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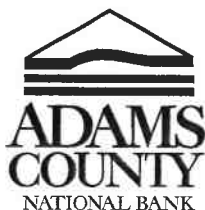
No. 28, pp. 159-165

IN THIS ISSUE

COMMONWEALTH VS. CAREY

This opinion continued from last issue (11/23/2005)

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you and your clients need
the experience and expertise
provided by a trust professional.



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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. 05-S-985 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, being Lot No. 5 of Springfield Estates, bounded and described as follows:

BEGINNING at an iron pin on the Southerly edge of Summer Drive at Lot No. 4; thence by said Lot South 33 degrees 36 minutes 10 seconds West, 179.63 feet to an iron pin at lands now or formerly of Guy Francis Gebhart; thence by said lands North 56 degrees 20 minutes 46 seconds West, 115 feet to an iron pin at Lot No. 6; thence by said Lot Southerly edge of Summer Drive; thence along the Southerly edge of said Summer Drive South 56 degrees 23 minutes 50 seconds East, 115 feet to the place of BEGINNING, CONTAINING 20,652 square feet.

The above description was taken from a plan of lots labeled "Springfield Estates" dated June 22, 1977, prepared by Gettysburg Engineering Co., Inc., and recorded in Adams County Plan Book No. 20, page 29.

Tax Parcel #: 6-8-76

Premises known as: 16 Summer Drive, Gettysburg, PA 17325

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-952 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

485 Basehoar School Road, Littlestown, Adams County, Pennsylvania 17340:

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

BEGINNING for a point along the Southerly right-of-way line of Basehoar School Road and Lot No. 247 of the hereinafter referred to subdivision plan; thence along said Lot No. 247, South two (2) degrees eleven (11) minutes fifty-six (56) seconds East, one hundred forty and zero hundredths (140.00) feet to a point at other lands now or formerly of Lynn Lee Construction Co., Inc.; thence along said other lands now or formerly of Lynn Lee Construction Co., Inc., South eighty-seven (87) degrees forty-eight (48) minutes four (4) seconds West, one hundred and zero hundredths (100.00) feet to a point at Lot No. 249; thence along said Lot No. 249, North two (2) degrees eleven (11) minutes fifty-six (56) seconds West, one hundred forty and zero hundredths (140.00) feet to a point along the Southerly right-of-way line of Basehoar School Road; thence along the Southerly right-of-way line of Basehoar School Road, North eighty-seven (87) degrees forty-eight (48) minutes four (4) seconds East, one hundred and zero hundredths (100.00) feet to a point, the place of BEGINNING. CONTAINING 14,000 square feet and being identified as Lot No. 248 on the final subdivision plan of Phase I, Meadowview Estates, which plan is recorded in the

Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 54, Page 75.

UNDER AND SUBJECT to the Declaration of Restrictions of Lynn Lee Construction Co., Inc., recorded February 22, 1990, in the Adams County Recorder of Deeds Office in Record Book 547, Page 198.

Improvements: A white, vinyl siding Rancher with attached garage.

SEIZED and taken into execution as the property of **James W. Houseman, III, individually and t/d/b/a Timber Building Systems** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

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 October 17, 2005, for the incorporation of ADAMS COUNTY CHILDREN'S ADVOCACY CENTER under the Pennsylvania Nonprofit Corporation Law of 1988. The initial registered office of the corporation is 126 Baltimore Street, Gettysburg, Pennsylvania 17325.

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

12/2

COMMONWEALTH VS. CAREY

Continued from last issue (11/23/2005)

Carey raises similar issues in support of his Motion to Suppress his July 13, 2002, statement to the Pennsylvania State Police. He seeks suppression claiming the July 13, 2002, statement was involuntary because the police failed to inform him of his *Miranda* rights before he submitted to a custodial interrogation and the statement was coerced by improper inducements offered by the Pennsylvania State Police. I find both claims meritless.

On July 13, 2002, Carey voluntarily arrived at the Pennsylvania State Police Barracks in Gettysburg. He was not transported by police officials but rather was accompanied by his friend Steve Wagner. Upon arrival, he registered as a visitor. Importantly, he was advised by Pennsylvania State Police officials that he was not under arrest and that he was free to leave at any time. During the course of his interview, he was granted several breaks and permitted to walk freely without police supervision. In fact, on one occasion, Carey declined a police invitation to take a break outside of the Pennsylvania State Police building. A review of the video-taped portion of the interview confirms Carey's willingness to cooperate in the process. Finally, at the conclusion of his meeting with the Pennsylvania State Police, he was free to leave. Since Carey was free to leave at any time, he clearly was not in custody. See generally *Commonwealth v. Rucci*, 670 A.2d 1129, 1139 (Pa. 1996). Absent a finding that Carey underwent a custodial interrogation, *Miranda* is wholly inapplicable.

Carey's second attack on the July 13, 2002, statement is entirely a factual issue. As previously indicated, I accept as true the troopers' testimony that neither Trooper Gayman nor Corporal Cronin promised anything in exchange for Carey's cooperation. Having found Corporal Cronin and Trooper Gayman's testimony credible, Carey's argument concerning improper inducements is not supported by the record.⁷ Accordingly, suppression of the July 13, 2002, statement is denied.

⁷In an effort to corroborate his argument, Carey points to the following exchange in the tape-recorded statement of July 14, 2002:

Corporal Cronin: Did I make any promises to you?

Douglas Carey: You promised to be good to me.

Corporal Cronin: That's what I'm asking you.

Douglas Carey: Well, you talked to me yesterday and you treated me good. You promised me you wouldn't take me from my children.

(footnote 7 continued to next page)

Carey's final challenge is to the July 14, 2002, audio-taped statement. Carey seeks suppression of this statement under several theories. He initially argues that his waiver of his "*Miranda* warnings" prior to his statement was invalid. He further argues that even if his *Miranda* rights were voluntarily waived, his subsequent request for counsel and exercise of his right to remain silent were not scrupulously honored by law enforcement officials. Due to Carey's comprehensive attack upon the admissibility of the July 14, 2002 statement, my analysis will include an examination of the totality of the circumstances as they occurred on July 14, 2002.

As previously indicated, introductory analysis must begin with an examination of the nature of the setting within which the July 14, 2002 interview occurred. Absent a custodial interrogation, the safeguards of *Miranda* are not triggered. *Commonwealth v. Ford*, 650 A.2d 433 (Pa. 1994).

Testimony produced by the Commonwealth reveals that on July 14, 2002, Carey once again voluntarily returned to the Pennsylvania State Police Barracks in Gettysburg. Police officials did not participate, nor were they involved, in arranging Carey's transportation to the Gettysburg Barracks. Rather, he once again traveled to the Gettysburg Barracks with his friend, Steve Wagner. Although the meeting was scheduled to begin at 1:00 P.M., the troopers were delayed in returning from an autopsy of the victim being conducted that morning. The

(footnote 7 continued from previous page)

Corporal Cronin: Did I promise you I wouldn't take your children from you?

Douglas Carey: Yes, I think I remember you saying that. That's right. That is what you said. I remember you saying something.

Corporal Cronin: I said you would not lose your children.

Douglas Carey: I just wanted to uh.

Corporal Cronin: You just wanted to what?

Douglas Carey: I just wanted to butter you up to see what, just to get an expression out of your face.

Trooper Gayman: You're gonna get an expression, huh?

Corporal Cronin: Ha, ha, if I made any promises.

Douglas Carey: You see I did get one.

Commonwealth Exhibit 5A, page 54. A review of the actual audio tape of the interview reveals a sarcastic tone in Carey's voice indicative of a statement made in jest rather than a factual recitation of previous discussions. As such, I find this exchange insufficient to overcome the credible testimony of Corporal Cronin and Trooper Gayman.

troopers did not actually return to the Gettysburg Barracks until approximately 1:40 P.M. During the interim, Carey and his friend voluntarily waited in the lobby without any supervision.

Upon arrival at the Gettysburg Barracks, the troopers and Carey adjourned to the interview room, as they had done on the previous day. The troopers did not tell Carey that he was under arrest nor did they use any restraints against him. Neither trooper displayed a firearm nor used force at any time during the interaction with Carey. Although the interview room was closed, the troopers' interaction with Carey was generally consistent with their interaction the previous day. Initial conversation was rather jovial and Carey indicated to the troopers that he was present of his own free will. During the early part of their discussions, Carey was advised of his *Miranda* warnings both orally and in writing. After being advised of his *Miranda* warnings, he executed a written waiver, Commonwealth Exhibit #6, which acknowledged that no promises or threats were made to him. The interview lasted approximately one hour and thirty-four minutes during which time Carey was provided with refreshments. The audio tape of the interview between Carey and the troopers indicates that the troopers' tone was non-aggressive in nature. Although the troopers clearly indicate to Carey that they do not believe portions of his statement to be true, their tone during the questioning was non-threatening. In fact, towards the end of the July 14, 2002 interview, Carey once again acknowledged that the troopers did not threaten him in any way. Although the audiotape reveals that Carey's demeanor is excitable at times, there is no indication that Carey lacked the ability to withstand suggestion or was otherwise coerced.⁸ The interview lasted approximately ninety-four minutes.

⁸During the course of the interview, Carey expressed that any threatening behavior on behalf of the troopers would have resulted in an end to the interview. Commonwealth Exhibit 5A, page 52. Specifically, during the interview, the following exchange occurred:

Corporal Cronin: Now over the last three days have I threatened you in any way?

Douglas Carey: No. It wouldn't have done no good. I'd have thrown a block on you.

Corporal Cronin: Ha, ha, ha, ha.

Douglas Carey: Threats don't do, threats don't get nobody. You know, treat people like that thinking you'll get somewheres.

Commonwealth Exhibit 5A, page 54.

During the end of the interview, Carey had unsupervised conversation with his friend, Steve Wagner. Under the totality of these circumstances, I find that Carey's interaction during the course of the interview with the police on July 14, 2002 was not the functional equivalent of an arrest. In fact, a meticulous review of the factors enunciated by the Supreme Court leads to the contrary conclusion.

By all accounts the intended contact between Carey and the troopers was voluntary. See *Commonwealth v. Edmiston*, 634 A.2d 1078 (Pa. 1993) (defendant's decision to come voluntarily to a police station for an interview was a factor evidencing lack of coercion). Similarly, the wait in the State Police lobby of approximately forty minutes cannot be seen as an excessive amount of time. See *Commonwealth v. Nester*, 709 A.2d 879 (Pa. 1998) (waiting in a lobby for approximately one hour and fifteen minutes before being interviewed is not excessive). In fact, Carey's unsupervised wait in the State Police lobby adds to the voluntariness of his appearance that date. During this period of time, there was nothing preventing him from leaving the Barracks. Yet, he voluntarily waited for the troopers.

Similarly, an interview lasting approximately one hour and thirty-four minutes is not unduly long. *Commonwealth v. Nester*, 709 A.2d 879 (Pa. 1998) (actual period of interrogation lasting one hour and fifteen minutes is not unduly long). Carey was clearly aware of the nature of the interview prior to his arrival, having been interviewed twice before. See *Commonwealth v. Templin*, 795 A.2d 959 (Pa. 2002) (knowledge of accusations is indicative of a finding of voluntariness). Although it is true that Carey was provided his *Miranda* warnings, appellate courts have consistently recognized that the mere giving of *Miranda* warnings does not render an investigative detention custodial. *Nester*, supra, citing with approval *Commonwealth v. Morgan*, 610 A.2d 1013 (Pa.Super. 1992). Critically, Carey acknowledged that he was present at the interview of his own free will. Accordingly, I find that Carey's encounter with the police on July 14, 2002 was not the functional equivalent of an arrest such that it constituted a custodial detention for constitutional purposes.

The finding of a non-custodial interview is dispositive of a number of issues raised by Carey concerning his July 14, 2002 statement. For instance, although Carey challenges the voluntariness of his

waiver of *Miranda* warnings, that issue is moot since the safeguards of *Miranda* are not triggered in a non-custodial interview.⁹ See *Commonwealth v. Whitehead*, 629 A.2d 142 (Pa.Super. 1993).

Similarly, Carey's argument that the police violated the spirit of *Miranda* by failing to scrupulously honor his request for counsel and to remain silent also fails. The United States has long held that a request for a lawyer stops further questioning by the police only in instances where the Sixth Amendment right to counsel attaches. *McNeal v. Wisconsin*, 115 L.Ed. 2d 158 (1991). Instantly, that right has not attached. Thus, even if I would find that Carey unambiguously requested counsel,¹⁰ the police were under no obligation to honor that request where Carey was not subjected to a custodial interrogation. See *Commonwealth v. Morgan*, cited above; *Commonwealth v. Lewis*, 595 A.2d 593 (Pa.Super. 1991).

Despite finding that Carey's interaction with police officials was non-custodial in nature, our inquiry has not ended. Rather, appellate courts have instructed that a trial court must still examine the totality of the circumstances concerning statements given during non-custodial interrogations "because a non-custodial interrogation 'might possibly in some situations, by virtue of some special circumstances' result in an involuntary confession." *Commonwealth v. Johnson*, 727 A.2d 1089, 1099 (Pa. 1999) (quoting *Nester*, cited above). In such instances, the pivotal inquiry focuses on the voluntariness of the confession.

In determining voluntariness, the question is "not whether the defendant would have confessed without interrogation, but whether the interrogation was so manipulative or coercive that it deprived the defendant of his ability to make a free and unconstrained decision to confess." *Nester*, cited above. While tactics used to coerce involuntary statements are properly impermissible, "the law does not require the coddling of those accused of crime. One such need not be protected against his own innate desire to unburden himself." *Commonwealth v. Graham*, 182 A.2d 727 (Pa. 1962). Thus, in reaching resolution of this issue, the trial court should consider: "the duration and means of the interrogation; the physical and psychological state of the accused; the conditions attendant to the detention; the

⁹ Nevertheless, the record before the Court is clear that Carey's waiver of his *Miranda* rights was voluntary.

¹⁰ For the reasons set forth later in this Opinion, I find that Carey did not unambiguously request counsel during the course of his interview.

attitude of the interrogator; and any and all other factors that could drain a person's ability to withstand suggestion and coercion." *Nester*, A.2d at 882.

In considering the duration and means of Carey's interrogation, I find that both factors weigh in favor of voluntariness. The limited duration of Carey's interview mitigates against the finding that Carey's will was overwhelmed. Although a review of the audio recording of the interview indicates Carey was emotional at times, the overall context of the interview reveals a conversational exchange peppered with humor, mutual inquiry and amicable discussion. During the course of the interview, Carey acknowledges that he was not threatened. There is no indication of the use, display or threat of force during the course of the interview which was conducted in the same room with which Carey was familiar from the previous day's interview. The tone of voice of the troopers throughout the interrogation is non-threatening and, in fact, conciliatory. Moreover, as previously discussed, the interview took place in a non-custodial setting.

Similarly, there is no indication of either physical or psychological disability affecting the voluntariness of Carey's statement. Carey is not of compromised intelligence and, in fact, has completed the ninth grade of formal education; operates his own business and has substantial previous interaction with law enforcement.¹¹ There is no indication of sleep deprivation nor physical coercion. To the contrary, during his testimony, Carey indicated that he is a truck driver who is used to operating on a few hours of sleep. Additionally, several days had passed between the time of the interview and the incident in question during which time Carey was free to go about his personal life.

In considering the effect of the trooper's recitation of the *Miranda* warnings on the voluntariness of Carey's statements, I am guided by the judgment of the Superior Court:

"..., there is nothing inherently coercive about the fact that the officer warned appellee of her right to remain silent, of the fact that what she said could be used against

¹¹During his testimony, Carey indicated that he had previously been advised of his *Miranda* warnings in regard to other criminal offenses. The parties stipulated that Carey had been arrested and convicted of the following offenses: 1993-burglary; 1993-theft by unlawful taking; 1993-theft by receiving stolen property; 1993-forgery (three separate convictions); 1994-solicitation to commit perjury.

her, of her right to cut off questioning whenever she so chose to, or of her right to an attorney. The decision to graciously apprise the appellee of her *Miranda* rights in situations such as this, where the law did not require that such advice be offered, should be applauded, not deterred. This fact suggests that the police officer acted with an abundance of caution to ensure that no answer be given without the benefit of a relevant legal education. To find fault with this would surely inhibit such spontaneous tutelage. Neither law nor logic would compel us to do so.”

Morgan, A.2d at 1019. See also *Templin*, cited above (the fact that warnings were given is an important factor tending in the direction of a voluntariness finding.)

Continued to next issue (12/9/2005)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-960 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in the Township of Franklin, County of Adams and State of Pennsylvania, bounded and limited as follows:

BEGINNING at an existing P.K. nail three (3) feet North of the centerline of Church Road (T-361) at the Northeastern corner of other land now or formerly of Gilbert Hartzell, thence running in Church Road and by land now or formerly of Gilbert Hartzell, South 60 degrees 23 minutes 40 seconds West, 87.45 feet to a railroad spike 3 feet North of the centerline of Church Road (which railroad spike is North 60 degrees 23 minutes 40 seconds East 40 feet from an existing P.K. nail 3 feet North of the centerline of said highway); thence running by land now or formerly of Donald Dillon and through a reference steel rod set back 21.75 feet from the start of this course, North 15 degrees 0 minutes 0 seconds West, 488.00 feet to an existing pipe; thence by the same, North 88 degrees 54 minutes and 10 seconds East, 80.71 feet to an existing pipe at land now or formerly of Donald Valentine, thence running by land now or formerly of Donald Valentine, South 38 degrees 19 minutes 55 seconds East, 414.24 feet to an existing railroad spike in the centerline of Church Road and thence by the same bearing, 29.88 feet to an existing steel rod on line of land now or formerly of Dale J. Lux; and thence by the same bearing and by land of Lux, 262.56 feet to an existing steel rod in stones on line of land now or formerly of Bob Deatrack; thence by land now or formerly of Bob Deatrack, 50 degrees 41 minutes 10 seconds West, 298.74 feet to an existing pipe at corner of land now or formerly of Gilbert Hartzell, thence by land now or formerly of Gilbert Hartzell and through an existing pipe in concrete set back 22.5 feet from the end of this course, North 15 degrees fourteen 14 minutes 30 seconds West, 325.34 feet to an existing P.K. nail 3 feet North of the centerline of Church Road (T-361) the point and place of BEGINNING.

CONTAINING 3.281 acres. The description was taken from a draft of survey by J. Riley Redding, R.S., dated October 13, 1987.

Being the same premises which Clyde E. Ritter and Francis A. Ritter, now Francis A. Hershberger, by deed dated October 15, 1990, and recorded June 10, 1992, in and for Adams County, in the Office of the Recorder of Deeds, in Deed Book 630, Page 225, granted and conveyed unto Clyde E. Ritter, the Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Clyde E. Ritter and Joyce E. Ritter, husband and wife, by Deed from Clyde E. Ritter joined by Joyce E. Ritter, husband and wife, dated 10-4-01, recorded 10-9-01 in Deed Book 2426, page 86.

Premises being: 520 Church Road, Orttanna, PA 17353

Tax Parcel No. 12-B09-0063-000

SEIZED and taken into execution as the property of **Clyde E. Ritter & Joyce E. Ritter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 30, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/18, 23 & 12/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-549 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of improved real estate situate in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for the Southeastern corner hereof at a leitz spike in the center of the Belmont Road (Township Road T-348), located North 14 degrees 19 minutes 45 seconds East, 113.92 feet from an existing railroad spike in the center of said Belmont Road at the

Southeastern corner of the original tract of Dean R. Gardner et al, and at a corner of lands now or formerly of Ray Baker; thence through the original tract of Dean R. Gardner et al, for the next three courses, running through a copperweld rod 36.7 feet from the beginning of this course, North 76 degrees 42 minutes 50 seconds West, 292 feet to a steel rod at the Southwestern corner hereof; thence North 14 degrees 19 minutes 45 seconds East, 150 feet to a steel rod at the Northwestern corner hereof; thence running through a steel rod 25 feet from the end of this course, South 76 degrees 42 minutes 50 seconds East, 292 feet to a leitz spike in the center of said Belmont Road at the Northeastern corner hereof; thence running in the center of Belmont Road, South 14 degrees 19 minutes 45 seconds West, 150 feet to the above described place of BEGINNING.

CONTAINING 1.005 Acres.

THE above description was taken from a draft of survey of Adams County Surveyors, dated May 28, 1986, being Tract No. 2 thereon, and duly filed in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on June 16, 1986 and recorded in Plat Book 44 at page 26.

TITLE TO SAID PREMISES IS VESTED IN John F. Kaczorowski by Deed from James S. MacPherson and Barbara E. MacPherson dated 5/23/1997 and recorded 5/27/1997 in Record Book 1378 Page 120.

Tax Parcel: 79 Map #E11

Premises being: 306 Belmont Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **John F. Kaczorowski** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 30, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/23, 12/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-784 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in the center line of Legislative Route T-397 leading to Gardners at lands now or formerly of Merle R. Kime; thence in said road, North 58 degrees 43 minutes 00 seconds East 280.43 feet to a railroad spike in the center line of said Legislative Route T-397 at lands now or formerly of Charles E. Group Estate; thence by said lands and through an iron pin set back 20 feet on the line, South 33 degrees 14 minutes 34 seconds East, crossing the Gettysburg-Harrisburg railroad tracks, 141.55 feet to an iron pin at lands now or formerly of Pet Milk Co.; thence by said lands, South 46 degrees 45 minutes 00 railroad tracks at lands now or formerly of Merle R. Kime; thence by said lands and through an iron pin set back 17 feet from the end of this course, North 34 degrees 25 minutes 32 seconds West 199.92 feet to the place of BEGINNING. CONTAINING 1.091 acres.

Parcel #40-G04-0056

Improvements consisting of a single family residential building.

Premises known as: 313 Gardners Station Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Garry C. Kuhn & Cheryl L. Kuhn** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 30, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/18, 23 & 12/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-707 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, situate in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at the Conewago Creek and other land now or formerly of Paul E. Arentz and wife, thence Westwardly along said creek one hundred (100) feet to a fifty (50) feet wide street, thence along the East side of said street South four and one-fourth (4-1/4) degrees East, one hundred ninety (190) feet, more or less, to a twenty (20) feet wide driveway; thence along and with the North side of said driveway, in an Eastwardly direction, one hundred (100) feet to other lands now or formerly of Paul E. Arentz and wife; thence along said last mentioned land, Northwardly two hundred ten (210) feet to the Conewago Creek, the place of BEGINNING.

TOGETHER with the right to take and draw water, for domestic use in the building erected on the premises hereby conveyed, from a well located on adjacent lands, through pipes now and lately used for that purpose as they now exist, said well system to be maintained by the owner of the said adjacent premises.

TITLE TO SAID PREMISES IS VESTED IN Gary J. Pheabus and Helen Melina Pheabus, his wife by Deed from Byran A. Beichler and Kelly D. Beichler, his wife dated 5/12/1999 and recorded 5/14/1999, in Record Book 1831 Page 244.

Premises being 395 Boy Scout Road, New Oxford, PA 17350

Tax Parcel No. 13, Map #J-10

SEIZED and taken into execution as the property of **Gary J. Pheabus & Helen M. Pheabus a/k/a Helen Melina Pheabus a/k/a Helen M. Rich** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 30, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/18, 23 & 12/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-263 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 571 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Miscellaneous Book 4, at Page 665, and subject to all legal highway easements, rights-of-way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Charles G. Aiken, III, single by Deed from V. M. Cimino Contractors, Inc., a Maryland Corporation dated 2/14/2001 and recorded 2/21/2001 in Record Book 2216, Page 265.

Premises being: 571 Hooker Drive, Gettysburg, PA 17325

Tax Parcel No. 33-005-0068-000

SEIZED and taken into execution as the property of **Charles G. Aiken, III a/k/a Charles Gerard Aiken, III a/k/a Jerry Aiken a/k/a C. Gerard Aiken** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/23, 12/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of ground situate on the Eastern side of M. Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of lands formerly of R. M. Matthias, now or formerly of Richard Ogg Industrial Design; thence by said lands now or formerly of Richard Ogg Industrial Design, East 150 feet, more or less, to a public alley; thence along said public alley, South 37 feet 6 inches to lands now or formerly of Enzie Staley, now Lot No. 2 hereby conveyed; thence by said Lot No. 2 hereby conveyed, West 150 feet, more or less, to M. Street; thence along M. Street, North 37 feet 6 inches to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Martin Krabbe and Stephanie Krabbe, his wife by Deed from Brian H. Smith, Larry W. Smith and Jay A. Wantz, Co-Partners, trading and doing business as I.C.R. Associates, dated 8/31/2001 and recorded 9/7/2001 in Record Book 2398 Page 96.

Tax Parcel: 11-44

Premises Being: 220 M Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Martin Krabbe & Stephanie Krabbe** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-979 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pipe in or along Township Road T-369, known as Fairground Road, at corner of land now or formerly of Francis T. Carberry and wife; thence in or along said Fairground Road and by land now or formerly of South Mountain Community Fair Association, South 55 degrees 41 minutes 16 seconds West 34.20 feet to an iron pipe at a post; thence continuing in said Fairground Road and by land now or formerly of South Mountain Community Fair Association, South 72 degrees 9 minutes 15 seconds West 130.80 feet to a railroad spike at the Northern side of said road; thence by other land now or formerly of Dale G. Showers and wife, designated as Lot No. 3 on the Plan of Lots referred to below, and running in the center of a private road 50 feet in width, North 29 degrees 37 minutes 12 seconds West 285 feet to a point in the center of said private road; thence by other land now or formerly of Dale G. Showers and wife, designated as Lot No. 8 on the Plan of Lots referred to below, and running through an iron pipe located 25 feet from the beginning of this line, North 56 degrees 43 minutes 50 seconds East 162.47 feet to an iron pipe; thence by land now or formerly of Francis T. Carberry and wife and running through an iron pipe located 40 feet from the end of this line, South 29 degrees 37 minutes 12 seconds East 319.23 feet to an iron pipe in or along Fairground Road, the place of BEGINNING. CONTAINING 1.139 acres, more or less.

The foregoing description was obtained from a Plan of Lots prepared by Richard W. Boyer, Registered Surveyor, trading as Boyer Surveys, dated May 2, 1983 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 38 at page 38, the lot hereby conveyed being designated as Lot No. 4 on the said Plan of Lots.

TOGETHER WITH AND SUBJECT TO the right to use in common with Dale G. Showers and Janet S. Showers,

husband and wife, their heirs and assigns, the 50 foot private road referred to in the foregoing description as a means of ingress, egress and regress from Township Road T-369 to the lot of ground hereby conveyed and to Lot No. 3 and Lot No. 8 shown on the aforementioned Plan of Lots.

IT BEING the same tract of land which Barbara Ann Rudisill, formerly Barbara Ann Adams, and William E. Rudisill, husband and wife by deed dated April 25, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 378 at page 738, conveyed to William Eugene Rudisill and Barbara Ann Rudisill.

The lot of ground hereby conveyed is conveyed SUBJECT, HOWEVER, TO the restrictions set forth at length in Deed Book 370 at page 353.

TITLE TO SAID PREMISES IS VESTED IN Barbara Ann Rudisill, by Deed from William Eugene and Barbara Ann Rudisill, dated 6-12-00, recorded 6-20-00, in Deed Book 2073, page 1.

Premises being: 431 Fairground Road, Biglerville, PA 17307

Tax Parcel No. 29-D08-0006C

SEIZED and taken into execution as the property of **Barbara Ann Rudisill** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 04-S-472
ACTION IN DIVORCE

ARLYN R. MEYERS, Plaintiff
vs.
CHRISTINE MEYERS, Defendant

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 04-S-472
ACTION IN DIVORCE

ARLYN R. MEYERS, Plaintiff
vs.
CHRISTINE MEYERS, Defendant

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 04-S-472
ACTION IN DIVORCE

ARLYN R. MEYERS, Plaintiff
vs.
CHRISTINE MEYERS, Defendant

DEFENDANT'S COUNTER-
AFFIDAVIT UNDER SECTION 3301(d)
OF THE DIVORCE CODE

- 1. Check either (a) or (b):
- (a) I do not oppose the entry of a divorce decree.
- (b) I oppose the entry of a divorce decree because (check (i), (ii) or both):
- (i) The parties to this action have not lived separate and apart for a period of at least two (2) years.
- (ii) The marriage is not irretrievably broken.

- 2. Check either (a) or (b):
- (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
- (b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the Prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: _____
Christine Meyers

NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you need not file this counter-affidavit.

NOTICE OF INTENTION TO
REQUEST ENTRY OF DIVORCE
DECREE

TO: Christine Meyers
via advertisement once in *The Gettysburg Times* and *Adams County Legal Journal*

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the Plaintiff's §3301(d) affidavit. Therefore, on or after **December 12, 2005** (20 days), the Plaintiff can request the Court to enter a final decree in divorce.

If you do not file with the Prothonotary of the Court an answer with your signature notarized or verified or a counter-affidavit by the above date, the Court can enter a final decree in divorce. Unless you have already filed with the Court a written claim for economic relief, you must do so by the above date or the Court may grant the divorce and you will lose forever the right to ask for economic relief. A COUNTER-AFFIDAVIT WHICH YOU MAY FILE WITH THE PROTHONOTARY OF THE COURT IS ATTACHED TO THIS NOTICE.

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

LAWYER REFERRAL SERVICE OF
YORK COUNTY ASSOCIATION
137 EAST MARKET STREET
YORK, PENNSYLVANIA 17401
(717) 854-8755

NOTICE OF INTENTION TO
REQUEST ENTRY OF DIVORCE
DECREE

TO: Christine Meyers
via advertisement once in *The Gettysburg Times* and *Adams County Legal Journal*

Plaintiff, ARLYN R. MEYERS, intends to file with the Court the attached Praecepto to Transmit Record on or after **December 12, 2005** requesting that a final decree in divorce be entered.

Judith Koper Morris, Esq.
Attorney For Plaintiff
230 York Street
Hanover, PA 17331
(717) 632-4656
I.D. #65108

12/2

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

LEGAL NOTICE

IN RE: Estate of Carrie A. Adkins
a/k/a Carrie Ann Adkins
a/k/a Carrie A. Beach

NOTICE IS HEREBY GIVEN, that the original Executors in the captioned estate, namely Shirley A. Funt, Paulie E. Varner, and Lloyd Adkins have renounced their right to continue as Co-Executors and have appointed Adams County National Bank as Administrator d.b.n. c.t.a. for the Estate aforementioned.

Accordingly, notices of any claims or the payment of any obligations due to the Estate should be made to:

Adams County National Bank
Attn: Paul Ketterman
Lincoln Square
Gettysburg, Pennsylvania 17325

or

Robert E. Campbell, Esq.
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, Pennsylvania 17325

ESTATE OF LOUISE E. BROWN, DEC'D

Late of the Borough of Fairfield,
Adams County, Pennsylvania

Administrators: Melvin E. Brown, 239
Fairfield Station Road, Fairfield, PA
17320; Richard E. Brown, 1196
Colonial Road, Harrisburg, PA 17112

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

ESTATE OF MINNIE I. HETRICK, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executors: Mervin L. Dubs, 9 Second
Avenue, Hanover, PA 17331; Lori
Fisher, 137 Penn Street, Hanover,
PA 17331

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

ESTATE OF MAMIE A. KLINEDINST,
DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executors: Gloria J. Henry, 1324
Porters Road, Spring Grove, PA
17362; Dennis L. Klinedinst, 419
Summit Drive, Red Lion, PA 17356

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

ESTATE OF HAZEL M. WASHINGTON,
DEC'D

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

Executor: David Washington, 415
Main St., York Springs, PA 17372

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

SECOND PUBLICATION

ESTATE OF DOROTHY W. DeHAAS,
DEC'D

Late of Cumberland Township, Adams
County, Pennsylvania

Co-Executors: John P. DeHaas, 411
North Fourth Street, Gettysburg, PA
17325; C. William DeHaas, 1760
Shrivers Corner Road, Lot #110,
Gettysburg, PA 17325

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

ESTATE OF STERLING R. LEHIGH,
DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executor: Richard E. Lehigh, 7725
Blue Hill Road, Glenville, PA 17329

Attorney: Crabbs & Crabbs, 202
Broadway, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF ELIZABETH D. ALDRICH,
DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Administratrix: Sarah E. Aldrich, c/o
135 South Duke St., York, PA 17403

Attorney: Richard H. Mylin, III, Esq.,
135 South Duke St., York, PA 17403

ESTATE OF CATHERINE ANNE
AMOUR, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executrix: Kathleen Anne Redding,
101 Panther Dr., Hanover, PA 17331

ESTATE OF ARMATHA M. FORD, DEC'D

Late of Straban Township, Adams
County, Pennsylvania

Executrix: Rosetta M. Lawyer, c/o Law
Offices of Douglas H. Gent, 1157
Eichelberger Street, Suite 4,
Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law
Offices of Douglas H. Gent, 1157
Eichelberger Street, Suite 4,
Hanover, PA 17331

ESTATE OF HAROLD F. LAWRENCE,
DEC'D

Late of Hamilton Township, Adams
County, Pennsylvania

Executor: Dean P. Lawrence, 6370
York Road, New Oxford, PA 17350

Attorney: Matthew L. Guthrie, Esq.,
Guthrie, Nonemaker, Yingst & Hart,
40 York Street, Hanover, PA 17331

ESTATE OF HANS J. LEONHARDT,
SR., a/k/a HANS JOACHIM LEON-
HARDT, DEC'D

Late of Straban Township, Adams
County, Pennsylvania

Administrators: Peter J. Leonhardt,
1112 Roosevelt Court, Hanover, PA
17331; Hans J. Leonhardt, Jr., 1270
New Chester Road, New Oxford, PA
17350

Attorney: Daniel M. Frey, Esq., Barley
Snyder LLC, 14 Center Square,
Hanover, PA 17331

ESTATE OF FREDERICK A. SMITH,
DEC'D

Late of Conewago Township, Adams
County, Pennsylvania

Executrix: Linda M. Brown, 107 Fourth
Street, Hanover, PA 17331

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

ESTATE OF LOUISE B. SMITH, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executors: Deborah A. Harper & Paul
E. Smith, c/o Law Offices of Douglas
H. Gent, 1157 Eichelberger Street,
Suite 4, Hanover, PA 17331

Attorney: Eric R. Dutcher, Esq., Law
Offices of Douglas H. Gent, 1157
Eichelberger Street, Suite 4,
Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-782 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for the Southeastern corner hereof at a railroad spike in the center of Township Road T-343 running between McKnightstown and Seven Stars which point of beginning is the Southwestern corner of Lot No. 14 as shown on the subdivision plan herebelow identified, thence in the center of said Township Road and running through a railroad spike 100 feet from the beginning of this course South 64 degrees 30 minutes 10 seconds West 200 feet to a railroad spike at the Southeast corner of Lot No. 11; thence by Lot No. 11 and passing through a reference iron pin 20 feet from the beginning of this course North 25 degrees 29 minutes 50 seconds West 435.6 feet to an iron pin on line of land now or formerly of Gladys Shirley; thence by the same and running through an iron pin 100 feet from the beginning of this course North 64 degrees 30 minutes 10 seconds East 200 feet to an iron pin at the Northwest corner of Lot No. 14 aforesaid; thence by Lot No. 14 and running through a reference iron pin 20 feet from the end of this course South 25 degrees 29 minutes 50 seconds East 435.6 feet to the above described place of BEGINNING. CONTAINING 2 Acres.

BEING THE SAME which Gloria J. Smeed, unmarried and Dorothy E. Smeed, unmarried, by their deed dated October 23, 1984 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 389 at Page 5 granted and conveyed unto John K. Grunza and Linda B. Grunza, husband and wife, the GRANTORS herein.

TITLE TO SAID PREMISES IS VESTED IN Daniel A. Nevells, a single man, by Deed from John K. Grunza and Linda B. Grunza, husband and wife, dated 9-18-98, recorded 9-22-98 in Deed Book 1666, page 220.

Premises being: 317 Seven Stars Road, Gettysburg, PA 17325-0000

Tax Parcel No. 12-E12-0001A

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 11/23/05, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of WOODLANDS, WILDFLOWERS, AND WATER, with its principal place of business at 39 Spring Trail, Carroll Valley, PA 17320. The names and addresses of the persons owning or interested in said business are Bruce E. and Pamela Hind Rowland, residing at 39 Spring Trail, Carroll Valley, PA 17320. The character or nature of the business is educational.

12/2

Adams County Legal Journal

Vol. 47

December 9, 2005

No. 29, pp. 166-171

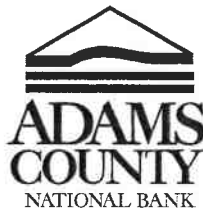
IN THIS ISSUE

COMMONWEALTH VS. CAREY

This opinion continued from last issue (12/2/2005)

Commitment:

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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Business Office - 111 Baltimore Street, Room 305, Gettysburg, PA 17325, Telephone: (717) 337-9812
Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-985 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, being Lot No. 5 of Springfield Estates, bounded and described as follows:

BEGINNING at an iron pin on the Southerly edge of Summer Drive at Lot No. 4, thence by said lot South 33 degrees 36 minutes 10 seconds West, 179.63 feet to an iron pin at lands now or formerly of Guy Francis Gebhart; thence by said lands North 56 degrees 20 minutes 46 seconds West, 115 feet to an iron pin at Lot No. 6; thence by said lot Southerly edge of Summer Drive; thence along the Southerly edge of said Summer Drive South 56 degrees 23 minutes 50 seconds East, 115 feet to the place of BEGINNING. CONTAINING 20.652 square feet.

The above description was taken from a plan of lots labeled "Springfield Estates" dated June 22, 1977, prepared by Gettysburg Engineering Co., Inc., and recorded in Adams County Plan Book No. 20, page 29.

Tax Parcel #: 6-8-76

Premises known as: 16 Summer Drive, Gettysburg, PA 17325

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-952 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

485 Basehoar School Road, Littlestown, Adams County, Pennsylvania 17340:

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

BEGINNING for a point along the Southerly right-of-way line of Basehoar School Road and Lot No. 247 of the hereinafter referred to subdivision plan; thence along said Lot No. 247, South two (2) degrees eleven (11) minutes fifty-six (56) seconds East, one hundred forty and zero hundredths (140.00) feet to a point at other lands now or formerly of Lynn Lee Construction Co., Inc.; thence along said other lands now or formerly of Lynn Lee Construction Co., Inc., South eighty-seven (87) degrees forty-eight (48) minutes four (4) seconds West, one hundred and zero hundredths (100.00) feet to a point at Lot No. 249; thence along said Lot No. 249, North two (2) degrees eleven (11) minutes fifty-six (56) seconds West, one hundred forty and zero hundredths (140.00) feet to a point along the Southerly right-of-way line of Basehoar School Road; thence along the Southerly right-of-way line of Basehoar School Road, North eighty-seven (87) degrees forty-eight (48) minutes four (4) seconds East, one hundred and zero hundredths (100.00) feet to a point, the place of BEGINNING. CONTAINING 14,000 square feet and being identified as Lot No. 248 on the final subdivision plan of Phase I, Meadowview Estates, which plan is recorded in the

Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 54, Page 75.

UNDER AND SUBJECT to the Declaration of Restrictions of Lynn Lee Construction Co., Inc., recorded February 22, 1990, in the Adams County Recorder of Deeds Office in Record Book 547, Page 198.

Improvements: A white, vinyl siding Rancher with attached garage.

SEIZED and taken into execution as the property of **James W. Houseman, III, individually and t/d/b/a Timber Building Systems** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

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 PARKSVILLE PROPERTIES with its principal place of business at 5 Tiffany Lane, Gettysburg, PA 17325. The owners of the business are Marina F. Cullison, 5 Tiffany Lane, Gettysburg, PA 17325 and Shelly M. Verber, 688 St. John's Drive, Camp Hill, PA 17011.

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

12/9

COMMONWEALTH VS. CAREY

Continued from last issue (12/2/2005)

The heart of Carey's challenge to the voluntariness of his statements is based upon four different passages found in the transcript of the statement. These passages are the same ones for which he claims that the police failed to honor the spirit of *Miranda*. Although I previously found that *Miranda* is not implicated in this matter, I must still analyze the entire statement in determining its voluntariness.

Among the interactions claimed by Carey which make his statement involuntary is what he references as a "request for counsel."¹² I note, initially, that my review of the discussion concerning counsel indicates that it is an ambiguous request at best. Carey does not ask to speak with an attorney but rather asks what an attorney would tell the police if present. This exchange does not rise to the invocation of a right to counsel but instead, at most, constitutes an inquiry by

¹²In his brief, Carey references the following exchange as a request for counsel:

Douglas Carey: Turn that off.

Corporal Cronin: Why, why do you want us to turn it off?

Douglas Carey: Too many God darn, I mean, of me, lying through and that thing and this thing, put it all in a pile.

Corporal Cronin: I want to tell you, right now, that the only thing that's gonna hurt you is not telling the truth. What, what, what hurts you is the four (4) or five (5) different versions of what happened in that bedroom over the last three (3) days.

Douglas Carey: Uh huh. That's already there. We're speaking.

Corporal Cronin: We don't want that. We don't want that to happen to you. What we want to know, in your words, what happened second by second in there.

Douglas Carey: Do you think I ought to have a lawyer?

Corporal Cronin: I'm sorry.

Douglas Carey: What would a lawyer tell you.

Corporal Cronin: Well, a lawyer is not gonna allow us to talk to you anymore. Is that what you mean?

Douglas Carey: Yea, is that what they'd tell you?

Corporal Cronin: They'd tell you not to talk to us anymore.

Douglas Carey: Because you'll discriminate me.

Corporal Cronin: Incriminate you.

Douglas Carey: Incriminate me.

Corporal Cronin: Yes. But where you are right now, Douglas, is several different versions of events in there. Now . . .

Douglas Carey: Yea, cause they're already slapped on. Like I just said.

Commonwealth Exhibit 5A, pages 25-26.

Carey to the troopers. Significantly, Cpl. Cronin's response was both truthful and fair. In fact, rather than attempting to manipulate Carey in further discussion by ignoring his question, Cpl. Cronin errs on the side of caution in suggesting that an attorney would advise Carey not to speak with the police any further. Despite this additional caution, Carey continues with the interview. Under these circumstances, this interaction was not impermissibly coercive. See generally *Commonwealth v. Colon*, 846 A.2d 747 (Pa.Super. 2004).

Moreover, I find this issue controlled by the Superior Court's Opinion in *Commonwealth v. Morgan*, cited above. In *Morgan*, the defendant specifically requested an attorney while being interviewed in a non-custodial situation. The Superior Court pointed out:

No one compelled her to talk with the officer without first gaining the advice of a lawyer. Appellee gave the statement only after being reminded of *Miranda* rights to which, under circumstances (non-custodial setting), she was not even technically entitled. In light of these facts, it cannot be successfully maintained that failure to cease questioning until an attorney was made available was in any way actually coercive.

Morgan, A.2d at 1019. I find this reasoning particularly applicable to Carey's statements and, therefore, under the totality of the circumstances, I find that this exchange does not affect the voluntariness of Carey's statements.

Carey next points to three separate areas during the interview where he claims he sought to end the questioning, however, was coerced in continuing with the interview.¹³ In *Commonwealth v.*

¹³In reference to his claim that police failed to honor his exercise of his rights to remain silent, Carey cites the following passages:

Trooper Gayman: We talked about this. Yesterday, yesterday the gun was lying on the bed and now we know that isn't, that isn't correct.

Douglas Carey: So that's gonna be blaming me.

Trooper Gayman: All's all we want to do is report.

Douglas Carey: Court.

Corporal Cronin: Yes.

Douglas Carey: I ain't telling you. I ain't saying no more. Do you know what? (Carey pounds on table) I can't. It's all twisted around. I can't help it.

(footnote 13 continued to next page)

Whitney, 512 A.2d 1152 (Pa. 1986), the Supreme Court noted that “[t]he line of distinction between a voluntary and involuntary confession is that at which governing self-direction is lost and compulsion propels the confession.” *Id.* A.2d at 1157. Viewing the interaction between Carey and the state troopers under the totality of the

(footnote 13 continued from previous page)

Corporal Cronin: We’re not twisting anything around, we’re just listening to you.

Douglas Carey: No, but you’re gonna. Taking away my kids. I don’t want my kids to leave. You know how bad it was when I left. I told them, “I probably won’t come home.” People have no idea. I mean they hung on me like glue, all night long.

Corporal Cronin: The whole thing’s a tragedy. It’s a tragedy for you, a tragedy for her, a tragedy for these kids.

Douglas Carey: I know. . . .

Commonwealth Exhibit 5A, page 25.

Later during the interview:

Douglas Carey: I just can’t believe the arm got broken.

Trooper Gayman: We told you to relax about that. We don’t.

Douglas Carey: It bugs me, cause I’m thinking I had no physical contact with her.

Trooper Gayman: You gotta, you gotta work around that. We aren’t worried about that arm.

Douglas Carey: Hit her where? What are you guys, I’m done talking, I’m not talking no more. I told you that’s it. I mean it, I can’t. You keep asking things and I’m getting confused, I don’t understand things. (Carey pounds on table) I don’t understand.

Trooper Gayman: Well, do you understand that when the tape goes off there is no more there, there is no more statement? There is no more talking once the tape gets turned off. Do you understand that?

Douglas Carey: What do you want to talk about? I don’t know why you’re saying I hit her.

Corporal Cronin: You hit her.

Douglas Carey: Where, with what?

Corporal Cronin: In the bedroom. You hit her.

Douglas Carey: With what?

Trooper Gayman: You tell us.

Douglas Carey: I don’t remember, sir. Doggone it, I don’t remember.

Corporal Cronin: It’s alright, well we’ll come back to that. Do you still want, do you still want to talk to us?

(footnote 13 continued to next page)

circumstances, I find that the line of distinction rendering Carey's statements involuntary was not crossed.

The circumstances of the statements, viewed in their totality, plainly demonstrate their voluntary nature. Significantly, each time Carey indicates that he is no longer talking, he follows up the statement with an inquiry of police officials. For instance, on one

(footnote 13 continued from previous page)

Douglas Carey: If you want to talk and tell me things I didn't I don't remember.

Corporal Cronin: That's fine. Now, the bullet. What kind of container was that in? I mean, was it, I mean, was it just sitting on its own on the top of the fridge. Did you have it in a cup or?

Douglas Carey: It was in a plastic cup, plastic cup or something . . .

Commonwealth Exhibit 5A, pages 37-38.

The final reference cited by Carey is as follows:

Trooper Gayman: Then what'd you do? She's coming out she's coming up out of the bed, then what'd you do?

Douglas Carey: I just pulled it right up like that, and just as soon as I, I, I always tried to get that thing, I always thought it was out and I did, I thought it was out. As soon as I pull up, just as soon as that thing came up (snaps fingers) that quick.

Trooper Gayman: No.

Douglas Carey: Oh, well, then you just shut that son of a bitch off! I'm done! Don't tell me no, that's what happened! As soon as that thing came up, that was it! It went off, as soon as I brought it up, woo, the lever. You're saying no, that's it, I'm done talking to you now. Now I told you the truth. How can you say no, I'm the one there.

Trooper Gayman: Because we went to the autopsy.

Douglas Carey: Yeah. What's that mean? See, that's what I mean, I'm not talking no more, shut it off. I'm upset now, okay. Doggone it you guys! You keep, every time I say one thing, you gotta, you want me to say another thing, you know what you're doing, you're getting me so many doggone things, then you say, this, this, this, this, well you might as well just shoot me right here! What the heck kind of crap's that? I told you I tried to get it out! I put it up and when I brought that thing up, it went off! I brought that thing up and it just went off!

Trooper Gayman: Do you realize from Friday until today, you went from nowhere near it, to you holding it, picking the gun up and holding it.

Douglas Carey: I'm not talking to you.

Trooper Gayman: That's why we're talking. That's why we're asking you questions. Because we need to get to the truth. And the only way we can get to the truth is through you.

(footnote 13 continued to next page)

occasion, Carey says, "I ain't saying no more" but immediately follows that statement with the question, "Do you know what, do you know what?". Commonwealth Exhibit A, page 26. Thereafter, he follows up his own question with further conversation. Similarly, later in the interview, he indicates that he is done talking with the officers. His next statement quizzically indicates he doesn't understand. Tpr. Gayman properly explains that once the tape recording is stopped, the statement is ended to which Carey offers, "What do you want to talk about?". See Commonwealth Exhibit A, page 39. Finally, toward the end of the interview, Carey's indication that he is done talking is immediately followed up by an inquiry of police as to how they can question what he is saying. When the troopers indicate that they were present at the autopsy, Carey makes further inquiry of them.

Significantly, throughout the interview, the trooper's tone is non-threatening. Carey was never threatened with any recourse if he did not confess. Although the troopers are clear in indicating that they did not fully believe Carey, encouraging a suspect to cooperate with

(footnote 13 continued from previous page)

Douglas Carey: I just told you. I just told you, sir. I don't know what more you want. You want more and more all the time. I don't know what to give you.

Trooper Gayman: We're just trying to get to the bottom. Do you understand that? We're not trying to make you mad.

Douglas Carey: Well, where's the bottom when you can't answer questions? How can you give a person every answer he wants if you can't remember everything and then when you do think you remember the way you think it is, then you say, "no, it isn't that way." So then, what you're telling me is, every time I go round, it's not ever gonna be the truth until it's the way you think it is, in your mind the way they say it was down there. I can't remember.

Trooper Gayman: Everything's the truth except from what happened from the time that you picked the gun up behind the television until the gun went off. There's a few seconds there that Corporal Cronin and I would like to know what happened. I don't think, I know I don't believe, I don't think, he believes that you put that bullet in and cranked that lever up and that gun went off right away.

Douglas Carey: All I did. It did, it did. It went off right away. I was totally shocked! It went off right away. It did, it went right off, right away. I was holding it down like this. When it went up, woo

Commonwealth Exhibit 5A, pages 46-47.

the investigation and answer questions honestly is a permissible interrogation tactic. *Nestor*, cited above; *United States v. McNaughton*, 848 F.Supp. 1195 E.D. (Pa. 1994). Importantly, as previously indicated, the interview took place in a non-custodial setting in which the troopers were polite and offered refreshments. See *Edminston*, cited above (comfortable surroundings, non-coercive atmosphere and polite demeanor of police weigh in favor of finding of voluntariness). If Carey truly wished to end the interview, there was nothing stopping him from exiting the interview room. During the course of the interview, Carey not only acknowledges that he was treated well, Commonwealth Exhibit A, page 33, but also implicitly acknowledges that he believes he is free to leave.¹⁴

In analyzing these factors, as well as those previously discussed in this Opinion, under the totality of the circumstances test, it is clear that Carey was hardly badgered by police officers into involuntarily providing a statement. Instead, Carey not only participated in a voluntary exchange of information with police but also initiated further discussion. Accordingly, the July 14, 2002 taped statement is admissible at trial.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 2nd day of May, 2005, the Defendant's Omnibus Pre-trial Motion to Suppress the statements of July 12, 2002, July 13, 2002 and July 14, 2002 is denied.

¹⁴ After the troopers indicate to Carey that they believe something happened at the scene of the shooting immediately prior to the gun being discharged, Carey indicates that he doesn't know what happened. That answer is followed up by inquiry by Cpl. Cronin as to whether it is possible that something happened that he just doesn't remember to which Carey responds, "Maybe. I don't know. Why, I wanna know what happened. It's bugging me. It's got me in a frenzy, **I can't keep on going home and trying to sleep like this.** (emphasis added). Commonwealth Exhibit 5A, page 19.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-549 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of improved real estate situate in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for the Southeastern corner hereof at a leitz spike in the center of the Belmont Road (Township Road T-348), located North 14 degrees 19 minutes 45 seconds East, 113.92 feet from an existing railroad spike in the center of said Belmont Road at the Southeastern corner of the original tract of Dean R. Gardner et al, and at a corner of lands now or formerly of Ray Baker; thence through the original tract of Dean R. Gardner et al, for the next three courses, running through a copperweld rod 36.7 feet from the beginning of this course, North 76 degrees 42 minutes 50 seconds West, 292 feet to a steel rod at the Southwestern corner hereof; thence North 14 degrees 19 minutes 45 seconds East, 150 feet to a steel rod at the Northwestern corner hereof; thence running through a steel rod 25 feet from the end of this course, South 76 degrees 42 minutes 50 seconds East, 292 feet to a leitz spike in the center of said Belmont Road at the Northeastern corner hereof; thence running in the center of Belmont Road, South 14 degrees 19 minutes 45 seconds West, 150 feet to the above described place of BEGINNING.

CONTAINING 1.005 Acres.

THE above description was taken from a draft of survey of Adams County Surveyors, dated May 28, 1986, being Tract No. 2 thereon, and duly filed in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on June 16, 1986 and recorded in Plat Book 44 at page 26.

TITLE TO SAID PREMISES IS VESTED IN John F. Kaczorowski by Deed from James S. MacPherson and Barbara E. MacPherson dated 5/23/1997 and recorded 5/27/1997 in Record Book 1378 Page 120.

Tax Parcel: 79 Map #E11

Premises being: 306 Belmont Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **John F. Kaczorowski** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 30, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/23, 12/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-782 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for the Southeastern corner hereof at a railroad spike in the center of Township Road T-343 running between McKnightstown and Seven Stars which point of beginning is the Southwestern corner of Lot No. 14 as shown on the subdivision plan herebelow identified; thence in the center of said Township Road and running through a railroad spike 100 feet from the beginning of this course South 64 degrees 30 minutes 10 seconds West 200 feet to a railroad spike at the Southeast corner of Lot No. 11; thence by Lot No. 11 and passing through a reference iron pin 20 feet from the beginning of this course North 25 degrees 29 minutes 50 seconds West 435.6 feet to an iron pin on line of land now or formerly of Gladys Shirley; thence by the same and running through an iron pin 100 feet from the beginning of this course North 64 degrees 30 minutes 10 seconds East 200 feet to an iron pin at the Northwest corner of Lot No. 14 aforesaid; thence by Lot No. 14 and running through a reference iron pin 20 feet from the end of this course South 25 degrees 29 minutes 50 seconds East 435.6 feet to the above described place of BEGINNING. CONTAINING 2 Acres.

BEING THE SAME which Gloria J. Smeed, unmarried and Dorothy E. Smeed, unmarried, by their deed dated

October 23, 1984 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 389 at Page 5 granted and conveyed unto John K. Grunza and Linda B. Grunza, husband and wife, the GRANTORS herein.

TITLE TO SAID PREMISES IS VESTED IN Daniel A. Nevells, a single man, by Deed from John K. Grunza and Linda B. Grunza, husband and wife, dated 9-18-98, recorded 9-22-98 in Deed Book 1666, page 220.

Premises being: 317 Seven Stars Road, Gettysburg, PA 17325-0000

Tax Parcel No. 12-E12-0001A

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

NOTICE OF TRANSFER OF ATTORNEY TO INACTIVE STATUS

NOTICE IS HEREBY GIVEN that Joseph M. Walsh of Adams County has been transferred to Inactive Status by Order of the Supreme Court of Pennsylvania dated October 27, 2005, pursuant to Rule 219, Pa.R.D.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175.00. The Order became effective November 26, 2005.

Elaime M. Bixler
Secretary of the Board
The Disciplinary Board of the
Supreme Court of Pennsylvania

12/9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of ground situate on the Eastern side of M. Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of lands formerly of R. M. Matthias, now or formerly of Richard Ogg Industrial Design; thence by said lands now or formerly of Richard Ogg Industrial Design, East 150 feet, more or less, to a public alley; thence along said public alley, South 37 feet 6 inches to lands now or formerly of Enzie Staley, now Lot No. 2 hereby conveyed; thence by said Lot No. 2 hereby conveyed, West 150 feet, more or less, to M. Street; thence along M. Street, North 37 feet 6 inches to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Martin Krabbe and Stephanie Krabbe, his wife by Deed from Brian H. Smith, Larry W. Smith and Jay A. Wantz, Co-Partners, trading and doing business as I.C.R. Associates, dated 8/31/2001 and recorded 9/7/2001 in Record Book 2398 Page 96.

Tax Parcel: 11-44

Premises Being: 220 M Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Martin Krabbe & Stephanie Krabbe** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-979 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pipe in or along Township Road T-369, known as Fairground Road, at corner of land now or formerly of Francis T. Carberry and wife; thence in or along said Fairground Road and by land now or formerly of South Mountain Community Fair Association, South 55 degrees 41 minutes 16 seconds West 34.20 feet to an iron pipe at a post; thence continuing in said Fairground Road and by land now or formerly of South Mountain Community Fair Association, South 72 degrees 9 minutes 15 seconds West 130.80 feet to a railroad spike at the Northern side of said road; thence by other land now or formerly of Dale G. Showers and wife, designated as Lot No. 3 on the Plan of Lots referred to below, and running in the center of a private road 50 feet in width, North 29 degrees 37 minutes 12 seconds West 285 feet to a point in the center of said private road; thence by other land now or formerly of Dale G. Showers and wife, designated as Lot No. 8 on the Plan of Lots referred to below, and running through an iron pipe located 25 feet from the beginning of this line, North 56 degrees 43 minutes 50 seconds East 162.47 feet to an iron pipe; thence by land now or formerly of Francis T. Carberry and wife and running through an iron pipe located 40 feet from the end of this line, South 29 degrees 37 minutes 12 seconds East 319.23 feet to an iron pipe in or along Fairground Road, the place of BEGINNING. CONTAINING 1.139 acres, more or less.

The foregoing description was obtained from a Plan of Lots prepared by Richard W. Boyer, Registered Surveyor, trading as Boyer Surveys, dated May 2, 1983 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 38 at page 38, the lot hereby conveyed being designated as Lot No. 4 on the said Plan of Lots.

TOGETHER WITH AND SUBJECT TO the right to use in common with Dale G. Showers and Janet S. Showers,

husband and wife, their heirs and assigns, the 50 foot private road referred to in the foregoing description as a means of ingress, egress and regress from Township Road T-369 to the lot of ground hereby conveyed and to Lot No. 3 and Lot No. 8 shown on the aforementioned Plan of Lots.

IT BEING the same tract of land which Barbara Ann Rudisill, formerly Barbara Ann Adams, and William E. Rudisill, husband and wife by deed dated April 25, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 378 at page 738, conveyed to William Eugene Rudisill and Barbara Ann Rudisill.

The lot of ground hereby conveyed is conveyed SUBJECT, HOWEVER, TO the restrictions set forth at length in Deed Book 370 at page 353.

TITLE TO SAID PREMISES IS VESTED IN Barbara Ann Rudisill, by Deed from William Eugene and Barbara Ann Rudisill, dated 6-12-00, recorded 6-20-00, in Deed Book 2073, page 1.

Premises being: 431 Fairground Road, Biglerville, PA 17307

Tax Parcel No. 29-D08-0006C

SEIZED and taken into execution as the property of **Barbara Ann Rudisill** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1048 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those four (4) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lots 148, 149, 150 and 201, All in Section B, Charnita, Inc., more particularly bounded and described as follows, to wit:

LOT NO. 148

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 147, thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 202; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 149; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the point and place of BEGINNING.

LOT NO. 149

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 148; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 150; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 150

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 149; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 151; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 201

BEGINNING at a point in the center of Eagles Trail at Lot No. 200; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 149; thence by said lot North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot No. 202; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail South 86 degrees 38 minutes 20 seconds West, 100 feet to the point and place of BEGINNING.

IT BEING the same tracts of land which Raymond W. Newman, Sheriff of Adams County, by his deed dated June 25, 1999, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Book 1885, Page 105, granted and conveyed unto Land Holding Corp of PA, GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Larry Wayne Gamber, a single adult individual, by Deed from Land Holding Corporation of PA, dated 02-10-00, recorded 03-06-00 in Deed Book 2010, page 68.

Premises being: 29 Meadowlark Trail, Fairfield, PA 17320

Tax Parcel No. 43-029-0158-000

SEIZED and taken into execution as the property of **Larry W. Gamber a/k/a Larry Wayne Gamber** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-263 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 571 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Miscellaneous Book 4, at Page 665, and subject to all legal highway easements, rights-of-way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Charles G. Aiken, III, single by Deed from V. M. Cimino Contractors, Inc., a Maryland Corporation dated 2/14/2001 and recorded 2/21/2001 in Record Book 2216, Page 265.

Premises being: 571 Hooker Drive, Gettysburg, PA 17325

Tax Parcel No. 33-005-0068-000

SEIZED and taken into execution as the property of **Charles G. Aiken, III a/k/a Charles Gerard Aiken, III a/k/a Jerry Aiken a/k/a C. Gerard Aiken** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/23, 12/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1078 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those four (4) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lots 148, 149, 150 and 201, All in Section B, Charnita, Inc., more particularly bounded and described as follows, to wit:

LOT NO. 148

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 147; thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 202; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 149; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the point and place of BEGINNING.

LOT NO. 149

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 148; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 150; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 150

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 149; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 151; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 201

BEGINNING at a point in the center of Eagles Trail at Lot No. 200; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 149; thence by said lot North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot

No. 202; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail South 86 degrees 38 minutes 20 seconds West, 100 feet to the point and place of BEGINNING.

Being Known as 29 Meadowlark Trail, Fairfield, PA 17320

Parcel No. Map 29, Parcel 158

TO BE SOLD AS THE PROPERTY OF: LARRY W. GAMBER a/k/a LARRY WAYNE GAMBER

SEIZED and taken into execution as the property of **Larry W. Gamber a/k/a Larry Wayne Gamber** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-50 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike on the East curb line of Second Street (heretofore sometimes known as Church Street) at lands now or formerly of Harry Hartlaub; thence by said curb line, North fourteen (14) degrees fifteen (15) minutes West, seventeen and thirty-five (17.35) hundredths feet to a point thence by land now or formerly of Edward M. Harman and wife and through the center line of the partition wall of the dwelling house erected on said premises, North seventy-five (75) degrees fifteen (15) minutes

East, fifty-five and twenty-five (55.25) hundredths feet to a point at the rear of said partition wall; thence along the same, North sixty-three (63) degrees twenty-seven (27) minutes East, one hundred five and five tenths (105.5) feet to a point at a sixteen (16) feet wide alley; thence along said alley, South fourteen (14) degrees fifteen (15) minutes East, seventeen and eighty-five (17.85) hundredths feet to a point at lands now or formerly of Harry Hartlaub; thence along the same, South sixty-four (64) degrees thirty (30) minutes West, one hundred twenty-eight and four tenths (128.4) feet to a stake; thence further along the same, South seventy-five (75) degrees fifteen (15) minutes West, forty-two and forty-seven (42.47) hundredths feet to a spike, the place of BEGINNING. Known as 150 Second Street (heretofore sometimes known as Church Street).

BEING the same premises which Gerald Shanebrook and Donna Shanebrook, husband and wife by Deed dated June 15, 1999 and recorded in the Recorder of Deeds of Adams County on June 16, 1999 in Deed Book Volume 1853, Page 184, granted and conveyed unto Joseph W. Benner, single person.

Grenen & Birsic, P.C.
Kristine M. Anthon, Esq.
Attorneys for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

Parcel No.: 28-001-0018-00

SEIZED and taken into execution as the property of **Joseph W. Benner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

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 AMY M. ANGELL, DEC'D
Late of Butler Township, Adams County, Pennsylvania

Executrix: Yvonne M. Kilmer, c/o 135 North George St., York, PA 17401
Attorney: Richard K. Konkel, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

ESTATE OF IRMA J. BOCCABELLA, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Michael F. Boccabello, 18704 Flower Hill Way, Gaithersburg, MD 20879

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

ESTATE OF CLYDE E. BORTNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Phyllis E. Bortner, 903 Hanover Road, York, PA 17404

Attorney: Nathaniel W. Boyd, IV, Esq., 23 East Princess St., York, PA 17403

ESTATE OF CATHERINE W. BUDD a/k/a CATHERINE MARIE BUDD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Nancy B. Heffron, 240 Kohler School Road, New Oxford, PA 17350; Betsy B. Miller, 40 Highland Avenue, Abbottstown, PA 17301

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

ESTATE OF LORRAINE E. GERMAN, a/k/a LORRAINE E. REDDING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gregory K. Redding, 4236 Old Harrisburg Road, Gettysburg, PA 17325

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

ESTATE OF DORIS R. HOCKENSMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Thomas C. Hockensmith and Larry J. Hockensmith

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

SECOND PUBLICATION

LEGAL NOTICE

IN RE: Estate of Carrie A. Adkins a/k/a Carrie Ann Adkins a/k/a Carrie A. Beach

NOTICE IS HEREBY GIVEN, that the original Executors in the captioned estate, namely Shirley A. Funt, Paulie E. Varner, and Lloyd Adkins have renounced their right to continue as Co-Executors and have appointed Adams County National Bank as Administrator d.b.n. c.t.a. for the Estate aforementioned.

Accordingly, notices of any claims or the payment of any obligations due to the Estate should be made to:

Adams County National Bank
Attn: Paul Ketterman
Lincoln Square
Gettysburg, Pennsylvania 17325

or

Robert E. Campbell, Esq.
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, Pennsylvania 17325

ESTATE OF LOUISE E. BROWN, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Administrators: Melvin E. Brown, 239 Fairfield Station Road, Fairfield, PA 17320; Richard E. Brown, 1196 Colonial Road, Harrisburg, PA 17112

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

ESTATE OF MINNIE I. HETRICK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Mervin L. Dubs, 9 Second Avenue, Hanover, PA 17331; Lori Fisher, 137 Penn Street, Hanover, PA 17331

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

ESTATE OF MAMIE A. KLINEDINST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Gloria J. Henry, 1324 Porters Road, Spring Grove, PA 17362; Dennis L. Klinedinst, 419 Summit Drive, Red Lion, PA 17356

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

ESTATE OF HAZEL M. WASHINGTON, DEC'D

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

Executor: David Washington, 415 Main St., York Springs, PA 17372

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

THIRD PUBLICATION

ESTATE OF DOROTHY W. DeHAAS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: John P. DeHaas, 411 North Fourth Street, Gettysburg, PA 17325; C. William DeHaas, 1760 Shrivvers Corner Road, Lot #110, Gettysburg, PA 17325

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

ESTATE OF STERLING R. LEHIGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Richard E. Lehigh, 7725 Blue Hill Road, Glenville, PA 17329

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1029 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground, together with the improvements thereon erected, situate in Germany Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike set in Township Road T-442, known as Feeser Road, at corner of land designated as Lot No. 5 on the Final Plan referred to below; thence by said Lot No. 5 and running through an iron pin set back 23.10 feet from the place of beginning, North 71 degrees 30 minutes West, 440.07 feet to an iron pin set; thence by said Lot No. 5 and by land designated as Lot No. 4 on the Final Plan referred to below, North 18 degrees 30 minutes East, 168.59 feet to an iron pin set; thence by land of Fred W. Scott and wife, North 89 degrees 29 minutes West, 262.89 feet to an existing iron pin; thence by land of George E. Claybaugh and wife, South 17 degrees 25 minutes 57 seconds West, 174.30 feet to an iron pin set; thence by land of Charles W. Sentz and wife, land of Claude E. Schildt and wife and by land of James A. Barnes and wife, South 71 degrees 30 minutes East, 246.80 feet to an iron pin set; thence by land designated as Lot No. 2 on the Final Plan referred to below, North 18 degrees 30 minutes East, 61.84 feet to an iron pin set; thence by said Lot No. 2 and by land designated as Lot No. 1 on the Final Plan referred to below and running through an iron pin set back 22.91 feet from the end of this line, South 71 degrees 30 minutes East, 439.20 feet to a railroad spike set in Feeser Road; thence in Feeser Road and by land of H. Raymond Reynolds and wife; thence in Feeser Road and by land of H. Raymond Reynolds and wife, North 20 degrees 30 minutes 32 seconds East 25.02 feet to a railroad spike set at the corner of the aforementioned Lot No. 5, the place of BEGINNING.

CONTAINING 64,433 square feet, or 1,479 acres.

THE foregoing description was obtained from a Final Plan of a subdivision prepared by Gettysburg Engineering Co., Inc., dated August 24, 1987, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 50 at Page 2, the lot hereby conveyed being designated as Lot No. 3 on said Final Plan.

Map #15-116-57B

TITLE TO SAID PREMISES IS VESTED IN Samuel Ray Baugher and Malinda L. Baugher, husband and wife by Deed from Muller Construction Company, a Maryland Business Corporation, dated 8/18/1995 and recorded 8/25/1995 in Record Book 1072, Page 316.

Premises Being: 30 Feeser Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Samuel R. Baugher a/k/a Samuel Ray Baugher & Malinda L. Baugher** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
DOCKET NO. RT-20-04

IN RE: ADOPTION OF ANTONIO
ROBERT ANGSTADT, A Minor

TO: UNKNOWN PUTATIVE FATHER

NOTICE

A PETITION HAS BEEN FILED ASKING THE COURT TO PUT AN END TO ALL RIGHTS YOU HAVE TO YOUR CHILD, ANTONIO ROBERT ANGSTADT. THE COURT HAS SET A HEARING TO CONSIDER ENDING YOUR RIGHTS TO YOUR CHILD. THAT HEARING WILL BE HELD AT THE ADAMS COUNTY COURT OF COMMON PLEAS, 111-117 BALTIMORE STREET, GETTYSBURG, PENNSYLVANIA 17325, IN A CONFERENCE ROOM ON THE SECOND FLOOR ON JANUARY 9, 2006 AT 1:00 P.M. YOU ARE WARNED THAT EVEN IF YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, THE HEARING WILL GO ON WITHOUT YOU AND YOUR RIGHTS TO YOUR CHILD MAY BE ENDED BY THE COURT WITHOUT YOUR BEING PRESENT YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER 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.

County Referral Office
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
(717) 334-6781

Thomas E. Miller, Esq.
Miller & Shultis, P.C.
249 York Street
Hanover, PA 17331
(717) 630-8282
Attorney for Petitioners

12/9

ORPHANS' COURT DIVISION
DOCKET NO. RT-20-04

IN RE: ADOPTION OF ANTONIO
ROBERT ANGSTADT, A Minor

ORDER OF COURT

AND NOW, TO WIT, this 10th day of November, 2005, upon consideration of the attached Petitioners' Motion for Continuance, it is hereby ORDERED AND DECREED that the Termination Hearing scheduled for Thursday, November 10, 2005, at 1:00 p.m. to consider the merits of both Petitioners' Petition for Involuntary Termination of Parental Rights of Unknown Putative Father and Petitioners' Petition to Confirm Consent to Adoption is hereby rescheduled to the 9th day of January, 2006, at 1:00 P.M. in Courtroom No. 3 of the Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325.

BY THE COURT:
/s/Robert G. Bigham
The Honorable Robert G. Bigham

12/9

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for DRY CLEANING STATION OF CENTRAL PENNSYLVANIA were filed under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

Thomas E. Miller, Esq.
Miller & Shultis, P.C.
Solicitor

12/9

Adams County Legal Journal

Vol. 47

December 16, 2005

No. 30, pp. 172-179

IN THIS ISSUE

COMMONWEALTH VS. HOLMES

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-952 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

485 Basehoar School Road, Littlestown, Adams County, Pennsylvania 17340:

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

BEGINNING for a point along the Southerly right-of-way line of Basehoar School Road and Lot No. 247 of the hereinafter referred to subdivision plan; thence along said Lot No. 247, South two (2) degrees eleven (11) minutes fifty-six (56) seconds East, one hundred forty and zero hundredths (140.00) feet to a point at other lands now or formerly of Lynn Lee Construction Co., Inc.; thence along said other lands now or formerly of Lynn Lee Construction Co., Inc., South

eighty-seven (87) degrees forty-eight (48) minutes four (4) seconds West, one hundred and zero hundredths (100.00) feet to a point at Lot No. 249; thence along said Lot No. 249, North two (2) degrees eleven (11) minutes fifty-six (56) seconds West, one hundred forty and zero hundredths (140.00) feet to a point along the Southerly right-of-way line of Basehoar School Road; thence along the Southerly right-of-way line of Basehoar School Road, North eighty-seven (87) degrees forty-eight (48) minutes four (4) seconds East, one hundred and zero hundredths (100.00) feet to a point, the place of BEGINNING. CONTAINING 14,000 square feet and being identified as Lot No. 248 on the final subdivision plan of Phase I, Meadowview Estates, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 54, Page 75.

UNDER AND SUBJECT to the Declaration of Restrictions of Lynn Lee Construction Co., Inc., recorded February 22, 1990, in the Adams County Recorder of Deeds Office in Record Book 547, Page 198.

Improvements: A white, vinyl siding Rancher with attached garage.

SEIZED and taken into execution as the property of **James W. Houseman, III, individually and t/d/b/a Timber Building Systems** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-985 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, being Lot No. 5 of Springfield Estates, bounded and described as follows:

BEGINNING at an iron pin on the Southerly edge of Summer Drive at Lot No. 4; thence by said lot South 33 degrees 36 minutes 10 seconds West, 179.63 feet to an iron pin at lands now or formerly of Guy Francis Gebhart; thence by said lands North 56 degrees 20 minutes 46 seconds West, 115 feet to an iron pin at Lot No. 6; thence by said lot Southerly edge of Summer Drive; thence along the Southerly edge of said Summer Drive South 56 degrees 23 minutes 50 seconds East, 115 feet to the place of BEGINNING. CONTAINING 20,652 square feet.

The above description was taken from a plan of lots labeled "Springfield Estates" dated June 22, 1977, prepared by Gettysburg Engineering Co., Inc., and recorded in Adams County Plan Book No. 20, page 29.

Tax Parcel #: 6-8-76

Premises known as: 16 Summer Drive, Gettysburg, PA 17325

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-947
Action to Quiet Title

LAWRENCE E. MCGLAUGHLIN & D.
JUENE MCGLAUGHLIN, Plaintiffs

vs.

ADELINE A. MUELLER & MATHILDA R.
BOWMAN, their respective executors,
heirs and/or assigns, Defendants

TO: Adeline A. Mueller, Mathilda R.
Bowman, their respective executors,
heirs and/or assigns.

NOTICE

You are notified that the Plaintiffs have commenced an action to quiet title against you by a complaint filed on August 31, 2005, which action you are required to defend.

You are required to plead to the said Complaint within twenty (20) days after service has been completed by publication, or judgment by default may be entered against you.

This action concerns a tract of land situated in Liberty Township, Adams County, Pennsylvania, being Lot number 207 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Lindsay Trail at Lot No. 206; thence by said lot North 53 degrees 23 minutes 56 seconds West, 169.28 feet to Lot No. 225; thence by said lot and by Lot No. 226 North 36 degrees 36 minutes 4 seconds East, 180 feet to Lot No. 208; thence by said lot South 19 degrees 5 minutes 10 seconds East, 241.29 feet to a point in the center of said Lindsay Trail; thence in said Lindsay Trail South 70 degrees 54 minutes 50 seconds West, 53.25 feet to the place of BEGINNING.

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

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

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

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

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Phone (717) 337-9846 or
1-888-337-9846

12/16

COMMONWEALTH VS. HOLMES

1. In interpreting (the Drug-Free School Zone) the Pennsylvania Superior Court has instructed that the statute “clearly does not require anything more than the actor delivering or possessing drugs within the requisite distance from the school.”

2. The Pennsylvania Supreme Court held that when interpreting a statute, presumably every word, sentence or provision therein is intended for some purpose, and accordingly must be given effect.

3. The General Assembly established the ‘drug-free zones’ as a prophylactic device aimed at protecting children on or near school property. We find that the application of the statute to all transactions within the 1,000 foot perimeter, regardless of the presence of children, is substantially related to this goal.

4. The presence of children, or lack thereof, at the time of a drug transaction is immaterial.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-881-04, COMMONWEALTH OF PENNSYLVANIA VS. SHALANDA HOLMES.

Brian R. Sinnett, Esq., Assistant District Attorney, for Commonwealth
Anthony E. Miley, Esq., Assistant Public Defender, for Defendant
George, J., May 3, 2005

OPINION

This matter comes before the Court following the Defendant’s jury conviction of delivery of cocaine, an ungraded felony, and criminal conspiracy to deliver cocaine, also an ungraded felony. Following conviction, the Commonwealth provided notice of the mandatory sentencing provision pursuant to Section 6317 of the Pennsylvania Crimes Codes (relating to deliveries in a drug-free school zone). On March 10, 2005, the Defendant appeared for sentencing. At that time, a Stipulation was presented to the Court that the transaction at issue occurred within one thousand feet of the real property of St. Francis Xavier School, a parochial school duly licensed under Pennsylvania law. The Stipulation further provided that at the time of the delivery on August 20, 2004, St. Francis Xavier School was recessed for the summer and students were not on the property. Based upon the Stipulation, the Defendant was sentenced on the charge of possession with the intent to deliver cocaine, pursuant to the mandatory sentencing provisions, to serve a sentence of no less than two years nor more than four years in a State Correctional Institution.¹

¹ The Court’s sentence with respect to the conspiracy charge was that the Defendant would serve four years probation, to run concurrent with the sentence on the charge of delivery.

The Defendant has filed a post-sentence motion challenging the applicability of Section 6317 of the Pennsylvania Crimes Code under the circumstances outlined in the Stipulation. Specifically, the Defendant argues that the mandatory sentencing provisions do not apply when the school for which the Commonwealth is invoking the mandatory provisions is not in session.²

The Pennsylvania Crimes Code provides in relevant part:

A person eighteen years of age or older who is convicted in any court of this Commonwealth of a violation of section 13(a)(14) or (30) of ... The Controlled Substance, Drug, Device and Cosmetic Act shall, if the delivery or possession with intent to deliver of the controlled substance occurred within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university ... be sentenced to a minimum sentence of at least two years of total confinement

² In her Post-sentence Motion, the Defendant alleges that the Commonwealth entered into a stipulation “that no school was in session within one thousand (1,000) feet of the drug transaction.” Post-sentence Motion, Paragraph 2. This allegation takes liberty with the record in that the Stipulation presented to the Court was that St. Francis Xavier School was not in session at the time of the drug transaction. Nevertheless, since the Commonwealth was seeking the application of the school zone provisions based upon the transaction’s proximity to St. Francis Xavier School, the question of whether the transaction occurred within a thousand feet of other schools in Gettysburg Borough is not before the Court. Although the Defendant sought an evidentiary hearing as part of her Post-sentence Motion, in light of the stipulated record entered between the parties, a hearing is not necessary. Based upon the Stipulation of the parties, for the purposes of disposing of this Motion, the Court will accept, as fact, that no children were present nor was school in session on the date of the alleged incident.

Finally, it is noted that the parties were directed to file briefs in regard to this issue. Although the Commonwealth has done so, a brief has not been filed on behalf of the Defendant. Defense counsel suggests that he was given an insufficient amount of time to file a brief. Once again, counsel takes liberty with the record. By Order dated March 21, 2005, and distributed to counsel on March 22, 2005, the Defendant was given twenty-one days from the date of the Order within which to file a brief in support of her Motion. Counsel suggests that because he was involved in a two-week murder trial, the amount of time for filing a brief in support of the Motion was insufficient. However, the trial to which counsel refers, *Commonwealth v. Young*, concluded on March 30, 2005, after eight days of trial. Thus, counsel had thirteen days, including eight business days within which to file a brief in support of motions filed by the Defendant. (The twenty-first day would have fallen on a weekend thereby making the brief due before the close of business on April 11, 2005).

18 Pa.C.S.A. § 6317. In interpreting this section, the Pennsylvania Superior Court has instructed that the statute “clearly does not require anything more than the actor delivering or possessing drugs within the requisite distance from the school.” *Commonwealth v. Drummond*, 775 A.2d 849, 857 (Pa.Super. 2001).

The Defendant asks this Court to impute language which is absent in the statute in pursuit of what the Defendant argues is the legislative intent. Since the legislature enacted the drug-free school zone statute with the intent of protecting the children of our community from the ravages and evils of illegal drug trade, the Defendant suggests that the legislature must have intended that the statute apply only when children were physically present. I reject this argument.

The Superior Court has previously considered the rules of statutory construction and analyzed the legislative intent with respect to the drug-free school zone legislation. The Court stated:

In construing the enactments of the legislature, appellate courts must refer to the provisions of the Statutory Construction Act. In determining the meaning of a statute, we are obliged to consider the intent of the legislature and give effect to that intention. Courts may disregard the statutory construction rules only when the application of such rules would result in a construction inconsistent with the manifest intent of the General Assembly. The General Assembly, in clarifying the proper approach to be used in the determination of legislative intent, stipulated that:

- (a) The object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. Every statute shall be construed, if possible, to give effect to all its provisions.
- (b) When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.
- (c) When the words of a statute are not explicit, the intention of the General Assembly may be ascertained by considering, among other matters:
 - (1) The occasion and necessity for the statute.
 - (2) The circumstances under which it was enacted.

- (3) The mischief to be remedied.
- (4) The object to be attained.
- (5) The former law, if any, including other statutes upon the same or similar subjects.
- (6) The consequences of particular interpretation.
- (7) The contemporaneous legislative history.
- (8) Legislative and administrative interpretations of such statute.

We are to give the words of a statute their plain and ordinary meaning. We are required to construe words of a statute...according to their common and accepted usage. Words of a statute are to be considered in their grammatical context. Furthermore, we may not add provisions that the General Assembly has omitted unless the phrase is necessary to the construction of the statute.

Commonwealth v. Campbell, 758 A.2d 1231, 1233-34 (Pa.Super. 2000) (citations and quotation marks omitted). “Moreover, the Pennsylvania Supreme Court held that when interpreting a statute, presumably every word, sentence or provision therein is intended for some purpose, and accordingly must be given effect.” *Id.* at 1234.

Since our appellate courts have already applied these interpretive standards to the drug-free school zone provisions of the Crimes Codes, it is not necessary for me to undertake an independent analysis in search of the legislative intent of this statute. As previously mentioned, appellate courts have found that the legislative intent of the statute is to protect the children of our communities from the harms related to illegal drug activity. “[T]he statute is intended to curtail not only drug transactions involving children, but also to protect young children from all illegal activity which is necessarily attendant with the drug trade.” *Drummond*, 775 A.2d at 857.

In light of the discussions from our appellate courts construing the rules of statutory construction and the legislative intent behind the adoption of drug-free school zones, I decline the Defendant’s invitation to add provisions to this legislation which were not included by our legislature. The clear and unambiguous language of this section is unmistakable. The statute does not require anything more than a person committing one of the enumerated offenses within one thousand feet of school property. See *Drummond*, cited above. The Defendant’s

disregard of the clear language of the legislation, under the guise that the Defendant is pursuing its spirit is not supported by law.

The Defendant further suggests that interpreting the statute according to its literal language violates her due process rights. The premise of this argument is that without the actual presence of children on school grounds, there is no real and substantial relationship between the legislature's objective of protecting school children and the imposition of criminal liability. This argument is equally frivolous.

In *Drummond*, cited above, the issue before the Court was whether the provisions of the drug-free school zone legislation applied to drug transactions occurring in a private residence located within one thousand feet of a school. In rejecting the Defendant's argument that children must be physically present in order for the school zone provisions to apply, the Superior Court determined that "the fact that no children were present and the fact that appellant's apartment was not open to the public is of no consequence." *Id.* at 857. The *Drummond* Court implicitly acknowledged that the objective of the Act was not only to protect against the sale of drugs to children but also to protect against the attendant risks to children resulting from the drug trade taking root in areas where children frequent.

The Defendant's contention that the statute does not have a substantial relationship to achieving the legislature's goal or, in the alternative, that the legislature's goal is not rationally related to public welfare and safety, is not persuasive.

Although I have been unable to find Pennsylvania appellate authority specifically addressing this issue, Maryland, our neighboring jurisdiction, has specifically considered and rejected this argument. In *Dawson v. State of Maryland*, the Court of Appeals of Maryland addressed a constitutional due process attack on a Maryland statute containing almost identical language to its Pennsylvania counterpart. See generally 619 A.2d 111 (Md. 1993). In addressing this issue, the Court initially ascertained that the legislative intent of the Act was to "halt the proliferation of drug use among school-age children" and to "shield children from the direct and indirect effects of drug trading, including observing drug sales and the commission of violent crimes which may accompany drug trading." *Id.* at 116. In light of the fact that both the Maryland and Pennsylvania statutes share similar legislative objectives, the

Dawson Court's reasoning is instructive. The Court of Appeals of Maryland stated:

Dawson's argument presumes that both the times at which children are near school grounds and the times that illegal drug transactions occur are predictable. He reasons that the legislation is too broad since it applies to those times when school is closed and children are unlikely to be present. Accordingly, he concludes [the drug-free school zone statute] does not substantially further the State's objective of safeguarding children. This argument ignores both the characteristics of school grounds and drug marketplaces, as well as the prophylactic nature of [the statute]. The hours that children frequent the areas surrounding school grounds are not limited to those in which the school is open for classroom instruction. School grounds serve as a location for a variety of school-sponsored extracurricular activities as well as community-sponsored sports and social activities involving children which may take place during evening and weekend hours.

The very nature of the drug trade could warrant a 24-hour prohibition of drug sales within the vicinity of school grounds. The General Assembly chose not just to regulate the business of hours of drug marketplaces near school facilities, but to deter their establishment entirely. Once an area is known as a drug market, it may draw prospective drug purchasers or sellers throughout the course of the day. In addition, discarded drug packaging, paraphernalia, or litter from drug sales may remain in an area heavily trafficked by curious children. A reasonable way for the General Assembly to limit the potential exposure of children to such activities was to convince those engaged in the drug market that the risks associated with conducting business in school areas, regardless of the hour, greatly outweighed their potential profits. If the drug market was removed from the area surrounding school property, it could logically follow that the likelihood of children having exposure to drugs would also decrease.

Contrary to Dawson's contention, the constitutionality of applying [the statute] is not undermined simply because no children were present or because the transaction occurred at a time when school was closed. The General Assembly established the 'drug-free zones' as a prophylactic device aimed at protecting children on or near school property. We find that the application of [the statute] to all transactions within the 1,000 foot perimeter, regardless of the presence of children, is substantially related to this goal. Considering the likelihood that children may be present in areas surrounding school grounds and the dangerous and unpredictable nature of drug market areas, the General Assembly's establishment of a 24-hour 'drug-free school zone' bore a rational relationship to the achievement of the State's legitimate goal of protecting children. The constraints of due process 'do not require that the means chosen by the legislature to deal with a problem score a notable success in every application of the statute.' *United States v. Aguilar*, 779 F.2d 123, 125 (2d Cir. 1985), cert. denied, 475 U.S. 1068, 106 S.Ct. 1385, 89 L.Ed.2d 609 (1986); *United States v. Thornton*, 901 F.2d 738, 741 (9th Cir. 1990). As several federal courts have indicated when reviewing 21 U.S.C. § 845a, the federal counterpart of [the statute], the fact that the statute may apply to transactions where children are not present does not render the statute unconstitutional, since the statute is designed to 'deter the seller and other illicit dealers from conducting their operations near school property in the future.' *United States v. Nieves*, 608 F.Supp. 1147, 1149-50 (S.D.N.Y. 1985); *United States v. Dixon*, 619 F.Supp. 1399, 1400 (S.D.N.Y. 1985); *United States v. Cunningham*, 615 F.Supp. 519, 520-21 (S.D.N.Y. 1985); *United States v. Aguilar*, 612 F.Supp. 889, 890-91 (S.D.N.Y.), aff'd, 779 F.2d 122 (2d Cir. 1985), cert. denied 475 U.S. 1068, 106 S.Ct. 1385, 89 L.Ed.2d 609 (1986).

Id. at 116-17. I find the reasoning of the *Dawson* Court to be both a convincing and realistic assessment of the residual dangers that accompany drug trafficking taking root in areas where children

frequent. Interestingly, the Pennsylvania Superior Court in *Drummond* cited *Dawson* in finding that the presence of children, or lack thereof, at the time of a drug transaction is immaterial.³

In light of the unmistakable language of the legislature, as well as the rational relationship between the legislation and the evil it seeks to prevent, the Defendant's challenge is denied.

ORDER OF COURT

AND NOW, this 3rd day of May, 2005, the Defendant's Post-sentence Motion is denied.

³ Similar challenges to a drug-free school zone statute in the State of Louisiana have been rejected by Louisiana State Courts, see *State v. Williams*, 729 So.2d 1080 (La. App. 1st Cir. 1999); *State v. Brown*, 606 So.2d, 586 (La. App. 5th Cir. 1992). I am unaware of any authority in any state which has accepted argument similar to that suggested by the Defendant.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1029 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground, together with the improvements thereon erected, situate in Germany Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike set in Township Road T-442, known as Feeser Road, at corner of land designated as Lot No. 5 on the Final Plan referred to below; thence by said Lot No. 5 and running through an iron pin set back 23 10 feet from the place of beginning, North 71 degrees 30 minutes West, 440.07 feet to an iron pin set; thence by said Lot No. 5 and by land designated as Lot No. 4 on the Final Plan referred to below, North 18 degrees 30 minutes East, 168.59 feet to an iron pin set; thence by land of Fred W. Scott and wife, North 89 degrees 29 minutes West, 262.89 feet to an existing iron pin; thence by land of George E. Claybaugh and wife, South 17 degrees 25 minutes 57 seconds West, 174.30 feet to an iron pin set; thence by land of Charles W. Sentez and wife, land of Claude E. Schildt and wife and by land of James A. Barnes and wife, South 71 degrees 30 minutes East, 246.80 feet to an iron pin set; thence by land designated as Lot No. 2 on the Final Plan referred to below, North 18 degrees 30 minutes East, 61.84 feet to an iron pin set; thence by said Lot No. 2 and by land designated as Lot No. 1 on the Final Plan referred to below and running through an iron pin set back 22.91 feet from the end of this line, South 71 degrees 30 minutes East, 439.20 feet to a railroad spike set in Feeser Road; thence in Feeser Road and by land of H. Raymond Reynolds and wife; thence in Feeser Road and by land of H. Raymond Reynolds and wife, North 20 degrees 30 minutes 32 seconds East 25.02 feet to a railroad spike set at the corner of the aforementioned Lot No. 5, the place of BEGINNING.

CONTAINING 64,433 square feet, or 1.479 acres.

THE foregoing description was obtained from a Final Plan of a subdivision prepared by Gettysburg Engineering Co., Inc., dated August 24, 1987, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 50 at Page 2, the lot hereby conveyed being designated as Lot No. 3 on said Final Plan.

Map #15-116-57B

TITLE TO SAID PREMISES IS VESTED IN Samuel Ray Baugher and Malinda L. Baugher, husband and wife by Deed from Muller Construction Company, a Maryland Business Corporation, dated 8/18/1995 and recorded 8/25/1995 in Record Book 1072, Page 316.

Premises Being: 30 Feeser Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Samuel R. Baugher a/k/a Samuel Ray Baugher & Malinda L. Baugher** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-782 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for the Southeastern corner hereof at a railroad spike in the center of Township Road T-343 running between McKnightstown and Seven Stars which point of beginning is the Southwestern corner of Lot No. 14 as shown on the subdivision plan herebefore identified; thence in the center of said Township Road and running through a railroad spike 100 feet from the beginning of this course South 64 degrees 30 minutes 10 seconds West 200 feet to a railroad spike at the Southeast corner of Lot No. 11; thence by Lot No. 11 and passing through a reference iron pin 20 feet from the beginning of this course North 25 degrees 29 minutes 50 seconds West 435.6 feet to an iron pin on

line of land now or formerly of Gladys Shirley; thence by the same and running through an iron pin 100 feet from the beginning of this course North 64 degrees 30 minutes 10 seconds East 200 feet to an iron pin at the Northwest corner of Lot No. 14 aforesaid; thence by Lot No. 14 and running through a reference iron pin 20 feet from the end of this course South 25 degrees 29 minutes 50 seconds East 435.6 feet to the above described place of BEGINNING. CONTAINING 2 Acres.

BEING THE SAME which Gloria J. Smeed, unmarried and Dorothy E. Smeed, unmarried, by their deed dated October 23, 1984 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 389 at Page 5 granted and conveyed unto John K. Grunza and Linda B. Grunza, husband and wife, the GRANTORS herein.

TITLE TO SAID PREMISES IS VESTED IN Daniel A. Nevells, a single man, by Deed from John K. Grunza and Linda B. Grunza, husband and wife, dated 9-18-98, recorded 9-22-98 in Deed Book 1666, page 220.

Premises being: 317 Seven Stars Road, Gettysburg, PA 17325-0000

Tax Parcel No. 12-E12-0001A

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of ground situate on the Eastern side of M. Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of lands formerly of R. M. Matthias, now or formerly of Richard Ogg Industrial Design; thence by said lands now or formerly of Richard Ogg Industrial Design, East 150 feet, more or less, to a public alley; thence along said public alley, South 37 feet 6 inches to lands now or formerly of Enzie Staley, now Lot No. 2 hereby conveyed; thence by said Lot No. 2 hereby conveyed, West 150 feet, more or less, to M. Street; thence along M. Street, North 37 feet 6 inches to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Martin Krabbe and Stephanie Krabbe, his wife by Deed from Brian H. Smith, Larry W. Smith and Jay A. Wantz, Co-Partners, trading and doing business as I.C.R. Associates, dated 8/31/2001 and recorded 9/7/2001 in Record Book 2398 Page 96.

Tax Parcel: 11-44

Premises Being: 220 M Street, Littlestown, PA 17340

SEIZED and taken into execution as the property of Martin Krabbe & Stephanie Krabbe and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-979 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pipe in or along Township Road T-369, known as Fairground Road, at corner of land now or formerly of Francis T. Carberry and wife; thence in or along said Fairground Road and by land now or formerly of South Mountain Community Fair Association, South 55 degrees 41 minutes 16 seconds West 34.20 feet to an iron pipe at a post; thence continuing in said Fairground Road and by land now or formerly of South Mountain Community Fair Association, South 72 degrees 9 minutes 15 seconds West 130.80 feet to a railroad spike at the Northern side of said road; thence by other land now or formerly of Dale G. Showers and wife, designated as Lot No. 3 on the Plan of Lots referred to below, and running in the center of a private road 50 feet in width, North 29 degrees 37 minutes 12 seconds West 285 feet to a point in the center of said private road; thence by other land now or formerly of Dale G. Showers and wife, designated as Lot No. 8 on the Plan of Lots referred to below, and running through an iron pipe located 25 feet from the beginning of this line, North 56 degrees 43 minutes 50 seconds East 162.47 feet to an iron pipe; thence by land now or formerly of Francis T. Carberry and wife and running through an iron pipe located 40 feet from the end of this line, South 29 degrees 37 minutes 12 seconds East 319.23 feet to an iron pipe in or along Fairground Road, the place of BEGINNING. CONTAINING 1.139 acres, more or less.

The foregoing description was obtained from a Plan of Lots prepared by Richard W. Boyer, Registered Surveyor, trading as Boyer Surveys, dated May 2, 1983 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 38 at page 38, the lot hereby conveyed being designated as Lot No. 4 on the said Plan of Lots.

TOGETHER WITH AND SUBJECT TO the right to use in common with Dale G. Showers and Janet S. Showers,

husband and wife, their heirs and assigns, the 50 foot private road referred to in the foregoing description as a means of ingress, egress and regress from Township Road T-369 to the lot of ground hereby conveyed and to Lot No. 3 and Lot No. 8 shown on the aforementioned Plan of Lots.

IT BEING the same tract of land which Barbara Ann Rudisill, formerly Barbara Ann Adams, and William E. Rudisill, husband and wife by deed dated April 25, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 378 at page 738, conveyed to William Eugene Rudisill and Barbara Ann Rudisill.

The lot of ground hereby conveyed is conveyed SUBJECT, HOWEVER, TO the restrictions set forth at length in Deed Book 370 at page 353.

TITLE TO SAID PREMISES IS VESTED IN Barbara Ann Rudisill, by Deed from William Eugene and Barbara Ann Rudisill, dated 6-12-00, recorded 6-20-00, in Deed Book 2073, page 1.

Premises being: 431 Fairground Road, Biglerville, PA 17307

Tax Parcel No. 29-D08-0006C

SEIZED and taken into execution as the property of Barbara Ann Rudisill and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 6, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1048 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those four (4) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lots 148, 149, 150 and 201, All in Section B, Charnita, Inc., more particularly bounded and described as follows, to wit:

LOT NO. 148

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 147; thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 202; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 149; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the point and place of BEGINNING.

LOT NO. 149

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 148; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 150; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 150

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 149; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 151; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 201

BEGINNING at a point in the center of Eagles Trail at Lot No. 200; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 149; thence by said lot North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot

No. 202; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail South 86 degrees 38 minutes 20 seconds West, 100 feet to the point and place of BEGINNING.

IT BEING the same tracts of land which Raymond W. Newman, Sheriff of Adams County, by his deed dated June 25, 1999, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Book 1885, Page 105, granted and conveyed unto Land Holding Corp of PA, GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Larry Wayne Gamber, a single adult individual, by Deed from Land Holding Corporation of PA, dated 02-10-00, recorded 03-06-00 in Deed Book 2010, page 68.

Premises being: 29 Meadowlark Trail, Fairfield, PA 17320

Tax Parcel No. 43-029-0158-000

SEIZED and taken into execution as the property of **Larry W. Gamber a/k/a Larry Wayne Gamber** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1056 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that real estate situate in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at the Southwestern corner hereof, at an existing pipe off the South side of Tom's Creek, on line of lands

of Ethel B. Flenner and at corner of land of Mrs. Harvey Woodring (formerly a part hereof); thence crossing Tom's Creek, running through an existing pipe off the North side of Tom's Creek, by land of Mrs. Harvey aforesaid, North 13 degrees 10 minutes and 40 seconds East, 177.31 feet to an existing pipe, thence by said last mentioned land, North 76 degrees 39 minutes 10 seconds West, 10.07 feet to an existing pipe; thence by said last mentioned land, North 13 degrees 48 minutes 40 seconds East, running through an existing steel rod near the middle of this course, and crossing the Iron Springs Road (L.R. 01015) near the end of this course, 161.55 feet to an existing angle iron at the Northwest corner hereof; thence by land of Guy Bowling and of Leroy Shelton, South 82 degrees 42 minutes 30 seconds West, 249.85 feet to an existing old square steel rod driven 15 feet North of the center line of the State Highway aforesaid; thence by land of Constance Alering, running along the North side of said State Highway and in the same, South 82 degrees 30 minutes 00 seconds East, 289 feet to a railroad spike set on the North edge of said State Highway at the Northeast corner hereof; thence crossing said State Highway and by land of Cindy Welsh, South 4 degrees 56 minutes 10 seconds East, 289.63 feet to a steel rod driven at the Southeastern corner hereof; thence by land of Ethel B. Flenner, North 87 degrees 38 minutes 30 seconds West, crossing Tom's Creek 343.9 feet to a steel rod off the South edge of said creek; thence continuing by said mentioned land, North 86 degrees, 34 minutes, 40 seconds West, 284.67 feet to the above described place of BEGINNING. CONTAINING 4.202 acres.

Tax Parcel #: B-16-69

Premises Being: 1368 Iron Springs Rd., Fairfield, PA 17320

SEIZED and taken into execution as the property of **Leroy Shelton & Julia E. Shelton** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/16, 22 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1078 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those four (4) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lots 148, 149, 150 and 201, All in Section B, Chamita, Inc., more particularly bounded and described as follows, to wit:

LOT NO. 148

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 147; thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 202; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 149; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the point and place of BEGINNING.

LOT NO. 149

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 148; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 150; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 150

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 149; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 151; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 201

BEGINNING at a point in the center of Eagles Trail at Lot No. 200; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 149; thence by said lot North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot

No. 202; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail South 86 degrees 38 minutes 20 seconds West, 100 feet to the point and place of BEGINNING.

Being Known as 29 Meadowlark Trail, Fairfield, PA 17320

Parcel No. Map 29, Parcel 158

TO BE SOLD AS THE PROPERTY OF: LARRY W. GAMBER a/k/a LARRY WAYNE GAMBER

SEIZED and taken into execution as the property of **Larry W. Gamber a/k/a Larry Wayne Gamber** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-50 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike on the East curb line of Second Street (heretofore sometimes known as Church Street) at lands now or formerly of Harry Hartlaub; thence by said curb line, North fourteen (14) degrees fifteen (15) minutes West, seventeen and thirty-five (17.35) hundredths feet to a point thence by land now or formerly of Edward M. Harman and wife and through the center line of the partition wall of the dwelling house erected on said premises, North seven-tive (75) degrees fifteen (15) minutes

East, fifty-five and twenty-five (55.25) hundredths feet to a point at the rear of said partition wall; thence along the same, North sixty-three (63) degrees twenty-seven (27) minutes East, one hundred five and five tenths (105.5) feet to a point at a sixteen (16) feet wide alley; thence along said alley, South fourteen (14) degrees fifteen (15) minutes East, seventeen and eighty-five (17.85) hundredths feet to a point at lands now or formerly of Harry Hartlaub; thence along the same, South sixty-four (64) degrees thirty (30) minutes West, one hundred twenty-eight and four tenths (128.4) feet to a stake; thence further along the same, South seventy-five (75) degrees fifteen (15) minutes West, forty-two and forty-seven (42.47) hundredths feet to a spike, the place of BEGINNING. Known as 150 Second Street (heretofore sometimes known as Church Street).

BEING the same premises which Gerald Shanebrook and Donna Shanebrook, husband and wife by Deed dated June 15, 1999 and recorded in the Recorder of Deeds of Adams County on June 16, 1999 in Deed Book Volume 1853, Page 184, granted and conveyed unto Joseph W. Benner, single person.

Grenen & Birsic, P.C.
Kristine M. Anthon, Esq.
Attorneys for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

Parcel No.: 28-001-0018-00

SEIZED and taken into execution as the property of **Joseph W. Benner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

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 DOROTHY L. CULLISON, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrators, C.T.A.: David T. Cullison, 399 Locust Lane, Littlestown, PA 17340; Richard Cullison, P.O. Box 4703, Gettysburg, PA 17325; Patricia Heberling, 296 Locust Lane, Littlestown, PA 17340; Mary Cullison, 330 Montclair Road, Gettysburg, PA 17325

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

ESTATE OF MARY LOUISE GROVE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Ivan R. Grove, 4695 Hanover Road, Hanover, PA 17331; Vernon A. Grove, 5485 Hanover Road, Hanover, PA 17331

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

ESTATE OF HELEN T. HENZE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Michael T. Henze, 264 Fleming Ave., Hanover, PA 17331

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

ESTATE OF BARBARA E. KIRKHAM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Julian Caine, P.O. Box 1740, Studio City, CA 91614

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

ESTATE OF WILLIAM H. RUPPERT, DEC'D

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

Executrix: Dorothy M. Ruppert, c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 106 Harrisburg Street, East Berlin, PA 17316

ESTATE OF VIOLA G. WENTZ, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Barbara J. Spicer and Gary E. Wentz, c/o Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

SECOND PUBLICATION

ESTATE OF AMY M. ANGELL, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Yvonne M. Kilmer, c/o 135 North George St., York, PA 17401

Attorney: Richard K. Konkel, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

ESTATE OF IRMA I. BOCCABELLA, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Michael F. Boccabello, 18704 Flower Hill Way, Gaithersburg, MD 20879

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

ESTATE OF CLYDE E. BORTNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Phyllis E. Bortner, 903 Hanover Road, York, PA 17404

Attorney: Nathaniel W. Boyd, IV, Esq., 23 East Princess St., York, PA 17403

ESTATE OF CATHERINE W. BUDD a/k/a CATHERINE MARIE BUDD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Nancy B. Heffron, 240 Kohler School Road, New Oxford, PA 17350; Betsy B. Miller, 40 Highland Avenue, Abbottstown, PA 17301

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

ESTATE OF LORRAINE E. GERMAN, a/k/a LORRAINE E. REDDING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gregory K. Redding, 4236 Old Harrisburg Road, Gettysburg, PA 17325

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

ESTATE OF DORIS R. HOCKENSMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Thomas C. Hockensmith and Larry J. Hockensmith

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

THIRD PUBLICATION

LEGAL NOTICE

IN RE: Estate of Carrie A. Adkins a/k/a Carrie Ann Adkins a/k/a Carrie A. Beach

NOTICE IS HEREBY GIVEN, that the original Executors in the captioned estate, namely Shirley A. Funt, Paulie E. Varner, and Lloyd Adkins have renounced their right to continue as Co-Executors and have appointed Adams County National Bank as Administrator d.b.n. c.t.a. for the Estate aforementioned.

Accordingly, notices of any claims or the payment of any obligations due to the Estate should be made to:

Adams County National Bank
Attn: Paul Ketterman
Lincoln Square
Gettysburg, Pennsylvania 17325

or

Robert E. Campbell, Esq.
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, Pennsylvania 17325

ESTATE OF LOUISE E. BROWN, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Administrators: Melvin E. Brown, 239 Fairfield Station Road, Fairfield, PA 17320; Richard E. Brown, 1196 Colonial Road, Harrisburg, PA 17112

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

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF MINNIE I. HETRICK, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executors: Mervin L. Dubs, 9 Second Avenue, Hanover, PA 17331; Lori Fisher, 137 Penn Street, Hanover, PA 17331

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

ESTATE OF MAMIE A. KLINEDINST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Gloria J. Henry, 1324 Porters Road, Spring Grove, PA 17362; Dennis L. Klinedinst, 419 Summit Drive, Red Lion, PA 17356

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

ESTATE OF HAZEL M. WASHINGTON, DEC'D

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

Executor: David Washington, 415 Main St., York Springs, PA 17372

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-120 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Charlestown Court at Lot No. 207 as shown on the hereinafter referenced Subdivision Plan; thence running along said Lot No. 207 North seventy-three (73) degrees fifty-five (55) minutes five (05) seconds East, one hundred twenty-four and forty hundredths (124.40) feet to a point at Lot No. 56 as shown on the hereinafter referenced Subdivision Plan; thence running along Lot No. 56 South thirty-one (31) degrees

two (02) minutes fifty (50) seconds East, sixty-seven and twenty-eight hundredths (67.28) feet to a point at Lot No. 56 and Lot No. 209 as shown on the hereinafter referenced Subdivision Plan; thence running along Lot No. 209 South seventy-three (73) degrees fifty-five (55) minutes five (05) seconds West, one hundred forty-one and seventy-seven hundredths (141.77) feet to a point on the right-of-way line of Charlestown Court; thence running along said right-of-way line of Charlestown Court North sixteen (16) degrees four (04) minutes fifty-five (55) seconds West, sixty-five and zero hundredths (65.00) feet to a point on the right-of-way line of Charlestown Court at Lot No. 207 the point and place of BEGINNING

CONTAINING 8651 square feet.

THE above described being Lot No. 208 on the Phase 5 Final Plan for Heritage Hill II, prepared by Martin and Martin, Incorporated, dated October 4, 1999, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 79 at Page 63.

TITLE TO SAID PREMISES IS VESTED IN Johnathan N. Izquierdo and Brandee M. Izquierdo, his wife by Deed from Johnathan N. Izquierdo and Brandee M. Izquierdo, his wife, dated 8/24/2001 and recorded 9/5/2001 in Record Book 2396, Page 187.

Tax Parcel: 57; Map #13

Premises Being: 40 Charlestown Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Johnathan N. Izquierdo & Brandee M. Izquierdo** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/16, 22 & 30

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 05-S-1295

MARY C. SHANKEL, Plaintiff
vs.

BRUCE A. SHANKEL, JR. and CANDACE SHANKEL, husband and wife, Defendants

An Out of State Final Custody Judgment, dated November 4, 2005, entered in the Circuit Court for Carroll County, Maryland to docket number 06-C-04-041405, shall be registered in the Commonwealth of Pennsylvania to docket number 05-S-1295 in the Adams County Court of Common Pleas. The registered Final Custody Judgment shall be enforceable as of the date it was registered in the same manner as a determination issued by a court of this Commonwealth. A hearing to contest the validity of the registered Final Custody Judgment must be requested within 20 days after service of this Order. Failure to contest the registration will result in confirmation of the Final Custody Judgment and preclude further contest of that judgment with respect to any matter that could have been asserted.

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

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

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
(717) 337-9846 OR 1-888-337-9846

12/16

Adams County Legal Journal

Vol. 47

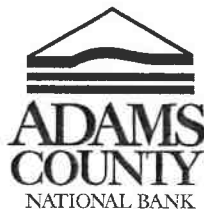
December 22, 2005

No. 31, pp. 180-187

IN THIS ISSUE

MILLER VS. FRANCE ET AL

Our Trust Department
makes a business of caring
for other people's property.



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-618 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at a railroad spike set in the center line of Township Route T-532 (Schoolhouse Road) at corner of land of Thurston W. Bucher and Dorothy M. Bucher; thence in said Township Route T-532, South 50 degrees 53 minutes 50 seconds East, 51.55 feet to a nail in said Township Route; thence through said Township Route and by land of Thurston W. Bucher and Dorothy M. Bucher, South 53 degrees 10 minutes 42 seconds West, 121.48 feet to a steel pin set; thence by same, North 85 degrees 19 minutes 09 seconds West, 616 feet to a steel pin set at land of Sanford Kotzen and Therese Kotzen; thence by said land of Kotzen, North 36 degrees 00 minutes 00 seconds East, 58.53 feet to an existing steel pin in rocks at land of Thurston W. Bucher and Dorothy M. Bucher; thence by said land of Bucher, South 85 degrees 19 minutes 09 seconds East, 566.63 feet to a steel pin set; thence by same, North 53 degrees 10 minutes 42 seconds East, 90 feet to a railroad spike located in the center line of Township Route T-532, the place of BEGINNING. CONTAINING 0.800 acre, more or less.

The above description of Tract No. 1 was taken from a subdivision plan prepared by Boyer Surveys for Thurston W. and Dorothy M. Bucher dated September 24, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 41 at page 19, the above described lot of ground being labeled as Lot No. 2 thereon.

TRACT NO. 2: BEGINNING at a stone for a corner; thence running by land now or formerly of the Houck heirs and George Routsong, North 22 degrees East, 41.1 perches to a stone; thence

running by land now or formerly of Emory Shetters, North 49 degrees East, 50.5 perches to a stone; thence running by land now or formerly of S. G. Bigham, South 45 degrees East, 25.25 perches to a stone at a chestnut stump; thence running by land of the same, North 78 degrees East, 13.5 perches to a stone; thence running by land of the same, South 16-1/4 degrees East 31.8 perches to a stone, thence running by land now or formerly of Emma Bream, South 36 degrees West, 36 perches to a stone; thence running by land of the same, South 31 degrees West 16 perches to a stone; thence running by land now or formerly of Eckenrode and Studebecker, South 74-1/4 degrees West, 50 perches to stones on a rock; thence running by land now or formerly of Eckenrode and John Deardorff, North 36 degrees West, 41 perches to stones, the place of BEGINNING. CONTAINING 31 acres and 30 perches, more or less.

The above description of Tract No. 2 is based on prior deeds in the chain of title, as supplemented by records in the Adams County Mapping Office, Tyrone Township Map G-6.

HAVING THEREON erected a dwelling house known as: 766 School House Road, Aspers, Pennsylvania 17304

BEING THE SAME PREMISES WHICH Ronald E. Harlow and Karen K. Harlow, by Deed dated 10/27/88 and recorded 10/27/88 in Adams County Deed Book 505, Page 233, granted and conveyed unto Margaret Ann Williams.

SEIZED IN EXECUTION AS THE PROPERTY OF MARGARET ANN WILLIAMS UNDER ADAMS COUNTY JUDGMENT NO. 03-S-618

MAP & PARCEL 40-G6-35

SEIZED and taken into execution as the property of Margaret Ann Williams and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/6

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania an Application for Registration of Fictitious Name of MONREAN RESOURCES, INC. d/b/a THE UPS STORE, the address of the principal place of business being 1863 Gettysburg Village Drive, Suite G920, Gettysburg, PA 17325. The name and address of the entity that is a party to said registration is: Monrean Resources, Inc., 205 Knoxlyn Road, P.O. Box 3364, Gettysburg, PA 17325.

Puhl, Eastman & Thrasher
Attorneys

12/22

INCORPORATION NOTICE

Articles of Incorporation for GINA'S PLACE OF ITALIAN CUISINE, INC. were filed with the Pa. Department of State on October 7, 2005, under the Business Corporation Law of 1988.

Walton V. Davis
Solicitor

12/22

MILLER VS. FRANCE ET AL

1. Pennsylvania Rule of Civil Procedure 2253 requires a party seeking joinder of an additional defendant to obtain permission from the Court upon cause shown if joinder is not accomplished within sixty days following service of the original complaint.

2. Claiming the existence of easement by necessity contemplates a situation in which a parcel of land is landlocked.

3. The three fundamental requirements for an easement by necessity to arise are the following: the titles to the alleged dominant and servient properties must have been held by one person; this unity of title must have been severed by a conveyance of one of the tracts; and the easement must be necessary in order for the owner of the dominant tenement to use his land, with the necessity existing both at the time of the severance of title and at the time of the exercise of the easement.

4. An easement by necessity is always of strict necessity ... an easement by necessity never exists as a mere matter of convenience.

5. Proceedings to open private roads are specifically governed by statutory authority. The Private Road Act authorizes Court proceedings to open private roads through land to the nearest highway when the owner of an adjoining property lacks means of ingress and egress. Unlike an easement by necessity, the Private Road Act does not require an absolute necessity, such as being completely landlocked. On the other hand, the mere inconvenience in the use of an existing road (or easement) is not enough. The existing road (or easement) must be of a limited privilege or extremely difficult and burdensome in its use to warrant the appropriation of another more convenient course.

6. The Private Road Act, similar to eminent domain proceedings, specifically provides the procedure for instituting a proceeding under the Act. The Act neither mentions nor contemplates the filing of a complaint or other pleading as authorized by the Rules of Civil Procedure. Courts interpreting the application of the Rules of Civil Procedure to eminent domain proceedings have repeatedly concluded that the Rules do not apply. Accordingly, I conclude that the Rules of Civil Procedure do not apply to proceedings under the Private Road Act.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 99-S-400, LARRY E. MILLER VS. COLEEN I. FRANCE, F/K/A COLEEN I. MARTIN, FRANKLIN W. THOMAS, JR., POWER OF ATTORNEY FOR LOUISE THOMAS, ALFRED E. KAMMERER AND MARCELLA J. KAMMERER AND MARION E. SWOPE, DEFENDANTS, AND BARRY G. DELLINGER AND BARBARA J. DELLINGER, TERRY A. SHANK AND JENNIFER J. SHANK, ADDITIONAL DEFENDANTS.

Wendy Weikal-Bauchat, Esq., for Plaintiff
John A. Wolfe, Esq., for Defendant France
Bernard A. Yannetti, Jr., Esq., for Defendant Thomas
Richard E. Thrasher, Esq., for Defendants Kammerer
Defendant Marion E. Swope, *pro se*

Robert E. Campbell, Esq., for Additional Defendants Dellinger
Additional Defendants Shank, *pro se*
George, J., May 3, 2005

OPINION

“It flows like a gently meandering river ... without direction, destination, division, distinction or description.” Although these are the words of the Tibetan monk, Tilopa, in describing the karma of the Mahamudra,¹ they are equally applicable to the case before the Court. In order to address the issues before the court, it is necessary to understand the history of this litigation from its simple beginnings to its current state.

On May 3, 1999, Larry Miller (“Miller”) filed a Complaint in Equity against Coleen Martin (“Martin”) seeking to enjoin Martin’s erection of a barrier on an alleged private road which provided ingress and egress across Martin’s property to Miller’s property. Miller’s Complaint for equitable relief was met by an Answer denying the existence of a right by Miller to transverse the Martin property. There was no further activity in the matter until July 2, 2002, when Miller moved for a trial. The motion resulted in the scheduling of a pre-trial conference which was conducted on August 29, 2002. As a result of the pre-trial conference, an Amended Complaint was filed on September 22, 2002, alleging a cause of action for an “Easement By Prescription” and a separate count alleging “Easement By Necessity Request for Board of View”. Although the Court’s permission to join additional parties was not obtained pursuant to Pennsylvania Rule of Civil Procedure 2252(a)(relating to joinder of additional defendants), the Amended Complaint added Franklin Thomas (“Thomas”) as a Defendant on the theory that Thomas, as well as Martin, was the owner of property which is servient to Miller’s dominant estate. The Amended Complaint indicated that the Martin and Thomas properties are adjoining properties. Although Martin filed an Answer to the Amended Complaint on October 2, 2002, no answer was filed on Thomas’ behalf.

¹ Mahamudra is a sophisticated Tibetan Buddhist mediation technique according to the Mahamudra Mediation Center located in Petaluma, California.

The next activity of record appears to be the filing of a Second Amended Complaint on January 16, 2003. While the causes of action in the Second Amended Complaint remained the same, the Second Amended Complaint no longer listed Franklin Thomas, Individually, as a Defendant. Rather, the Amended Complaint referred to Franklin Thomas as Franklin Thomas, Jr., Power of Attorney for Louise Thomas. Apparently, Miller discovered that the Thomas property is actually owned by Louise Thomas rather than Franklin Thomas, Jr. Although Louise Thomas is the legal owner of the alleged servient estate, she is incapacitated.

Martin filed an Answer to the Second Amended Complaint on January 28, 2003. Louise Thomas, through her Power of Attorney Franklin W. Thomas, Jr., filed an Answer to the Second Amended Complaint on February 3, 2003. On February 21, 2003, Miller filed a Motion to Appoint a Board of View. That motion was met with an Order from the Court directing that a conference with the Court be conducted. At the conference on August 28, 2003, Miller withdrew Count I of the Complaint. Additionally, Count 2 of Miller's Complaint was clarified as a request for the establishment of a private road from Miller's property to the nearest public road. Additional discussion at the conference concerned whether all necessary parties were involved in the litigation. The Court directed that a memorandum be filed within twenty-one days of the conference in order to address the issue of joining necessary parties. After the Court discovered that the parties were prepared to proceed with only parties then before the Court, the Court overlooked procedural defects in the status of this matter and, by Order of Court dated September 18, 2003, directed that a Board of View be appointed.

On October 15, 2003, Thomas filed a Complaint to join Additional Defendants, Alfred E. Kammerer, Marcella J. Kammerer, and Marion E. Swope. Apparently, the Kammerers and Swope own property adjacent and contiguous to each other as well as to the original parties to the litigation. Swope has not filed a responsive pleading, however, the Kammerers promptly and properly filed Preliminary Objections claiming that their late joinder violated Pennsylvania Rule of Civil Procedure 2253.

Perhaps in consideration of the Preliminary Objection, Thomas filed a Petition to Join Additional Defendants on November 10, 2003. President Judge Kuhn entered an Order, that same date, stating that the parties shall consult with the Court ten days after an answer is filed to determine the appropriate procedure. There is no indication in the record of an answer ever being filed nor whether a consultation took place as directed by President Judge Kuhn's Order. Similarly, there is no indication of Swope filing any responsive pleading.

The next indication of activity in the record is March 2, 2005, when Miller filed a "Complaint Joining Additional Defendants".² The Complaint alleges one cause of action which is titled "Easement By Necessity Request For A Board of View". The Complaint captions the defendants as Coleen I. France formerly known as Coleen I. Martin; Franklin W. Thomas, Jr., Power of Attorney for Louise Thomas; Alfred E. Kammerer and Marcella J. Kammerer; and Marion E. Swope. The caption further lists Barry G. Dellinger, Barbara J. Dellinger, Terry A. Shank, and Jennifer J. Shank as Additional Defendants. The Complaint alleges that the Miller property is landlocked and that each of the respective Defendants or Additional Defendants, either individually or collectively, owns a parcel of land between the Miller property and the nearest public road. Neither the Shanks nor any parties named in the Second Amended Complaint have filed a responsive pleading to Miller's latest Complaint. The Dellingers, on the other hand, have filed Preliminary Objections alleging Miller's failure to comply with Pennsylvania Rule of Civil Procedure 2252(a) (relating to the joinder of additional defendants) as well as a Demurrer to the cause of action. It is this latest activity which has now brought this matter before the Court.

It would be an understatement to say that Pennsylvania Rule of Civil Procedure 2252(a) has been swamped by the currents of this litigation. As correctly pointed out instantly by the Dellingers, and earlier by the Kammerers, Pennsylvania Rule of Civil Procedure 2253 requires a party seeking joinder of an additional defendant to obtain

²The record contains indication that the Board of View actually convened, however, the results of such meeting are unknown to the Court.

permission from the Court upon cause shown if joinder is not accomplished within sixty days following service of the original complaint.³ Accordingly, while the Dellingers' Preliminary Objection for failure to conform to the Pennsylvania Rules of Civil Procedure may be properly granted, the Court elects to gain control of this rapidly swelling river on a more fundamental basis.

The lack of meaningful direction to this litigation is traceable to Miller's merger of the equitable theory of easement by necessity with the statutory remedy provided by 36 P.S. § 2731, et. seq. (relating to private roads). Miller's merger of these remedies blurs the distinction in the parameters and rights which are unique and specific to each. A brief review of each, therefore, will be helpful.

The parameters of an easement by necessity were recently discussed by the Pennsylvania Superior Court in *Phillippi v. Knotter*, 748 A.2d 757 (Pa.Super. 2000). In *Phillippi*, the Superior Court stated:

Claiming the existence of easement by necessity contemplates a situation in which a parcel of land is landlocked. 'It is a well-settled principle of law that, in the event property is conveyed and is so situated that access to it from the highway cannot be had except by passing over the remaining land of the grantor, then the grantee is entitled to a way of necessity over the lands of his grantor.' The three fundamental requirements for an easement by necessity to arise are the following: The titles to the alleged dominant and servient properties must have been held by one person[;] This unity of title must have been severed by a conveyance of one of the tracts[;and] The easement must be necessary in order for the owner of the dominant tenement to use his land, with the necessity existing both at the time of the severance of title and at the time of the exercise of the easement.

³The rules relating to the joinder of additional defendants refers to "any defendant or additional defendant." See Pa. R.C.P. 2252. Since Miller is the Plaintiff, his most recent pleading is more properly identified as an Amended Complaint. Alternative designation of the document, however, is of no relief to Miller because late amendment to a complaint also requires either the consent of the adverse parties or leave of Court, see Pa. R.C.P. 1033, neither of which were obtained in this matter.

Id. at 760. “An easement by necessity is always of strict necessity...[a]n easement by necessity never exists as a mere matter of convenience.” *Id.* (citations omitted).

On the other hand, proceedings to open private roads are specifically governed by statutory authority. See 36 P.S. § 2731, et. seq. (the Private Road Act). The Private Road Act authorizes Court proceedings to open private roads through land to the nearest highway when the owner of an adjoining property lacks means of ingress and egress. See generally *Henning v. Watanabe (In re Private Rd. in East Rockhill Twp.)*, 645 A.2d 313 (Pa.Cmwlth. 1994), app. denied, 653 A.2d 1235 (Pa. 1994). Unlike an easement by necessity, the Private Road Act “does not require an absolute necessity, such as being completely landlocked.” *Graff v. Scanlan*, 673 A.2d 1028, 1033 (Pa.Cmwlth. 1996) (quoting *Application of Little*, 119 A.2d 587, 589 (Pa.Super. 1956)). On the other hand, “the mere inconvenience in the use of an existing road [or easement] is not enough.” *Little*, 119 A.2d at 589 (citation omitted). “The existing road [or easement] must be of a limited privilege or ‘extremely difficult and burdensome’ in its use to warrant the appropriation of another more convenient course.” *Id.* (citations omitted). Courts have equated proceedings under the Private Road Act with those under the statutory right of eminent domain. *In re Forrester*, 773 A.2d 219, 222 (Pa.Cmwlth. 2001), app. granted in part, affirmed, 836 A.2d 102 (Pa. 2003).

The lack of direction in this litigation is compounded by the manner in which it has been presented to the Court. The action was originally commenced pursuant to a Complaint in Equity. As such, it was filed in compliance with the requirements of the Pennsylvania Rules of Civil Procedure. During the course of the litigation, however, a metamorphosis occurred wherein relief different than originally contemplated was sought pursuant to the Private Road Act. The problem with this metamorphosis is that while all parties have continued to generally follow the Pennsylvania Rules of Civil Procedure, it appears that the Civil Rules are inapplicable to proceedings under the Private Road Act.

The Private Road Act, similar to eminent domain proceedings, specifically provides the procedure for instituting a proceeding under the Act. For instance, the Court, “upon petition,” shall direct that a view of the requested private road be conducted. See 36 P.S. § 2731.

The statute is mandatory in this regard; it mandates that the filed petition contain the requisite information prior to the appointment of a board. See generally *In re Private Road in Nescopeck Twp.*, 422 A.2d 199 (Pa.Super. 1980). The Act neither mentions nor contemplates the filing of a complaint or other pleading as authorized by the Rules of Civil Procedure.

Although I have been unable to find any cases directly stating that the Pennsylvania Rules of Civil Procedure are inapplicable, courts interpreting the application of the Rules of Civil Procedure to eminent domain proceedings have repeatedly concluded that the Rules do not apply. See *Gilyard v. Redevelopment Auth. of Philadelphia*, 780 A.2d 793 (Pa.Cmwth. 2001). Moreover, appellate cases discussing the Private Road Act all appear to have been initiated by petition rather than complaint pursuant to the Pennsylvania Rules of Civil Procedure. See generally *In re Forrester*, cited above; *In re Private Rd. in Nescopeck Twp.*, cited above; *In re Private Rd. in Greene Twp.*, 494 A.2d 859 (Pa.Super. 1985); *In re Jones*, 649 A.2d 488 (Pa.Cmwth. 1994), app. denied 659 A.2d 561 (Pa. 1995).⁴ Accordingly, I conclude that the Rules of Civil Procedure do not apply to proceedings under the Private Road Act. As such, the procedural posture of the matters before the Court is contrary to law.

Just as with every raging river, there comes a time in the course of a turbulent litigation where the matter must be tamed. While the granting of Dellingers' Preliminary Objections is appropriate, I fear that such a stop-gap dam will only temporarily alter the flow of this litigation. The continuous, and improper, joinder of parties in this litigation is but a symptom of a greater problem. The larger problem is the misapplication of the Pennsylvania Rules of Civil Procedure to proceedings to which they do not apply. Accordingly, the Court will require this meandering river to find its direction without great prejudice to any party.

For the foregoing reasons, the attached Order is entered.

⁴Finding that the Pennsylvania Rules of Civil Procedure were applicable to proceedings under the Private Road Act would achieve an absurd result. Specifically, the Private Road Act unambiguously requires that a proceeding be initiated by a "petition". However, proceedings under the Act are not included in the definition of "petition" as defined by the Pennsylvania Rules of Civil Procedure. Therefore, if the Rules were applicable, the Private Road Act would require the filing of a pleading which is not permitted under a literal reading of the Civil Rules.

ORDER OF COURT

AND NOW, this 3rd day of May, 2005, the Plaintiff's Complaint filed March 1, 2005 is dismissed; the Complaint joining additional defendants filed by Franklin W. Thomas, Jr., Power of Attorney for Louise Thomas, is dismissed; the Second Amended Complaint filed January 17, 2003 is dismissed. This Order of Court is intended to dismiss all causes of action which any party, whether properly or improperly joined, has alleged against another. Dismissal of this litigation is without prejudice to any party to pursue legal rights which they have available to them. Specifically, dismissal of this matter shall not prohibit the Plaintiff from filing a petition, under a distinct proceeding, pursuant to the Private Road Act, 36 P.S. § 2731, et. seq. Additionally, this dismissal shall not prohibit the Plaintiff from proceeding with a separate claim for equitable relief as the Plaintiff shall deem appropriate. The Plaintiff is granted twenty days from the date of this Order to file an Amended Complaint seeking to enforce his rights pursuant to either a theory based upon express easement or other easement recognized by law. Failure to file an Amended Complaint within twenty days pursuant to such a theory will result in preclusion to any claim of easement over any of the properties owned by any person named as a defendant by any pleadings in this matter.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1029 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground, together with the improvements thereon erected, situate in Germany Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike set in Township Road T-442, known as Feeser Road, at corner of land designated as Lot No. 5 on the Final Plan referred to below; thence by said Lot No. 5 and running through an iron pin set back 23.10 feet from the place of beginning, North 71 degrees 30 minutes West, 440.07 feet to an iron pin set; thence by said Lot No. 5 and by land designated as Lot No. 4 on the Final Plan referred to below, North 18 degrees 30 minutes East, 168.59 feet to an iron pin set; thence by land of Fred W. Scott and wife, North 89 degrees 29 minutes West, 262.89 feet to an existing iron pin; thence by land of George E. Claybaugh and wife, South 17 degrees 25 minutes 57 seconds West, 174.30 feet to an iron pin set; thence by land of Charles W. Sentz and wife, land of Claude E. Schildt and wife and by land of James A. Barnes and wife, South 71 degrees 30 minutes East, 246.80 feet to an iron pin set; thence by land designated as Lot No. 2 on the Final Plan referred to below, North 18 degrees 30 minutes East, 61.84 feet to an iron pin set; thence by said Lot No. 2 and by land designated as Lot No. 1 on the Final Plan referred to below and running through an iron pin set back 22.91 feet from the end of this line, South 71 degrees 30 minutes East, 439.20 feet to a railroad spike set in Feeser Road; thence in Feeser Road and by land of H. Raymond Reynolds and wife; thence in Feeser Road and by land of H. Raymond Reynolds and wife, North 20 degrees 30 minutes 32 seconds East 25.02 feet to a railroad spike set at the corner of the aforementioned Lot No. 5, the place of BEGINNING.

CONTAINING 64,433 square feet, or 1.479 acres.

THE foregoing description was obtained from a Final Plan of a subdivision prepared by Gettysburg Engineering Co., Inc., dated August 24, 1987, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 50 at Page 2, the lot hereby conveyed being designated as Lot No. 3 on said Final Plan.

Map #15-116-57B

TITLE TO SAID PREMISES IS VESTED IN Samuel Ray Baugher and Malinda L. Baugher, husband and wife by Deed from Muller Construction Company, a Maryland Business Corporation, dated 8/18/1995 and recorded 8/25/1995 in Record Book 1072, Page 316.

Premises Being: 30 Feeser Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Samuel R. Baugher a/k/a Samuel Ray Baugher & Malinda L. Baugher** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1040 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land situated in Oxford Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in the center of Legislative Route A-6810, thence along lands now or formerly of Edward and Anna Kuhn and through a stake offset back 25 feet from the center of aforementioned Route A-6810, South 45 degrees East 150 feet to a stake; thence along lands of same South, 45 degrees West 110 feet to a stake, thence along lands of same North 45 degrees West, 150 feet to a point in the center of Route A-6810, thence along center of said road North 45 degrees East 110 feet to a point, the place of BEGINNING.

IT BEING the same tract of land which Donald F. Kuhn and Eva Mae Kuhn, aka Eva M. Kuhn, husband and wife, by deed dated December 18, 2002, and recorded

in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2966, page 83, granted and conveyed unto The Donald F. Kuhn and Eva M. Kuhn Revocable Living Trust, Grantor herein.

TRACT NO. 2:

BEGINNING at a point in the center of said Legislative Route at other lands of Donald F. Kuhn and Eva Mae Kuhn; thence in and along the centerline of said Legislative Route 06810, North 45 degrees East 25 feet to a point in the center of said Legislative Route at lands of Edward H. Kuhn and Anna G. Kuhn; thence by lands of same, South 45 degrees East, 150 feet to a point at lands of Sheets Bros., Inc.; thence by lands now or formerly of Sheets Bros., Inc. South 45 degrees West, 25 feet to a point at other lands of Donald F. Kuhn and Eva Mae Kuhn; thence by lands of same, North 45 degrees West, 150 feet to a point in the center of said Legislative Route, the place of BEGINNING.

IT BEING the same tract of land which Donald F. Kuhn and Eva Mae Kuhn, aka Eva M. Kuhn, husband and wife, by deed dated December 18, 2002, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2966, page 86, granted and conveyed unto The Donald F. Kuhn and Eva M. Kuhn Revocable Living Trust, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Daniel J. Keller by Deed from The Donald F. Kuhn and Eva M. Kuhn, Revocable Living Trust dated 4-13-04, recorded 4-15-05 in Deed Book 3529, page 102.

Premises being: 1675 Irishtown Road, New Oxford, PA 17350

Tax Parcel No. 35-K12-0033-000

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1048 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those four (4) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lots 148, 149, 150 and 201. All in Section B, Charnita, Inc., more particularly bounded and described as follows, to wit:

LOT NO. 148

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 147, thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 202; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 149; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the point and place of BEGINNING.

LOT NO. 149

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 148, thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 150; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 150

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 149; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 151; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 201

BEGINNING at a point in the center of Eagles Trail at Lot No. 200; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 149; thence by said lot North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot

No. 202; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail South 86 degrees 38 minutes 20 seconds West, 100 feet to the point and place of BEGINNING.

IT BEING the same tracts of land which Raymond W. Newman, Sheriff of Adams County, by his deed dated June 25, 1999, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Book 1885, Page 105, granted and conveyed unto Land Holding Corp of PA, GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Larry Wayne Gamber, a single adult individual, by Deed from Land Holding Corporation of PA, dated 02-10-00, recorded 03-06-00 in Deed Book 2010, page 68.

Premises being: 29 Meadowlark Trail, Fairfield, PA 17320

Tax Parcel No. 43-029-0158-000

SEIZED and taken into execution as the property of **Larry W. Gamber a/k/a Larry Wayne Gamber** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1056 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that real estate situate in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at the Southwestern corner hereof, at an existing pipe off the South side of Tom's Creek, on line of lands

of Ethel B. Flenner and at corner of land of Mrs. Harvey Woodring (formerly a part hereof); thence crossing Tom's Creek, running through an existing pipe off the North side of Tom's Creek, by land of Mrs. Harvey aforesaid, North 13 degrees 10 minutes and 40 seconds East, 177.31 feet to an existing pipe, thence by said last mentioned land, North 76 degrees 39 minutes 10 seconds West, 10.07 feet to an existing pipe; thence by said last mentioned land, North 13 degrees 48 minutes 40 seconds East, running through an existing steel rod near the middle of this course, and crossing the Iron Springs Road (L.R. 01015) near the end of this course, 161.55 feet to an existing angle iron at the Northwest corner hereof; thence by land of Guy Bowling and of Leroy Shelton, South 82 degrees 42 minutes 30 seconds West, 249.85 feet to an existing old square steel rod driven 15 feet North of the center line of the State Highway aforesaid; thence by land of Constance Alering, running along the North side of said State Highway and in the same, South 82 degrees 30 minutes 00 seconds East, 289 feet to a railroad spike set on the North edge of said State Highway at the Northeast corner hereof; thence crossing said State Highway and by land of Cindy Welsh, South 4 degrees 56 minutes 10 seconds East, 289.63 feet to a steel rod driven at the Southeastern corner hereof; thence by land of Ethel B. Flenner, North 87 degrees 38 minutes 30 seconds West, crossing Tom's Creek 343.9 feet to a steel rod off the South edge of said creek; thence continuing by said mentioned land, North 86 degrees, 34 minutes, 40 seconds West, 284.67 feet to the above described place of BEGINNING. CONTAINING 4.202 acres.

Tax Parcel #: B-16-69

Premises Being: 1368 Iron Springs Rd., Fairfield, PA 17320

SEIZED and taken into execution as the property of **Leroy Shelton & Julia E. Shelton** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/16, 22 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1078 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those four (4) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lots 148, 149, 150 and 201, All in Section B, Chamita, Inc., more particularly bounded and described as follows, to wit:

LOT NO. 148

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 147; thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 202; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 149; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the point and place of BEGINNING.

LOT NO. 149

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 148; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 150; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 150

BEGINNING at a point in the center of Meadowlark Trail at Lot No. 149; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 201; thence by said lot South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 151; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Meadowlark Trail; thence in said Meadowlark Trail North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

LOT NO. 201

BEGINNING at a point in the center of Eagles Trail at Lot No. 200; thence by said lot North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 149; thence by said lot North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot

No. 202; thence by said lot South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Eagles Trail; thence in said Eagles Trail South 86 degrees 38 minutes 20 seconds West, 100 feet to the point and place of BEGINNING.

Being Known as 29 Meadowlark Trail, Fairfield, PA 17320

Parcel No. Map 29, Parcel 158

TO BE SOLD AS THE PROPERTY OF LARRY W. GAMBER a/k/a LARRY WAYNE GAMBER

SEIZED and taken into execution as the property of **Larry W. Gamber a/k/a Larry Wayne Gamber** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-50 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike on the East curb line of Second Street (heretofore sometimes known as Church Street) at lands now or formerly of Harry Hartlaub; thence by said curb line, North fourteen (14) degrees fifteen (15) minutes West, seventeen and thirty-five (17.35) hundredths feet to a point thence by land now or formerly of Edward M. Harman and wife and through the center line of the partition wall of the dwelling house erected on said premises, North seventy-five (75) degrees fifteen (15) minutes

East, fifty-five and twenty-five (55.25) hundredths feet to a point at the rear of said partition wall, thence along the same, North sixty-three (63) degrees twenty-seven (27) minutes East, one hundred five and five tenths (105.5) feet to a point at a sixteen (16) feet wide alley; thence along said alley, South fourteen (14) degrees fifteen (15) minutes East, seventeen and eighty-five (17.85) hundredths feet to a point at lands now or formerly of Harry Hartlaub; thence along the same, South sixty-four (64) degrees thirty (30) minutes West, one hundred twenty-eight and four tenths (128.4) feet to a stake; thence further along the same, South seventy-five (75) degrees fifteen (15) minutes West, forty-two and forty-seven (42.47) hundredths feet to a spike, the place of BEGINNING. Known as 150 Second Street (heretofore sometimes known as Church Street).

BEING the same premises which Gerald Shanebrook and Donna Shanebrook, husband and wife by Deed dated June 15, 1999 and recorded in the Recorder of Deeds of Adams County on June 16, 1999 in Deed Book Volume 1353, Page 184, granted and conveyed unto Joseph W. Benner, single person.

Grenen & Birsic, P.C.
Kristine M. Anthou, Esq.
Attorneys for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

Parcel No.: 28-001-0018-00

SEIZED and taken into execution as the property of **Joseph W. Benner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/9, 16 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-120 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Charlestown Court at Lot No. 207 as shown on the hereinafter referenced Subdivision Plan; thence running along said Lot No. 207 North seventy-three (73) degrees fifty-five (55) minutes five (05) seconds East, one hundred twenty-four and forty hundredths (124.40) feet to a point at Lot No. 56 as shown on the hereinafter referenced Subdivision Plan; thence running along Lot No. 56 South thirty-one (31) degrees two (02) minutes fifty (50) seconds East, sixty-seven and twenty-eight hundredths (67.28) feet to a point at Lot No. 56 and Lot No. 209 as shown on the hereinafter referenced Subdivision Plan; thence running along Lot No. 209 South seventy-three (73) degrees fifty-five (55) minutes five (05) seconds West, one hundred forty-one and seventy-seven hundredths (141.77) feet to a point on the right-of-way line of Charlestown Court; thence running along said right-of-way line of Charlestown Court North sixteen (16) degrees four (04) minutes fifty-five (55) seconds West, sixty-five and zero hundredths (65.00) feet to a point on the right-of-way line of Charlestown Court at Lot No. 207 the point and place of BEGINNING.

CONTAINING 8651 square feet.

THE above described being Lot No. 208 on the Phase 5 Final Plan for Heritage Hill II, prepared by Martin and Martin, Incorporated, dated October 4, 1999, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 79 at Page 63.

TITLE TO SAID PREMISES IS VESTED IN Johnathan N. Izquierdo and Brandee M. Izquierdo, his wife by Deed from Johnathan N. Izquierdo and Brandee M. Izquierdo, his wife, dated 8/24/2001 and recorded 9/5/2001 in Record Book 2396, Page 187.

Tax Parcel: 57; Map #13

Premises Being: 40 Charlestown Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Johnathan N. Izquierdo & Brandee M. Izquierdo** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/16, 22 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1050 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN townhouse lot, parcel or tract of land situate on the east side of South High Street in Arendtsville Borough, Adams County, Pennsylvania and known as Township Lot No. 4, as improved, and being more specifically described as follows:

BEGINNING at a steel pin in said South High Street at the northwest corner of Lot No. 5, lands now or formerly of John B. Horner and Mary Horner, said steel pin being established on the subdivision plan hereinafter referred to; thence in said South High Street North Twelve (12) degrees Fifty-five (55) minutes Twenty-Five (25) seconds West Twenty (20) feet to a steel pin at Lot No. 3, lands now or formerly of Clair F. Ditzler; thence leaving said South High Street and along Lot No. 3, lands now or formerly of Clair F. Ditzler and through the center of a partition wall between Townhouse Lots 3 and 4 North Seventy-Seven (77) degrees Six (6) minutes Ten (10) seconds East Two Hundred Twenty-Three and Eighty-Nine Hundredths (223.89) feet to a steel pin at lands now or formerly of Elson C. Grim; thence by lands now or formerly of Elson C. Grim South Thirteen (13) degrees Thirty-Eight (38) minutes Twenty (20) seconds West

Twenty-Two and Thirty-Five Hundredths (22.35) feet to a steel pin; thence by Lot No. 5, lands intended to be conveyed to John B. Horner and Mary Horner and through the center of a party wall between Townhouse Lots 4 and 5 South Seventy-Seven (77) degrees Six (6) minutes Ten (10) seconds West Two Hundred Thirteen and Eighty-Nine Hundredths (213.89) feet to a steel pin in South High Street, the point and place of BEGINNING. CONTAINING 4,377 square feet.

BEING described in accordance with a draft of survey prepared by Boyer Surveys, Richard W. Boyer, Professionals Land Surveyor, dated April 16, 1987, as approved by the various municipal subdivisions and commissions of Adams County and duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 49, Page 5, said lot being identified as Lot No. 4 thereon.

BEING THE SAME PREMISES WHICH Robert F. Sumbury and Karen J. Sumbury by Deed dated August 31, 1998 and recorded September 2, 1998 in Record Book 1654, Page 70 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Christy M. Shreve, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Timothy R. Orner, single man and Kirsten M. Hess, single woman, by Deed from Christy M. Shreve, single woman, dated 10-17-02, recorded 10-18-02 in Deed Book 2840, page 288.

Premises being: 18 South High Street, Arendtsville, PA 17303

Tax Parcel #: 02-006-0122-000

SEIZED and taken into execution as the property of **Timothy R. Orner and Kirsten M. Hess** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/6

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 ANNA M. McVEAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Barbara Talluto, 327 Benning Avenue, Gettysburg, PA 17325

Attorney: Wendy Weikal-Beauchat, 63 West High Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF DOROTHY L. CULLISON, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrators, C.T.A.: David T. Cullison, 399 Locust Lane, Littlestown, PA 17340; Richard Cullison, P.O. Box 4703, Gettysburg, PA 17325; Patricia Heberling, 296 Locust Lane, Littlestown, PA 17340; Mary Cullison, 330 Montclair Road, Gettysburg, PA 17325

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

ESTATE OF MARY LOUISE GROVE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Ivan R. Grove, 4695 Hanover Road, Hanover, PA 17331; Vernon A. Grove, 5485 Hanover Road, Hanover, PA 17331

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

ESTATE OF HELEN T. HENZE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Michael T. Henze, 264 Fleming Ave., Hanover, PA 17331

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

ESTATE OF BARBARA E. KIRKHAM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Julian Caine, P.O. Box 1740, Studio City, CA 91614

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

ESTATE OF WILLIAM H. RUPPERT, DEC'D

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

Executrix: Dorothy M. Ruppert, c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 106 Harrisburg Street, East Berlin, PA 17316

ESTATE OF VIOLA G. WENTZ, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Barbara J. Spicer and Gary E. Wentz, c/o Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

THIRD PUBLICATION

ESTATE OF AMY M. ANGELL, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Yvonne M. Kilmer, c/o 135 North George St., York, PA 17401

Attorney: Richard K. Konkel, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

ESTATE OF IRMA I. BOCCABELLA, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Michael F. Boccabello, 18704 Flower Hill Way, Gaiithersburg, MD 20879

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

ESTATE OF CLYDE E. BORTNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Phyllis E. Bortner, 903 Hanover Road, York, PA 17404

Attorney: Nathaniel W. Boyd, IV, Esq., 23 East Princess St., York, PA 17403

ESTATE OF CATHERINE W. BUDD a/k/a CATHERINE MARIE BUDD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Nancy B. Heffron, 240 Kohler School Road, New Oxford, PA 17350; Betsy B. Miller, 40 Highland Avenue, Abbottstown, PA 17301

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

ESTATE OF LORRAINE E. GERMAN, a/k/a LORRAINE E. REDDING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gregory K. Redding, 4236 Old Harrisburg Road, Gettysburg, PA 17325

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

ESTATE OF DORIS R. HOCKENSMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Thomas C. Hockensmith and Larry J. Hockensmith

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

Adams County Legal Journal

Vol. 47

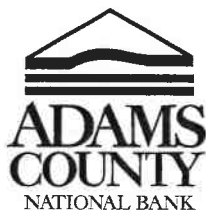
December 30, 2005

No. 32, pp. 188-190

IN THIS ISSUE

COMMONWEALTH VS. GARBER

Helping families achieve
their long-range financial goals
is our business.



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-618 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at a railroad spike set in the center line of Township Route T-532 (Schoolhouse Road) at corner of land of Thurston W. Bucher and Dorothy M. Bucher; thence in said Township Route T-532, South 50 degrees 53 minutes 50 seconds East, 51.55 feet to a nail in said Township Route; thence through said Township Route and by land of Thurston W. Bucher and Dorothy M. Bucher, South 53 degrees 10 minutes 42 seconds West, 121.48 feet to a steel pin set; thence by same, North 85 degrees 19 minutes 09 seconds West, 616 feet to a steel pin set at land of Sanford Kotzen and Therese Kotzen; thence by said land of Kotzen, North 36 degrees 00 minutes 00 seconds East, 58.53 feet to an existing steel pin in rocks at land of Thurston W. Bucher and Dorothy M. Bucher; thence by said land of Bucher, South 85 degrees 19 minutes 09 seconds East, 566.63 feet to a steel pin set; thence by same, North 53 degrees 10 minutes 42 seconds East, 90 feet to a railroad spike located in the center line of Township Route T-532, the place of BEGINNING. CONTAINING 0.800 acre, more or less.

The above description of Tract No. 1 was taken from a subdivision plan prepared by Boyer Surveys for Thurston W. and Dorothy M. Bucher dated September 24, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 41 at page 19, the above described lot of ground being labeled as Lot No. 2 thereon.

TRACT NO. 2: BEGINNING at a stone for a corner; thence running by land now or formerly of the Houck heirs and George Routsong, North 22 degrees East, 41.1 perches to a stone; thence

running by land now or formerly of Emory Shettlers, North 49 degrees East, 50.5 perches to a stone; thence running by land now or formerly of S. G. Bigham, South 45 degrees East, 25.25 perches to a stone at a chestnut stump; thence running by land of the same, North 78 degrees East, 13.5 perches to a stone; thence running by land of the same, South 16-1/4 degrees East 31.8 perches to a stone; thence running by land now or formerly of Emma Bream, South 36 degrees West, 36 perches to a stone; thence running by land of the same, South 31 degrees West 16 perches to a stone; thence running by land now or formerly of Eckenrode and Studebecker, South 74-1/4 degrees West, 50 perches to stones on a rock; thence running by land now or formerly of Eckenrode and John Deardorff, North 36 degrees West, 41 perches to stones, the place of BEGINNING. CONTAINING 31 acres and 30 perches, more or less.

The above description of Tract No. 2 is based on prior deeds in the chain of title, as supplemented by records in the Adams County Mapping Office, Tyrone Township Map G-6.

HAVING THEREON erected a dwelling house known as: 766 School House Road, Aspers, Pennsylvania 17304

BEING THE SAME PREMISES WHICH Ronald E. Harlow and Karen K. Harlow, by Deed dated 10/27/88 and recorded 10/27/88 in Adams County Deed Book 505, Page 233, granted and conveyed unto Margaret Ann Williams.

SEIZED IN EXECUTION AS THE PROPERTY OF MARGARET ANN WILLIAMS UNDER ADAMS COUNTY JUDGMENT NO. 03-S-618

MAP & PARCEL 40-G6-35

SEIZED and taken into execution as the property of Margaret Ann Williams and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/6

LEGAL NOTICE

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the office located at 101 South Queen Street in Littlestown, PA, between the hours of 1:00 and 2:00 p.m., on January 14th, 2006 to elect directors and to transact any other business properly presented.

Attest

Marilyn Q. Butt

President & Treasurer, Director

12/30, 1/6 & 13

COMMONWEALTH VS. GARBER

1. An Order denying a pre-trial Petition for Writ of Habeas Corpus is interlocutory and, absent exceptional circumstances, statutory authorization or jurisdictional challenge, is unappealable.

2. It is beyond reproach that Pennsylvania Rule of Criminal Procedure 564 permits the amendment of an information in certain circumstances. If the Court erred in permitting the amendment, that issue is properly raised post-trial.

3. There is no constitutional right to a preliminary hearing when petitioning for writ of habeas corpus.

4. A petition for writ of habeas corpus may be denied summarily and without a hearing where it fails to allege facts making a prima facie case for issuance of the writ.

5. Habeas corpus is an extraordinary remedy which may only be invoked in exceptional cases where there is a **peculiar** and pressing need for it. It continues to exist as an independent basis for relief only in cases where there is no remedy under the Post-Conviction Relief Act.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CP-01-CR-887-2004, COMMONWEALTH OF PENNSYLVANIA VS. CHRISTOPHER GARBER.

Brian R. Sinnett, Esq., Assistant District Attorney, for Commonwealth
Anthony E. Miley, Esq., Assistant Public Defender, for Defendant
George, J., May 5, 2005

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

In his Statement of Matters Complained of on Appeal, the Defendant raises two issues:

1. The Court improperly denied the Defendant's Petition for Writ of Habeas Corpus which sought dismissal of the charges against the Defendant on the basis that the Court permitted the Commonwealth's Amendment to the Information thereby denying the Defendant a preliminary hearing on the amended charge,¹ and
2. The Court erred in denying the Habeas Corpus Petition without a hearing.

Initially, I note that an Order denying a pre-trial Petition for Writ of Habeas Corpus is interlocutory and, absent exceptional circumstances, statutory authorization or jurisdictional challenge, is

¹The issue raised by the Defendant is unclear and is not specifically set forth. See *Commonwealth v. Higgins*, 809 A.2d 908 (Pa.Super. 2002) (concise statement of matters raised on appeal which is too vague constitutes waiver). It is believed that the Defendant is attempting to raise the issue set forth hereinabove.

unappealable. *Commonwealth v. Jackson*, 849 A.2d 1254, 1256 (Pa.Super. 2004). Since the exceptions are currently inapplicable, the Defendant's pre-trial appeal is improper.

The Defendant's argument is based upon the fallacy that the original Information filed by the Commonwealth in this matter was withdrawn and that a new Information was filed without the benefit of a preliminary hearing pursuant to the Pennsylvania Rules of Criminal Procedure. This argument ignores that this Court, by Order dated March 7, 2005, granted the Commonwealth's request to file an Amended Information. The Amended Information was filed by the Commonwealth three days later on March 10, 2005. It is beyond reproach that Pennsylvania Rule of Criminal Procedure 564, and the ample appellate authority interpreting the Rule, permits the amendment of an Information in certain circumstances. If the Court erred in permitting the amendment, that issue is properly raised post-trial. See generally *Commonwealth v. Nahavandian*, 849 A.2d 1221 (Pa.Super. 2004).

The Defendant's attempt to obtain relief through habeas corpus proceedings is nothing more than a charade. The frivolous nature of the Defendant's appeal is apparent upon the review of his original Petition for Writ of Habeas Corpus wherein he alleges that the denial of a preliminary hearing is a violation of his constitutional rights. See Petition for Writ of Habeas Corpus, Paragraph 8. The Defendant's suggestion is contrary to clear appellate authority establishing that there is no constitutional right to a preliminary hearing. *Commonwealth v. Jennings*, 592 A.2d 1370, 1372 (Pa.Super. 1991); see also Pennsylvania Rule of Criminal Procedure 565 (relating to the presentation of Information without preliminary hearing). When stripped of its distracting language, the argument is revealed as an improper pre-trial challenge to the Court's grant of the Commonwealth's Motion to Amend the Information.

Since the Defendant's Petition for Writ of Habeas Corpus failed to raise any evidentiary issues necessitating a hearing, the request for a hearing was denied. In essence, the Defendant was seeking reconsideration of the Court's Order permitting the amendment. Sufficient information for resolving the matter was apparent on the face of the record and, under these circumstances, neither the Pennsylvania Rules of Criminal Procedure nor constitutional due process requires

a hearing. See *Commonwealth v. Rundle*, 198 A.2d 568, 570 (Pa. 1964) (a petition for writ of habeas corpus may be denied without a hearing where no issues of fact are presented); *Commonwealth v. Myers*, 176 A.2d 448, 450 (Pa. 1962), cert. denied, 370 U.S. 949, 8 L.Ed.2d 815, 82 S.Ct. 1597 (1962) (petition for writ of habeas corpus may be denied summarily and without a hearing where it fails to allege facts making a prima facie case for issuance of the writ).

Habeas corpus is an extraordinary remedy which may only “be invoked in ‘exceptional cases where there is a *peculiar and pressing need for it.*’” *Commonwealth v. Fair*, 146 A.2d 834, 843 (Pa. 1958) (quoting *Commonwealth v. Smith*, 24 A.2d 1, 5 (Pa. 1942)). It continues to exist as an independent basis for relief only in cases where there is no remedy under the Post-Conviction Relief Act. *Commonwealth v. Fahy*, 737 A.2d 214 (Pa. 1999), rearg. denied, 1999 LEXIS 3004 (Pa. 1999). Permitting the Defendant to proceed with an improper appeal under the guise of habeas corpus would do nothing more than wreak havoc on the established rules of criminal and appellate procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1040 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land situated in Oxford Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in the center of Legislative Route A-6810, thence along lands now or formerly of Edward and Anna Kuhn and through a stake offset back 25 feet from the center of aforementioned Route A-6810, South 45 degrees East 150 feet to a stake, thence along lands of same South, 45 degrees West 110 feet to a stake, thence along lands of same North 45 degrees West, 150 feet to a point in the center of Route A-6810, thence along center of said road North 45 degrees East 110 feet to a point, the place of BEGINNING.

IT BEING the same tract of land which Donald F. Kuhn and Eva Mae Kuhn, aka Eva M. Kuhn, husband and wife, by deed dated December 18, 2002, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2966, page 83, granted and conveyed unto The Donald F. Kuhn and Eva M. Kuhn Revocable Living Trust, Grantor herein.

TRACT NO. 2:

BEGINNING at a point in the center of said Legislative Route at other lands of Donald F. Kuhn and Eva Mae Kuhn; thence in and along the centerline of said Legislative Route 06810, North 45 degrees East 25 feet to a point in the center of said Legislative Route at lands of Edward H. Kuhn and Anna G. Kuhn; thence by lands of same, South 45 degrees East, 150 feet to a point at lands of Sheets Bros., Inc.; thence by lands now or formerly of Sheets Bros., Inc. South 45 degrees West, 25 feet to a point at other lands of Donald F. Kuhn and Eva Mae Kuhn; thence by lands of same, North 45 degrees West, 150 feet to a point in the center of said Legislative Route, the place of BEGINNING.

IT BEING the same tract of land which Donald F. Kuhn and Eva Mae Kuhn, aka Eva M. Kuhn, husband and wife, by deed dated December 18, 2002, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2966, page 86, granted and conveyed unto The Donald F. Kuhn and Eva M. Kuhn Revocable Living Trust, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Daniel J. Keller by Deed from The Donald F. Kuhn and Eva M. Kuhn, Revocable Living Trust dated 4-13-04, recorded 4-15-05 in Deed Book 3529, page 102.

Premises being: 1675 Irishtown Road, New Oxford, PA 17350

Tax Parcel No. 35-K12-0033-000

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1056 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that real estate situate in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at the Southwestern corner hereof, at an existing pipe off the South side of Tom's Creek, on line of lands of Ethel B. Fenner and at corner of land of Mrs. Harvey Woodring (formerly a part hereof); thence crossing Tom's Creek, running through an existing pipe off the North side of Tom's Creek, by land of Mrs. Harvey aforesaid, North 13 degrees 10 minutes and 40 seconds East, 177.31 feet to an existing pipe, thence by said last mentioned land, North 76 degrees 39 minutes 10 seconds West, 10.07 feet to an existing pipe; thence by said last mentioned land, North 13 degrees 48 minutes 40 seconds East, running through an existing steel rod near the middle of this course, and crossing the Iron Springs Road (L.R. 01015) near the end of this course, 161.55 feet to an existing angle

iron at the Northwest corner hereof; thence by land of Guy Bowling and of Leroy Shelton, South 82 degrees 42 minutes 30 seconds West, 249.85 feet to an existing old square steel rod driven 15 feet North of the center line of the State Highway aforesaid; thence by land of Constance Afering, running along the North side of said State Highway and in the same, South 82 degrees 30 minutes 00 seconds East, 289 feet to a railroad spike set on the North edge of said State Highway at the Northeast corner hereof; thence crossing said State Highway and by land of Cindy Welsh, South 4 degrees 56 minutes 10 seconds East, 289.63 feet to a steel rod driven at the Southeastern corner hereof; thence by land of Ethel B. Fenner, North 87 degrees 38 minutes 30 seconds West, crossing Tom's Creek 343.9 feet to a steel rod off the South edge of said creek; thence continuing by said mentioned land, North 86 degrees, 34 minutes, 40 seconds West, 284.67 feet to the above described place of BEGINNING. CONTAINING 4.202 acres.

Tax Parcel #: B-16-69

Premises Being: 1368 Iron Springs Rd., Fairfield, PA 17320

SEIZED and taken into execution as the property of Leroy Shelton & Julia E. Shelton and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/16, 22 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-120 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Charlestown Court at Lot No. 207 as shown on the hereinafter referenced Subdivision Plan; thence running along said Lot No. 207 North seventy-three (73) degrees fifty-five (55) minutes five (05) seconds East, one hundred twenty-four and forty hundredths (124.40) feet to a point at Lot No. 56 as shown on the hereinafter referenced Subdivision Plan; thence running along Lot No. 56 South thirty-one (31) degrees two (02) minutes fifty (50) seconds East, sixty-seven and twenty-eight hundredths (67.28) feet to a point at Lot No. 56 and Lot No. 209 as shown on the hereinafter referenced Subdivision Plan; thence running along Lot No. 209 South seventy-three (73) degrees fifty-five (55) minutes five (05) seconds West, one hundred forty-one and seventy-seven hundredths (141.77) feet to a point on the right-of-way line of Charlestown Court; thence running along said right-of-way line of Charlestown Court North sixteen (16) degrees four (04) minutes fifty-five (55) seconds West, sixty-five and zero hundredths (65.00) feet to a point on the right-of-way line of Charlestown Court at BEGINNING.

CONTAINING 8651 square feet.

THE above described being Lot No. 208 on the Phase 5 Final Plan for Heritage Hill II, prepared by Martin and Martin, Incorporated, dated October 4, 1999, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 79 at Page 63.

TITLE TO SAID PREMISES IS VESTED IN Johnathan N. Izquierdo and Brandee M. Izquierdo, his wife by Deed from Johnathan N. Izquierdo and Brandee M. Izquierdo, his wife, dated 8/24/2001 and recorded 9/5/2001 in Record Book 2396, Page 187.

Tax Parcel: 57, Map #13

Premises Being: 40 Charlestown Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Johnathan N. Izquierdo & Brandee M. Izquierdo** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/16, 22 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1050 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of January, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN townhouse lot, parcel or tract of land situate on the east side of South High Street in Arendtsville Borough, Adams County, Pennsylvania and known as Township Lot No. 4, as improved, and being more specifically described as follows:

BEGINNING at a steel pin in said South High Street at the northwest corner of Lot No. 5, lands now or formerly of John B. Horner and Mary Horner, said steel pin being established on the subdivision plan hereinafter referred to; thence in said South High Street North Twelve (12) degrees Fifty-five (55) minutes Twenty-Five (25) seconds West Twenty (20) feet to a steel pin at Lot No. 3, lands now or formerly of Clair F. Ditzler; thence leaving said South High Street and along Lot No. 3, lands now or formerly of Clair F. Ditzler and through the center of a partition wall between Townhouse Lots 3 and 4 North Seventy-Seven (77) degrees Six (6) minutes Ten (10) seconds East Two Hundred Twenty-Three and Eighty-Nine Hundredths (223.89) feet to a steel pin at lands now or formerly of Elson C. Grim; thence by lands now or formerly of Elson C. Grim South Thirteen (13) degrees Thirty-Eight (38) minutes Twenty (20) seconds West

Twenty-Two and Thirty-Five Hundredths (22.35) feet to a steel pin; thence by Lot No. 5, lands intended to be conveyed to John B. Horner and Mary Horner and through the center of a party wall between Townhouse Lots 4 and 5 South Seventy-Seven (77) degrees Six (6) minutes Ten (10) seconds West Two Hundred Thirteen and Eighty-Nine Hundredths (213.89) feet to a steel pin in South High Street, the point and place of BEGINNING, CONTAINING 4,377 square feet.

BEING described in accordance with a draft of survey prepared by Boyer Surveys, Richard W. Boyer, Professionals Land Surveyor, dated April 16, 1987, as approved by the various municipal subdivisions and commissions of Adams County and duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 49, Page 5, said lot being identified as Lot No. 4 thereon.

BEING THE SAME PREMISES WHICH Robert F. Sumbury and Karen J. Sumbury by Deed dated August 31, 1998 and recorded September 2, 1998 in Record Book 1654, Page 70 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Christy M. Shreve, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Timothy R. Orner, single man and Kirsten M. Hess, single woman, by Deed from Christy M. Shreve, single woman, dated 10-17-02, recorded 10-18-02 in Deed Book 2840, page 288.

Premises being: 18 South High Street, Arendtsville, PA 17303

Tax Parcel #: 02-006-0122-000

SEIZED and taken into execution as the property of Timothy R. Orner and Kirsten M. Hess and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 17, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/6

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 9, 2006, at 9:00 a.m.

BAKER—Orphans' Court Action Number OC-61-05. The First and Final Account of Ruth A. Harman, Administrator of the Estate of Margaret A. Baker, deceased, late of Straban Township, Adams County, Pennsylvania.

HARNISCH—Orphans' Court Action Number OC-127-05. The First and Final Account of Denis Meany, Executor of the Last Will and Testament of Robert F. Harnisch, deceased, late of Cumberland Township, Adams County, Pennsylvania.

GURRY—Orphans' Court Action Number OC-79-05. The First and Final Account of James M. Thomas, Administrator c.t.a. of the Estate of James L. Gurry, Jr., deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

RUBY—Orphans' Court Action Number OC-108-99. The First and Final Account of Carol Ruby Demiray and Gail A. McLain, Accountants and Co-Executrices of the Estate of Helen M. Ruby, deceased, late of Latimore Township, Adams County, Pennsylvania.

RUBY—Orphans' Court Action Number OC-154-05. The First and Final Account of Carol Ruby Demiray and Gail A. McLain, Accountants and Co-Executors of the Estate of Alvin H. Ruby, deceased, late of Latimore Township, Adams County, Pennsylvania.

Kelly Lawver
Clerk of Courts

12/30 & 1/6

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State for MOUNTAIN VIEW SIMMENTALS, INC., on November 14, 2005, in accordance with the Provisions of the business corporation law of 1988, as Amended, by William T. Vossler, 665 Knoxlyn Road, Gettysburg, PA 17325.

Thomas J. Ahrens, Esq.
Ahrens Law Offices, P.C.
5521 Carlisle Pike
Mechanicsburg, PA 17050

12/30

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-951
Action to Quiet Title

LAWRENCE E. McGLAUGHLIN & D.
JUENE McGLAUGHLIN, Plaintiffs

vs.

RAY NELSON & AUDREY T. NELSON,
their respective executors, heirs and/or
assigns, Defendants

TO: Ray Nelson and Audrey T. Nelson,
their respective executors, heirs and/or
assigns.

NOTICE

You are notified that the Plaintiffs have commenced an action to quiet title against you by a complaint filed on August 31, 2005, which action you are required to defend.

You are required to plead to the said Complaint within twenty (20) days after service has been completed by publication, or judgment by default may be entered against you.

This action concerns a tract of land situated in Liberty Township, Adams County, Pennsylvania, being Lot number 4 in Section O, bounded and described as follows:

BEGINNING at a point in the center of Apache Trail at Lot No. 3; thence by said lot North 52 degrees 38 minutes 54 seconds East, 225 feet to Parcel A; thence by said Parcel A South 37 degrees 21 minutes 6 seconds East, 100 feet to Lot No. 5; thence by said lot South 52 degrees 38 minutes 54 seconds West, 225 feet to a point in the center of said Apache Trail; thence in said Apache Trail North 37 degrees 21 minutes 6 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section O, Charnita" dated October 21, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 49.

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

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

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

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Phone (717) 337-9846 or
1-888-337-9846

12/30

NOTICE

NOTICE IS HEREBY GIVEN that Jonathan A. Patrono intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 13th day of February, 2006, and that he intends to continue practice with the law firm of Patrono & Associates, LLC, and Apple Leaf Abstracting & Settlement Company, 30 West Middle Street, Gettysburg, PA 17325.

Jonathan Patrono, Esq.
Patrono & Associates, LLC

12/30, 1/6 & 13

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-950
Action to Quiet Title

LAWRENCE E. McGLAUGHLIN & D.
JUENE McGLAUGHLIN, Plaintiffs

vs.

ROBERT LEE SPICER, JR. &
DOROTHY W. SPICER, their respective
executors, heirs and/or assigns,
Defendants

TO: Robert Lee Spicer, Jr., Dorothy W.
Spicer, their respective executors, heirs
and/or assigns.

NOTICE

You are notified that the Plaintiffs have
commenced an action to quiet title
against you by a complaint filed on
August 31, 2005, which action you are
required to defend.

You are required to plead to the said
Complaint within twenty (20) days after
service has been completed by publica-
tion, or judgment by default may be
entered against you.

This action concerns a tract of land sit-
uated in Liberty Township, Adams
County, Pennsylvania, being Lot number
93 in Section AA, bounded and
described as follows:

BEGINNING at a point in the center
of Strausbaugh Trail at Lot No.
94; thence by said lot South 36
degrees 36 minutes 4 seconds
West, 225 feet to Lot No. 77;
thence by said lot and by Lot No.
78 North 53 degrees 23 minutes
56 seconds West, 100 feet to Lot
No. 92; thence by said lot North
36 degrees 36 minutes 4 seconds
East, 225 feet to a point in the
center of said Strausbaugh Trail;
thence in said Strausbaugh Trail
South 53 degrees 23 minutes 56
seconds East, 100 feet to the
place of BEGINNING.

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

If you wish to defend, you must take
action by entering a written appearance
personally or by attorney and file your
defenses or objections in writing with the
Court. You are warned that if you fail to
do so the case may proceed without you
and a judgment may be entered against
you without further notice for the relief
requested by Plaintiffs. You may lose
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Court Administrator
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12/30

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-952
Action to Quiet Title

LAWRENCE E. McGLAUGHLIN & D.
JUENE McGLAUGHLIN, Plaintiffs

vs.

JAMES G. KOLBE & T. JANE KOLBE,
their respective executors, heirs and/or
assigns, Defendants

TO: James G. Kolbe, T. Jane Kolbe, their
respective executors, heirs and/or
assigns.

NOTICE

You are notified that the Plaintiffs have
commenced an action to quiet title
against you by a complaint filed on
August 31, 2005, which action you are
required to defend.

You are required to plead to the said
Complaint within twenty (20) days after
service has been completed by publica-
tion, or judgment by default may be
entered against you.

This action concerns a tract of land sit-
uated in Liberty Township, Adams
County, Pennsylvania, being Lot number
56 in Section O, bounded and described
as follows:

BEGINNING at a point in the cen-
ter of Apache Trail at Lot No. 57;
thence by said lot North 42
degrees 51 minutes 10 seconds
East, 212.35 feet to lands of Karl
F. Hobbs; thence by said lands
South 47 degrees 8 minutes 50
seconds East, 130 feet to Lot No.
55; thence by said lot and by Lot
No. 54 South 54 degrees 37 min-
utes 43 seconds West, 230.88
feet to a point in the center of said
Apache Trail; thence in said

Apache Trail North 36 degrees 8
minutes 16 seconds West, 78.79
feet to a point; thence continuing
in said Apache Trail North 61
degrees 5 minutes 50 seconds
West 5.71 feet to the place of
BEGINNING.

The above description was taken
from a plan of lots labeled
"Section O, Charnita" dated
October 21, 1969, prepared by
Evans, Hagan & Holdefer, and
recorded in Adams County Plat
Book No. 1 at page 49.

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OR NO FEE.

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Gettysburg, PA 17325
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12/30

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 SUSAN M. ACKERMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Regina M. Smith, c/o Eric R. Dutcher, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Eric R. Dutcher, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF CORNELIA A. HAYDEN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Michael B. Hayden, 394 Barlow-Greenmount Rd., Gettysburg, PA 17325

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

ESTATE OF EDWARD C. KLUNK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administratrix: Jessie E. Klunk, 910A Hanover Street, New Oxford, PA 17350

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

ESTATE OF JAMES L. O'CONNOR, JR., DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrator c.t.a.: Barbara D. O'Conner, 675 Bon-Ox Road, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF ANNA M. McVEAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Barbara Talluto, 327 Benning Avenue, Gettysburg, PA 17325

Attorney: Wendy Weikal-Beauchat, 63 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF DOROTHY L. CULLISON, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrators, C.T.A.: David T. Cullison, 399 Locust Lane, Littlestown, PA 17340; Richard Cullison, P.O. Box 4703, Gettysburg, PA 17325; Patricia Heberling, 296 Locust Lane, Littlestown, PA 17340; Mary Cullison, 330 Montclair Road, Gettysburg, PA 17325

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

ESTATE OF MARY LOUISE GROVE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Ivan R. Grove, 4695 Hanover Road, Hanover, PA 17331; Vernon A. Grove, 5485 Hanover Road, Hanover, PA 17331

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

ESTATE OF HELEN T. HENZE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Michael T. Henze, 264 Fleming Ave., Hanover, PA 17331

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

ESTATE OF BARBARA E. KIRKHAM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Julian Caine, P.O. Box 1740, Studio City, CA 91614

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

ESTATE OF WILLIAM H. RUPPERT, DEC'D

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

Executrix: Dorothy M. Ruppert, c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 106 Harrisburg Street, East Berlin, PA 17316

ESTATE OF VIOLA G. WENTZ, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Barbara J. Spicer and Gary E. Wentz, c/o Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
CASE NO. 05-S-955
Action to Quiet Title

LAWRENCE E. McGLAUGHLIN & D.
JUENE McGLAUGHLIN, Plaintiffs

vs.

UNIVERSAL LIFE CHURCH, INC., its
successors and assigns, Defendant
TO: Universal Life Church, Inc., its suc-
cessors and assigns.

NOTICE

You are notified that the Plaintiffs have
commenced an action to quiet title
against you by a complaint filed on
August 31, 2005, which action you are
required to defend.

You are required to plead to the said
Complaint within twenty (20) days after
service has been completed by publica-
tion, or judgment by default may be
entered against you.

This action concerns a tract of land sit-
uated in Liberty Township, Adams
County, Pennsylvania, being Lot number
59 in Section O, bounded and described
as follows:

Charnita Area Section O Lot 59 as
shown on the record of the Adams
County Mapping Department,
Subdivision Plan Book 1 at page
49.

If you wish to defend, you must take
action by entering a written appearance
personally or by attorney and file your
defenses or objections in writing with the
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and a judgment may be entered against
you without further notice for the relief
requested by Plaintiffs. You may lose
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BLE PERSONS AT A REDUCED FEE OR
NO FEE.

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Phone (717) 337-9846 or
1-888-337-9846

12/30

DISSOLUTION NOTICE

NOTICE IS GIVEN that the
Partnership, composed of Joseph M. Hill
and Debra C. Hill and Thomas W.
Kimmel and Elizabeth J. Kimmel, previ-
ously doing business under the firm
name of HILL & KIMMEL INVEST-
MENTS at 202 Chambersburg Street,
Gettysburg, Adams County, Pennsylvania
17325 is dissolved as of December 13,
2005.

This dissolution is by the mutual con-
sent of the partners.

No further business of the partnership
will be conducted by the following part-
ners after the date set forth on this
notice.

The partners listed are entitled to all of
the assets of the business and have
assumed and will pay all outstanding lia-
bilities of the business incurred before
the date of this notice.

Christian Lawyer Solutions
Mark W. Allshouse, Esq.
4833 Spring Road
Shermans Dale, PA 17090
(717) 582-4006

12/30

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that
ROSIES RESTAURANT INC. has been
organized under the Business
Corporation Law of 1988, as amended,
and has filed Articles of Incorporation
with the Pennsylvania Department of
State on December 15, 2005.

12/30