors do hereby covenant, promise and agree to and with the said Grantees their heirs and assigns, by these presents, that they, the said Grantors, have not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises granted or and part thereof is, are, shall or may be impeached, charged or encumbered, in title, charge, estate or otherwise howsoever.

Parcel Identification No. 27-005-0052-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Ronald L. Ogburn and Barbara J. Ogburn, husband and wife, as tenants by entirety, by Deed from Judy Lee Brownholtz Porter and Ronald Lewis Ogburn, executors of the last will and testament of Levi A. Ogburn, deceased, dated 02/21/1990, recorded 05/23/1990, in Deed Book 556, page 276.

Premises being: 323 North Queen Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Ronald L. Ogburn & Barbara J. Ogburn** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for registration of fictitious name has been or will be filed under the Fictitious Names Act.

The fictitious name is NORM'S AUCTION SERVICE. The principal place of business at which business will be carried on under or through that fictitious name is 4430 Hanover Road, Hanover, Pennsylvania 17331. The parties to the registration are: Philip N. Dickensheets, 1090 Honda Road, Hanover, PA 17331 and Louise A. Kopp, 4410 Hanover Road, Hanover, PA 17331.

Crabbs & Crabbs
Solicitors

3/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1376 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that parcel of land in Village of Centennial, Adams County, Commonwealth of Pennsylvania, as more fully described in Deed Book 3777, Page 102, ID# J14-36, being known and designated as all those two tracts of land situate, lying, and being in the Village of Centennial, Mount Pleasant Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1: BEGINNING in the center of a public road known as Centennial Road, leading from Centennial to McSherrystown at lands now or formerly of Paul Gebhart; thence Eastward in said road, 37 feet 6 inches to lot now or formerly of F.X. Lawrence; thence Southward along said lot now or formerly of F.X. Lawrence, 202 feet to a stake at a 10 foot wide alley; thence Westward along said alley 37 feet 6 inches to a stake at lands now or formerly of Paul Gebhart aforesaid; thence Northward along said last mentioned lot, 202 feet to the place of BEGINNING.

Tract No. 2: BEGINNING at an iron pin in the public alley in the Village of Centennial, Township aforesaid, said public alley running parallel to and being West of the main road in said village; thence by said alley in a Northerly direction for a distance of 4 feet to an iron pin; thence by lands now or formerly of Paul Gebhart and Viola M. Gebhart in an Easterly direction for a distance of 27 feet to an iron pin; thence continuing by lands of same in a Southerly direction for a distance of 4 feet to other lands now or formerly of Claude J. Lawrence, Tract No. 1 herein, thence by lands now or formerly of Claude J. Lawrence, Tract No. 1 herein, in a Westerly direction for a distance of 27 feet to an iron pin, the place of BEGINNING.

CONTAINING 108 square feet, neat measure.

Being further identified on Adams County Tax Map J 14, Page 36 as shown on Assessment Map in records of Adams County, Pennsylvania.

Being known as: 2859 Centennial Road, Hanover, PA 17331

Property ID No.: J14-36

TITLE TO SAID PREMISES IS VESTED IN Keith R. Strausbaugh, a single individual, by deed from Jody A. Clouser, a single individual, dated 11/16/2004

recorded 11/19/2004 in deed book 3777 page 102.

This property is being sold subject to a first mortgage.

SEIZED and taken into execution as the property of **Keith R. Strausbaugh** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/7, 14 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-528 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, with any improvements thereon erected, situate, lying and being in Reading Township, Adams County, Pennsylvania, being Lot No. 23 on a Final Plan of Section Two of Conewago Crest Estates, prepared by Worley Surveying, dated October 31, 1988, File No. C-996, and recorded in the Adams County Recorder of Deeds Office in Plan Book 51, page 32, being more fully bounded, limited and described as follows, to wit:

BEGINNING at a point on the easterly side of a fifty (50) feet wide right-of-way known as Crest View Drive at corner of Lot No. 24 of the aforementioned Plan; thence along said Lot No. 24, South sixty-six (66) degrees sixteen (16) minutes zero (00) seconds East, two hundred twenty-five (225.00) feet to a point along line of lands known as Lot No. 1, lands now or formerly of Steven P. and Tracy L. Smith; thence continuing along line of lands now or formerly of same, South twenty-three (23) degrees forty-four (44) minutes zero (00) seconds West, one hundred twenty-seven (127.00) feet to a point at corner of Lot No. 22 of the aforementioned Plan; thence continuing along

said Lot No. 22, North sixty-six (66) degrees sixteen (16) minutes zero (00) seconds West, two hundred twenty-five (225.00) feet to a point along the aforementioned Crest View Drive; thence continuing along same, North twenty-three (23) degrees forty-four (44) minutes zero (00) seconds East, one hundred twenty-seven (127.00) feet to a point, the place of BEGINNING, Containing 28,575 square feet.

UNDER AND SUBJECT, NEVERTHELESS, to those conditions and restrictions as recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania, on December 6, 1988, in Record Book 509, page 163.

IT BEING the same tract of land which Steven P. Smith and Tracy L. Smith, husband and wife, by their deed dated the 15th day of June, 1989, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Michael A. Long and Melissa R. Bollinger, now Melissa R. Long, husband and wife, Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Michael A. Long and Melissa R. Long, husband and wife, as tenants of an Estate by the entireties, by Deed from Michael A. Long and Melissa R. Bollinger, now Melissa R. Long, husband and wife, dated 09/26/1997, recorded 10/22/1997, in Deed Book 1460, page 320.

Premises being: 31 Crest View Drive, East Berlin, PA 17316

Tax Parcel No. (36) L 08-0123

SEIZED and taken into execution as the property of **Michael Long a/k/a Michael A. Long & Melissa R. Long a/k/a Melissa Rhea Long a/k/a Melissa R. Bollinger** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/7, 14 & 20

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 PAUL A. GASS, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Administrator: Karl E. Gass, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF DORIS G. HAAS a/k/a DORIS GIBSON HAAS, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executors: Michael G. Haas, 741 Sunset Road, Wrightsville, PA 17368; John E. Haas, 2448 Market Street, Harrisburg, PA 17103

Attorney: David J. Lenox, Esq., The Wiley Group, 130 W. Church St., Suite 100, Dillsburg, PA 17019

ESTATE OF ANNABELLE C. KNOUSE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Co-Executors: Cynthia A. McCall, 1701 Maddox Street, Belen, NM 87002; Steven C. Knouse, 500 Excelsior Road, Biglerville, PA 17307

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

ESTATE OF GERTRUDE B. REAVER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Linda K. Allegretta, 163 Johnnycake Drive, Naples, FL 34110

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

ESTATE OF MARY RITA REDDING, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representatives: PNC Bank NA, 4242 Carlisle Pike, Camp Hill, PA 17011, By Linda J. Lundberg, Asst. Vice Pres.; Donald M. Redding, 640 Quaker Run Rd., Aspers, PA 17304

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

ESTATE OF MAE E. SCHWEIER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator: Larry H. Eader, 325 Lexington Way, Littlestown, PA 17340

Attorney: William P. Douglas, Esq., 43 W. South St., P.O. Box 261, Carlisle, PA 17013

ESTATE OF MARGARET O. SHOW-VAKER a/k/a MARGARET DEAR-DORFF SHOWVAKER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Judith A. Hay, 64 Perrin Avenue, Gettysburg, PA 17325

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

ESTATE OF VERGIE G. SNYDER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Nora Lee Sandruck and Margie Ann Stover, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

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

SECOND PUBLICATION**ESTATE OF LUDWIG KANZLER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Maria Beyale, c/o The Law Offices of Joseph D. Buckley, 1237 Holly Pike, Carlisle, PA 17013

Attorney: Joseph D. Buckley, Esq., The Law Offices of Joseph D. Buckley, 1237 Holly Pike, Carlisle, PA 17013

ESTATE OF CHARLOTTE ANN KEPNER a/k/a CHARLOTTE A. KEPNER, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Co-Executrices: Marcy A. VanMetre, 33 Fruitwood Trail, Fairfield, PA 17320; Tracy Leigh Sebold, 116 Thunder Trail, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

ESTATE OF JOY N. MARA, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Daniel N. Mara, 1550 Table Rock Road, Gettysburg, PA 17325

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

ESTATE OF ANNA L. MUMMERT, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Carl M. Coulson, 173 Town Hill Road, York Springs, PA 17372

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

ESTATE OF LORETTA K. NEIDERER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Beverly Miller, 605 Lancelot Drive, Florence, SC 29505

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

ESTATE OF LYNN T. RINKE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Mark Rinke, 1497 Ashton Drive, Rochester Hills, MI 48309

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

ESTATE OF HUEY BEN SMITH, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Judy Ann Houser and Huey David Smith, Jr., c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George St., York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF RAYMOND M. SMITH, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: David M. Bell, 4820 Old Harrisburg Rd., Lot 160, Gettysburg, PA 17325

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

ESTATE OF RICHARD P. SNYDER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Nora Lee Sandruck and Margie Ann Stover, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

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

(continued on page 6)

SECOND PUBLICATION (continued)

ESTATE OF ROBERT W. WEANER, SR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert W. Weaner, Jr., 35 N. Hay St., Gettysburg, PA 17325

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

ESTATE OF BETTY J. WILDASIN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Mary Ann White, 70 Oaklyn Lane, Coatesville, PA 19320

Attorney: Larry W. Wolf, Esq., Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

ESTATE OF JOYCE WILLIAMS, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrators: Ralph J. Williams, Jr., 164 Oak Grove Road, New Oxford, PA 17350; Janet E. Groft, 592 Poplar Rd., New Oxford, PA 17350

Attorney: Larry W. Wolf, Esq., Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

THIRD PUBLICATION

(No Estate Notices Submitted)

LIMITED LIABILITY COMPANY NOTICE

NOTICE IS HEREBY GIVEN that in compliance with the requirements of 15 Pa.C.S. § 8913, a Certificate of Registration – Domestic Limited Liability Company was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg for the purpose of registering a limited liability company.

The name of the limited liability company is 147 NORTH FOURTH STREET, LLC with the principal place of business at 147 North Fourth Street, Gettysburg, PA 17325.

The purpose for which the limited liability company was organized is: To engage in and do any lawful act concerning any and all lawful business for which limited liability companies may be formed in accordance with the laws of the Commonwealth of Pennsylvania.

Wendy Weikal-Beauchat, Esq.
Beauchat & Beauchat, L.L.C.
63 W. High Street
Gettysburg, PA 17325

3/7

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—EQUITY
NO. 08-S-156
Breach of Contract

RICK L. STAHLLEY t/d/b/a RICK'S TOWING, Plaintiff

vs.

NANCY GROFT, her heirs, administrators, successors and assigns, Defendant
TO: Nancy Groft, her heirs, administrators, successors and assigns.

TAKE NOTICE that on January 29, 2008, Rick L. Stahlley, t/d/b/a Rick's Towing, filed a Complaint in Breach of Contract, against Nancy Groft, her heirs, administrators, successors and assigns, averring the Nancy Groft is the owner of a vehicle seized by the Pennsylvania State Police as an abandoned vehicle, and towed by Plaintiff on April 3, 2007 and stored by the Plaintiff at Plaintiff's cost since that time. The Complaint requests the Court to extinguish any possible interest you may have in said vehicle. The vehicle is a grey, 2004 Dodge Ram 2500 Truck, with a VIN # of 3D7KU28CX4G117065.

The Complaint requested the Court to enter a Decree and Order that the title of the vehicle described above be transferred to the Plaintiff, and that the Defendant be forever barred from asserting any right, lien, title or interest in the said vehicle.

WHEREFORE, by Order dated February 5th, 2008, the Court of Common Pleas of Adams County, Pennsylvania, has ordered that service of the Complaint be made on the above Defendant, her respective heirs, personal representatives, successors and assigns, by publication. Plaintiff will request the Court to enter a final judgment ordering that any possible legal interest the Defendant might have had in the property be extinguished.

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint filed in the Adams County Court of Common Pleas at No. 08-S-156 and described hereinabove, you must take action within **twenty (20) days** after this publication by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for the relief

requested by the Plaintiffs. You may lose property or other rights important to you.

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

COURT ADMINISTRATOR
Adams County Courthouse
Gettysburg, PA 17325
717-334-6781

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

3/7

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN, that Connie D. Hamilton, the sole Shareholder and Director of HAMILTON'S TAVERN, INC., which most recently conducted business at 126 Chambersburg Street, Gettysburg, Pennsylvania 17325, has agreed to voluntarily dissolve the corporation and that she as the sole member of the Board of Directors is engaged in winding up and settling the affairs of the corporation. This notice of the dissolution proceedings is given pursuant to Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Robert E. Campbell, Esq.
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325
Attorney for the Corporation

3/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Nonprofit were filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 25, 2008, for the purpose of obtaining a Certificate of Incorporation of a corporation organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the corporation is MICHAUX PRODUCTIONS, INC.

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

3/7

Adams County Legal Journal

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March 14, 2008

No. 43, pp. 276-282

IN THIS ISSUE

COMMONWEALTH VS. MILLER

This opinion continued from last issue (3/7/2008)

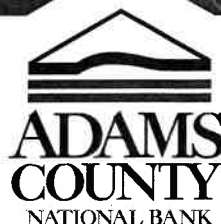
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Christine Settle
Trust Officer



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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. 07-S-668 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows.

BEGINNING at a railroad spike in the center of Township Road T-348, known as Belmont Road, which railroad spike is located North 3-1/2 degrees East 106 feet from an original of the tract of land referred to in Deed Book 189 at page 159; thence by land now or formerly of Arnold H. Woerner and wife, and running through a reference pipe located 22.70 feet from the place of beginning, South 89 degrees 33 minutes 20 seconds West 200.48 feet to a pipe, thence by the same and running through a reference iron pin located 16 feet from the end of this line, North 03 degrees 30 minutes 00 seconds East 125 feet to a belt along the Southern edge of a 10 feet private drive, thence along the Southern edge of said 10 feet private drive located on land now or formerly of Arnold H. Woerner and wife, North 89 degrees 33 minutes 20 seconds East 200.48 feet to a railroad spike in the center of Belmont Road, thence in the center of Belmont Road, South 03 degrees 30 minutes 00 seconds West 125 feet to a railroad spike in the center of said road, the place of BEGINNING.

CONTAINING 25,000 square feet

Tax Parcel E-1 1-35

Premises Being: 490 Belmont Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Jennifer M. Deckert, Anna Marie Deckert & William H.H. Monroe** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and

distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1414 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the inside line of the sidewalk on the East side of North Queen Street aforesaid at other lands now or formerly of Lorraine A. Mellott; thence by said lands and through a center line of the center wall of double dwelling (the Southern portion of which double dwelling is on the lot hereby conveyed) North 60 degrees 18 minutes East, 184.5 feet to a point on the Western side of a 20 foot alley; thence by said alley South 29 degrees 42 minutes East, 29.4 feet to a point at lands now or formerly of P. Emory Weaver; thence by said lands South 60 degrees 18 minutes West, 184.5 feet to a point on the inside line of the sidewalk aforesaid; thence along the inside line of the sidewalk North 29 degrees 42 minutes West, 29.4 feet to a point, the place of BEGINNING.

HAVING erected thereon a dwelling known as 327 N. Queen Street, Littlestown, PA 17340.

PARCEL NO. (27) 5-5IA

BEING the same premises which Troy P. Brawner and Sandra K. Brawner,

husband and wife, by Deed dated 03/31/2006 and recorded 04/03/2006 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 4366, Page 12, granted and conveyed unto Timothy C. Howell.

SEIZED and taken into execution as the property of **Timothy C. Howell** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization – Domestic Limited Liability Company was filed with the Commonwealth of Pennsylvania, Department of State, in Harrisburg, Pennsylvania, on February 22, 2008, under the provisions of the Pennsylvania Limited Liability Company Law of 1994 as amended.

The name of the Limited Liability Company is SPORTSMANSLIQUIDATION.COM, LLC.

sportsmansliquidation.com, LLC has as its purpose the engaging in all lawful business for which limited liability companies may be organized.

Arthur J. Becker, Jr., Esq.
Attorney for sportsmansliquidation.com, LLC

3/14

COMMONWEALTH VS. MILLER

Continued from last issue (3/7/2008)

II. ROBBERY AND CONSPIRACY TO COMMIT ROBBERY

The Commonwealth contends that it presented sufficient evidence to establish a prima facie case for robbery and conspiracy to commit robbery.¹⁴ Defendant argues that the Commonwealth has not presented sufficient evidence to establish a prima facie case for robbery and conspiracy to commit robbery.¹⁵

Under Section 3701(a)(1)(i) of the Crimes Code, “[a] person is guilty of robbery if, in the course of committing a theft,¹⁶ he...inflicts serious bodily injury upon another.”¹⁷ 18 Pa. C.S.A. § 3701(a)(1)(i). Furthermore, “[a]n act shall be deemed ‘in the course of committing a theft’ if it occurs in an attempt to commit theft or in flight after the attempt or commission.” 18 Pa. C.S.A. § 3701(a)(2). An attempted theft is committed when a person with intent to commit a theft does any act which constitutes a substantial step toward the theft. *See* 18 Pa. C.S.A. § 901(a). In light of these statutory definitions, the Commonwealth must prove beyond a reasonable doubt that Defendant, with the intent to take property from the store and/or anyone present and deprive them thereof, took a substantial step toward those ends, and during the course of that act, did inflict serious bodily injury on Farley. *See Commonwealth v. Ennis*, 574 A.2d 1116, 1117 (Pa. Super. 1990).

¹⁴ Specifically, the Commonwealth contends that Defendant and Lee took a substantial step towards committing a theft when they entered a public store and at the barrel of a gun, directed everyone to hit the floor. The Commonwealth argues that the proffered evidence is consistent with the conclusion that Defendant and Lee were thwarted in their efforts, panicked, and left the store before they could secure valuables.

The Commonwealth also asserts that it established prima facie evidence of a conspiracy between Defendant and Lee to commit robbery based on the fact that they both possessed numerous weapons, explosive devices, and walkie talkies. Moreover, the Commonwealth avers that Defendant was a co-conspirator of a robber (Lee) because he drove the getaway car.

¹⁵ Specifically, Defendant contends that the Commonwealth has presented no evidence to support a charge for robbery because the alleged shooting and injury to the victim did not occur in the course of committing a theft. Defendant maintains that there is no evidence (1) that any theft occurred; (2) that it was Defendant’s intent to commit a theft or rob the store; or (3) that Defendant and Lee threatened to commit a theft or robbery.

¹⁶ “A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, moveable property of another with intent to deprive him thereof.” 18 Pa. C.S.A. § 3921(a).

¹⁷ “[R]obbery does not require the completion of the predicate offense, theft, but it does require that force be utilized or threatened while in the course of committing a theft.” *Commonwealth v. Austin*, 906 A.2d 1213, 1221 (Pa. Super. 2006).

An attempt to commit theft can be inferred from evidence that two defendants entered a store, held the store owner at gunpoint, and fatally shot the store owner despite neither demanding nor taking any money from the store during the incident. *Commonwealth v. Everett*, 445 A.2d 514, 515 (Pa. Super. 1982). In *Everett*, one defendant pushed the store keeper's head to the countertop in the store and held a gun to his head while a second man approached the store owner and aimed a gun at him. *Id.* at 515. When a struggle ensued between the second man and the store owner, the first man ran to the aid of the second defendant and fatally shot the store owner. *Id.* The store keeper later testified that during the incident neither defendant demanded nor took any money from the store. *Id.* at 516.

The Superior Court found that an attempted theft could be reasonably inferred from the action taken by those defendants. *Id.* at 517. The court reasoned that the statute¹⁸ "does not require that the property either be taken or demanded before a conviction of robbery is permissible." *Id.* at 517. Consequently, the court affirmed the trial court's robbery conviction of the appellant.¹⁹

The Commonwealth has cited *Commonwealth v. Ebo*, 421 A.2d 465 (Pa. Super. 1980) for the proposition that the theft element of robbery may be circumstantially established by evidence showing that a defendant and his co-conspirator attacked a victim and attempted to enter the victim's car. There, the victim was entering his car in a public parking lot when two persons attacked him from behind with a pipe. *Id.* at 467. As the victim tried to defend himself from the attackers, the defendant opened the passenger side of the car but did not go inside. *Id.* The defendant and the other attacker soon fled before any items could be taken from the car or the victim. *Id.*

Following the defendant's conviction for robbery and other related offenses at the trial court level, the defendant argued, on appeal, that the Commonwealth's evidence was insufficient to establish an attempt to commit theft. *Id.* at 466. The Superior Court disagreed and found that the defendant's opening of the victim's car during the course of the attack was sufficient to infer that the attackers had the intent to commit a theft and that the defendant took a substantial step toward the commission of the theft. *Id.* at 467.

¹⁸ 18 Pa. C.S.A. § 3701(a).

¹⁹ The appellant was criminally liable as an accomplice because he drove both defendants to the store and picked them up after the incident. *Id.* at 515.

Because Defendant and Lee stipulated that Farley sustained serious bodily injury from the three gunshot wounds, there is no question that the serious bodily injury requirement of 18 Pa. C.S.A. § 3701(a)(1)(i) has been satisfied. Therefore, the only remaining question is whether Defendant's and Lee's acts constituted an attempt to commit theft.

In the instant case, Defendant and Lee entered the store armed with a loaded pistol and loaded rifle. The weapons were pointed directly at Farley from a close distance. When Farley and Wildasin refused Lee's order to "get on the floor," Lee shot Farley three times at close range. Defendant and Lee began frantically walking back and forth as if in a panic and they left the store. Neither Defendant nor Lee took any property from the store or made any statements demanding money or other items.

Both *Everett* and *Ebo* supports this Court's finding that an attempted theft can be reasonably inferred from the actions taken by Defendant and Lee in this case.²⁰

Consequently, this Court finds that the Commonwealth has satisfied the elements of 18 Pa. C.S.A. § 3701(a)(1)(i) to establish a prima facie case for robbery.

Next, this Court will discuss whether the Commonwealth has established a prima facie case for conspiracy to commit robbery.

To prove a conspiracy, the Commonwealth must establish that (1) the defendant entered an agreement to commit or aid in an unlawful act with another person or persons; (2) the defendant and the other person possessed a shared criminal intent to promote the crime charged; and (3) an overt act was done in furtherance of the conspiracy. *Commonwealth v. Ruiz*, 819 A.2d 92, 97 (Pa. Super. 2003).²¹ A conspiracy can be proved through circumstantial evidence. *Commonwealth v. Lambert*, 795 A.2d 1010, 1016 (Pa. Super. 2002). Relevant circumstances to be considered, which are not sufficient by

²⁰The Superior Court's reasoning in *Everett* that 18 Pa. C.S.A. 3701(a) does not require that property be taken or demanded for a robbery conviction is applicable to this case as well.

²¹18 Pa. C.S.A. § 903(a)(1) states: "A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime."

themselves, to prove a conspiracy include (1) an association between alleged conspirators; (2) knowledge of the commission of the crime; (3) presence at the scene of the crime; and (4) in some situations, participation in the object of the conspiracy. *Id.* “Thus, a conspiracy may be inferred where it is demonstrated that the relation, conduct, or circumstances of the parties, and the overt acts of the co-conspirators sufficiently prove the formation of a criminal confederation.” *Commonwealth v. Johnson*, 719 A.2d 778, 784-85 (Pa. Super. 1999).

Here, it appears that Defendant and Lee meticulously planned the incident in the Lincoln Trading Post and their attempted getaway in Defendant’s Taurus. Defendant supplied the weapons and entered the store with his weapon drawn after Lee had pulled his pistol. The defendants were in close proximity to each other during the incident and both pointed weapons at Farley. They then left together in the same vehicle. When both defendants were searched incident to arrest, the police discovered numerous weapons, a bottle of potassium nitrate, lock picking tools, and a two-way radio. A subsequent search of the Taurus revealed more weapons, chemicals, explosive devices,²² a map of the local area,²³ and two cell phones. Moreover, Defendant’s statement during his search that “none of this would have happened if people would just get down when you tell them to...” reveals Defendant and Lee’s intent and state of mind during the incident.

This court also notes that the following relevant circumstances were present at the time of the incident: both defendants (1) were present at the scene of the alleged crime; (2) participated in the alleged crime; (3) had knowledge of the commission of the alleged crime; and (4) maintained an association between each other before, during, and after the alleged incident.

The evidence clearly establishes that Defendant and Lee entered into an agreement to commit an unlawful act with the shared criminal intent to promote the crime of robbery. Furthermore, overt acts were done in furtherance of the conspiracy when Lee and Defendant entered the store and drew their weapons.

²² See this Court’s discussion of the possession of weapons of mass destruction charge.

²³ This item in particular demonstrates that Defendant and Lee planned out their operation to the point of mapping a route of escape or path to continue further incidents.

Consequently, I find that the Commonwealth has established a prima facie case for conspiracy to commit robbery.

III. WEAPONS OF MASS DESTRUCTION

The Commonwealth contends that it presented sufficient evidence to establish a prima facie case for weapons of mass destruction.²⁴ Defendant argues that the Commonwealth has not presented sufficient evidence to establish a prima facie case for weapons of mass destruction.²⁵

Under Section 2716(a) of the Crimes Code, “[a] person commits an offense if the person, without lawful authority to do so, intentionally, knowingly or recklessly possesses or manufactures a weapon of mass destruction.” 18 Pa. C.S.A. § 2716(a). A “weapon of mass destruction” is defined in 18 Pa. C.S.A. § 2716(i) as a “biological agent, bomb, chemical agent or nuclear agent.” A “bomb” is further defined in 18 Pa. C.S.A. § 2716(i) as “[a]n explosive device used for unlawful purposes.” The Eleventh Edition of Merriam-Webster’s Collegiate Dictionary defines “explosive” as “tending to explode.”²⁶ In turn, “explode” is defined as “to burst forth with sudden violence or noise from internal energy; as to burst violently as a result of pressure from within.”

In the matter *sub judice*, Mr. Rolfe testified that when he searched the Taurus and tested one of the improvised CO2 cartridges, its contents burst into a bright intense flame consistent with either a low

²⁴Specifically, the Commonwealth asserts that the devices seized from Defendant and Lee were explosive and capable of mass destruction. In support, the Commonwealth offers Mr. Rolfe’s testimony that the CO2 cartridges were tampered with in a way that would cause the cartridges to explode and fragment, thereby posing a considerable hazard.

²⁵Specifically, Defendant contends that none of the defined chemical agents in 18 Pa. C.S.A. § 2716(i) were found in the Taurus and therefore, the Commonwealth cannot support a charge under the chemical agent section of the statute. Likewise, Defendant argues that the Commonwealth cannot support a charge under the bomb section of the statute because while the Defendant may have had various items that make up the components of an explosive device, there is no evidence that those items were detonated or were even capable of being detonated. Moreover, Defendant maintains that the Commonwealth did not present any evidence which would indicate that the items were (1) properly fixed or put together to form an explosive device or (2) capable of producing mass destruction even if they were put together to form an explosive device and were detonated. Therefore, Defendant argues that the Commonwealth has not met its burden of proof without evidence of the damage or mass destruction that an alleged explosive device could cause.

²⁶“Explosive device” is not defined in 18 Pa. C.S.A. § 2716(i). Therefore, it is to be construed according to its common and approved usage. 1 Pa. C.S.A. § 1903.

explosive or a propellant. Moreover, Mr. Rolfe maintained that the CO2 cartridge in the 12-ounce can would fragment and disperse gasoline once it was detonated. Finally, an analysis by the Pennsylvania State Police Crime Laboratory of five items located within the Taurus revealed that they are “components of an explosive device containing gasoline and firecracker powder.”

Given that (1) one of the CO2 cartridges burst into a bright intense flame consistent with either a low explosive or propellant when it was opened up; (2) the other cartridge in the 12-ounce can would have fragmented and dispersed gasoline had it been detonated; and (3) five items located within the Taurus were classified as “components of an explosive device containing gasoline and firecracker powder,” this Court finds that the two CO2 cartridges constitute explosive device and as such, satisfy the statutory definition of a bomb under 18 Pa. C.S.A. § 2716(i).

Thus, because Defendant possessed two bombs and a bomb is defined as a weapon of mass destruction, I find that the Commonwealth has established a prima facie case for possession of weapons of mass destruction.

Defendant argues that in enacting § 2716 the Legislature intended only to prohibit devices that could cause harm on a truly massive level and not the type of device present in this case. This section was passed on June 28, 2002 and became effective 60 days later. No cases have been reported which discuss § 2716. One can reasonably assume that it was enacted in response to concerns of future terrorist attacks. Certainly, bombs that can produce substantial destruction would qualify as a weapon of mass destruction but that does not mean that the Legislature did not contemplate the type of device possessed by Defendant.

In determining the meaning of a statute, one must ascertain and effectuate the intent of the legislature. 1 Pa. C.S.A. § 1921. The title of a statute may be helpful in ascertaining legislative intent, 1 Pa. C.S.A. § 1924, but only when there is no ambiguity in the body of the statute. *Commonwealth v. Campbell*, 758 A.2d 1231, 1237 (Pa. Super. 2000). Furthermore, when words of a statute are clear and free from all ambiguity, the letter is not to be disregarded under the pretext of pursuing its spirit. 1 Pa. C.S.A. § 1921(b). There is no ambiguity in the words used in § 2716. Therefore, the title

“Weapons of Mass Destruction” is not helpful in determining what is meant by the word “bomb.” If the object of § 2716 is to thwart terrorist activity, the prohibition of any bomb, regardless of its destructive capability promotes that goal.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 9th day of February, 2007, in accordance with the attached Opinion, the Petition for Writ of Habeas Corpus filed by Defendant on August 16, 2006, is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-N-423 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the East side of North Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern property line of North Queen Street, at a mark in the concrete 2 feet from the foundation wall on the building line at lands now or formerly of William V. Sneeringer; thence by the same in an Easterly direction for a distance of 181.5 feet to a stake at a public alley; thence by said alley in a Northerly direction for a distance of 40 feet to a stake at other land now or formerly of William V. Sneeringer; thence by the same in a Westerly direction for a distance of 181.5 feet to a point on the Eastern property line of said Street; thence by the same in a Southerly direction for a distance of 40 feet to the above described place of BEGINNING.

And the said Grantors do hereby covenant, promise and agree to and with the said Grantees their heirs and assigns, by these presents, that they, the said Grantors, have not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises granted or and part thereof is, are, shall or may be impeached, charged or encumbered, in title, charge, estate or otherwise howsoever.

Parcel Identification No. 27-005-0052-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Ronald L. Ogburn and Barbara J. Ogburn, husband and wife, as tenants by entirety, by Deed from Judy Lee Brownholtz Porter and Ronald Lewis Ogburn, executors of the last will and testament of Levi A. Ogburn, deceased, dated 02/21/1990, recorded 05/23/1990, in Deed Book 556, page 276.

Premises being: 323 North Queen Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Ronald L. Ogburn & Barbara J. Ogburn** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-306 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the East side of North Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern property line of North Queen Street, at a mark in the concrete 2 feet from the foundation wall on the building line at lands now or formerly of William V. Sneeringer; thence by the same in an Easterly direction for a distance of 181.5 feet to a stake at a public alley; thence by said alley in a Northerly direction for a distance of 40 feet to a stake at other land now or formerly of William V. Sneeringer; thence by the same in a Westerly direction for a distance of 181.5 feet to a point on the Eastern property line of said Street; thence by the same in a Southerly direction for a distance of 40 feet to the above described place of BEGINNING.

And the said Grantors do hereby covenant, promise and agree to and with the said Grantees their heirs and assigns, by these presents, that they, the said Grantors, have not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises granted or and part thereof is, are, shall or may be impeached, charged or encumbered, in title, charge, estate or otherwise howsoever.

Parcel Identification No. 27-005-0052-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Ronald L. Ogburn and Barbara J. Ogburn, husband and wife, as tenants by entirety, by Deed from Judy Lee Brownholtz Porter and Ronald Lewis Ogburn, executors of the last will and testament of Levi A. Ogburn, deceased, dated 02/21/1990, recorded 05/23/1990, in Deed Book 556, page 276.

Premises being: 323 North Queen Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Ronald L. Ogburn & Barbara J. Ogburn** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/29, 3/7 & 14

FICTITIOUS NAME NOTICE

NOTICE IS GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on February 20, 2008, pursuant to the Fictitious Name Act, setting forth that Susquod, Inc., of 213 Pine Road, Abbottstown, PA 17301, is the only entity owning or interested in a business, the character of which is sales and service of doors and that the name, style and designation under which said business is and will be conducted is HANOVER DOOR and the location where said business is and will be conducted is 213 Pine Road, Abbottstown, PA 17301.

Guthrie, Nonemaker, Yingst & Hart
Solicitor

3/14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1376 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that parcel of land in Village of Centennial, Adams County, Commonwealth of Pennsylvania, as more fully described in Deed Book 3777, Page 102, ID# J14-36, being known and designated as all those two tracts of land situate, lying, and being in the Village of Centennial, Mount Pleasant Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No.1: BEGINNING in the center of a public road known as Centennial Road, leading from Centennial to McSherrystown at lands now or formerly of Paul Gebhart; thence Eastward in said road, 37 feet 6 inches to lot now or formerly of F.X. Lawrence; thence Southward along said lot now or formerly of F.X. Lawrence, 202 feet to a stake at a 10 foot wide alley; thence Westward along said alley 37 feet 6 inches to a stake at lands now or formerly of Paul Gebhart aforesaid; thence Northward along said last mentioned lot, 202 feet to the place of BEGINNING.

Tract No. 2: BEGINNING at an iron pin in the public alley in the Village of Centennial, Township aforesaid, said public alley running parallel to and being West of the main road in said village; thence by said alley in a Northerly direction for a distance of 4 feet to an iron pin; thence by lands now or formerly of Paul Gebhart and Viola M. Gebhart in an Easterly direction for a distance of 27 feet to an iron pin; thence continuing by lands of same in a Southerly direction for a distance of 4 feet to other lands now or formerly of Claude J. Lawrence, Tract No. 1 herein, thence by lands now or formerly of Claude J. Lawrence, Tract No. 1 herein, in a Westerly direction for a distance of 27 feet to an iron pin, the place of BEGINNING.

CONTAINING 108 square feet, neat measure.

Being further identified on Adams County Tax Map J 14, Page 36 as shown on Assessment Map in records of Adams County, Pennsylvania.

Being known as: 2859 Centennial Road, Hanover, PA 17331

Property ID No.: J14-36

TITLE TO SAID PREMISES IS VESTED IN Keith R. Strausbaugh, a single individual, by deed from Jody A. Clouser, a single individual, dated 11/16/2004

recorded 11/19/2004 in deed book 3777 page 102.

This property is being sold subject to a first mortgage.

SEIZED and taken into execution as the property of **Keith R. Strausbaugh** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/7, 14 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-528 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, with any improvements thereon erected, situate, lying and being in Reading Township, Adams County, Pennsylvania, being Lot No. 23 on a Final Plan of Section Two of Conewago Crest Estates, prepared by Worley Surveying, dated October 31, 1988, File No. C-996, and recorded in the Adams County Recorder of Deeds Office in Plan Book 51, page 32, being more fully bounded, limited and described as follows, to wit:

BEGINNING at a point on the easterly side of a fifty (50) feet wide right-of-way known as Crest View Drive at corner of Lot No. 24 of the aforementioned Plan; thence along said Lot No. 24, South sixty-six (66) degrees sixteen (16) minutes zero (00) seconds East, two hundred twenty-five (225.00) feet to a point along line of lands known as Lot No. 1, lands now or formerly of Steven P. and Tracy L. Smith; thence continuing along line of lands now or formerly of same, South twenty-three (23) degrees forty-four (44) minutes zero (00) seconds West, one hundred twenty-seven (127.00) feet to a point at corner of Lot No. 22 of the aforementioned Plan; thence continuing along

said Lot No. 22, North sixty-six (66) degrees sixteen (16) minutes zero (00) seconds West, two hundred twenty-five (225.00) feet to a point along the aforementioned Crest View Drive; thence continuing along same, North twenty-three (23) degrees forty-four (44) minutes zero (00) seconds East, one hundred twenty-seven (127.00) feet to a point, the place of BEGINNING, Containing 28,575 square feet.

UNDER AND SUBJECT, NEVERTHELESS, to those conditions and restrictions as recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania, on December 6, 1988, in Record Book 509, page 163.

IT BEING the same tract of land which Steven P. Smith and Tracy L. Smith, husband and wife, by their deed dated the 15th day of June, 1989, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Michael A. Long and Melissa R. Bollinger, now Melissa R. Long, husband and wife, Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Michael A. Long and Melissa R. Long, husband and wife, as tenants of an Estate by the entireties, by Deed from Michael A. Long and Melissa R. Bollinger, now Melissa R. Long, husband and wife, dated 09/26/1997, recorded 10/22/1997, in Deed Book 1460, page 320.

Premises being: 31 Crest View Drive, East Berlin, PA 17316

Tax Parcel No. (36) L 08-0123

SEIZED and taken into execution as the property of **Michael Long a/k/a Michael A. Long & Melissa R. Long a/k/a Melissa Rhea Long a/k/a Melissa R. Bollinger** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/7, 14 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1355 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin located 11 feet North of the center line of Township Road T-430, known as Plunkert Road, at corner of land now or formerly of Nicholas N. Boccabella and wife; thence by land of the said Nicholas N. Boccabella and wife, and running through an iron pin located 20 feet from the place of beginning, North 4 degrees 47 minutes 2 seconds West, 225 feet to an iron pin; thence by land now or formerly of Raymond G. Boccabella, North 35 degrees 12 minutes 58 seconds East, 141.67 feet to an iron pin; thence by the same and running through an iron pin located 20 feet from the end of this line, South 55 degrees 26 minutes 9 seconds East, 377.66 feet to a point located 2 feet West of the center line of Plunkert Road; thence in Plunkert Road, South 46 degrees 34 minutes 12 seconds West, 87.47 feet to a point in said road located 1 foot North of the center line thereof; thence continuing in Plunkert Road, South 89 degrees 48 minutes 2 seconds West, 265.88 feet to an iron pin, the place of BEGINNING. The above description was taken from a draft of survey made by Gettysburg Engineering Co., Inc., dated March 9, 1976 and recorded in Plat Book 10 at Page 17, designating the above as Lot No. 2.

UNDER AND SUBJECT to the covenants, conditions and restrictions of record. Together with Appurtenances: To Have And to Hold the same unto and for the use of the said Grantees and their heirs and assigns forever, And the Grantor(s) for themselves and their heirs, executors and administrators covenant with the said Grantee(s) and their heirs and assigns to warrant and defend GENERALLY the property hereby conveyed against and all persons lawfully claiming the same.

BEING THE SAME premises which was conveyed to NEIL JAMES CROUSE, by deed dated the 30th day of June, 1997, and recorded the 1st day of July, 1997 in the Adams County Recorders Office at Volume 1399, Page 293.

Parcel Identification No.: (30) I-16-0007C-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Neil James Crouse, an unmarried man, as to an undivided sixty-seven (67%) percent interest and Michele L. Rorrer, an unmarried woman, as to an undivided thirty-three (33%) interest, by Deed from Neil James Crouse, an unmarried man, dated 10/24/2002, recorded 11/06/2002, in Deed Book 2867, page 173.

Premises being: 202 Plunkert Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Neil James Crouse & Michele Rorrer** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1409 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point at the corner of Prince Street and Windsor Street; thence along the Northwest side of aforesaid Windsor Street South sixty (60) degrees, eighteen (18) minutes, twenty (20) seconds West, ninety-five (95) feet to a point on an alley; thence along said alley, North twenty-nine (29) degrees, forty-one (41) minutes, forty (40) seconds West, fifty-three and six-tenth (53.6) feet to a point at corner, of Lot No. 76, thence along said Lot No. 76, North sixty (60) degrees, eighteen (18) minutes, twenty (20) seconds East, ninety-five (95) feet to a point on the Southwest side of Prince Street; thence along said Prince

Street, South twenty-nine (29) degrees, forty-one (41) minutes, forty (40) seconds East, fifty-three (53) and six-tenth (53.6) feet to the place of BEGINNING.

The above described lot of ground being known on a plan of lots of William V. Sneeinger tract, developed by I. H. Crouse and Sons (as revised by survey of Leroy H. Winebrenner, R.S., and drawn by Herbert S. Plunkert, dated November 4, 1950) as Lot No. 77-A.

Being the same tract of land which Jeanne W. Bowser, widow, by her deed dated October 31, 1996 and recorded in the Adams County Recorder of Deeds Office on November 6, 1996 in Book 1285, Page 316, granted and conveyed unto Gerhard Noerr and Janet V. Noerr, husband and wife, Mortgagor's Herein.

RECORD OWNER

Vested by Special Warranty Deed, dated 10/31/1996, given by Jeanne W. Bowser, widow to Gerhard Noerr and Janet V. Noerr, Husband and Wife, As Tenants by the Entireties and recorded 11/6/1996 in Book 1285 Page 316.

Premises being: 404 Prince Street, Littlestown, PA 17340-1212

Tax Parcel No. (27) 005-0030

SEIZED and taken into execution as the property of **Gerhard Noerr & Janet V. Noerr** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-931 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin in the center line of Township Road T-306, otherwise known as Green Ridge Road, at corner of land now or formerly of Thomas C. Sanders; thence by same, North 57 degrees 32 minutes 00 seconds West, 303.16 feet to an iron pin; thence by same, North 46 degrees 10 minutes 00 seconds West, 533.32 feet to an iron pin; thence by same, South 33 degrees 10 minutes 40 seconds West, 206.59 feet to an iron pin; thence by same, North 82 degrees 17 minutes 45 seconds West, 536.75 feet on line of land now or formerly of Mont Alto State Forest; thence by said land of Mont Alto State Forest, North 34 degrees 34 minutes 20 seconds East, 373.00 feet to an iron pin; thence by same, North 21 degrees 04 minutes 20 seconds East, 368.46 feet to an iron pin at corner of land now or formerly of Douglas H. Swope; thence by same, South 67 degrees 31 minutes 10 seconds East, 420.73 feet to an iron pin; thence by same, South 44 degrees 20 minutes 30 seconds East, 644.16 feet to an iron pin at land now or formerly of Susan H. (Bloser) Hunter; thence by said land of Susan H. (Bloser) Hunter, South 45 degrees 39 minutes 30 seconds West, 190.66 feet to an iron pin at a point running near and along a 10 foot wide private road; thence by same, South 46 degrees 24 minutes 00 seconds East, 208.16 feet to an iron pin at an 8 inches Ash; thence by same, North 82 degrees 40 minutes 10 seconds East, 111.55 feet to a railroad spike in Township Road T-306; thence running in Township Road T-306, South 05 degrees 41 minutes 00 seconds West, 200.06 feet to an iron pin in Township Road T-306, the point and place of BEGINNING. CONTAINING 12.206 Acres.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated July 19, 1979, and revised October 5, 1981, recorded in Plat Book 36 at page 68, designating the above as Tract No. 1.

Being the same which Robert T. Hunter and Mary Susan McGraw, his wife, by their deed dated November 3, 1987, which deed is recorded in the

Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 472 at page 489, sold and conveyed unto Robert T. Hunter and Mary Susan McGraw, husband and wife, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Robert T. Hunter, by Deed from Robert T. Hunter and Mary Susan McGraw, dated 06/30/1992, recorded 07/01/1992, in Deed Book 633, page 452.

Premises being: 1215 Greenridge Road, a/k/a 1215 Green Ridge Road, Orrtanna, PA 17353

Tax Parcel No. (12) B 11-0040

SEIZED and taken into execution as the property of **Robert T. Hunter** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

FICTITIOUS NAME NOTICE

Irvin H. Peifer and J. Kathleen Peifer, 240 Stone Mill Drive, Elizabethtown, PA 17022 did file with the Secretary of the Commonwealth of Pennsylvania registration of the name GOLDENVILLE ESTATES MOBILE HOME PARK under which they intend to do business at 100 Goldenville Estates Lane, Gettysburg, PA, pursuant to the provisions of the Business Corporation Law of 1988, Chapter 3, known as the "Fictitious Name Act."

Blakinger, Byler & Thomas, P.C.
Attorneys

3/14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-379 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Mount Joy Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as Lot No. 1024 on a Plan of Lots of Lake Heritage Subdivision, duly erected and appearing of record in the Office of the Recorder of Deed of Adams County, Pennsylvania, in Miscellaneous Book 4 at page 778 and Subject to all legal highways, easements, rights of way, covenants and restrictions of record.

TITLE TO SAID PREMISES IS VESTED BY Special Warranty Deed, dated 07/14/2005, given Timothy R. Bauer, single man to Frank Kenneth Price, III and recorded 8/6/2005 in Book 4047 and Page 84.

Parcel Number: (31) 010-0058

Property Being: 1024 Burn Side Drive, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Frank Kenneth Price, III** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF DONALD E. CORDELL, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania
Holly C. Martin, 1402 Fairfield Road, Gettysburg, PA 17325
Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF RAYMOND K. DAY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Lucy M. Day, 1531 Irishtown Road, New Oxford, PA 17350
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GRACE S. GARRETSON, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
Executor: David M. Garretson, 984 Carlisle Rd., Biglerville, PA 17307

ESTATE OF LEOLA R. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executrix: Kathryn L. Randolph, c/o 1434 W. Market St., York, PA 17404
Attorney: John W. Slitt, Esq.

ESTATE OF EVELYN R. RODOLFF, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania
Executrix: Rebecca E. Benner, 1900 Lincoln Street, Camp Hill, PA 17011
Attorney: Jerry R. Duffie, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market St., P.O. Box 109, Lemoyne, PA 17043-0109

ESTATE OF MARY E. SMITH, DEC'D

Late of the Borough of McSherrytown, Adams County, Pennsylvania
Executor: Carol E. Kessler, c/o Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331
Attorney: Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF PAUL A. GASS, DEC'D

Late of Union Township, Adams County, Pennsylvania
Administrator: Karl E. Gass, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331
Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF DORIS G. HAAS a/k/a DORIS GIBSON HAAS, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania
Executors: Michael G. Haas, 741 Sunset Road, Wrightsville, PA 17368; John E. Haas, 2448 Market Street, Harrisburg, PA 17103
Attorney: David J. Lenox, Esq., The Wiley Group, 130 W. Church St., Suite 100, Dillsburg, PA 17019

ESTATE OF ANNABELLE C. KNOUSE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
Co-Executors: Cynthia A. McCall, 1701 Maddox Street, Belen, NM 87002; Steven C. Knouse, 500 Excelsior Road, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF GERTRUDE B. REAVER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executrix: Linda K. Allegretta, 163 Johnnycake Drive, Naples, FL 34110
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY RITA REDDING, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Personal Representatives: PNC Bank NA, 4242 Carlisle Pike, Camp Hill, PA 17011, By Linda J. Lundberg, Asst. Vice Pres.; Donald M. Redding, 640 Quaker Run Rd., Aspers, PA 17304
Attorney: G. Steven McKonly, Esq., 119 Baltimore St., Hanover, PA 17331

ESTATE OF MAE E. SCHWEIER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
Administrator: Larry H. Eader, 325 Lexington Way, Littlestown, PA 17340
Attorney: William P. Douglas, Esq., 43 W. South St., P.O. Box 261, Carlisle, PA 17013

**ESTATE OF MARGARET O. SHOW-
VAKER a/k/a MARGARET DEAR-
DORFF SHOWVAKER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania
Judith A. Hay, 64 Perrin Avenue, Gettysburg, PA 17325
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF VERGIE G. SNYDER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executrices: Nora Lee Sandruck and Margie Ann Stover, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331
Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF LUDWIG KANZLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
Executor: Maria Beyale, c/o The Law Offices of Joseph D. Buckley, 1237 Holly Pike, Carlisle, PA 17013
Attorney: Joseph D. Buckley, Esq., The Law Offices of Joseph D. Buckley, 1237 Holly Pike, Carlisle, PA 17013

**ESTATE OF CHARLOTTE ANN KEP-
NER a/k/a CHARLOTTE A. KEPNER,
DEC'D**

Late of the Borough of Fairfield, Adams County, Pennsylvania
Co-Executrices: Marcy A. VanMetre, 33 Fruitwood Trail, Fairfield, PA 17320; Tracy Leigh Sebald, 116 Thunder Trail, Fairfield, PA 17320
Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

ESTATE OF JOY N. MARA, DEC'D

Late of Butler Township, Adams County, Pennsylvania
Executor: Daniel N. Mara, 1550 Table Rock Road, Gettysburg, PA 17325
Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ANNA L. MUMMERT, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
Executor: Carl M. Coulson, 173 Town Hill Road, York Springs, PA 17372
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

(continued on page 8)

THIRD PUBLICATION (continued)**ESTATE OF LORETTA K. NEIDERER, DEC'D**

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Beverly Miller, 605 Lancelot Drive, Florence, SC 29505

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

ESTATE OF LYNN T. RINKE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Mark Rinke, 1497 Ashton Drive, Rochester Hills, MI 48309

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

ESTATE OF HUEY BEN SMITH, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Judy Ann Houser and Huey David Smith, Jr., c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George St., York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF RAYMOND M. SMITH, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: David M. Bell, 4820 Old Harrisburg Rd., Lot 160, Gettysburg, PA 17325

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

ESTATE OF RICHARD P. SNYDER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Nora Lee Sandruck and Margie Ann Stover, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

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

ESTATE OF ROBERT W. WEANER, SR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert W. Weaner, Jr., 35 N. Hay St., Gettysburg, PA 17325

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

ESTATE OF BETTY J. WILDASIN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executrix: Mary Ann White, 70 Oaklyn Lane, Coatesville, PA 19320

Attorney: Larry W. Wolf, Esq., Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

ESTATE OF JOYCE WILLIAMS, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrators: Ralph J. Williams, Jr., 164 Oak Grove Road, New Oxford, PA 17350; Janet E. Groft, 592 Poplar Rd., New Oxford, PA 17350

Attorney: Larry W. Wolf, Esq., Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1364 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1: BEGINNING at a point in U.S. Route 140 at lands now or formerly of Paul McCleaf; thence in the center of said U.S. Route 140 North 45 degrees West, 100 feet to a point; thence by lands now or formerly of George Gantz and M. Jane Gantz and through an iron pin set 25 feet on the line, North 41 degrees 45 minutes East, 200 feet to an iron pin at lands now or formerly of Paul C. and Catherine M. Stull; thence by lands South 45 degrees 45 minutes East, 100 feet to an iron pin at lands now or formerly of Paul McCleaf; thence by said lands South 41 degrees 45 minutes West, 200 feet through an iron pin set 25.9 feet to the place of BEGINNING. CONTAINING 73 perches and 7 square feet.

Tract No. 2: BEGINNING at an iron pin at lands now or formerly of Paul H. McCleaf and Tract No. 1 herein; thence by said Tract No. 1 herein and by lands now or formerly of Robert F. Angell North 45 degrees 45 minutes West, 235 feet to corner of lands now or formerly of Donald Nunemaker and lands now or formerly of Paul C. and Catherine M. Stull; thence by said last mentioned

lands North 41 degrees 45 minutes East, 60 feet to an iron pin; thence continuing by said lands South 45 degrees 45 minutes East, 246.35 feet to an iron pin; thence continuing by said lands South 17 degrees 37 minutes West, 38.27 feet to lands now or formerly of Paul H. McCleaf; thence by said lands South 89 degrees 25 minutes West, 36.50 feet to the place of BEGINNING. CONTAINING 15,089.03 Square Feet.

The above descriptions were taken from a draft of survey dated January 8, 1969, and revised March 10, 1970, prepared by Gettysburg Engineering Co.

Being the same two tracts of land which Jessica Wilkinson, Stacie Gantz, and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, by their deed dated the 27th day of March, 2007, and about to be recorded in the Office of the Recorder of Deeds of Adams County, granted and conveyed unto Paul C. Plank and Sally A. Plank, husband and wife, mortgagors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Paul C. Plank and Sally A. Plank, husband and wife, as tenants of an estate by the entirety, by Deed from Jessica Wilkinson and Stacie Gantz and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, deceased, dated 03/27/2007, recorded 04/03/2007, in Deed Book 4791, page 81.

Premises being: 2280 Baltimore Pike, Gettysburg, PA 17325

Tax Parcel No. (30) G 15-0010

SEIZED and taken into execution as the property of **Paul C. Plank** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

Adams County Legal Journal

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COMMONWEALTH VS. \$180

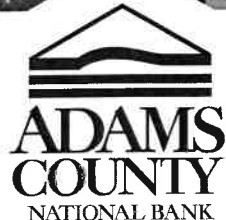
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for other people's property.

Karen Arthur
Trust Officer



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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. 07-S-379 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Mount Joy Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as Lot No. 1024 on a Plan of Lots of Lake Heritage Subdivision, duly erected and appearing of record in the Office of the Recorder of Deed of Adams County, Pennsylvania, in Miscellaneous Book 4 at page 778 and Subject to all legal highways, easements, rights of way, covenants and restrictions of record.

TITLE TO SAID PREMISES IS VESTED BY Special Warranty Deed, dated 07/14/2005, given Timothy R. Bauer, single man to Frank Kenneth Price, III and recorded 8/6/2005 in Book 4047 and Page 84.

Parcel Number: (31) 010-0058

Property Being: 1024 Burn Side Drive, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Frank Kenneth Price, III** and to be sold by me.

James W. Muller-Sheriff
 Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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3/14, 20 & 28

SHERIFF'S SALE

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BEGINNING at an iron pin in the center line of Township Road T-306, otherwise known as Green Ridge Road, at corner of land now or formerly of Thomas C. Sanders; thence by same, North 57 degrees 32 minutes 00 seconds West, 303.16 feet to an iron pin; thence by same, North 46 degrees 10 minutes 00 seconds West, 533.32 feet to an iron pin; thence by same, South 33 degrees 10 minutes 40 seconds West, 206.59 feet to an iron pin; thence by same, North 82 degrees 17 minutes 45 seconds West, 536.75 feet on line of land now or formerly of Mont Alto State Forest; thence by said land of Mont Alto State Forest, North 34 degrees 34 minutes 20 seconds East, 373.00 feet to an iron pin; thence by same, North 21 degrees 04 minutes 20 seconds East, 368.46 feet to an iron pin at corner of land now or formerly of Douglas H. Swopce; thence by same, South 67 degrees 31 minutes 10 seconds East, 420.73 feet to an iron pin; thence by same, South 44 degrees 20 minutes 30 seconds East, 644.16 feet to an iron pin at land now or formerly of Susan H. (Bloser) Hunter; thence by said land of Susan H. (Bloser) Hunter, South 45 degrees 39 minutes 30 seconds West, 190.66 feet to an iron pin at a point running near and along a 10 foot wide private road; thence by same, South 46 degrees 24 minutes 00 seconds East, 208.16 feet to an iron pin at an 8 inches Ash; thence by same, North 82 degrees 40 minutes 10 seconds East, 111.55 feet to a railroad spike in Township Road T-306; thence running in Township Road T-306, South 05 degrees 41 minutes 00 seconds West, 200.06 feet to an iron pin in Township Road T-306, the point and place of BEGINNING. CONTAINING 12.206 Acres.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated July 19, 1979, and revised October 5, 1981, recorded in Plat Book 36 at page 68, designating the above as Tract No. 1.

Being the same which Robert T. Hunter and Mary Susan McGraw, his wife, by their deed dated November 3, 1987, which deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 472 at page 489, sold and conveyed unto Robert T. Hunter and Mary Susan McGraw, husband and wife, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Robert T. Hunter, by Deed from Robert T. Hunter and Mary Susan McGraw, dated 06/30/1992, recorded 07/01/1992, in Deed Book 633, page 452.

Premises being: 1215 Greenridge Road, a/k/a 1215 Green Ridge Road, Orrtanna, PA 17353

Tax Parcel No. (12) B 11-0040

SEIZED and taken into execution as the property of **Robert T. Hunter** and to be sold by me.

James W. Muller-Sheriff
 Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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3/14, 20 & 28

COMMONWEALTH VS. \$180

1. There are two types of contraband; contraband per se and derivative contraband. The former is property that is inherently illegal and subjects its possessor to criminal sanction and, the latter, is property that itself is legal but nonetheless constitutes the fruit of a criminal enterprise or is used to perpetrate an unlawful act.

2. Property may not be considered derivative contraband merely because it was owned or used by someone who has been engaged in criminal conduct. Instead, the Commonwealth must establish a specific connection or nexus between the property and the criminal activity.

3. Although there is no specific statutory definition of gambling device, it has been defined as a device which can only be used for an unlawful purpose.

4. To prove that gambling was occurring on the licensee's premises, three common-law elements had to be satisfied: consideration, chance, and reward.

5. This Court finds that there is no authority in the Crimes Code or the Liquor Code to classify playing poker as "unlawful gambling."

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CP-01-MD-171-2006, COMMONWEALTH VS. ONE HUNDRED EIGHTY DOLLARS

Shawn Wagner, Esq., for Commonwealth
David M. McGlaughlin, Esq., for Petitioner
Kuhn, P.J., March 9, 2007

OPINION ON PETITIONER'S MOTION FOR RETURN OF PROPERTY

Before the Court is a Motion filed by Petitioner on April 21, 2006 wherein he seeks return of \$180.00 seized by agents of the Pennsylvania Liquor Control Board (hereinafter "PLCB") from the Fraternal Order of Eagles in Gettysburg, Pa. (hereinafter "Gettysburg Eagles") on March 23, 2006. For reasons set forth below, the motion is granted in part.

FACTUAL AND PROCEDURAL BACKGROUND

Members of the PLCB began investigating the Gettysburg Eagles¹ after receiving a complaint from a private citizen. The complaint originated from an individual who was stopped for a DUI and revealed that the source of his intoxication was the Gettysburg Eagles, a licensed liquor establishment. An undercover investigation of the Gettysburg Eagles ensued and during one of the undercover visits, a PLCB officer observed individuals playing poker on the premises. Based upon this and other visits, PLCB Officer Richard Hackenberg concluded that illegal gambling was taking place on the premises.

¹The Gettysburg Eagles is a private club not open to the general public.

An open inspection of the Gettysburg Eagles followed on March 23, 2006 in which Officer Hackenberg and PLCB Officer John Deuter entered the premises and observed two tables at which club members (nine at one table and eight at the other table) were playing Texas Hold'Em poker. Officer Hackenberg then spoke with Jeremy Miller, the manager of the Gettysburg Eagles, who provided the following written statement, in relevant part, to the officers:

My name is Jeremy Miller...I have been the manager of the Fraternal Order of Eagles in Gettysburg for four years....

The establishment has been operating a Texas Hold'Em game for approximately one year. There is a \$20 buy-in to play and there's typically 8 to 16 players in a game. There are also cash games that do take place with the losers from the original game. This always takes place on Thursday, but if they get enough people together on any given night, a game does take place.

For your \$20 buy-in, you get 10 red chips, which equals 500, 10 white chips, which equals 100, 10 green chips, which equal 1,000, and one black chip, which equals 5,000.

There is no one person that is in charge. The top three winners for the night wins the following: First place wins \$100. Second place wins \$40, and third place wins \$20. There was 17 players on this evening and \$340 was taken as evidence.

Following Mr. Miller's statement, Officers Hackenberg and Deuter stopped the game and seized cash from gentlemen seated at each table. Additionally, they administratively cited the Gettysburg Eagles for possession or operation of gambling devices.

On April 21, 2006, Petitioner filed a Motion for Return of Property pursuant to Pa.R.Crim.P. 588 seeking return of \$180.00 taken from the table he occupied. Therein, Petitioner argues that the Texas Hold'Em poker games held at the Gettysburg Eagles do not constitute unlawful gambling and therefore, the money was unlawfully seized as contraband and should be returned. Petitioner also contends that the Commonwealth did not have the authority to seek forfeiture of the money and that its seizure violated his constitutional right of privacy and freedom of association.

On August 1, 2006, an evidentiary hearing was held on Petitioner's motion² before this Court. At the hearing, Officers Hackenberg and Deuter testified to their knowledge of gambling on licensed liquor establishments. Both officers indicated that the PLCB can administratively cite a licensed liquor establishment for unlawful gambling as long as the following traditional common-law elements of gambling are met: consideration, chance, and reward. Both officers maintained that all three elements were present during the Texas Hold'Em poker games and that therefore, the Gettysburg Eagles could be administratively cited for unlawful gambling.

Dennis McClaughlin, an amateur poker player, testified for Petitioner that "poker is a game of skill with an element of chance in it" and that a player's level of skill³ would make a difference in certain aspects of the game. On cross-examination, McClaughlin conceded that players have no control over the cards given to them or others.

The Court then examined McClaughlin as to how Texas Hold'Em poker is played. McClaughlin explained that each player is dealt two cards face down and the dealer places three community cards face up on the table. Each player then examines his cards and a round of betting ensues where each player decides to fold or remain in the hand by raising a bet. Next, the dealer burns (discards)⁴ the top card from the deck and places what becomes the fourth community card face up on the table. Another round of betting takes place with each player again deciding to fold or remain in the hand. The dealer then burns the next top card and places what becomes the fifth community card face up on the table. Thereafter, the players make a final decision to fold or remain in the hand. At this time, the player with the best "traditional poker hand"⁵ wins all the chips wagered.

All briefs on Petitioner's motion were submitted by September 28, 2006.

²The original motion included a Motion for a Declaratory Judgment which was orally withdrawn before testimony was received.

³McClaughlin testified that two aspects of a player's skill are his ability to guess what is in the hand of other players and to "bluff" the value of his hand to others.

⁴Burning the top card helps prevent cheating by ensuring that no one accidentally saw it.

⁵Players use the five community cards and the two cards they were originally dealt to form the best possible five-card poker hand.

DISCUSSION

Pursuant to Pa. R.Crim. P. 588, a person may move for return of property seized by police pursuant to or in the absence of a warrant. In such a proceeding, the moving party has the initial burden of demonstrating lawful possession of the property and, if successful, the burden then shifts to the Commonwealth to establish, by a preponderance of the evidence, that the property is contraband or derivative contraband. *Commonwealth v. Howard*, 713 A.2d 89, 92 (Pa. 1998); *Commonwealth v. Wintel, Inc.*, 829 A.2d 753, 756 (Pa. Commw. 2003).

There are two types of contraband; contraband per se and derivative contraband. The former is property that is inherently illegal and subjects its possessor to criminal sanction and, the latter, is property that itself is legal but nonetheless constitutes the fruit of a criminal enterprise or is used to perpetrate an unlawful act. *Commonwealth v. One 2001 Toyota Camry*, 894 A.2d 207, 210 (Pa. Commw. Ct. 2006). Property may not be considered derivative contraband merely because it was owned or used by someone who has been engaged in criminal conduct. *Id.* Instead, the Commonwealth must establish a specific connection or nexus between the property and the criminal activity. *Id.*

There appears to be no contention that at least \$20.00 of the amount seized was contributed by Petitioner. Furthermore, there is no evidence that Petitioner represents the interests of any of the other players. Twenty dollars cash is not illegal per se. Therefore, the issue before the Court is whether that cash constitutes derivative contraband.

The Commonwealth contends that the money is derivative contraband because it is directly related to a violation of the Liquor Code in that the poker games constituted illegal common-law gambling.⁶ Petitioner counters that the Texas Hold'Em poker tournament held at the Gettysburg Eagles does not constitute unlawful gambling.⁷

⁶Specifically, the Commonwealth contends that Petitioner's playing of poker for money in a licensed liquor establishment satisfied the common-law definition of gambling. The Commonwealth maintains that (1) Petitioner "anted up" twenty dollars to enter the Texas Hold'Em tournament; (2) Petitioner had no control over the cards he was dealt; and (3) the top three chip winners at the end of the tournament received cash prizes.

⁷In support, Petitioner contends that although poker is a form of gambling, there is no authority for it to be classified as unlawful gambling because it is not listed or defined in the Small Games of Chance Act (10 Pa. C.S.A. § 311 *et seq.*) or the Crimes Code, 18 Pa. C.S.A. § 5512 or § 5513. Consequently, Petitioner asserts that these statutes do not give proper notice that poker playing is unlawful gambling, thereby violating his state and federal due process rights.

The investigation and entry of the Gettysburg Eagles was authorized pursuant to provisions of the Liquor Code. 47 Pa. C.S.A. § 4-493(21). Apparently, the Gettysburg Eagles was cited under section 4-471(a) of the Liquor Code which provides in pertinent part:

(a) Upon learning of any violation of this act...or upon any other sufficient cause shown, the enforcement bureau may...cite such licensee....

47 Pa. C.S.A. §4-471(a). (emphasis added).

Although section 4-471(a) does not expressly prohibit gambling upon licensed establishments, caselaw has interpreted that section to sanction such conduct. *In Re The Catering Club Liquor License et al. v. Commonwealth, Pennsylvania Liquor Control Bd.*, 438 A.2d 662, 663 (Pa. Commw. 1981) noted that “[a]lthough gambling is not a specific violation, a license can be revoked if gambling is conducted on the premises.” There, enforcement agents discovered “numerical tip seal tickets” and “punchboards” on the premises. *Id.* at 664. Citing prior caselaw, the court stated:

Although there is no specific statutory definition of gambling device, it has been defined as a device which can only be used for an unlawful purpose...We concluded that the devices at issue are gambling devices per se, since they are purely games of chance, where the element of skill is inconsequential and they have no lawful use.

Id.

Five years later, the Commonwealth Court was presented with an appeal involving an electronic poker machine in a licensed establishment in *Pennsylvania Liquor Control Bd. v. PPC Circus Bar Inc.*, 506 A.2d 521, 522 (Pa. Commw. 1986). That court observed that

[b]efore the trial court, it was the Board’s burden to prove that gambling had occurred as charged on PPC’s premises by a clear preponderance of the evidence...the Board’s evidence had to show that the three elements of gambling were present...consideration, chance, and reward.

Id.

In that case, gambling was proven. *Id.*

These cases set the stage for *Pennsylvania Liquor Control Bd. v. Kehler*, 538 A.2d 979 (Pa. Commw. 1988). In *Kehler*, a licensee

decided to have a private party for his best customers on Super Bowl Sunday at his hotel. *Id.* at 979. The customers paid \$10.00 each to drink beer, eat food, and play poker and dice. *Id.* After enforcement officers observed the playing of poker on the licensee's premises, the PLCB cited the licensee for permitting gambling on the premises and assessed a \$1,000 fine. *Id.* at 980. The licensee appealed and the trial court sustained the appeal.⁸ *Id.* The Board argued that because gambling was a violation of section 5513 of the Crimes Code, 18 Pa. C.S.A. § 5513, such activity constituted "sufficient cause" under § 4-471 of the Liquor Code to justify the sanction. *Id.* On appeal, the Commonwealth Court, per Judge MacPhail,⁹ commented as follows on that issue and on the PLCB's burden:

It is unfortunate that the Crimes Code does not define gambling and the Liquor Code does not specifically list gambling as an activity prohibited on licensed premises, nor is there a Board regulation setting forth what constitutes "sufficient cause" under Section 471 of the Liquor Code.

...

it is not playing poker which is complained of, nor the commission of an illegal act, but rather gambling.

...

While we are not prepared to hold and need not decide that poker playing is "unlawful gambling" under the Crimes Code, we now hold that the Board's burden in the instant case was only to prove that gambling was occurring and that that activity was sufficient cause for the Board's action. It need not prove that the Crimes Code was violated.

Id. at 981.

⁸The McKean County Court of Common Pleas held that the PLCB failed to meet its burden of proving sufficient cause to cite the licensee and impose a penalty under the provisions of the Liquor Code because poker playing on the licensee's premises did not constitute gambling. *Id.* at 981. The trial court defined the issue as whether or not the fact that seven men played a poker game at a private party is sufficient cause to give the Board reason to cite the licensee. *Id.* at 980. In support of its holding, the court reasoned that 18 Pa. C.S.A. 5513 only prohibits "unlawful gambling" and the mere act of playing cards for money is not a criminal offense. *Id.* (citing *U.S. ex rel. Yates v. Rundle*, 326 F. Supp. 344 (E.D. Pa. 1971)).

⁹Formerly of the Court of Common Pleas of Adams County.

To prove that gambling was occurring on the licensee's premises, three common-law elements had to be satisfied: consideration, chance, and reward. *Id.* (citing *Pennsylvania Liquor Control Bd.*, 506 A.2d at 522). The Commonwealth Court found all three common-law elements present during the poker game at licensee's premises: "[i]n order to participate one must 'ante up' money; the winner is determined by luck of the cards drawn (and a lot of bluffing); and the winner takes in the 'pot.'" *Kehler*, 538 A.2d at 981. Consequently, the Commonwealth Court reversed the trial court and held that poker playing on the licensee's premises constituted "sufficient cause to invoke sanctions as a violation of the Liquor Code." *Id.* at 981.

Now, 18 years later, poker has still not been expressly defined as unlawful gambling in either the Liquor Code or the Crimes Code. However, the Texas Hold'Em style of poker played in this case appears to satisfy the three common-law elements of gambling needed to establish a violation of section 4-471(a) of the Liquor Code pursuant to caselaw precedent. First, Petitioner "ante upped" twenty dollars to enter the tournament at the Gettysburg Eagles. Second, Texas Hold'Em poker can primarily be characterized as a game of chance.¹⁰ Third, the top three winners of the tournament receive a cash reward.

Thus, because the Texas Hold'Em tournament satisfies the elements of common-law gambling, this Court finds that the PLCB had

¹⁰ In *Kehler*, the chance element of common-law gambling was satisfied because the winner of the game was, according to Judge MacPhail, determined by the "luck of the cards drawn" and "a lot of bluffing." *Id.* Likewise, the chance element appears to be satisfied in this case because, as conceded by Petitioner's own witness, players have no control over the cards given to them. There may be certain aspects of Texas Hold'Em poker that can be viewed as a skill. In fact, at the hearing this Court observed that poker tournaments are quite popular television events and it seems obvious that only highly skilled players are successful regardless of what cards may be available to them. A novice, including the Court, would be forced from the game much quicker than if chance was the sole criteria for success. However, the *Kehler* court appears to have taken that into account when referring to "a lot of bluffing" being involved in the game. Therefore, this Court feels compelled to follow the Commonwealth Court's determination that a player's lack of control as to the cards he is dealt is sufficient to establish the chance element of common-law gambling. Petitioner would have this Court conclude that the decision in *Kehler* was misguided. It would be disingenuous for the undersigned to conclude that the reasoning and conclusion of Judge MacPhail (one of the finest legal minds to come out of Adams County), writing for the majority of an appellate court, should be ignored.

sufficient cause to administratively cite the Gettysburg Eagles for violating section 4-471(a) of the Liquor Code.¹¹

Continued to next issue (3/28/2008)

¹¹This holding could create a jurisdictional concern if the Gettysburg Eagles had filed an appeal before another judge which resulted in a different conclusion. The instant conclusion is relevant only as it relates to Petitioner's request for return of property. It is not procedurally, expressly or by necessary implication, intended to impact any administrative appeal. That concern may, however, be moot because the Court was advised during the hearing that the Gettysburg Eagles was not contesting the citation for violation of the Liquor Code.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1376 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that parcel of land in Village of Centennial, Adams County, Commonwealth of Pennsylvania, as more fully described in Deed Book 3777, Page 102, ID# J14-36, being known and designated as all those two tracts of land situate, lying, and being in the Village of Centennial, Mount Pleasant Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No.1: BEGINNING in the center of a public road known as Centennial Road, leading from Centennial to McSherrystown at lands now or formerly of Paul Gebhart; thence Eastward in said road, 37 feet 6 inches to lot now or formerly of F.X. Lawrence; thence Southward along said lot now or formerly of F.X. Lawrence, 202 feet to a stake at a 10 foot wide alley; thence Westward along said alley 37 feet 6 inches to a stake at lands now or formerly of Paul Gebhart aforesaid; thence Northward along said last mentioned lot, 202 feet to the place of BEGINNING.

Tract No. 2: BEGINNING at an iron pin in the public alley in the Village of Centennial, Township aforesaid, said public alley running parallel to and being West of the main road in said village; thence by said alley in a Northerly direction for a distance of 4 feet to an iron pin; thence by lands now or formerly of Paul Gebhart and Viola M. Gebhart in an Easterly direction for a distance of 27 feet to an iron pin; thence continuing by lands of same in a Southerly direction for a distance of 4 feet to other lands now or formerly of Claude J. Lawrence, Tract No. 1 herein, thence by lands now or formerly of Claude J. Lawrence, Tract No. 1 herein, in a Westerly direction for a distance of 27 feet to an iron pin, the place of BEGINNING.

CONTAINING 108 square feet, neat measure.

Being further identified on Adams County Tax Map J 14, Page 36 as shown on Assessment Map in records of Adams County, Pennsylvania.

Being known as: 2859 Centennial Road, Hanover, PA 17331

Property ID No.: J14-36

TITLE TO SAID PREMISES IS VESTED IN Keith R. Strausbaugh, a single individual, by deed from Jody A. Clouser, a single individual, dated 11/16/2004

recorded 11/19/2004 in deed book 3777 page 102.

This property is being sold subject to a first mortgage.

SEIZED and taken into execution as the property of **Keith R. Strausbaugh** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/7, 14 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-528 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, with any improvements thereon erected, situate, lying and being in Reading Township, Adams County, Pennsylvania, being Lot No. 23 on a Final Plan of Section Two of Conewago Crest Estates, prepared by Worley Surveying, dated October 31, 1988, File No. C-996, and recorded in the Adams County Recorder of Deeds Office in Plan Book 51, page 32, being more fully bounded, limited and described as follows, to wit:

BEGINNING at a point on the easterly side of a fifty (50) feet wide right-of-way known as Crest View Drive at corner of Lot No. 24 of the aforementioned Plan; thence along said Lot No. 24, South sixty-six (66) degrees sixteen (16) minutes zero (00) seconds East, two hundred twenty-five (225.00) feet to a point along line of lands known as Lot No. 1, lands now or formerly of Steven P. and Tracy L. Smith; thence continuing along line of lands now or formerly of same, South twenty-three (23) degrees forty-four (44) minutes zero (00) seconds West, one hundred twenty-seven (127.00) feet to a point at corner of Lot No. 22 of the aforementioned Plan; thence continuing along

said Lot No. 22, North sixty-six (66) degrees sixteen (16) minutes zero (00) seconds West, two hundred twenty-five (225.00) feet to a point along the aforementioned Crest View Drive; thence continuing along same, North twenty-three (23) degrees forty-four (44) minutes zero (00) seconds East, one hundred twenty-seven (127.00) feet to a point, the place of BEGINNING, Containing 28,575 square feet.

UNDER AND SUBJECT, NEVERTHELESS, to those conditions and restrictions as recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania, on December 6, 1988, in Record Book 509, page 163.

IT BEING the same tract of land which Steven P. Smith and Tracy L. Smith, husband and wife, by their deed dated the 15th day of June, 1989, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Michael A. Long and Melissa R. Bollinger, now Melissa R. Long, husband and wife, Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Michael A. Long and Melissa R. Long, husband and wife, as tenants of an Estate by the entirety, by Deed from Michael A. Long and Melissa R. Bollinger, now Melissa R. Long, husband and wife, dated 09/26/1997, recorded 10/22/1997, in Deed Book 1460, page 320.

Premises being: 31 Crest View Drive, East Berlin, PA 17316

Tax Parcel No. (36) L 08-0123

SEIZED and taken into execution as the property of **Michael Long a/k/a Michael A. Long & Melissa R. Long a/k/a Melissa Rhea Long a/k/a Melissa R. Bollinger** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/7, 14 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1366 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of T-395, which point is South 60 degrees 24 minutes 41 seconds West, 192.96 feet from the end of the South 33 degrees 45 minutes East, 285.1 foot course of the original tract; thence in said T-395 South 60 degrees 24 minutes 41 seconds West, 208.80 feet to a point at other lands now or formerly of Paul A. Shaffer; thence by said lands and through an iron pin set back 25 feet on the line North 29 degrees 35 minutes 19 seconds West, 182.47 feet to a point in Route 34; thence in said Route 34 North 46 degrees 21 minutes 37 seconds East, 215.24 feet to a point at other lands now or formerly of Paul A. Shaffer; thence by said lands South 29 degrees 35 minutes 19 seconds East, 234.73 feet to the place of BEGINNING.

The above description was taken from a draft of survey dated May 23, 1975, prepared by LaRue Surveys, Inc.

BEING the same premises which the Estate of Harold R. Miller, by Donald R. Miller and Kenneth C. Miller, Co-Executors of the Last Will and Testament of Harold R. Miller, by Deed dated January 25, 2002 and recorded in the Recorder of Deeds of Adams County on January 29, 2002, in Deed Book Volume 2545, Page 261, granted and conveyed unto Bradley Allen Kroushour and Traci Lynn Kroushour.

GRENN & BIRSIC, P.C.
Kristine M. Anthon, Esquire
Attorney for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

Parcel: G 04-0029 A

Premises: 284 Gardners Station Rd.,
Gardners, PA 17324

SEIZED and taken into execution as the property of **Bradley Allen Kroushour & Traci Lynn Kroushour** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

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

schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/20, 28 & 4/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1409 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point at the corner of Prince Street and Windsor Street; thence along the Northwest side of aforesaid Windsor Street South sixty (60) degrees, eighteen (18) minutes, twenty (20) seconds West, ninety-five (95) feet to a point on an alley; thence along said alley, North twenty-nine (29) degrees, forty-one (41) minutes, forty (40) seconds West, fifty-three and six-tenths (53.6) feet to a point at corner, of Lot No. 76, thence along said Lot No. 76, North sixty (60) degrees, eighteen (18) minutes, twenty (20) seconds East, ninety-five (95) feet to a point on the Southwest side of Prince Street; thence along said Prince Street, South twenty-nine (29) degrees, forty-one (41) minutes, forty (40) seconds East, fifty-three (53) and six-tenths (53.6) feet to the place of BEGINNING.

The above described lot of ground being known on a plan of lots of William V. Sneringer tract, developed by I. H. Crouse and Sons (as revised by survey of Leroy H. Winebrenner, R.S., and drawn by Herbert S. Plunkert, dated November 4, 1950) as Lot No. 77-A.

Being the same tract of land which Jeanne W. Bowser, widow, by her deed dated October 31, 1996 and recorded in the Adams County Recorder of Deeds Office on November 6, 1996 in Book 1285, Page 316, granted and conveyed unto Gerhard Noerr and Janet V. Noerr, husband and wife, Mortgagor's Herein.

RECORD OWNER

Vested by Special Warranty Deed, dated 10/31/1996, given by Jeanne W. Bowser, widow to Gerhard Noerr and Janet V. Noerr, Husband and Wife, As Tenants by the Entireties and recorded 11/6/1996 in Book 1285 Page 316.

Premises being: 404 Prince Street, Littlestown, PA 17340-1212

Tax Parcel No. (27) 005-0030

SEIZED and taken into execution as the property of **Gerhard Noerr & Janet V. Noerr** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, PA of an application for registration under the Fictitious Names Act. The name of the business is TACT TAG & TITLE with its principal place of business at 5356A Baltimore Pike, Littlestown, PA 17340. The owner of the business is Adamik Insurance Agency, Inc., of 1281 Heidlersburg Road, Aspers, PA 17304.

Robert G. Teeter, Esq.
Teeter, Teeter & Teeter
108 West Middle Street
Gettysburg, PA 17325-2108

3/20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1364 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, a bounded and described as follows:

Tract No. 1: BEGINNING at a point in U.S. Route 140 at lands now or formerly of Paul McCleaf; thence in the center of said U.S. Route 140 North 45 degrees West, 100 feet to a point; thence by lands now or formerly of George Gantz and M. Jane Gantz and through an iron pin set 25 feet on the line, North 41 degrees 45 minutes East, 200 feet to an iron pin at lands now or formerly of Paul C. and Catherine M. Stull; thence by lands South 45 degrees 45 minutes East, 100 feet to an iron pin at lands now or formerly of Paul McCleaf; thence by said lands South 41 degrees 45 minutes West, 200 feet through an iron pin set 25.9 feet to the place of BEGINNING. CONTAINING 73 perches and 7 square feet.

Tract No. 2: BEGINNING at an iron pin at lands now or formerly of Paul H. McCleaf and Tract No. 1 herein; thence by said Tract No. 1 herein and by lands now or formerly of Robert F. Angell North 45 degrees 45 minutes West, 235 feet to corner of lands now or formerly of Donald Nunemaker and lands now or formerly of Paul C. and Catherine M. Stull; thence by said last mentioned lands North 41 degrees 45 minutes East, 60 feet to an iron pin; thence continuing by said lands South 45 degrees 45 minutes East, 246.35 feet to an iron pin; thence continuing by said lands South 17 degrees 37 minutes West, 38.27 feet to lands now or formerly of Paul H. McCleaf; thence by said lands South 89 degrees 25 minutes West, 36.50 feet to the place of BEGINNING. CONTAINING 15,089.03 Square Feet.

The above descriptions were taken from a draft of survey dated January 8, 1969, and revised March 10, 1970, prepared by Gettysburg Engineering Co.

Being the same two tracts of land which Jessica Wilkinson, Stacie Gantz, and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, by their deed dated the 27th day of March, 2007, and about to be recorded in the Office of the Recorder of Deeds of Adams County, granted and conveyed unto Paul C. Plank and Sally A. Plank, husband and wife, mortgagors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Paul C. Plank and Sally A. Plank, husband and wife, as tenants of an estate by the entirety, by Deed from Jessica Wilkinson and Stacie Gantz and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, deceased, dated 03/27/2007, recorded 04/03/2007, in Deed Book 4791, page 81.

Premises being: 2280 Baltimore Pike, Gettysburg, PA 17325

Tax Parcel No. (30) G 15-0010

SEIZED and taken into execution as the property of **Paul C. Plank** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-311 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a P.K. nail located in Legislative Route 01080 at corner of land of Robert Cole; thence in said Legislative Route, North 56 degrees 47 minutes 30 seconds East, 75.32 feet to a P.K. nail; thence in same, North 64 degrees 38 minutes 40 seconds East, 218.52 feet to a P.K. nail; thence in same, North 38 degrees 30 minutes 30 seconds East, 317.13 feet to a P.K. nail; thence in same North 51 degrees 37 minutes 00 seconds East, 160 feet to a railroad spike in said Legislative Route; thence by land of Charles Dettinburn and running through a reference pin located 29.80 feet from

the beginning of this line, South 30 degrees 4 minutes 20 seconds East, 221.37 feet to an iron pin at Land of Herbert Arndt; thence by said land of Herbert Arndt, South 56 degrees 14 minutes 10 seconds West, 781.33 feet to an iron pin at land of Robert Cole; thence by said land of Robert Cole and running through a reference pin located 30 feet from the end of this line, North 17 degrees 16 minutes 40 seconds West, 150.33 feet to a P.K. nail in Legislative Route 01080, the place of BEGINNING. CONTAINING 2.808 Acres.

TAX PARCEL NO. (20) E-04-0073

Property Address: 2280 Coon Road, Aspers, PA 17304

SEIZED and taken into execution as the property of **Mary F. Yohe & Tony M. Yohe** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/20, 28 & 4/4

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application has been filed under the Fictitious Names Act, 54 Pa. C.S.A. §§ 301 et seq., as amended, with the Secretary of the Commonwealth, in Harrisburg, Pennsylvania, on February 27, 2008, for conducting business under the assumed or fictitious name of AMERICAN DOCUMENT COMPANY. The address of the principal office or place of business to be carried on under or through the fictitious name is: 206 Hanover Street, Gettysburg, Pennsylvania 17325. The name and address of the only entity which is a party to the registration is: Garden Spot Gifts, Inc., 206 Hanover Street, Gettysburg, PA 17325.

Phillips & Phillips
Attorneys

3/20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1316 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN land lying and situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lot No. 319 in section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Sunfish Trail at Lot No. 320; thence by said lot, South 34 degrees 09 minutes 14 seconds West, 221.47 feet to Lot No. 295; thence by said lot, North 55 degrees 50 minutes 46 seconds West, 105.82 feet to Lot No. 318; thence by said lot, North 34 degrees 09 minutes 14 seconds East, 221.47 feet to a point in the center of said Sunfish Trail; thence in said Sunfish Trail, South 55 degrees 50 minutes 46 seconds East, 105.82 feet to the place of BEGINNING.

THE ABOVE description was taken from a plan of lots labeled "Section K, Chamita", dated March 3, 1969, prepared by Evans Hagan & Holdreife and recorded in Adams County Plat Book No. 1 at page 42.

RESERVING HOWEVER, unto Chamita, its successors and assigns, a right of way and easements over said private roads indicated on said lot plan recorded in Adams County Plat Book no. 1 at page 42, to be used forever in common with grantees, their heirs and assigns, for means on ingress, egress and regress.

Parcel 004-0025

Being Known As: 21 Sunfish Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Dawn A-Lin Manahan & Jeffrey S. Manahan** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

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

3/20, 28 & 4/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1128 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike (set) in Old Log House Lane (T-620), an existing 50' wide right of way, thence leaving said Old Log House Lane (T-620) North sixteen (16) degrees thirty-two (32) minutes fifty-one (51) seconds East. One thousand three hundred eighty-six and twenty-four hundredths (1,386.24) feet to a steel pin set at Lot No. 1 as shown on the hereinafter referred to Final Plan; thence along and with said Lot No. 1, and other lands now or formerly of Jack W. Anderson and Barbara E. Anderson, South forty-eight (48) degrees twenty-nine (29) minutes twenty (20) seconds East, one thousand five hundred seven and sixty-three hundredths (1,507.63) feet to a point at lands now or formerly of Harry W. Fletcher; thence continuing along lands of the same, South forty-eight (48) degrees twenty-nine (29) minutes twenty (20) seconds East, one thousand five hundred seven and sixty-three hundredths (1,507.63) feet to a point at lands now or formerly of Harry W. Fletcher, thence continuing along lands of the same, South twenty-one (21) degrees eleven (11) minutes thirty-one (31) seconds West, four hundred thirteen and seventy-two hundredths (413.72) feet to a point at Lot No. 20, as shown on the hereinafter referred to Final plan; thence along and with said Lot No. 20, North fifty-eight (58) degrees zero (00) minutes forty-five (45) seconds West, eight hundred one and thirty-two hundredths (801.32) feet to a steel pin (set); thence continuing along said Lot No. 20, the following four (4) courses and distances: (1) South fifty-seven (57) degrees eleven (11) minutes forty-three (43) seconds West, two hundred twenty-seven and eighty-seven hundredths (227.87) feet to a steel pin (set); (2) South fifty-two (52) degrees thirty-six (36) minutes thirty-four (34) seconds West, one hundred twelve and twenty-seven (27) hundredths (112.27) feet to a steel pin (set); (3) South forty-four (44) degrees

forty-two (42) minutes fourteen (14) seconds West, one hundred ninety-eight and forty-two hundredths (198.42) feet to a steel pin (set); (4) South thirty-six (36) degrees forty-seven (47) minutes fifteen (15) seconds West, one hundred sixty-five and ninety-eight hundredths (165.98) feet to a point on Old Log House Lane (T-620); thence continuing in and through said Old Log House Lane, North sixty (60) degrees fifty-five (55) minutes thirty-one (31) seconds West, two hundred and seven hundredths (200.07) feet to a railroad spike (set) in Old Log House Lane (T-620), the point and place of BEGINNING.

CONTAINING 22.7527 acres and known as Lot No. 19 on a Final Plan prepared for Jack W. Anderson and Barbara E. Anderson by Worley Surveying bearing date of April 25, 1995, revised June 1, June 9, and June 20, 1995 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania on June 29, 1995 in Plat Book 67, Page 45.

UNDER AND SUBJECT, NEVERTHELESS, to the Declaration of Restrictions and Covenants recorded July 17, 1995 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1054, Page 234.

SUBJECT ALSO, to any notes, restrictions, covenants and conditions set forth in Plan Book 67, Page 45.

BEING known as Parcel Identification Number K6-56.

BEING the same premises which Henry J. Lesinski and Elizabeth D. Lesinski, husband and wife, by deed dated February 24, 1999 and recorded March 11, 1999 in Adams County in Deed Book 1784, Page 0087, granted and conveyed unto David A. Munson and Virginia L. Munson, husband and wife.

SEIZED and taken into execution as the property of **Joanne Seeley** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/20, 28 & 4/4

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF ROSE BEVILACQUA, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executor: John Xavier Bevilacqua, 80 Confederate Drive, Gettysburg, PA 17325
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ROSIE S. GRIFFITH, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
 Executor: David C. Griffith, 345 Brough Road, Abbottstown, PA 17301
 Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF PAUL W. HINKLE, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania
 Co-Executors: Allen L. Eppleman and Robert Watts, c/o Roger B. Irwin, Esq., Irwin & McKnight, 60 West Pomfret Street, Carlisle, PA 17013
 Attorney: Roger B. Irwin, Esq., Irwin & McKnight, 60 West Pomfret Street, Carlisle, PA 17013

ESTATE OF SARA E. MILLER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executrix: Phyllis A. Whitfield, 3325 Chambersburg Road, Biglerville, PA 17307
 Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CLARENCE A. NEIMAN, JR. a/k/a CLARENCE ALBERT NEIMAN, JR., DEC'D

Late of Reading Township, Adams County, Pennsylvania
 Executrix: Darlene M. Baker, c/o E. Steve O'Donnell, Esq., 141 Broadway, Suite 230, Hanover, PA 17331
 Attorney: E. Steve O'Donnell, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF CINDY A. ROBERTSON, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Administrator: Melissa Schriver, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401
 Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF BETTY L. STULTZ, DEC'D

Late of Germany Township, Adams County, Pennsylvania
 Gary L. Stultz, 1220 Frederick Pike, Littlestown, PA 17340
 Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF WYNONA I. WOODWARD, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executors: Doris Sease, 18 Robert Curtis Drive, Gettysburg, PA 17325; Danny Reeve, P.O. Box 175, Arendtsville, PA 17303
 Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CHARLES J. ZABROWSKI, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Patricia A. Beedle, 135 West High Street, Gettysburg, PA 17325
 Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF DONALD E. CORDELL, DEC'D**

Late of the Borough of New Oxford, Adams County, Pennsylvania
 Holly C. Martin, 1402 Fairfield Road, Gettysburg, PA 17325
 Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF RAYMOND K. DAY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Lucy M. Day, 1531 Irishtown Road, New Oxford, PA 17350
 Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GRACE S. GARRETSON, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
 Executor: David M. Garretson, 984 Carlisle Rd., Biglerville, PA 17307

ESTATE OF LEOLA R. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Kathryn L. Randolph, c/o 1434 W. Market St., York, PA 17404
 Attorney: John W. Stitt, Esq.

ESTATE OF EVELYN R. RODOLFF, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania
 Executrix: Rebecca E. Benner, 1900 Lincoln Street, Camp Hill, PA 17011
 Attorney: Jerry R. Duffie, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market St., P.O. Box 109, Lemoyne, PA 17043-0109

ESTATE OF MARY E. SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
 Executor: Carol E. Kessler, c/o Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331
 Attorney: Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

THIRD PUBLICATION**ESTATE OF PAUL A. GASS, DEC'D**

Late of Union Township, Adams County, Pennsylvania
 Administrator: Karl E. Gass, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331
 Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF DORIS G. HAAS a/k/a DORIS GIBSON HAAS, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania
 Executors: Michael G. Haas, 741 Sunset Road, Wrightsville, PA 17368; John E. Haas, 2448 Market Street, Harrisburg, PA 17103
 Attorney: David J. Lenox, Esq., The Wiley Group, 130 W. Church St., Suite 100, Dillsburg, PA 17019

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF ANNABELLE C. KNOUSE,
DEC'D

Late of Menallen Township, Adams
County, Pennsylvania

Co-Executors: Cynthia A. McCall,
1701 Maddox Street, Belen, NM
87002; Steven C. Knouse, 500
Excelsior Road, Biglerville, PA 17307

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

ESTATE OF GERTRUDE B. REAVER,
DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executrix: Linda K. Allegretta, 163
Johnnycake Drive, Naples, FL
34110

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

ESTATE OF MARY RITA REDDING,
DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Personal Representatives: PNC Bank
NA, 4242 Carlisle Pike, Camp Hill,
PA 17011, By Linda J. Lundberg,
Asst. Vice Pres.; Donald M.
Redding, 640 Quaker Run Rd.,
Aspers, PA 17304

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

ESTATE OF MAE E. SCHWEIER, DEC'D

Late of the Borough of Littlestown,
Adams County, Pennsylvania

Administrator: Larry H. Eader, 325
Lexington Way, Littlestown, PA 17340

Attorney: William P. Douglas, Esq., 43
W. South St., P.O. Box 261, Carlisle,
PA 17013

ESTATE OF MARGARET O. SHOW-
VAKER a/k/a MARGARET DEAR-
DORFF SHOWVAKER, DEC'D

Late of Franklin Township, Adams
County, Pennsylvania

Judith A. Hay, 64 Perrin Avenue,
Gettysburg, PA 17325

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

ESTATE OF VERGIE G. SNYDER, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executrices: Nora Lee Sandruck and
Margie Ann Stover, c/o Alan M.
Cashman, Esq., 141 Broadway,
Suite 230, Hanover, PA 17331

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

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION
NO. 08-S-226

IN RE: Jamie Lynn Gibbs

NOTICE OF HEARING OF PETITION
FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on
February 25, 2008, a petition for Change
of Name was filed on behalf of Jamie
Lynn Gibbs in the above named court
praying for a decree to change her name
from Jamie Lynn Gibbs to Ziva Lynn
Gibbs.

The Court has fixed April 1, 2008 at
9:00 a.m. in Courtroom No. 2, Adams
County Courthouse, 111 Baltimore
Street, Gettysburg, PA 17325 as the time
and 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.

Jamie Lynn Gibbs

Petitioner
1825 Highland Avenue Rd.
Gettysburg, PA 17325

3/20

Adams County Legal Journal

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March 28, 2008

No. 45, pp. 291-298

IN THIS ISSUE

COMMONWEALTH VS. \$180

This opinion continued from last issue (3/20/2008)

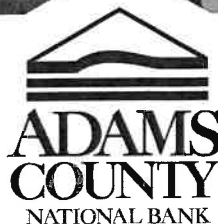
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-379 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Mount Joy Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as Lot No. 1024 on a Plan of Lots of Lake Heritage Subdivision, duly erected and appearing of record in the Office of the Recorder of Deed of Adams County, Pennsylvania, in Miscellaneous Book 4 at page 778 and Subject to all legal highways, easements, rights of way, covenants and restrictions of record.

TITLE TO SAID PREMISES IS VESTED BY Special Warranty Deed, dated 07/14/2005, given Timothy R. Bauer, single man to Frank Kenneth Price, III and recorded 8/6/2005 in Book 4047 and Page 84.

Parcel Number: (31) 010-0058

Property Being: 1024 Burn Side Drive, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Frank Kenneth Price, III** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-931 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin in the center line of Township Road T-306, otherwise known as Green Ridge Road, at corner of land now or formerly of Thomas C. Sanders; thence by same, North 57 degrees 32 minutes 00 seconds West, 303.16 feet to an iron pin; thence by same, North 46 degrees 10 minutes 00 seconds West, 533.32 feet to an iron pin; thence by same, South 33 degrees 10 minutes 40 seconds West, 206.59 feet to an iron pin; thence by same, North 82 degrees 17 minutes 45 seconds West, 536.75 feet on line of land now or formerly of Mont Alto State Forest; thence by said land of Mont Alto State Forest, North 34 degrees 34 minutes 20 seconds East, 373.00 feet to an iron pin; thence by same, North 21 degrees 04 minutes 20 seconds East, 368.46 feet to an iron pin at corner of land now or formerly of Douglas H. Swope; thence by same, South 67 degrees 31 minutes 10 seconds East, 420.73 feet to an iron pin; thence by same, South 44 degrees 20 minutes 30 seconds East, 644.16 feet to an iron pin at land now or formerly of Susan H. (Bloser) Hunter; thence by said land of Susan H. (Bloser) Hunter, South 45 degrees 39 minutes 30 seconds West, 190.66 feet to an iron pin at a point running near and along a 10 foot wide private road; thence by same, South 46 degrees 24 minutes 00 seconds East, 208.16 feet to an iron pin at an 8 inches Ash; thence by same, North 82 degrees 40 minutes 10 seconds East, 111.55 feet to a railroad spike in Township Road T-306; thence running in Township Road T-306, South 05 degrees 41 minutes 00 seconds West, 200.06 feet to an iron pin in Township Road T-306, the point and place of BEGINNING. CONTAINING 12.206 Acres.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated July 19, 1979, and revised October 5, 1981, recorded in Plat Book 36 at page 68, designating the above as Tract No. 1.

Being the same which Robert T. Hunter and Mary Susan McGraw, his wife, by their deed dated November 3, 1987, which deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 472 at page 489, sold and conveyed unto Robert T. Hunter and Mary Susan McGraw, husband and wife, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Robert T. Hunter, by Deed from Robert T. Hunter and Mary Susan McGraw, dated 06/30/1992, recorded 07/01/1992, in Deed Book 633, page 452.

Premises being: 1215 Greenridge Road, a/k/a 1215 Green Ridge Road, Orrtanna, PA 17353

Tax Parcel No. (12) B 11-0040

SEIZED and taken into execution as the property of **Robert T. Hunter** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

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3/14, 20 & 28

COMMONWEALTH VS. \$180

Continued from last issue (3/20/2008)

To this point, the discussion has focused on whether “gambling” occurred at a licensed establishment within the context of the Liquor Code and sanctions that can be imposed upon the licensee. It is critical to note that section 4-471 is the section of the Liquor Code that authorizes suspensions and revocations of licenses. It does not declare “gambling” to be illegal per se. In fact, conduct deemed illegal under the Liquor Code is set forth in Article IV, subchapter D, § 4-491 et seq. A review of those sections reveals that they are void of any declaration that gambling is illegal under the Liquor Code. However, the issue before the Court is not whether the PLCB has a right to sanction the licensee but, rather, whether the money contributed to the poker game by a private member can be seized and forfeited when the money was directly related to the gambling for which the licensee was cited but there is no evidence that the licensee expected to control or share in the proceeds. The Court must determine whether the subject “gambling proceeds” are subject to forfeiture as derivative contraband under the Liquor Code or any other law.

The Commonwealth contends that it has the authority under the Liquor Code to seek forfeiture of Petitioner’s entry money because it formed an integral part of a gambling operation and was not in the exclusive possession of the Petitioner at the time of seizure.¹² Petitioner counters that the Commonwealth does not have the authority to seek forfeiture of Petitioner’s entry money because there is not a sufficient nexus to unlawful activity.

The Commonwealth suggests that once a violation of the Liquor Code is established, it may seek forfeiture of any items forming the basis of the violation through the procedures defined in 47 Pa. C.S.A. § 6-601 through 6-603. The Commonwealth further argues that this procedure holds true for forfeitures of gambling proceeds and cites *In Re: Return of Prop. Confiscated October 30, 1999 From 411 East Mac Dade Boulevard*, 856 A.2d 238 (Pa. Commw. 2004) and *Commonwealth v. McDermond*, 560 A.2d 901 (Pa. Commw. 1989). However, neither of these cases involved forfeiture of proceeds from gambling in a licensed establishment. Instead, both dealt with

¹² Specifically, the Commonwealth maintains that Petitioner had to exchange twenty dollars for betting chips before he could play in the tournament. The Commonwealth further asserts that after Petitioner and his fellow players were told the game had to stop, the dealer at each table handed Officer Deuter the “buy in” money.

forfeitures of unlawful gambling as defined under the Crimes Code. Furthermore, a careful review of the relevant statutory sections grants no authority to seek forfeiture of poker proceeds.

Section 6-601, Forfeiture of property illegally possessed or used, provides:

No property rights shall exist in any liquor, alcohol or malt or brewed beverage illegally manufactured or possessed, or in any still, equipment, material, utensil, vehicle, boat, vessel, animals or aircraft used in the illegal manufacture or illegal transportation of liquor, alcohol or malt or brewed beverages, and the same shall be deemed contraband and proceedings for its forfeiture to the Commonwealth may be instituted in the manner hereinafter provided. No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process.

47 Pa. C.S.A. § 6-601.

There is certainly authority for the proposition that the cash proceeds of an illegal gambling operation are subject to forfeiture. *See In Re: Return of Prop. Confiscated October 30, 1999*, 856 A.2d at 240-41, 246. There, the court stated:

Cash will be found derivative contraband of an illegal gambling operation where it is clearly apparent that the money formed an integral part of the illegal gambling operation and, being commingled with other such money, had not previous to the seizure been reclaimed and taken back into possession of the player nor been received and reduced to the exclusive possession of the winner or owner of the gambling device, or proprietor of the gambling establishment.

Id.

That situation is distinguishable from the matter *sub judice* because that gambling operation was not in an establishment licensed by the PLCB and because the proceeds were determined to be from unlawful gambling under the Crimes Code. As will be discussed below, the Court concludes that poker is not illegal gambling under the Crimes Code.

The Commonwealth would next have the Court look to section 5513 of the Crimes Code, 18 Pa. C.S.A. § 5513, for authority to

declare the Texas Hold'Em game unlawful gambling and the proceeds subject to forfeiture. However, such support is lacking. Section 5513 provides:

- (a) Offense defined. – A person is guilty of a misdemeanor of the first degree if he:
 - (1) intentionally or knowingly makes, assembles, sets up, maintains, sells, lends, leases, gives away, or offers for sale, loan, lease or gift, any punch board, drawing card, slot machine or any device to be used for gambling purposes, except playing cards;
 - (2) allows persons to collect and assemble for the purpose of unlawful gambling at any place under his control;
 - (3) solicits or invites any person to visit any unlawful gambling place for the purpose of gambling; or
 - (4) being the owner, tenant, lessee or occupant of any premises, knowingly permits or suffers the same, or any part thereof, to be used for the purpose of unlawful gambling.

18 Pa. C.S.A. § 5513(a).

Nowhere in the statute is “poker” mentioned. Perhaps one could argue that “playing cards” when used in situations which include consideration, chance, and reward would constitute a “device used for gambling purposes.” However, that argument is destroyed by the statutory exception in (a)(1) for “playing cards.”

Criminal statutes must be strictly construed. 1 Pa. C.S.A. § 1928(b)(1). At issue is the right of citizens to have notice that their activities are unlawful before they are deprived of their freedom or property. There is nothing in section 5513 which would put anyone on notice that playing poker, or any other card game played, for money is unlawful gambling.¹³ The Commonwealth has not provided a single citation from any court in this Commonwealth which has held that playing poker is unlawful activity under section 5513. Even *Kehler*

¹³Perhaps the Legislature was aware that it is not uncommon for people of all ages from all walks of life to gather together for a night of low stakes poker and therefore carefully crafted the statute so that such card playing activity would not be considered unlawful.

does not support the Commonwealth because that court recognized the difference between a sanction under the Liquor Code for gambling in a licensed establishment and a criminal sanction under the Crimes Code when Judge MacPhail wrote that the court was not holding that poker playing was unlawful gambling under the Crimes Code.

The Commonwealth's argument is not aided by section 5513(b) which provides:

(b) Confiscation of gambling devices. – Any gambling device possessed or used in violation of the provisions of subsection (a) of this section shall be seized and forfeited to the Commonwealth. All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of intoxicating liquor shall apply to seizures and forfeitures under the provisions of this section.

18 Pa. C.S.A. § 5513(b).

That section simply sets forth the procedural mechanism to seize and forfeit gambling devices. It does not provide that proceeds from gambling in a licensed establishment are automatically subject to forfeiture. Instead, by express language only a "gambling device" is subject to forfeiture. Whereas, playing cards do not qualify as a "device to be used for gambling purposes" due to the statutory exception, it follows that the proceeds from a poker game are not integrally tied to a gambling device.

Thus, although the PLCB had sufficient cause to administratively cite the Gettysburg Eagles for violating section 4-471(a) of the Liquor Code, this Court finds that there is no authority in the Crimes Code or the Liquor Code to classify playing poker as "unlawful gambling." There is no evidence that the licensee expected to or shared in the proceeds of the game. The licensee was cited for permitting the poker game to occur on the premises. Petitioner himself, did not engage in "unlawful gambling." If the licensee did not possess and had no expectation of possessing the money and Petitioner did nothing "unlawful," it follows that the money he contributed is not derivative contraband. Consequently, the proceeds from the poker game are not subject to forfeiture.

Finally, Petitioner argues that the seizure of his money by PLCB agents infringed upon his constitutional rights of privacy and freedom

of association.¹⁴ The Commonwealth counters that Petitioner's constitutional challenges should fail because the PLCB seizure of his money did not infringe upon his rights of privacy or freedom of association.¹⁵

A defendant's right of privacy within a private club alleged to be harboring gambling activities was examined in *Commonwealth v. Weimer*, 396 A.2d 649 (1978). In that case, two undercover Pennsylvania State Police troopers entered the South Greensburg Hunt Club¹⁶ in Westmoreland County without a search or arrest warrant.¹⁷ *Id.* The troopers gained entry by pressing the doorbell and being admitted. *Id.* Although the troopers were questioned as to their membership by the bartender, they both were allowed to order drinks. *Id.* From their view at the bar, the troopers observed various gambling paraphernalia. *Id.* Uniformed personnel were then requested and dispatched to the club resulting in the eventual arrest of the club's president for possession of gambling devices and confiscation of certain evidence. *Id.*

Subsequent to the president's arrest, the state police received anonymous tips of further gambling activities at the club. *Id.* Based on this information, a state trooper and corporal, both of who were not in uniform and were not club members, visited the club. *Id.* Without an arrest or search warrant, the corporal entered the club with a group of five other people who were unknown to him. *Id.* at 651. Once inside, the corporal observed gambling paraphernalia and

¹⁴Specifically, Petitioner contends that he had a right to assemble and play poker for money without fear or interference from the government or its agencies in the privacy of a social club which restricts its membership. Petitioner also maintains that the PLCB's seizure of his money restricted his rights without express authorization to do so. This Court also notes that Petitioner cites no authority to support his arguments.

¹⁵Specifically, the Commonwealth contends that Petitioner had other options to legally play Texas Hold'Em poker. Among them, the Commonwealth suggested: (1) Petitioner can freely associate in a home and play poker for money; (2) Petitioner can seek out lawfully conducted poker tournaments and try his hand at winning against players of different skill sets; and (3) Petitioner can play poker at the Gettysburg Eagles provided he does not play for money and does not accept prizes for winning the most chips.

¹⁶The South Greensburg Hunt Club is a private club in which admission is limited to members. *Id.* at 650. Neither trooper was a club member. *Id.* Moreover, the club has a single entrance through a locked front door activated by a buzzer system and a one-way mirror which prevents individuals outside the building from peering into the club. *Id.*

¹⁷The troopers' visit was prompted by certain complaints received by the police alleging that the club was harboring gambling activities. *Id.*

then opened the door for the trooper who arrested the bartender¹⁸ and confiscated pieces of the gambling paraphernalia. *Id.*

The defendants moved to suppress the confiscated gambling paraphernalia on the ground that the police's unannounced entry into the club without a warrant infringed upon their right of privacy. *Id.* The trial court granted defendants' motion to suppress. *Id.* On appeal, the Superior Court reduced the essential issue of the case to

Whether the interior of the...club was a constitutionally protected area and whether the officers had a legal right to be inside the premises when they observed the gambling paraphernalia and effected the arrests. If they had such a right, then their observation of the gambling paraphernalia was sufficient to form probable cause to arrest and seize the immediate evidence.

Id.

In reversing the trial court, the Superior Court held that the lax enforcement of the club's purported security measures designed to ensure the club's privacy indicated that the defendants did not have any reasonable or justifiable expectation of privacy within the interior of the club. *Id.* at 652. Specifically, the Court noted that the mirror was not used to identify the entrants in either of the visits by the officers and that the buzzer system appeared to be a precaution with no substance since it was not used as a way to check club membership. *Id.* The Court also held that the club's admittance of the officers with little regard to their identity constituted a clear invitation for the officers to legally enter the club. *Id.*

In the instant case, Petitioner's claim to constitutional protection is much weaker than the defendants in *Weimer*. Here, there were no security measures in place at the entrance of the Gettysburg Eagles to restrict entry to members and ensure its privacy. In fact, there is no evidence that the officers were ever questioned as to their identification and membership when they entered the club. The officers simply entered the premises with no restrictions and observed individuals playing Texas Hold'Em poker. Therefore, here, as in *Weimer*, the officers had a clear legal right to be inside the Gettysburg

¹⁸The bartender is the son of the president who was arrested during the first visit by the troopers.

Eagles and the Petitioner did not have a reasonable or justifiable expectation of privacy therein.

Next, this Court will determine if Petitioner's freedom of association rights were violated when the PLCB seized his money. "It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. *NAACP v. Alabama*, 357 U.S. 449, 460 (1958). Moreover, there is a vital relationship between freedom to associate and privacy in one's associations. *Id.* at 462. In particular, "[i]nviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." *Id.*

This Court has uncovered only one case in the Commonwealth that examines a defendant's freedom of association right as it relates to this state's gambling laws. In *Commonwealth v. Wida*, 12 Pa. D. & C.3d 1, 2-3, defendant, president of a hose company, was arrested and charged with violating sections 5512 and 5513 of the Crimes Code for conducting gambling on the premises. The defendant challenged that sections 5512 and 5513 were unconstitutionally overbroad because the scope of the term "unlawful gambling" as defined in those sections included conduct protected by the First Amendment.¹⁹ *Id.* at 6. Imbedded within defendant's overbreadth argument was the contention that both sections infringed upon his or members of his company's freedom of association rights. *Id.* at 8. In rejecting the defendant's freedom of association argument, the Northumberland County Court of Common Pleas commented that:

Perhaps this argument would have some cogency if without gambling the Americus [the defendant's hose company] would be forced out of existence. However, testimony of defendant established that the Americus presently has four sources of revenue: gambling, bar and grill receipts, memberships, and a contribution from the City of Sunbury. Gambling provides 40 percent of this total. Defendant testified that the Americus could not maintain

¹⁹Specifically, the defendant contended that sections 5512 and 5513 of the Crimes Code prevent peaceful and legitimate entities like his hose company from utilizing a source of revenue. *Id.* at 6.

its present level of service to the community without the revenue from gambling. But defendant also stated that no other fund-raising activities are undertaken. Surely there are other ways, as volunteer fire companies have shown, of raising revenue. It is thus difficult for us to perceive how these statutes affect the Americus' freedom of association in any way.

Id.

In this case, there is no evidence that Petitioner or other members of the Gettysburg Eagles espouse particular beliefs or ideas as part of their membership. Unlike an organization such as the NAACP which espouses specific political, cultural, and economic beliefs, the Gettysburg Eagles appears to primarily serve a recreational purpose for its members. Consequently, Petitioner did not hold a liberty interest which could have been violated when PLCB agents seized his entry money.

Furthermore, if this Court applies the reasoning from the court in *Wida*, it finds that Petitioner could have found other ways to *legally* play Texas Hold'Em poker. As the Commonwealth has suggested, Petitioner could have played the game for money within the confines of a private home. Petitioner also could have played in a legally sanctioned state or national poker tournament. Finally, Petitioner could have legally played in the tournament at the Gettysburg Eagles as long as he did not pay to enter the tournament and there was not a reward for the winners.

For these reasons, this Court finds that Petitioner's freedom of association rights were not violated when PLCB agents seized his entry money as derivative contraband.

Accordingly, Petitioner's Motion for Return of Property is granted to the extent of \$20.00.

ORDER

AND NOW, this 9th day of March, 2007, for reasons set forth in the attached Opinion, Petitioner's Motion for Return of Property filed April 21, 2006 is granted to the extent of \$20.00.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1366 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of T-395, which point is South 60 degrees 24 minutes 41 seconds West, 192.96 feet from the end of the South 33 degrees 45 minutes East, 285.1 foot course of the original tract; thence in said T-395 South 60 degrees 24 minutes 41 seconds West, 208.80 feet to a point at other lands now or formerly of Paul A. Shaffer; thence by said lands and through an iron pin set back 25 feet on the line North 29 degrees 35 minutes 19 seconds West, 182.47 feet to a point in Route 34; thence in said Route 34 North 46 degrees 21 minutes 37 seconds East, 215.24 feet to a point at other lands now or formerly of Paul A. Shaffer; thence by said lands South 29 degrees 35 minutes 19 seconds East, 234.73 feet to the place of BEGINNING.

The above description was taken from a draft of survey dated May 23, 1975, prepared by LaRue Surveys, Inc.

BEING the same premises which the Estate of Harold R. Miller, by Donald R. Miller and Kenneth C. Miller, Co-Executors of the Last Will and Testament of Harold R. Miller, by Deed dated January 25, 2002 and recorded in the Recorder of Deeds of Adams County on January 29, 2002, in Deed Book Volume 2545, Page 261, granted and conveyed unto Bradley Allen Kroushour and Traci Lynn Kroushour.

GRENEN & BIRSIC, P.C.
Kristine M. Anthou, Esquire
Attorney for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

Parcel: G 04-0029 A

Premises: 284 Gardners Station Rd.,
Gardners, PA 17324

SEIZED and taken into execution as the property of **Bradley Allen Kroushour & Traci Lynn Kroushour** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

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

schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/20, 28 & 4/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1409 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point at the corner of Prince Street and Windsor Street; thence along the Northwest side of aforesaid Windsor Street South sixty (60) degrees, eighteen (18) minutes, twenty (20) seconds West, ninety-five (95) feet to a point on an alley; thence along said alley, North twenty-nine (29) degrees, forty-one (41) minutes, forty (40) seconds West, fifty-three and six-tenth (53.6) feet to a point at corner, of Lot No. 76, thence along said Lot No. 76, North sixty (60) degrees, eighteen (18) minutes, twenty (20) seconds East, ninety-five (95) feet to a point on the Southwest side of Prince Street; thence along said Prince Street, South twenty-nine (29) degrees, forty-one (41) minutes, forty (40) seconds East, fifty-three (53) and six-tenth (53.6) feet to the place of BEGINNING.

The above described lot of ground being known on a plan of lots of William V. Sneeringer tract, developed by I. H. Crouse and Sons (as revised by survey of Leroy H. Winebrenner, R.S., and drawn by Herbert S. Plunkert, dated November 4, 1950) as Lot No. 77-A.

Being the same tract of land which Jeanne W. Bowser, widow, by her deed dated October 31, 1996 and recorded in the Adams County Recorder of Deeds Office on November 6, 1996 in Book 1285, Page 316, granted and conveyed unto Gerhard Noerr and Janet V. Noerr, husband and wife, Mortgagor's Herein.

RECORD OWNER

Vested by Special Warranty Deed, dated 10/31/1996, given by Jeanne W. Bowser, widow to Gerhard Noerr and Janet V. Noerr, Husband and Wife, As Tenants by the Entireties and recorded 11/6/1996 in Book 1285 Page 316.

Premises being: 404 Prince Street, Littlestown, PA 17340-1212

Tax Parcel No. (27) 005-0030

SEIZED and taken into execution as the property of **Gerhard Noerr & Janet V. Noerr** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization has been filed and approved by the Pennsylvania Department of State at Harrisburg, Pennsylvania, on March 12, 2008 for the purpose of organizing a domestic limited liability company pursuant to the Limited Liability Law of 1994, 15 Pa. C.S.A. § 8901 ET SEQ. The name of the Limited Liability Company is BARKER HOUSE BED & BREAKFAST LLC.

The purpose for which it is being organized is to engage in any business permitted by law, with a focus on owning and operating a bed and breakfast and providing related services.

James M. Robinson, Esq.
Turo Law Offices
28 South Pitt Street
Carlisle, PA 17013

3/28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1364 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of April, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1: BEGINNING at a point in U.S. Route 140 at lands now or formerly of Paul McCleaf; thence in the center of said U.S. Route 140 North 45 degrees West, 100 feet to a point; thence by lands now or formerly of George Gantz and M. Jane Gantz and through an iron pin set 25 feet on the line, North 41 degrees 45 minutes East, 200 feet to an iron pin at lands now or formerly of Paul C. and Catherine M. Stull; thence by lands South 45 degrees 45 minutes East, 100 feet to an iron pin at lands now or formerly of Paul McCleaf; thence by said lands South 41 degrees 45 minutes West, 200 feet through an iron pin set 25.9 feet to the place of BEGINNING. CONTAINING 73 perches and 7 square feet.

Tract No. 2: BEGINNING at an iron pin at lands now or formerly of Paul H. McCleaf and Tract No. 1 herein; thence by said Tract No. 1 herein and by lands now or formerly of Robert F. Angell North 45 degrees 45 minutes West, 235 feet to corner of lands now or formerly of Donald Nunemaker and lands now or formerly of Paul C. and Catherine M. Stull; thence by said last mentioned lands North 41 degrees 45 minutes East, 60 feet to an iron pin; thence continuing by said lands South 45 degrees 45 minutes East, 246.35 feet to an iron pin; thence continuing by said lands South 17 degrees 37 minutes West, 38.27 feet to lands now or formerly of Paul H. McCleaf; thence by said lands South 89 degrees 25 minutes West, 36.50 feet to the place of BEGINNING. CONTAINING 15,089.03 Square Feet.

The above descriptions were taken from a draft of survey dated January 8, 1969, and revised March 10, 1970, prepared by Gettysburg Engineering Co.

Being the same two tracts of land which Jessica Wilkinson, Stacie Gantz, and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, by their deed dated the 27th day of March, 2007, and about to be recorded in the Office of the Recorder of Deeds of Adams County, granted and conveyed unto Paul C. Plank and Sally A. Plank, husband and wife, mortgagors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Paul C. Plank and Sally A. Plank, husband and wife, as tenants of an estate by the entireties, by Deed from Jessica Wilkinson and Stacie Gantz and Jeremy Gantz, Administrators of the Estate of Donald A. Gantz, deceased, dated 03/27/2007, recorded 04/03/2007, in Deed Book 4791, page 81.

Premises being: 2280 Baltimore Pike, Gettysburg, PA 17325

Tax Parcel No. (30) G 15-0010

SEIZED and taken into execution as the property of **Paul C. Plank** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/14, 20 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-311 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a P.K. nail located in Legislative Route 01080 at corner of land of Robert Cole; thence in said Legislative Route, North 56 degrees 47 minutes 30 seconds East, 75.32 feet to a P.K. nail; thence in same, North 64 degrees 38 minutes 40 seconds East, 218.52 feet to a P.K. nail; thence in same, North 38 degrees 30 minutes 30 seconds East, 317.13 feet to a P.K. nail; thence in same North 51 degrees 37 minutes 00 seconds East, 160 feet to a railroad spike in said Legislative Route; thence by land of Charles Dettinburn and running through a reference pin located 29.80 feet from

the beginning of this line, South 30 degrees 4 minutes 20 seconds East, 221.37 feet to an iron pin at Land of Herbert Arndt; thence by said land of Herbert Arndt, South 56 degrees 14 minutes 10 seconds West, 781.33 feet to an iron pin at land of Robert Cole; thence by said land of Robert Cole and running through a reference pin located 30 feet from the end of this line, North 17 degrees 16 minutes 40 seconds West, 150.33 feet to a P.K. nail in Legislative Route 01080, the place of BEGINNING. CONTAINING 2.808 Acres.

TAX PARCEL NO. (20) E-04-0073

Property Address: 2280 Coon Road, Aspers, PA 17304

SEIZED and taken into execution as the property of **Mary F. Yohe & Tony M. Yohe** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/20, 28 & 4/4

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 1, 2008.

The name of the corporation is ADAMS COUNTY FARMERS' MARKET ASSOCIATION, INC. The corporation has been incorporated under the Pennsylvania Non Profit Corporation Law of 1988.

John R. White, Esq.
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325

3/28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1316 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN land lying and situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lot No. 319 in section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Sunfish Trail at Lot No. 320; thence by said lot, South 34 degrees 09 minutes 14 seconds West, 221.47 feet to Lot No. 295; thence by said lot, North 55 degrees 50 minutes 46 seconds West, 105.82 feet to Lot No. 318; thence by said lot, North 34 degrees 09 minutes 14 seconds East, 221.47 feet to a point in the center of said Sunfish Trail; thence in said Sunfish Trail, South 55 degrees 50 minutes 46 seconds East, 105.82 feet to the place of BEGINNING.

THE ABOVE description was taken from a plan of lots labeled "Section K, Charmita", dated March 3, 1969, prepared by Evans Hagan & Holdefer and recorded in Adams County Plat Book No. 1 at page 42.

RESERVING HOWEVER, unto Charmita, its successors and assigns, a right of way and easements over said private roads indicated on said lot plan recorded in Adams County Plat Book No. 1 at page 42, to be used forever in common with grantees, their heirs and assigns, for means on ingress, egress and regress.

Parcel 004-0025

Being Known As: 21 Sunfish Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Dawn A-Lin Manahan & Jeffrey S. Manahan** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

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

3/20, 28 & 4/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1128 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike (set) in Old Log House Lane (T-620), an existing 50' wide right of way, thence leaving said Old Log House Lane (T-620) North sixteen (16) degrees thirty-two (32) minutes fifty-one (51) seconds East, One thousand three hundred eighty-six and twenty-four hundredths (1,386.24) feet to a steel pin set at Lot No. 1 as shown on the hereinafter referred to Final Plan; thence along and with said Lot No. 1, and other lands now or formerly of Jack W. Anderson and Barbara E. Anderson, South forty-eight (48) degrees twenty-nine (29) minutes twenty (20) seconds East, one thousand five hundred seven and sixty-three hundredths (1,507.63) feet to a point at lands now or formerly of Harry W. Fletcher; thence continuing along lands of the same, South forty-eight (48) degrees twenty-nine (29) minutes twenty (20) seconds East, one thousand five hundred seven and sixty-three hundredths (1,507.63) feet to a point at lands now or formerly of Harry W. Fletcher, thence continuing along lands of the same, South twenty-one (21) degrees eleven (11) minutes thirty-one (31) seconds West, four hundred thirteen and seventy-two hundredths (413.72) feet to a point at Lot No. 20, as shown on the hereinafter referred to Final plan; thence along and with said Lot No. 20, North fifty-eight (58) degrees zero (00) minutes forty-five (45) seconds West, eight hundred one and thirty-two hundredths (801.32) feet to a steel pin (set); thence continuing along said Lot No. 20, the following four (4) courses and distances: (1) South fifty-seven (57) degrees eleven (11) minutes forty-three (43) seconds West, two hundred twenty-seven and eighty-seven hundredths (227.87) feet to a steel pin (set); (2) South fifty-two (52) degrees thirty-six (36) minutes thirty-four (34) seconds West, one hundred twelve and twenty-seven (27) hundredths (112.27) feet to a steel pin (set); (3) South forty-four (44) degrees

forty-two (42) minutes fourteen (14) seconds West, one hundred ninety-eight and forty-two hundredths (198.42) feet to a steel pin (set); (4) South thirty-six (36) degrees forty-seven (47) minutes fifteen (15) seconds West, one hundred sixty-five and ninety-eight hundredths (165.98) feet to a point on Old Log House Lane (T-620); thence continuing in and through said Old Log House Lane, North sixty (60) degrees fifty-five (55) minutes thirty-one (31) seconds West, two hundred and seven hundredths (200.07) feet to a railroad spike (set) in Old Log House Lane (T-620), the point and place of BEGINNING.

CONTAINING 22.7527 acres and known as Lot No. 19 on a Final Plan prepared for Jack W. Anderson and Barbara E. Anderson by Worley Surveying bearing date of April 25, 1995, revised June 1, June 9, and June 20, 1995 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania on June 29, 1995 in Plat Book 67, Page 45.

UNDER AND SUBJECT, NEVERTHELESS, to the Declaration of Restrictions and Covenants recorded July 17, 1995 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1054, Page 234.

SUBJECT ALSO, to any notes, restrictions, covenants and conditions set forth in Plan Book 67, Page 45.

BEING known as Parcel Identification Number K6-56.

HENY the same premises which Henry J. Lesinski and Elizabeth D. Lesinski, husband and wife, by deed dated February 24, 1999 and recorded March 11, 1999 in Adams County in Deed Book 1784, Page 0087, granted and conveyed unto David A. Munson and Virginia L. Munson, husband and wife.

SEIZED and taken into execution as the property of **Joanne Seeley** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/20, 28 & 4/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-TL-429 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of ground, situate, lying and being in the TOWNSHIP OF BERWICK, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a corner at a point along U.S. Route 30 and at lands now or formerly of Earl Boswell; thence along U.S. Route 30 North sixty-nine (69) degrees forty-seven (47) minutes East two hundred twenty-one (221) feet to another point along U.S. Route 30 and lands now or formerly of Pasquale Lery; thence along lands of the aforesaid Lery South twenty-one (21) degrees fifty-eight (58) minutes East two hundred ninety-three and eight one-hundredths (293.08) feet to another point at Lery's land; thence along the same land North sixty-nine (69) degrees forty-seven (47) minutes East one hundred thirty (130) feet to lands now or formerly of A. M. Keech; thence along said Keech land South ten (10) degrees nine (9) minutes West one hundred sixty-six (166) feet to other lands of Adam M. (Feeser) Kinneman; thence along the lands of Ada Feeser South eighty-seven (87) degrees forty-seven (47) minutes West eighty and five one-hundredths (80.05) feet to another point at Ada Feeser's land, thence South one (1) degree twenty-seven (27) minutes West one hundred (100) feet to an existing pin, thence South eighty (80) degrees nineteen (19) minutes forty (40) seconds West three hundred eighty-seven (387) feet along lands presently of Sterling Feeser, Jr. and Francis Kearney to a wild cherry tree; thence along the aforesaid Boswell's land North one (1) degree fifty-two (52) minutes zero (0) seconds East four hundred eighty-five and sixty-two one-hundredths (485.62) feet to the place of BEGINNING. The foregoing description is taken from a final plan as surveyed by Adams County Surveyors and recorded in Plan Book 16 Page 38 in the Office of the Recorder of Deeds in and for Adams County.

IT BEING the same premises which Sterling F. Feeser and Kathy M. (Feeser) Marsh, now known as Kathy Marsh-Zepeda and Carlos Zepeda, by their Deed dated March 22, 1999, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1818, Page 222, granted and conveyed unto Kathy Marsh Zepeda

and Carlos Zepeda and Sterling F. Feeser.

Address: 7059 York Road, Abbottstown, PA 17301

Tax Map L10, Parcel 29B

SEIZED and taken into execution as the property of **Karen Marsh Zepeda, Carlos Zepeda & Sterling F. Feeser** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/28, 4/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-1511 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2008, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Eastern edge of Legislative Route 010101, at corner of land now or formerly of David Taylor; thence in said Legislative Route 01010, South 33 degrees 00 minutes 00 seconds East, 171.16 feet to a railroad spike 4 feet from the Western edge of said Legislative Route 01010, at corner of land now or formerly of E.C. Anderson; thence by said land E.C. Anderson, and passing through a reference pipe set back 18.30 feet from the last mentioned point, South 49 degrees 50 minutes 10 seconds West, 106.00 feet to an existing iron pin; thence by same, South 38 degrees 55 minutes 50 seconds East, 171.48 feet to a pipe at corner of land now or formerly of Leroy Routsong; thence by said land of Leroy Routsong, South 49 degrees 29 minutes 30 seconds West, 819.26 feet to a pipe (said pipe being North 7.7 feet from an apple tree); thence by same, North 37 degrees

19 minutes 10 seconds West, 548.01 feet to a pipe at corner of stone row on line of land now or formerly of Janet Harder; thence by said land of Janet Harder and by land now or formerly of Frank Wageman, and passing through an iron pin at an existing stone pile on boundary line, set back 318.90 feet from the last mentioned point, North 52 degrees 34 minutes 30 seconds East, 745.91 feet to a pipe at corner of land now or formerly of David Taylor; thence by said land of David Taylor South 32 degrees 00 minutes 00 seconds East 149.00 feet to a pipe; thence by same, and passing through a reference pipe set back 30.85 feet from the next mentioned point, North 55 degrees 00 minutes 00 seconds East 200.00 feet to a point, the place of BEGINNING.

CONTAINING 10.028 acres.

Address: 444 Bendersville Wenksville Rd., Aspers, PA 17304

Tax Map or Parcel ID No.: (29) E05-0046

SEIZED and taken into execution as the property of **Kelly Sue Slate** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2008, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/28, 4/4 & 11

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the Board of Directors of WELL SOLUTIONS, INC. is winding up and settling the affairs of the Corporation for the purpose of filing Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, pursuant to the Business Corporation Law of the Commonwealth of Pennsylvania, 1988, December 21, P.L. 1444, No. 177, and its amendments and supplements.

Well Solutions, Inc.
c/o Hursh & Hursh, P.C.
60 N. Union Street
Middletown, PA 17057

3/28

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF HARRIETT VIRGINIA DENNIS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administratrix: Margaret I. Sanders, 49 Pfeiffer Lane, New Oxford, PA 17350

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

ESTATE OF PAULINE AGNES ROBINSON a/k/a PAULINE A. ROBINSON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ronald J. Robinson, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF ROSE BEVILACQUA, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: John Xavier Bevilacqua, 80 Confederate Drive, Gettysburg, PA 17325

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

ESTATE OF ROSIE S. GRIFFITH, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: David C. Griffith, 345 Brough Road, Abbottstown, PA 17301

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

ESTATE OF PAUL W. HINKLE, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Allen L. Eppelman and Robert Watts, c/o Roger B. Irwin, Esq., Irwin & McKnight, 60 West Pomfret Street, Carlisle, PA 17013

Attorney: Roger B. Irwin, Esq., Irwin & McKnight, 60 West Pomfret Street, Carlisle, PA 17013

ESTATE OF SARA E. MILLER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Phyllis A. Whitfield, 3325 Chambersburg Road, Biglerville, PA 17307

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

ESTATE OF CLARENCE A. NEIMAN, JR. a/k/a CLARENCE ALBERT NEIMAN, JR., DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Darlene M. Baker, c/o E. Steve O'Donnell, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: E. Steve O'Donnell, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF CINDY A. ROBERTSON, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator: Melissa Schriver, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF BETTY L. STULTZ, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Gary L. Stultz, 1220 Frederick Pike, Littlestown, PA 17340

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

ESTATE OF WYNONA I. WOODWARD, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Doris Sease, 18 Robert Curtis Drive, Gettysburg, PA 17325; Danny Reeve, P.O. Box 175, Arendtsville, PA 17303

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

ESTATE OF CHARLES J. ZABROWSKI, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Patricia A. Beedle, 135 West High Street, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF DONALD E. CORDELL, DEC'D

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

Holly C. Martin, 1402 Fairfield Road, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF RAYMOND K. DAY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Lucy M. Day, 1531 Irishtown Road, New Oxford, PA 17350

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

ESTATE OF GRACE S. GARRETSON, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: David M. Garretson, 984 Carlisle Rd., Biglerville, PA 17307

ESTATE OF LEOLA R. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Kathryn L. Randolph, c/o 1434 W. Market St., York, PA 17404

Attorney: John W. Stitt, Esq.

ESTATE OF EVELYN R. RODOLFF, DEC'D

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

Executrix: Rebecca E. Benner, 1900 Lincoln Street, Camp Hill, PA 17011

Attorney: Jerry R. Duffie, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market St., P.O. Box 109, Lemoyne, PA 17043-0109

ESTATE OF MARY E. SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Carol E. Kessler, c/o Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

Attorney: Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

